

## WSR 26-02-034

## PROPOSED RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed December 30, 2025, 4:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-14-066.

Title of Rule and Other Identifying Information: The proposed rules are related to SHB 1142 (chapter 18, Laws of 2025). These rules bring alignment to training requirements and certification exemptions for long-term care (LTC) workers providing in-home care for family members. This is care provided by an individual provider through the consumer direct care network, through a home care agency and paid for by WA Cares, or through WA Cares third option, which will be defined in rule. These sections are WAC 388-71-0503 What definitions apply to this chapter?, 388-71-0520 What are the training requirements for a home care agency long-term care worker?, 388-71-0523 What are the training and certification requirements for long-term care workers providing in-home care?, 388-71-05415 When will the department deny payment to the home care agency?, 388-71-0836 What definitions apply to the long-term care worker training requirements?, 388-71-0839 Which long-term care workers are exempt from the 70-hour, 30-hour, 16-hour, nine-hour, or seven-hour basic training requirements?, 388-71-0860 Who must complete orientation and safety, by when, and when does orientation and safety training attestation process need to be completed?, 388-71-0880 Who must complete the 30-hour basic training and by when must it be completed?, 388-71-0888 When do the 70-hour basic training and certification requirements apply to an individual whose required basic training was previously less than 70 hours?, 388-71-0890 What are the training requirements for parent providers who are long-term care workers for their adult children through DDA?, 388-71-0893 Who must complete the nine-hour basic training and by when must it be completed?, 388-71-0897 Who must complete the 21-hour basic training and by when must it be completed?, 388-71-0899 What is the 21-hour training?, 388-71-0971 Prior to hiring a long-term care worker, what training and certification requirements must be reviewed by the home care agency, consumer directed employer, or department?, 388-71-0977 Once an individual is required to obtain certification as a home care aide, may that individual revert to exempt status?, 388-71-0980 When may a home care agency, consumer directed employer or the department employ a long-term care worker who has not completed the 70-hour basic training or certification requirements?, 388-71-0985 What is continuing education and what topics may be covered in continuing education?, 388-71-0991 Who is required to complete continuing education training and when must a long-term care worker or certified home care aide complete continuing education?, 388-71-1001 Which long-term care workers are exempt from the continuing education requirement?, 388-115-0510 What are the qualifications of an individual provider?, 388-115-0523 What are the training and certification requirements for individual providers?, and 388-115-0540 When will the consumer directed employer (CDE) reject your selected individual provider?

Hearing Location(s): On February 24, 2026, at 10:00 a.m., virtually via Teams or call in. See the department of social and health services (DSHS) website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not before February 25, 2026.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, beginning noon on January 7, 2026, by 5:00 p.m. on February 24, 2026.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, TTY 711 relay service, email shelley.tencza@dshs.wa.gov, by 5:00 p.m. on February 10, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to amend WAC 388-71-0503, 388-71-0520, 388-71-0523, 388-71-05415, 388-71-0836, 388-71-0839, 388-71-0860, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0893, 388-71-0897, 388-71-0899, 388-71-0971, 388-71-0977, 388-71-0980, 388-71-0985, 388-71-0991, 388-71-1001, 388-115-0510, 388-115-0523, and 388-[115-]0540 to align WAC with the requirements of SHB 1142. Specifically, legislation driven changes include replacing the phrase "individual provider" with LTC worker. This aligns basic training and home care aide certification rules across in-home care provider employers, including home care agencies, the consumer directed employer, and the long-term services and supports trust (WA Cares) potential "third option" for "qualified family members." Further changes are being made to add new sections to chapter 388-71 WAC to explain what LTC providers are required to complete the spouse/domestic partner basic training, as well as defining what that training includes. Also being modified is the WAC language regarding when a LTC provider may be rehired, that family providers working for home care agencies are required annual continuing education, and how long the LTC worker may be allowed to achieve the department of health home care aide certification. Further changes are made for housekeeping purposes and to correct other language and typographical errors in these sections.

Reasons Supporting Proposal: The reason for supporting this proposal is passed legislation (chapter 18, Laws of 2025) standardizing basic training and certification requirements for LTC workers who provide in-home care for their family members, including spouses or domestic partners.

Statutory Authority for Adoption: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341.

Statute Being Implemented: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brad McFadden, P.O. Box 45600, Lacey, WA 98504-5600, 360-725-2563.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Brad McFadden, P.O. Box 45600, Lacey, WA 98504-5600, phone 360-725-2563, TTY 711 relay service, email bradley.mcfadden@dshs.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute

or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: Changes in RCW 18.88B.041 and chapter 322, Laws of 2024, RCW 74.39A.076 and section 2, chapter 322, Laws of 2024, and new section 3 under RCW 74.39A.076.

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule clarifies and standardizes training and certification requirements for LTC workers who provide in-home care for their family members, including spouses and domestic partners under RCW 34.05.310 (4) (d).

Scope of exemption for rule proposal:

Is fully exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. [No information supplied by agency].

December 29, 2025  
Katherine I. Vasquez  
Rules Coordinator

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 26-03 issue of the Register.