

CERTIFICATION OF ENROLLMENT

SENATE BILL 5811

Chapter 322, Laws of 2024

68th Legislature
2024 Regular Session

INDIVIDUAL PROVIDERS—DEFINITION OF FAMILY MEMBER

EFFECTIVE DATE: June 6, 2024—Except for section 3, which takes effect January 1, 2025; and section 4, which takes effect January 1, 2027.

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

DENNY HECK

President of the Senate

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

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved March 28, 2024 10:38 AM

JAY INSLEE

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.

SARAH BANNISTER

Secretary

FILED

March 29, 2024

**Secretary of State
State of Washington**

SENATE BILL 5811

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) (~~An~~) 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.

Passed by the Senate March 7, 2024.

Passed by the House March 6, 2024.

Approved by the Governor March 28, 2024.

Filed in Office of Secretary of State March 29, 2024.

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