



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. Proposing amending the rule to remove an expiration date for training and certification exemption for certain long-term care workers.

Hearing location(s): Town Center 2
Conference Room 158
111 Israel Road SE
Tumwater, WA 98501

Date: 01/14/16

Time: 9:30am

Submit written comments to:

Name: Stacey Saunders
Address: PO Box 47852
Olympia WA 98504-7852
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax (360)236-4901 by (date) 01/14/2016

Assistance for persons with disabilities: Contact

Stacey Saunders by 01/04/2016

TTY (800) 833-6388 or () 711

Date of intended adoption: 01/21/2016

(Note: This is NOT the effective date)

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

The proposed rule is intended to implement House Bill (HB) 1531 (Chapter 152, Laws of 2015). The proposed change removes the end date for issuing provisional certifications for certain long-term care workers.

Reasons supporting proposal:

The department proposes the revisions to comply with HB 1531, which removed an expiration date for training and certification exemptions for certain long-term care workers.

Statutory authority for adoption:

RCW 18.88B.060

Statute being implemented:

RCW 18.88B.035; HB1531 (Chapter 152, Laws of 2015)

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 30, 2015

TIME: 5:51 PM

WSR 15-24-091

DATE 11/24/2015

NAME (type or print)

John Wiesman, DrPH, MPH

SIGNATURE

, DrPH, MPH

TITLE

Secretary of Health

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

None.

Name of proponent: (person or organization) Washington State Department of Health

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Stacey Saunders	111 Israel Road SE, Tumwater WA 98501	(360) 236-2813
Implementation.... Stacey Saunders	111 Israel Road SE, Tumwater WA 98501	(360) 236-2813
Enforcement..... Dave Magby	111 Israel Road SE, Tumwater WA 98501	(360) 236-4660

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)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

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.))~~