Chapter 246-980 WAC
HOME CARE AIDE RULES

WAC

246-980-010 Definitions.

REQUIREMENTS FOR LONG-TERM CARE WORKERS THAT ARE REQUIRED TO BE CERTIFIED AS A HOME CARE AIDE

246-980-020 Who must be certified as a home care aide?
246-980-030 Can a nonexempt long-term care worker work before obtaining certification as a home care aide?
246-980-040 What must a nonexempt long-term care worker do to be eligible for a home care aide certification and what documentation is required?
246-980-050 How long does a nonexempt long-term care worker have to complete the home care aide training and certification requirements?
246-980-060 How does a nonexempt home care aide renew a certification or reinstate an expired certification?

REQUIREMENTS FOR LONG-TERM CARE WORKERS EXEMPT FROM CERTIFICATION AS A HOME CARE AIDE

246-980-070 Who is exempt from obtaining a home care aide certification?
246-980-080 How does an exempt individual apply for certification as a home care aide?
246-980-090 How does an exempt home care aide renew a home care aide certification or reinstate an expired home care aide certification?

GENERAL REQUIREMENTS FOR THE APPLICATION FOR HOME CARE AIDE CERTIFICATION BY BOTH REQUIRED AND VOLUNTARY HOME CARE AIDES

246-980-100 Examination and reexamination for home care aide certification.
246-980-110 Continuing education.
246-980-120 Home care aide—Application—Conviction data—Criteria for denial or conditional license.
246-980-990 Home care aide certification fees.

WAC 246-980-010 Definitions. The definitions in this section and in RCW 74.39A.009 apply throughout this chapter unless the context clearly requires otherwise.

(1) "Activities of daily living" means self-care abilities related to personal care such as bathing, body care, bed mobility, eating, locomotion, use of the toilet, personal hygiene, dressing, and transfer. Activities of daily living include instrumental activities of daily living.

(2) "Date of hire" means:

(a) The date of service authorization for individual providers hired by the department of social and health services.

(b) The date the long-term care worker is hired by an employer other than the department of social and health services.

(3) "Department" means the department of health.

(4) "Direct care worker" means a paid caregiver who provides hands-on personal care services to individuals with disabilities or the elderly requiring long-term care.

(5) "Individual provider" means a person, including a personal aide, who has contracted with the department of social and health services to provide personal care or respite care services to functionally disabled persons under the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.-270.

(6) "Instrumental activities of daily living" means routine activities performed in the home or the community such as meal preparation, shopping, house cleaning, laundry, maintaining employment, travel to medical services, use of the telephone, and management of personal finances.

(7) "Long-term care worker" means all persons who are long-term care workers for the elderly or persons with disabilities, including, but not limited to, individual providers of home care services; direct care employees of home care agencies; providers of home care services to persons with developmental disabilities under Title 71A RCW; all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes; respite care providers; community residential service providers; and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities. "Long-term care worker" does not include:

(a) Persons employed by the following facilities or agencies: Nursing homes subject to chapter 18.51 RCW; hospitals or other acute care settings; residential habilitation centers under chapter 71A.20 RCW; facilities certified under 42 C.F.R., Part 483; hospice agencies subject to chapter 70.127 RCW; adult day care centers; and adult day health care centers; or

(b) Persons who are not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

(8) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

(9) "Supported living provider" means a person or entity certified as a supported living provider by the department of social and health services, including the state operated living alternative (SOLA) program, who delivers services and support to meet a client's identified needs. Supported living providers provide instruction, support, and services under chapter 388-101 WAC to clients in their own home to help them live independently.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-010, filed 7/20/10, effective 1/1/11.]

REQUIREMENTS FOR LONG-TERM CARE WORKERS THAT ARE REQUIRED TO BE CERTIFIED AS A HOME CARE AIDE

WAC 246-980-020 Who must be certified as a home care aide? (1) Any person who is hired on or after January 7, 2012, as a long-term care worker for the elderly or persons

with disabilities, regardless of the employment title, must obtain certification as a home care aide. This includes, but is not limited to:

(a) An individual provider of home care services who is reimbursed by the state;

(b) A direct care employee of a home care agency;

(c) A provider of home care services to persons with developmental disabilities under Title 71A RCW;

(d) A direct care worker in a state licensed boarding home;

(e) A direct care worker in a state licensed adult family home;

(f) A respite care provider who is reimbursed by the state or employed by a private agency or facility licensed by the state to provide personal care services;

(g) A community residential service provider who is reimbursed by the state or employed by a private agency or facility licensed by the state to provide personal care service; and

(h) Any other direct care workers providing home or community-based services to the elderly or persons with developmental disabilities.

(2) Long-term care workers who meet the above criteria but are exempted under WAC 246-980-070 are not required to obtain certification.

[Statutory Authority: 2012 c 1 (Initiative 1163) and chapter 18.88B RCW. 12-08-043, § 246-980-020, filed 3/30/12, effective 4/4/12. Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-020, filed 7/20/10, effective 1/1/11.]

WAC 246-980-030 Can a nonexempt long-term care worker work before obtaining certification as a home care aide? (1) A nonexempt long-term care worker may provide care before receiving certification as a home care aide if all the following conditions are met:

(a) Before providing care, the long-term care worker must complete the training required by RCW 74.39A.073 (4)(a) and (b).

(b) The long-term care worker must submit an application for home care aide certification to the department within three days of hire. An application is considered to be submitted on the date it is post-marked or, for applications submitted in person or online, the date it is accepted by the department.

(2) The long-term care worker may not work for more than one hundred fifty calendar days from their date of hire without obtaining certification.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-030, filed 7/20/10, effective 1/1/11.]

WAC 246-980-040 What must a nonexempt long-term care worker do to be eligible for a home care aide certification and what documentation is required? (1) To qualify for certification as a home care aide, the applicant must:

(a) Successfully complete the entry level training required by RCW 74.39A.073 before taking the examination;

(b) Successfully pass the home care aide certification examination; and

(c) Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(2) Applicants must submit directly to the examination contractor:

(a) A completed application for examination provided by the examination contractor;

(b) The fee required by the examination contractor; and

(c) A certificate of completion signed by an instructor approved by the department of social and health services. The certificate must indicate that the applicant has successfully completed the entry level training required by RCW 74.39A.073. The certificate of completion may also be submitted directly from the approved instructor or training program.

(3) Applicants must submit to the department:

(a) A completed application for certification on forms provided by the department;

(b) The required fee; and

(c) A certificate of completion indicating that the applicant has successfully completed the entry level training required by RCW 74.39A.073.

(4) Applicants must submit to a state and federal background check as required by RCW 74.39A.055.

[Statutory Authority: 2012 c 1 (Initiative 1163) and chapter 18.88B RCW. 12-08-043, § 246-980-040, filed 3/30/12, effective 4/4/12. Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-040, filed 7/20/10, effective 1/1/11.]

WAC 246-980-050 How long does a nonexempt long-term care worker have to complete the home care aide training and certification requirements? (1) Training:

(a) A long-term care worker must successfully complete all training required by RCW 74.39A.073 within one hundred twenty calendar days of the date of hire as a long-term care worker.

(b) A long-term care worker who has not completed the training within one hundred twenty calendar days is no longer eligible to provide care until certification as a home care aide has been granted.

(2) Certification: A long-term care worker who has not been issued a home care aide certification within one hundred fifty days of the date of hire must stop providing care until the certification has been granted.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-050, filed 7/20/10, effective 1/1/11.]

WAC 246-980-060 How does a nonexempt home care aide renew a certification or reinstate an expired certification? (1) To renew a home care aide certification:

(a) Certificates must be renewed every year by the home care aide's birthday as provided in chapter 246-12 WAC, Part 2.

(b) Verification of twelve hours of continuing education as required by RCW 74.39A.340 and WAC 246-980-110 must accompany the certification renewal.

(2) To reinstate an expired certification:

(a) If the certification has been expired for less than three years, the applicant must submit proof of twelve continuing education hours as required by RCW 74.39A.340 and WAC 246-980-110 for each year it has been expired, and meet the requirements of chapter 246-12 WAC, Part 2.

(b) If the certification has been expired for more than three years, the applicant must successfully repeat the train-

ing and examination requirements in WAC 246-980-040 and meet the requirements of chapter 246-12 WAC, Part 2.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-060, filed 7/20/10, effective 1/1/11.]

REQUIREMENTS FOR LONG-TERM CARE WORKERS EXEMPT FROM CERTIFICATION AS A HOME CARE AIDE

WAC 246-980-070 Who is exempt from obtaining a home care aide certification? (1) The following individuals are not required to obtain certification as a home care aide. If they choose to voluntarily become certified, they must successfully pass the entry level training required by RCW 74.39A.073, successfully complete the home care aide certification examination and meet all other requirements of WAC 246-980-080(1).

(a) An individual who is employed by a nursing home subject to chapter 18.51 RCW, hospital, or other acute care setting; hospice agency subject to chapter 70.127 RCW; adult day care center; or adult day health center, and who does not hold a current health care credential described under subsection (2)(a) of this section.

(b) An individual provider caring only for a biological, step, or adoptive child or parent.

(c) An individual hired prior to June 30, 2014, as an individual provider who provides twenty hours or less of care for one person in any calendar month. Individual providers hired after June 30, 2014, will be required to obtain certification.

(d) An individual employed by a supported living provider.

(e) An individual employed by a residential habilitation center licensed under chapter 71A.20 RCW or a facility certified under 42 C.F.R., Part 483.

(f) Direct care employees who are not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

(2) The following long-term care workers are not required to obtain certification as a home care aide. If they choose to voluntarily become certified, they must successfully pass the home care aide certification examination and meet all other requirements of WAC 246-980-080(2). The training requirements under RCW 74.39A.073 are not required.

(a) An individual who holds an active credential by the department as a:

(i) Registered nurse, a licensed practical nurse, or advanced registered nurse practitioner under chapter 18.79 RCW;

(ii) Nursing assistant-certified under chapter 18.88A RCW;

(iii) Certified counselor or advisor under chapter 18.19 RCW;

(iv) Speech language pathologist assistant or audiologist under chapter 18.35 RCW;

(v) Occupational therapist under chapter 18.59 RCW; or

(vi) Physical therapist assistant under chapter 18.74 RCW.

(b) A home health aide who is employed by a medicare certified home health agency and has met the requirements of 42 C.F.R., Part 483.35.

(c) An individual with special education training and an endorsement granted by the superintendent of public instruction under RCW 28A.300.010.

(d) An individual employed as a long-term care worker on January 6, 2012, or who was employed as a long-term care worker between January 1, 2011, and January 6, 2012, and who completes all of the training requirements in effect as of the date of hire. This exemption expires if the long-term care worker has not provided care for over three years.

(i) The department may require the exempt long-term care worker who is employed between January 1, 2011, and January 6, 2012, to provide proof of that employment. Proof may include a letter or similar documentation from the employer that hired the long-term care worker between January 1, 2011, and January 6, 2012, indicating the first and last day of employment, the job title, a job description, and proof of completing training requirements. Proof of training will also be accepted directly from the approved instructor or training program, if applicable. For an individual provider reimbursed by the department of social and health services, the department will accept verification from the department of social and health services or the Training Partnership.

(ii) A long-term care worker who is employed on or before January 6, 2012, but has not completed all of his or her training requirements in effect the day he or she was hired, must complete the training within one hundred twenty days of the date of hire to qualify for this exemption.

[Statutory Authority: 2012 c 1 (Initiative 1163) and chapter 18.88B RCW. 12-08-043, § 246-980-070, filed 3/30/12, effective 4/4/12. Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-070, filed 7/20/10, effective 1/1/11.]

WAC 246-980-080 How does an exempt individual apply for certification as a home care aide? (1) An individual exempt from certification under WAC 246-980-070(1) may apply for certification as a home care aide as follows:

(a) To qualify for certification as a home care aide, the applicant must:

(i) Successfully complete entry level training as required by RCW 74.39A.073 before taking the examination;

(ii) Successfully pass the home care aide certification examination; and

(iii) Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(b) Applicants must submit directly to the examination contractor:

(i) A completed application for examination provided by the examination contractor;

(ii) The fee required by the examination contractor; and

(iii) A certificate of completion signed by a department of social and health services approved instructor. The certificate must indicate that the applicant has successfully completed entry level training required by RCW 74.39A.073. The certificate of completion may also be submitted directly from the approved instructor or training program.

(c) Applicants must submit to the department:

(i) A completed application for certification on forms provided by the department;

(ii) The required fee; and

(iii) A certificate of completion signed by a department of social and health services approved instructor. The certifi-

cate must indicate that the applicant has successfully completed the entry level training as required by RCW 74.39A.-073. The certificate of completion may also be submitted directly from the approved instructor or training program.

(d) Applicants must submit to a state and federal background check as required by RCW 74.39A.055.

(2) A long-term care worker exempt from certification under WAC 246-980-070(2) may apply for certification as a home care aide as follows:

(a) To qualify for certification as a home care aide, the applicant must:

(i) Successfully complete the home care aide certification examination; and

(ii) Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(b) Applicants must submit directly to the examination contractor a completed application for examination and the fee required by the examination contractor.

(c) Applicants must submit to the department:

(i) A completed application for certification on forms provided by the department; and

(ii) Proof the individual qualifies for exemption under WAC 246-840-070(2); and

(iii) The required fee.

(d) Applicants must submit to a state and federal background check as required by RCW 74.39A.055.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-080, filed 7/20/10, effective 1/1/11.]

WAC 246-980-090 How does an exempt home care aide renew a home care aide certification or reinstate an expired home care aide certification? (1) To renew a home care aide certification:

(a) Certificates must be renewed every year by the home care aide's birthday as provided in chapter 246-12 WAC, Part 2.

(b) Verification of twelve hours of continuing education as required by RCW 74.39A.340 and WAC 246-980-110 must accompany the certification renewal.

(2) To reinstate a certification that has been expired for less than three years, the applicant must submit proof of twelve continuing education hours as required by RCW 74.39A.340 and WAC 246-980-110 for each year it has been expired, and meet the requirements of chapter 246-12 WAC, Part 2.

(3) To reinstate a certification that has been expired for more than three years:

(a) A long-term care worker exempt from certification under WAC 246-980-070(1) must:

(i) Submit proof that the applicant has worked at least eight hours as a long-term care worker within the last three years and submit twelve hours of continuing education per year as required by RCW 74.39A.340 and WAC 246-980-110; or

(ii) Successfully repeat the training and examination requirements in WAC 246-980-080.

(b) A long-term care worker exempt from certification under WAC 246-980-070(2) must:

(i) Submit proof that the applicant has worked at least eight hours as a long-term care worker within the past three years and submit twelve hours of continuing education per year as required by RCW 74.39A.340 and WAC 246-980-110; or

(ii) Successfully repeat the certification examination requirements in WAC 246-980-080.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-090, filed 7/20/10, effective 1/1/11.]

GENERAL REQUIREMENTS FOR THE APPLICATION FOR HOME CARE AIDE CERTIFICATION BY BOTH REQUIRED AND VOLUNTARY HOME CARE AIDES

WAC 246-980-100 Examination and reexamination for home care aide certification. (1) The certification examination will consist of both a written knowledge test and a skills demonstration.

(2) The certification examination will test the core competencies, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, home care aide roles and boundaries, supporting activities of daily living, and food preparation and handling.

(3) The applicant must apply directly to the examination contractor to take the examination.

(4) The examination contractor will notify the applicant of the date, time, and place of the examination.

(5) The examination contractor will notify both the department and the applicant of the examination results.

(a) An applicant who does not successfully pass any portion of the examination can follow the examination contractor's procedures for review and appeal.

(b) An applicant who does not successfully pass any portion of the examination may retake that portion of the examination two times.

(i) To retake the examination, an applicant must submit an application for reexamination, along with the required reexamination fee directly to the examination contractor.

(ii) An application for reexamination may be submitted any time after the applicant receives notice of not successfully completing any portion of the certification examination.

(c) An applicant who does not successfully pass both portions of the certification examination within two years of successfully completing the required training or who does not successfully pass both portions of the certification examination after completing the certification examination three times:

(i) Must retake and successfully complete the core competencies portion of the entry-level training as required by RCW 74.39A.073; and

(ii) Cannot continue to provide care as a long-term care worker until the certification has been issued.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-100, filed 7/20/10, effective 1/1/11.]

WAC 246-980-110 Continuing education. (1) Home care aides must demonstrate completion of twelve hours of continuing education per year as required by RCW 74.39A.-340. The required continuing education must be obtained during the period between renewals. Continuing education is subject to the provisions of chapter 246-12 WAC, Part 7.

(2) Verification of completion of the continuing education requirement is due upon renewal. If the first renewal period is less than a full year from the date of certification, no continuing education will be due for the first renewal period.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-110, filed 7/20/10, effective 1/1/11.]

WAC 246-980-120 Home care aide—Application—Conviction data—Criteria for denial or conditional license. (1) Applicants who have any criminal history may be denied certification or may be granted certification with conditions pursuant to RCW 18.130.055.

(2) In determining whether to deny certification or grant certification with conditions due to the applicant's criminal history, the department may consider the following factors:

(a) The severity of the crime as classified under law;

(b) The number of convictions and whether the applicant has exhibited a pattern of criminal conduct;

(c) The amount of time elapsed since the date of conviction or the date of offense;

(d) The amount of time the applicant has spent in the community after release from custody;

(e) Whether any conviction is listed by the department of social and health services as a disqualifying crime, including those offenses listed in RCW 43.43.830 (5), (6), or (7);

(f) Whether the applicant has complied with court-ordered conditions such as treatment, restitution, or other remedial or rehabilitative measures;

(g) Other remediation or rehabilitation by the applicant subsequent to the conviction date;

(h) Whether the applicant disclosed the conviction on the certification application; and

(i) Any other factor relating to the applicant's ability to practice as a home care aide with reasonable skill and safety.

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-120, filed 7/20/10, effective 1/1/11.]

WAC 246-980-990 Home care aide certification fees. (1) Certifications must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for home care aide:

Title of Fee	Fee
Application	$60.00
Certification renewal	60.00
Late renewal penalty	30.00
Expired certification reactivation	30.00
Duplicate certification	15.00
Verification	25.00

[Statutory Authority: Chapters 18.88B and 74.39A RCW. 10-15-103, § 246-980-990, filed 7/20/10, effective 1/1/11.]