



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-980-065, Home Care Aide Provisional Certification. Establishing a new process for the Department of Health to issue a provisional home care aide certification to a long-term care worker who is limited English proficient.

**Hearing location(s):** Department of Health  
Point Plaza East, Rooms 152/153  
310 Israel Rd SE  
Tumwater, WA 98501

Date: 02/10/14

Time: 1:30 p.m.

**Submit written comments to:**

Name: Kendra Pitzler  
Address: PO Box 47852  
Olympia, WA 98504-7852  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-2901 by (date) 02/10/2014

**Assistance for persons with disabilities:** Contact

Kendra Pitzler by 02/03/2014

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 02/24/2014

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposal implements chapter 259, Laws of 2013 (Substitute House Bill 1629) by creating a process for a provisional home care aide certification that can be issued to a long-term care worker who is limited English proficient to allow the person additional time to comply with the certification requirements in chapter 18.88B RCW.

**Reasons supporting proposal:**

The intent of SHB 1629 was to allow applicants for home care aide certification who have limited English proficiency additional time to meet the requirements for certification. Under SHB 1629, long-term care workers have two hundred days from their date of hire to complete these requirements. The bill gives workers who are limited English proficient more time to meet these requirements. Vulnerable persons are at risk of losing access to personal care services if their caregivers are unable to meet the certification requirements within the specified time-frame.

**Statutory authority for adoption:**

Chapter 259, Laws of 2013 (SHB 1629); RCW 18.88B.035

**Statute being implemented:**

Chapter 259, Laws of 2013 (SHB 1629); RCW 18.88B.035

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 12/19/2013

**NAME** (type or print)

Jessica Todorovich for John Wiesman, DrPH, MPH

**SIGNATURE**

for John Wiesman, DrPH, MPH

**TITLE**

Deputy Secretary for Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 20, 2013**

**TIME: 3:18 PM**

**WSR 14-02-028**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of Health

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Kendra Pitzler	111 Israel Rd SE, Tumwater, WA 98501	(360) 236-4723
Implementation....Kendra Pitzler	111 Israel Rd SE, Tumwater, WA 98501	(360) 236-4723
Enforcement.....Kendra Pitzler	111 Israel Rd SE, Tumwater, WA 98501	(360) 236-4723

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(c), a SBEIS is not required for proposed rules that adopt or incorporate by reference, without material change, federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(iii) exempts rules that adopt or incorporate by reference, without material change, federal statutes or regulations, Washington state law, the rules of other Washington state agencies, or national consensus codes that generally establish industry standards.

## REQUIREMENTS FOR A PROVISIONAL CERTIFICATION

### NEW SECTION

#### **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 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 days from the applicant's date of hire as a long-term care worker. The applicant must stop working on the two hundred sixtieth day of employment if the certification has not been granted for any reason.

(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.

(7) Provisional certifications will not be issued after March 1, 2016.