

WSR 26-07-005

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 5, 2026, 2:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-20-069.

Title of Rule and Other Identifying Information: Home care aide certification rules amending WAC 246-980-025, 246-980-030, 246-980-040, and 246-980-065. The department of health (department) is proposing amendments to the home care aide chapter to update language related to individual providers exempt from obtaining certification, clarify basic training requirements, and provide additional time for long-term care workers to complete certification requirements. These amendments are necessary to implement SHB 1142 (chapter 18, Laws of 2025) and SB 5672 (chapter 341, Laws of 2025).

Hearing Location(s): On April 21, 2026, at 3:00 p.m. Register for the virtual hearing, which will give you instructions to either join the meeting on a device, or to call into the meeting on the phone, at https://us02web.zoom.us/webinar/register/WN_q081NF-LTxuPMNmQ2wq9qA.

After registering, you will receive a confirmation email containing information about joining the webinar. Written comments will also be accepted.

Date of Intended Adoption: May 5, 2026.

Submit Written Comments to: Jenni Osbun, P.O. Box 47852, Olympia, WA 98504-7852, email jennifer.osbun@doh.wa.gov, web <https://fortress.wa.gov/doh/policyreview/>, beginning the date and time of this filing, by April 21, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Jenni Osbun, phone 360-236-2737, TTY 711, email homecareaide@doh.wa.gov, by April 7, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rules is to align with recent legislation, SHB 1142 and SB 5672.

SB 5672 instructs the department to provide additional time for long-term care workers to complete certification requirements as a home care aide, extending the current timeline of 200 days, or 260 if granted a provisional certificate, from their date of hire. The bill, codified as RCW 18.88B.022, requires additional time be granted to applicants while the office of the state auditor conducts a performance review of competencies for the profession. The proposed rules extend the timeline to complete certification requirements to 365 days from the date of hire, or 425 days if granted a provisional certificate, and allows caregivers in certain settings to also receive the benefit of added time while they complete training and successfully pass the examination. The proposed rules meet the intent of the legislation to reduce barriers for home care aide certification and to support the workforce.

SHB 1142 made changes to RCW 18.88B.041 that clarify the distinction of those long-term care workers providing care in in-home settings for their family members as being different from individual providers and are exempt from having to obtain home care aide certification. The legislation requires that the department make changes in rule to reflect the correct reference and also make adjustments to cite the appropriate department of social and health services (DSHS) statute for basic training requirements of those exempt workers. The

proposed rule amendments meet the intent of the bill to clarify certification and basic training requirements.

Reasons Supporting Proposal: The proposed rules are necessary to provide direction for home care aide certification and update exemptions from obtaining a home care aide certification. To comply with SB 5672, the department filed emergency rules on August 25, 2026, under WSR 25-18-034; and November 10, 2025, under WSR 25-23-027. The proposed rules plan to adopt language from emergency rules filed under WSR 25-23-027, and intended to replace them, giving extended time to complete certification requirements and make further amendments to clarify qualifications for those who are exempt from certification.

SB 5672 added section RCW 18.88B.022 to the home care aide chapter to establish additional time for long-term care workers to complete certification requirements.

To meet the intent of SB 5672, the department coordinated with interested parties and partner agencies, including DSHS, to determine the basic training for exempt workers and an effective extended timeline for long-term care workers to complete certification requirements. Through discussions and workshops, the department concurred with the proposed amendments to extend the time to 365 days, or 425 days if granted a provisional certificate, from the date of hire to complete certification requirements as a home care aide. The proposed rules are under the discretion and authority of the department to implement legislation that supports the workforce. Extending the time to complete certification requirements as a home care aide can increase access to care.

SHB 1142 made amendments to RCW 18.88B.041 that change the language from an "individual provider" to a "long-term care worker providing in-home care" and expand the exemption from having to complete a home care aide certification to those caring only for the worker's spouse or domestic partner. Clarifying the basic training requirements for long-term care workers who are exempt from having to obtain a home care aide certification makes understanding the rules clearer and improves access to care for family members.

Statutory Authority for Adoption: RCW 18.88B.021, 18.88B.022, 18.88B.035, 18.88B.041, and 18.88B.060.

Statute Being Implemented: SHB 1142, codified as RCW 18.88B.041; and SB 5672, codified as RCW 18.88B.022.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jenni Osbun, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2737.

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 Jenni Osbun, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2737, TTY 711, email jennifer.osbun@doh.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 19.85.025(4).

Explanation of exemptions: The proposed rules apply to individual licensees and do not affect small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

March 5, 2026
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-6909.2

AMENDATORY SECTION (Amending WSR 25-15-128, filed 7/21/25, effective 8/21/25)

WAC 246-980-025 Individuals 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 shall successfully pass the entry level training required by RCW 74.39A.074 and meet the requirements of WAC 246-980-040.

(a) ~~((An individual provider))~~ A long-term care worker providing in-home care and caring only for a biological, step, or adoptive child or parent, including when related by marriage or domestic partnership.

(b) ~~((An individual provider))~~ A long-term care worker providing in-home care and caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

(c) Through June 30, 2026, a long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States Department of Veterans Affairs home and community-based programs. Effective July 1, 2026, a long-term care worker providing approved in-home services only for a spouse or registered domestic partner is not required to be funded through the United States Department of Veterans Affairs or community-based programs.

(d) ~~((An individual provider))~~ A long-term care worker providing in-home care who provides 20 hours or less of care for one person in any calendar month.

(e) An individual employed by a community residential service business.

(f) 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.

(g) A direct care worker who is not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

(h) A person working as ~~((an individual provider))~~ a long-term care worker providing in-home care who only provides ~~((nonrespite))~~ respite services and works less than 300 hours in any calendar year.

(i) Any direct care worker exempt under RCW 18.88B.041(1).

(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 meet the requirements of WAC 246-980-040. The training requirements under RCW 74.39A.074(1) 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; or

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

(b) A home health aide who was employed by a medicare certified home health agency within the year before being hired as a long-term care worker and has met the requirements of 42 C.F.R. Part 484.36.

(c) A person who is in an approved training program for certified nursing assistant under chapter 18.88A RCW, provided that the training program is completed within 120 calendar days of the date of hire and that the nursing assistant-certified credential has been issued within ~~((200))~~ 365 calendar days of the date of hire. This timeline is in effect for long-term care workers in this setting beginning February 6, 2025, through December 31, 2027.

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

(e) 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 completed 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 three consecutive years.

(i) The department may require the exempt long-term care worker who was employed as a long-term care worker 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.

(ii) 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.

(3) Long-term care workers who are exempt from obtaining a home care aide certification may be required to complete minimum training requirements under RCW 74.39A.074 or 74.39A.076.

AMENDATORY SECTION (Amending WSR 18-20-072, filed 9/28/18, effective 10/29/18)

WAC 246-980-030 Working while obtaining certification as a home care aide. (1) A 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.074 (1)(d)(i)(A) and (B).

(b) The long-term care worker must submit an application for home care aide certification to the department within fourteen calendar 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) A long-term care worker is no longer eligible to provide care without a credential under the following circumstances:

(a) The long-term care worker does not successfully complete all of the training required by RCW 74.39A.074(1) within ~~((one hundred twenty))~~ 120 calendar days from their date of hire;

(b) The long-term care worker has not obtained their certification within ~~((two hundred))~~ 365 calendar days from their date of hire, or ~~((two hundred sixty))~~ 425 calendar days if granted a provisional certificate under RCW ~~((18.88B.041))~~ 18.88B.035. These timelines go into effect August 25, 2025, through December 31, 2027. These timelines apply to a pending applicant or a new applicant who has submitted an original application for certification as a home care aide by December 31, 2027.

(3) This section does not apply to long-term care workers exempt from certification under WAC 246-980-025.

AMENDATORY SECTION (Amending WSR 24-15-025, filed 7/9/24, effective 8/9/24)

WAC 246-980-040 Certification requirements. To qualify for certification as a home care aide, the applicant shall:

(1) Successfully complete all training required by RCW 74.39A.074(1) within 120 calendar days of the date of hire as a long-term care worker;

(2) Successfully pass the home care aide certification examination, after completing training; and

(3) Become certified within ~~((200))~~ 365 days of date of hire, or ~~((260))~~ 425 days if granted a provisional certificate under RCW ~~((18.88B.041))~~ 18.88B.035. These timelines go into effect August 25, 2025, through December 31, 2027. These timelines apply to a pending applicant or a new applicant who has submitted an original application for certification as a home care aide by December 31, 2027.

AMENDATORY SECTION (Amending WSR 16-09-004, filed 4/7/16, effective 5/8/16)

WAC 246-980-065 Home care aide provisional certification. (1) The department may issue a provisional certification to a long-term care worker who is limited-English proficient and submits:

(a) A request for a provisional certification; and

(b) Verification of his or her date of hire as a long-term care worker, as follows:

(i) For individual providers, verification of the applicant's date of hire submitted directly by the department of social and health services; or

(ii) For all other applicants, a form supplied by the department and completed by the employer who hired the applicant as a long-term care worker, verifying the applicant's date of hire.

(2) A provisional certification will be issued only once.

(3) A provisional certification will take effect ~~((two hundred))~~ 365 calendar days from the applicant's date of hire as a long-term care worker, as defined in WAC 246-980-010(2).

(4) A provisional certification will expire ((two hundred sixty) 425 calendar days from the applicant's date of hire as a long-term care worker. The applicant must stop working ((on the two hundred sixtieth) after 425 days of employment if the certification has not been granted for any reason. This timeline goes into effect August 25, 2025, through December 31, 2027. This timeline applies to a pending applicant or a new applicant who has submitted an original application for certification as a home care aide by December 31, 2027.

(5) A request for provisional certification may be denied pursuant to chapter 18.130 RCW, the Uniform Disciplinary Act, or based on RCW 18.88B.080.

(6) For the purposes of this section, "limited-English proficient" means that an individual is limited in his or her ability to read, write, or speak English.