# WSR 26-18-023
# EMERGENCY RULES
# DEPARTMENT OF HEALTH

[Filed August 25, 2026, 11:13 a.m., effective August 25, 2026, 11:13 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Home care aide extended certification timeline due to wildfire emergency. The department of health (department) is adopting amendments to extend certification timelines for individuals completing initial certification requirements as a home care aide or exempt nursing assistant-certified (NA-C) employed as a long-term care worker. Due to lasting impacts caused by the wildfires across the state of Washington, the governor declared a state of emergency under Emergency Proclamation 26-03 Wildfires—Immediate relief and response. The department is adopting amendments to WAC 246-980-025, 246-980-030, 246-980-040, and 246-980-065 to respond to the proclamation and provide additional time to impacted workers, as authorized under RCW 18.88B.021(3), to extend the certification timeline beginning August 1, 2026, until November 30, 2026.

The department collaborated with the department of social and health services (DSHS) and the Washington state board of nursing (WABON) to craft these updates. The declared state of emergency waives licensure renewal deadlines for professionals in selected counties and lands. The department is adopting rules that cover long-term care workers who are impacted and completing certification requirements.

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, 18.130.040, and 43.70.280.

Other Authority: Emergency Proclamation 26-03.

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 and continued preservation of the public health and safety of clients, to provide support for the workforce, and to avoid a critical shortage of long-term care workers as a result of the current declared state of emergency.

Some long-term care workers in the wildfire and evacuated areas are experiencing disruptions to completing requirements to obtain their certification within the statutory timelines. These disruptions may impact the availability or access to complete training or testing. Losing these workers will exacerbate the existing workforce shortage, forcing more medically vulnerable clients to rely on other care options, such as higher-level residential care settings, and further impact already strained hospital and emergent health care settings to receive urgent health care services.

The governor's proclamation declared a state of emergency on August 1, 2026. The amendment, 26-03.1, issued on August 10, 2026, targets selected counties and lands most impacted by the fire and waives licensure renewal deadlines for licensed professionals under RCW 18.130.040. RCW 18.88B.021(3) gives the department authority to allow long-term care workers additional time to become certified if the declared state of emergency impacts their ability to complete certifica-

tion timely. The department, in collaboration with DSHS and WABON, has extended the timelines for long-term care workers seeking certification or renewal as a home care aide or exempt NA-C. This allows workers to continue caring for clients while the application, testing, training, or continuing education processes are impacted. Without these extensions, impacted caregivers may be unable to complete the renewal or certification requirements within the timelines required in chapter 246-980 WAC.

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 0, 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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, 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: August 25, 2026.

Todd Mountin, PMP
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for Dennis E. Worsham
Secretary of Health

**RDS-7363.4**

AMENDATORY SECTION (Amending WSR 26-12-065, filed 6/2/26, effective 7/3/26)

**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) 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) 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) 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 a long-term care worker providing in-home care who only provides 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 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.

(4) The certification timeline for a long-term care worker may be extended due to the governor's proclamation 26-03 issued on August 1, 2026. A long-term care worker with a certification deadline between August 1, 2026, and November 30, 2026, and impacted by fires in counties or lands outlined within the proclamation, including any amendments, may be eligible for an extended certification timeline. A qualifying long-term care worker shall complete certification requirements and become certified by November 30, 2026. A long-term care worker shall submit to the department, on the form provided by the department, the information demonstrating the worker meets requirements for an extension.

AMENDATORY SECTION (Amending WSR 26-12-065, filed 6/2/26, effective 7/3/26)

**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 120 calendar days from their date of hire;

(b) The long-term care worker has not obtained their certification within 365 calendar days from their date of hire, or 425 calendar days if granted a provisional certificate under RCW 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) The certification timeline for a long-term care worker may be extended due to the governor's proclamation 26-03 issued on August 1, 2026. A long-term care worker with a certification deadline between August 1, 2026, and November 30, 2026, and impacted by fires in counties or lands outlined within the proclamation, including any amendments, may be eligible for an extended certification timeline. A qualifying long-term care worker shall complete certification requirements and become certified by November 30, 2026. A long-term care worker shall submit to the department, on the form provided by the department, the information demonstrating the worker meets requirements for an extension.

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

AMENDATORY SECTION (Amending WSR 26-12-065, filed 6/2/26, effective 7/3/26)

**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 365 days of date of hire, or 425 days if granted a provisional certificate under RCW 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.

(a) The certification timeline for a long-term care worker may be extended due to the governor's proclamation 26-03 issued on August 1, 2026.

(b) A long-term care worker with a certification deadline between August 1, 2026, and November 30, 2026, and impacted by fires in counties or lands outlined within the proclamation, including any amendments, may be eligible for an extended certification timeline. A qualifying long-term care worker shall:

(i) Complete certification requirements and become certified by November 30, 2026.

(ii) Submit to the department, on the form provided by the department, the information demonstrating the worker meets requirements for an extension.

AMENDATORY SECTION (Amending WSR 26-12-065, filed 6/2/26, effective 7/3/26)

**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 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 425 calendar days from the applicant's date of hire as a long-term care worker. The applicant must stop working 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) The certification timeline for a long-term care worker may be extended due to the governor's proclamation 26-03 issued on August 1, 2026. A long-term care worker with a certification deadline between August 1, 2026, and November 30, 2026, and impacted by fires in counties or lands outlined within the proclamation, including any amendments, may be eligible for an extended certification timeline. A qualifying long-term care worker shall complete certification requirements and become certified by November 30, 2026. A long-term care worker shall submit to the department, on the form provided by the department, the information demonstrating the worker meets requirements for an extension.

(6) 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)~~)) (7) 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.