

WSR 26-07-028

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed March 10, 2026, 1:37 p.m., effective March 10, 2026, 1:37 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Home care aide certification—Extended timeline. The department of health (department) is continuing without change the emergency rules previously filed under WSR 25-23-027 on November 10, 2025, that permit the extended timelines to those working in community-based settings and who are in an approved training program to become a nursing assistant-certified to complete certification requirements. The emergency rule clarifies that the provisional certificate is issued after 365 days, instead of 200, based on revised interpretation of the statute, to maintain and provide the additional 60-day accommodation for those long-term care workers. This emergency rule is necessary to preserve the long-term care workers in the healthcare workforce during a critical time.

SB 5672 (chapter 341, Laws of 2025) requires the department to adopt rules that allow long-term care workers additional time to become certified while the office of the state auditor completes their biennial performance report under section 201, chapter 1, Laws of 2012 (Initiative Measure No. 1163). Initiative 1163 increased training requirements and competency assessments for long-term care workers. The biennial performance report shall provide recommendations for the consideration of the legislature for future requirements.

This emergency rule amends WAC 246-980-025, 246-980-030, 246-980-040, and 246-980-065. The adopted changes extend the certification timeline for home care aides to allow for more time for long-term care workers working to complete certification requirements by extending the 200-day time frame to 365 days from the date of hire or 425 days if granted a provisional certificate. SB 5672 allows long-term care workers additional time to complete certification requirements through December 31, 2027.

This third emergency rule continues without change the previously filed emergency rule to extend the certification timeline for long-term care workers to become certified.

The department has filed a preproposal statement of inquiry (CR-101) under WSR 25-20-069 and will consider amending chapter 246-980 WAC to adopt into permanent rule the changes being implemented under these emergency rules, as the extended timeline can be applied through December 2027.

Citation of Rules Affected by this Order: Amending WAC 246-980-025, 246-980-030, 246-980-040, and 246-980-065.

Statutory Authority for Adoption: RCW 18.88B.021, 18.88B.041, 43.70.040, and SB 5672 (chapter 341, Laws of 2025).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary for the immediate preservation of the public health and safety of patients, to provide support of the workforce, and to avoid a critical shortage of long-term care workers.

SB 5672 requires the department to adopt rules to extend the home care aide certification timeline allowing them additional time to complete the training, testing, and other certification requirements. Currently, if a long-term care worker does not meet the requirements for certification within 200 days of initial hire, or 260 days if granted a provisional certificate, they must stop working and reapply or be rehired for certification. Through discussion and feedback from the public and interested parties, there was positive support for the proposed rules. The department estimates that extending the timeline to complete certification requirements to 365 days from the date of hire or 425 days if granted a provisional certificate will allow applicants enough time to fulfill training requirements and reflects the realistic timeline employers and long-term care workers experience in the process to become certified. Amending the timelines will assist home care aide applicants, allowing them to continue working while completing the necessary requirements of certification.

The extended timeline also applies to individuals enrolled in an approved certified nursing assistant training program under chapter 18.88A RCW, who are exempt from the home care aide certification under RCW 18.88B.041. This change is based on feedback from community partners that the first emergency rules were not clear about who the extended timelines applied to and the long-term care workers providing care in this setting should be covered. The second emergency rule also provided clarity on the provisional certificate and that it is now issued after 365 days, instead of 200, based on revised interpretation of the statute to maintain the additional 60-day accommodation for those long-term care workers. Including these individuals ensures they have equitable access to the extended timeline and supports successful completion of certification while maintaining workforce stability. The department determines that this adjustment is a safe measure until the audit is completed. The department anticipates that permanent rules impacting these sections will be filed and become effective late spring 2026 and intend to rescind the emergency rule filing before its expiration.

The potential loss of the workforce that occurs when applicants are unable to complete training requirements in the short time that is allotted will continue to worsen the current long-term care workforce shortage. Health care services are already forced to operate under strained capacity.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: March 10, 2026.

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RDS-6561.5

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 caring only for a biological, step, or adoptive child or parent, including when related by marriage or domestic partnership.

(b) An individual provider caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

(c) 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.

(d) An individual provider 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 who only provides nonrespite 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 from August 25, 2025, through December 31, 2027. This timeline applies to a pending applicant or a new applicant who is exempt from certification as a home care aide and who has submitted an application by 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.

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))~~ 14 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 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 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 day 425 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.