

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5811**

68th Legislature  
2024 Regular Session

Passed by the Senate March 7, 2024  
Yeas 30 Nays 17

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**President of the Senate**

Passed by the House March 6, 2024  
Yeas 58 Nays 38

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5811** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5811**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

**State of Washington                      68th Legislature                      2024 Regular Session**

**By** Senators Kauffman, C. Wilson, Cleveland, Dhingra, Frame, Hasegawa, Keiser, Lias, Lovelett, Nguyen, Nobles, Shewmake, Trudeau, and Wellman; by request of Department of Social and Health Services

Prefiled 12/07/23. Read first time 01/08/24. Referred to Committee on Health & Long Term Care.

1            AN ACT Relating to expanding the definition of family member for  
2 individual providers; amending RCW 18.88B.041, 74.39A.076,  
3 74.39A.341, and 74.39A.341; adding a new section to chapter 74.39A  
4 RCW; providing effective dates; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 18.88B.041 and 2023 c 424 s 7 are each amended to  
7 read as follows:

8            (1) The following long-term care workers are not required to  
9 become a certified home care aide pursuant to this chapter:

10            (a) (i) (A) Registered nurses, licensed practical nurses, certified  
11 nursing assistants or persons who are in an approved training program  
12 for certified nursing assistants under chapter 18.88A RCW, medicare-  
13 certified home health aides, or other persons who hold a similar  
14 health credential, as determined by the secretary, or persons with  
15 special education training and an endorsement granted by the  
16 superintendent of public instruction, as described in RCW  
17 28A.300.010, if the secretary determines that the circumstances do  
18 not require certification.

19            (B) A person who was initially hired as a long-term care worker  
20 prior to January 7, 2012, and who completes all of the training  
21 requirements in effect as of the date the person was hired.

1 (ii) Individuals exempted by (a)(i) of this subsection may obtain  
2 certification as a home care aide without fulfilling the training  
3 requirements in RCW 74.39A.074(1)(d)(ii) but must successfully  
4 complete a certification examination pursuant to RCW 18.88B.031.

5 (b) All long-term care workers employed by community residential  
6 service businesses.

7 (c)(i) An individual provider caring only for the individual  
8 provider's ~~((biological, step, or adoptive))~~ child or parent,  
9 including when related by marriage or domestic partnership; and

10 (ii) An individual provider caring only for the individual  
11 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,  
12 or grandchild, including when related by marriage or domestic  
13 partnership.

14 (d) A person working as an individual provider who provides  
15 ~~((twenty))~~ 20 hours or less of nonrespite care for one person in any  
16 calendar month.

17 (e) A person working as an individual provider who only provides  
18 respite services and works less than ~~((three hundred))~~ 300 hours in  
19 any calendar year.

20 (f) A long-term care worker providing approved services only for  
21 a spouse or registered domestic partner, pursuant to the long-term  
22 services and supports trust program established in chapter 50B.04  
23 RCW.

24 (g) A long-term care worker providing approved services only for  
25 a spouse or registered domestic partner and funded through the United  
26 States department of veterans affairs home and community-based  
27 programs.

28 (2) A long-term care worker exempted by this section from the  
29 training requirements contained in RCW 74.39A.074 may not be  
30 prohibited from enrolling in training pursuant to that section.

31 (3) The department shall adopt rules to implement this section.

32 **Sec. 2.** RCW 74.39A.076 and 2023 c 424 s 8 are each amended to  
33 read as follows:

34 (1) Beginning January 7, 2012, except for long-term care workers  
35 exempt from certification under RCW 18.88B.041(1)(a):

36 (a) A ~~((biological, step, or adoptive))~~ parent who is the  
37 individual provider only for the person's developmentally disabled  
38 ~~((son or daughter))~~ child, including when related by marriage or  
39 domestic partnership, must receive ~~((twelve))~~ 12 hours of training

1 relevant to the needs of individuals with developmental disabilities  
2 within the first (~~one hundred twenty~~) 120 days after becoming an  
3 individual provider.

4 (b) A spouse or registered domestic partner who is a long-term  
5 care worker only for a spouse or domestic partner, pursuant to the  
6 long-term services and supports trust program established in chapter  
7 50B.04 RCW, must receive (~~fifteen~~) 15 hours of basic training, and  
8 at least six hours of additional focused training based on the care-  
9 receiving spouse's or partner's needs, within the first (~~one hundred~~  
10 ~~twenty~~) 120 days after becoming a long-term care worker.

11 (c) A person working as an individual provider who (i) provides  
12 respite care services only for individuals with developmental  
13 disabilities receiving services under Title 71A RCW or only for  
14 individuals who receive services under this chapter, and (ii) works  
15 (~~three hundred~~) 300 hours or less in any calendar year, must  
16 complete (~~fourteen~~) 14 hours of training within the first (~~one~~  
17 ~~hundred twenty~~) 120 days after becoming an individual provider. Five  
18 of the (~~fourteen~~) 14 hours must be completed before becoming  
19 eligible to provide care, including two hours of orientation training  
20 regarding the caregiving role and terms of employment and three hours  
21 of safety training. The training partnership identified in RCW  
22 74.39A.360 must offer at least (~~twelve~~) 12 of the (~~fourteen~~) 14  
23 hours online, and five of those online hours must be individually  
24 selected from elective courses.

25 (d) Individual providers identified in (d)(i) or (ii) of this  
26 subsection must complete (~~thirty-five~~) 35 hours of training within  
27 the first (~~one hundred twenty~~) 120 days after becoming an  
28 individual provider. Five of the (~~thirty-five~~) 35 hours must be  
29 completed before becoming eligible to provide care. Two of these five  
30 hours shall be devoted to an orientation training regarding an  
31 individual provider's role as caregiver and the applicable terms of  
32 employment, and three hours shall be devoted to safety training,  
33 including basic safety precautions, emergency procedures, and  
34 infection control. Individual providers subject to this requirement  
35 include:

36 (i) (A) (~~A~~) Unless covered by (a) of this subsection, an  
37 individual provider caring only for the individual provider's  
38 (~~biological, step, or adoptive~~) child or parent (~~unless covered by~~  
39 ~~(a) of this subsection~~), including when related by marriage or  
40 domestic partnership; (and)

1 (B) An individual provider caring only for the individual  
2 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,  
3 or grandchild, including when related by marriage or domestic  
4 partnership;

5 (ii) A person working as an individual provider who provides  
6 (~~twenty~~) 20 hours or less of care for one person in any calendar  
7 month; and

8 (iii) A long-term care worker providing approved services only  
9 for a spouse or registered domestic partner and funded through the  
10 United States department of veterans affairs home and community-based  
11 programs.

12 (2) In computing the time periods in this section, the first day  
13 is the date of hire.

14 (3) Only training curriculum approved by the department may be  
15 used to fulfill the training requirements specified in this section.  
16 The department shall only approve training curriculum that:

17 (a) Has been developed with input from consumer and worker  
18 representatives; and

19 (b) Requires comprehensive instruction by qualified instructors.

20 (4) If a pandemic, natural disaster, or other declared state of  
21 emergency impacts the ability of long-term care workers to complete  
22 training as required by this section, the department may adopt rules  
23 to allow long-term care workers additional time to complete the  
24 training requirements.

25 (a) Rules adopted under this subsection (4) are effective until  
26 the termination of the pandemic, natural disaster, or other declared  
27 state of emergency or until the department determines that all long-  
28 term care workers who were unable to complete the training required  
29 in subsection (1) of this section have had adequate access to  
30 complete the required training, whichever is later. Once the  
31 department determines a rule adopted under this subsection (4) is no  
32 longer necessary, it must repeal the rule under RCW 34.05.353.

33 (b) Within 12 months of the termination of the pandemic, natural  
34 disaster, or other declared state of emergency, the department shall  
35 conduct a review of training compliance with subsection (1) of this  
36 section and provide the legislature with a report.

37 (5) The department shall adopt rules to implement this section.

38 **Sec. 3.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to  
39 read as follows:

1 (1) All long-term care workers shall complete (~~twelve~~) 12 hours  
2 of continuing education training in advanced training topics each  
3 year. This requirement applies beginning July 1, 2012.

4 (2) Completion of continuing education as required in this  
5 section is a prerequisite to maintaining home care aide certification  
6 under chapter 18.88B RCW.

7 (3) Unless voluntarily certified as a home care aide under  
8 chapter 18.88B RCW, subsection (1) of this section does not apply to:

9 (a) An individual provider caring only for his or her biological,  
10 step, or adoptive child;

11 (b) An individual provider caring only for the individual  
12 provider's parent, sibling, aunt, uncle, cousin, niece, nephew,  
13 grandparent, or grandchild, including when related by marriage or  
14 domestic partnership;

15 (c) Registered nurses and licensed practical nurses licensed  
16 under chapter 18.79 RCW;

17 (d) Before January 1, 2016, a long-term care worker employed by a  
18 community residential service business;

19 (e) A person working as an individual provider who provides  
20 (~~twenty~~) 20 hours or less of care for one person in any calendar  
21 month;

22 (f) A person working as an individual provider who only provides  
23 respite services and works less than (~~three hundred~~) 300 hours in  
24 any calendar year; or

25 (g) A person whose certificate has been expired for less than  
26 five years who seeks to restore the certificate to active status. The  
27 person does not need to complete continuing education requirements in  
28 order for their certificate to be restored to active status.  
29 Subsection (1) of this section applies to persons once the  
30 certificate has been restored to active status, beginning on the date  
31 the certificate is restored to active status.

32 (4) Individual providers covered under subsection (3) of this  
33 section may voluntarily take continuing education. The consumer  
34 directed employer must pay individual providers covered in subsection  
35 (3) of this section for any continuing education that they may take,  
36 up to 12 hours of continuing education annually.

37 (5) Only training curriculum approved by the department may be  
38 used to fulfill the training requirements specified in this section.  
39 The department shall only approve training curriculum that:

1 (a) Has been developed with input from consumer and worker  
2 representatives; and

3 (b) Requires comprehensive instruction by qualified instructors.

4 ~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be  
5 compensated for training time required by this section.

6 ~~((6))~~ (7) If a pandemic, natural disaster, or other declared  
7 state of emergency impacts the ability of long-term care workers to  
8 complete training as required by this section, the department may  
9 adopt rules to allow long-term care workers additional time to  
10 complete the training requirements.

11 (a) Rules adopted under this subsection ~~((6))~~ are effective  
12 until the termination of the pandemic, natural disaster, or other  
13 declared state of emergency or until the department determines that  
14 all long-term care workers who were unable to complete the training  
15 required in this section have had adequate access to complete the  
16 required training, whichever is later. Once the department determines  
17 a rule adopted under this subsection ~~((6))~~ is no longer necessary,  
18 it must repeal the rule under RCW 34.05.353.

19 (b) Within 12 months of the termination of the pandemic, natural  
20 disaster, or other declared state of emergency, the department shall  
21 conduct a review of training compliance with subsection (1) of this  
22 section and provide the legislature with a report.

23 ~~((7))~~ (8) The department of health shall adopt rules to  
24 implement subsection (1) of this section.

25 ~~((8))~~ (9) The department shall adopt rules to implement  
26 subsection (2) of this section.

27 **Sec. 4.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to  
28 read as follows:

29 (1) All long-term care workers shall complete ~~((twelve))~~ 12 hours  
30 of continuing education training in advanced training topics each  
31 year. This requirement applies beginning July 1, 2012.

32 (2) Completion of continuing education as required in this  
33 section is a prerequisite to maintaining home care aide certification  
34 under chapter 18.88B RCW.

35 (3) Unless voluntarily certified as a home care aide under  
36 chapter 18.88B RCW, subsection (1) of this section does not apply to:

37 (a) An individual provider caring only for his or her biological,  
38 step, or adoptive child;

1           (b) ~~((An individual provider caring only for the individual~~  
2 ~~provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,~~  
3 ~~or grandchild, including when related by marriage or domestic~~  
4 ~~partnership;~~

5           ~~(e))~~ Registered nurses and licensed practical nurses licensed  
6 under chapter 18.79 RCW;

7           ~~((d))~~ (c) Before January 1, 2016, a long-term care worker  
8 employed by a community residential service business;

9           ~~((e))~~ (d) A person working as an individual provider who  
10 provides ~~((twenty))~~ 20 hours or less of care for one person in any  
11 calendar month;

12           ~~((f))~~ (e) A person working as an individual provider who only  
13 provides respite services and works less than ~~((three hundred))~~ 300  
14 hours in any calendar year; or

15           ~~((g))~~ (f) A person whose certificate has been expired for less  
16 than five years who seeks to restore the certificate to active  
17 status. The person does not need to complete continuing education  
18 requirements in order for their certificate to be restored to active  
19 status. Subsection (1) of this section applies to persons once the  
20 certificate has been restored to active status, beginning on the date  
21 the certificate is restored to active status.

22           (4) Individual providers covered under subsection (3) of this  
23 section may voluntarily take continuing education. The consumer  
24 directed employer must pay individual providers covered in subsection  
25 (3) of this section for any continuing education that they may take,  
26 up to 12 hours of continuing education annually.

27           (5) Only training curriculum approved by the department may be  
28 used to fulfill the training requirements specified in this section.  
29 The department shall only approve training curriculum that:

30           (a) Has been developed with input from consumer and worker  
31 representatives; and

32           (b) Requires comprehensive instruction by qualified instructors.

33           ~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be  
34 compensated for training time required by this section.

35           ~~((6))~~ (7) If a pandemic, natural disaster, or other declared  
36 state of emergency impacts the ability of long-term care workers to  
37 complete training as required by this section, the department may  
38 adopt rules to allow long-term care workers additional time to  
39 complete the training requirements.



1 (a) Rules adopted under this subsection (~~((6))~~) are effective  
2 until the termination of the pandemic, natural disaster, or other  
3 declared state of emergency or until the department determines that  
4 all long-term care workers who were unable to complete the training  
5 required in this section have had adequate access to complete the  
6 required training, whichever is later. Once the department determines  
7 a rule adopted under this subsection (~~((6))~~) is no longer necessary,  
8 it must repeal the rule under RCW 34.05.353.

9 (b) Within 12 months of the termination of the pandemic, natural  
10 disaster, or other declared state of emergency, the department shall  
11 conduct a review of training compliance with subsection (1) of this  
12 section and provide the legislature with a report.

13 (~~((7))~~) (8) The department of health shall adopt rules to  
14 implement subsection (1) of this section.

15 (~~((8))~~) (9) The department shall adopt rules to implement  
16 subsection (2) of this section.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.39A  
18 RCW to read as follows:

19 (1) The department shall convene a work group to review existing  
20 available continuing education courses offered to long-term care  
21 workers under RCW 74.39A.341 and provide input and recommendations  
22 for the inclusion of topics relevant to individual providers caring  
23 for a family member to be incorporated into the development of new  
24 continuing education courses. The work group must consist of  
25 stakeholders with an interest in the continuing education training  
26 requirements for individual providers, including individual providers  
27 who are caregivers to a family member with an intellectual or  
28 developmental disability, individual providers who are adult children  
29 who are caregivers to a parent, the contracted training entity  
30 providing continuing education to long-term care workers, and  
31 consumers receiving care from an individual provider who is a family  
32 member.

33 (2) The department shall convene the work group by July 1, 2024,  
34 and the work group shall provide recommendations for the development  
35 of new courses to the secretary and the contracted training entity by  
36 March 1, 2025. By July 1, 2025, the contracted training entity shall  
37 submit a continuing education training course development plan that  
38 includes a specific timeline for the incorporation of topics  
39 identified in subsection (1) of this section to the secretary and the

1 relevant committees of the legislature. Beginning September 1, 2025,  
2 the contracted training entity shall prioritize the development of  
3 courses that address the topics identified in subsection (1) of this  
4 section and the continuing education course development plan when it  
5 conducts its next scheduled continuing education course update and  
6 development for long-term care workers. The contracted training  
7 entity shall continue the development of new courses that address the  
8 recommended topics identified in subsection (1) of this section and  
9 the continuing education course development plan in its regular  
10 continuing education course development.

11 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect January  
12 1, 2025.

13 NEW SECTION. **Sec. 7.** Section 3 of this act expires January 1,  
14 2027.

15 NEW SECTION. **Sec. 8.** Section 4 of this act takes effect January  
16 1, 2027.

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