

**Significant Legislative Rule Analysis.**  
**WAC 246-841-530 through WAC 246-841-585**  
**Alternative Training for Home Care Aide-Certified and**  
**Medical Assistant-Certified**  
**January 13, 2011.**

**Section 1. What is the scope of the rule?**

Engrossed Substitute Senate Bill (ESSB) 6582 (2010) requires the Nursing Care Quality Assurance Commission (commission) to adopt rules establishing criteria for alternative training programs for existing home care aides-certified and medical assistants-certified to complete so they may be eligible to qualify to take the nursing assistant-certified (NAC) competency evaluation. The proposed rules will enable existing home care aides-certified and medical assistants-certified to take an alternative 24-hour training program (the standard nursing assistant training program is 121-hours of classroom and clinical training). Upon completion of the alternative training and competency evaluation, applicants are eligible to obtain a NAC credential. The rules recognize and do not duplicate relevant training and experience. They also provide for career advancement opportunities.

There are currently 42,664 NAC's in Washington State. Home care aide is a new profession. The Department of Health (department) will begin regulating home care aides in 2011. The title "Medical Assistant" is a working title for health care workers. Washington does not currently issue a credential to medical assistants. There are, however, some Washington schools offering medical assistant degrees. The department does not have a tally or count of the number of people that have graduated with a medical assistant degree. Currently, those students must hold some other health care credential in order to work in the medical field.

**Section 2. What are the general goals and specific objectives of the proposed rule's authorizing statute?**

RCW 18.88A.087 requires the commission to adopt criteria for evaluating an applicant's alternative training. The commission is to determine the applicant's eligibility to take the competency evaluation for nursing assistant certification. At least one option adopted by the commission must allow an applicant to take the competency evaluation if he or she:

- (a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or
- (ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the commission; and
- (b) Has successfully completed twenty-four hours of training that the commission determines is necessary to provide training equivalent to approved training. The training shall address topics not addressed in the training specified for certification as a home care aide or

medical assistant, as applicable. In the commission's discretion, a portion of these hours may include clinical training.

The goal of the proposed rules is to provide continued opportunity for recruitment and career advancement in nursing. The rules recognize relevant training, and maintain a single standard for competency. The proposed rules will provide opportunity for completion of the alternative training. The applicant may then qualify to complete a competency evaluation. Successful passage of the competency evaluation would then allow the student to become an NAC. The student would then be able to enroll in a nursing education program. The legislation requires the alternative program to include no more than 24- hours of training.

### **Section 3. What is the justification for the proposed rule package?**

The proposed rules will achieve the authorizing statute's goals and objectives by:

- Establishing alternative program requirements for obtaining the 24 hours of additional education required to meet the NAC level of training.
- Establishing a process for approval or denial of alternative programs and a process to appeal a conditional approval or denial.
- Establishing a process, requirements and fees for graduates of alternative programs applying for an NAC.

The commission has completed an assessment. The commission determined there are no feasible alternatives to rulemaking. If these rules are not adopted, the commission would not be complying with the legislation.

As part of the commission's research for rule writing they analyzed the NAC curriculum. The research included an in depth look at the home care aide training. It also included review of the national medical assistant training. The training was compared to the NAC training to identify gaps in training and skill development. Alternative training programs have to address these gaps in their required training program curriculum. For example, home care aides may have to complete additional training in the use of prosthetic devices or measuring vital signs. Medical assistants may have to complete additional training in bathing and measuring fluids.

### **Section 4. What are the costs and benefits of each rule included in the rules package? What is the total probable cost and benefit of the rule package?**

#### **A. Identification of total number of rules in package .**

#### **New Sections:**

**WAC 246-841-530 Alternative program – Purpose.**

**WAC 246-841-535 Alternative program – Definitions.**

**WAC 246-841-545 Home care aides-certified alternative program requirements.**

**WAC 246-841-550 Medical assistant-certified alternative program requirements.**

**WAC 246-841-555 Responsibilities of the program director in alternative programs.**

**WAC 246-841-560 Alternative program application for approval, denial or withdrawal.**

**WAC 246-841-570 Record keeping and administrative procedures for approved alternative programs.**

**WAC 246-841-573 Closure of an alternative program.**

**WAC 246-841-575 Alternative program – Eligibility to complete the nursing assistant-certified competency examination.**

**WAC 246-841-578 Application requirements.**

**WAC 246-841-585 Application for nursing assistant-certified from an alternative program.**

## 2. Non-Significant Rule Identification Table.

**Table 1: Non-Significant Rule Identification.**

#	WAC Section.	Section Title.	Section Subject.	Reason.
1	WAC 246-841-530.	Purpose.	Gives applicants some history of the legislation.	Clarifies language without changing its effect.
2	WAC 246-841-535.	Definitions.	Clarifies the meaning of common terms used throughout the rules.	Clarifies language without changing its effect.
3	WAC 246-841-578	Application Requirements	Summarizes the criteria to be eligible to apply for the nursing assistant-certified.	Costs and benefits are analyzed throughout the respective sections below.

## 3. Significant Rule Analysis.

### **A. WAC 246-841-545. Home care aide-certified alternative program --Requirements.**

**Rule Overview.** This rule establishes minimum criteria for a facility to obtain approval for offering an alternative training program for individuals that are credentialed as home care aide-certified to become a NAC. The rule outlines the course content, the forms required and documentation.

**Rule Cost/Benefit Analysis.** The proposed rule allows schools to develop a new alternative training program that meets the requirements to complete a nursing assistant-certified competency evaluation while also recognizing relevant training already acquired by those credentialed as home care aide-certified. Note: Schools are not mandated to develop or offer an alternative training program.

The commission conducted a survey to determine estimated costs of creating an alternative training program for home care aids and medical assistants. The commission sent a survey to 450 individuals on the DSHS list serv. This listserv is composed of individuals and schools affiliated with existing NAC training programs. The survey asked participants to provide costs to develop the program, including salaries, materials, supplies, equipment and “other”

costs. Nineteen facilities replied to the survey and provided cost estimates. Seventeen of the nineteen respondents provided costs that ranged from \$250 plus unknown costs for textbooks, supplies and videos to \$5,000. There were also two respondents with substantially higher costs estimates (\$16,900 and \$29,700) that the commission considers outliers.

The benefit of this rule is the establishment of a process for facilities and schools to develop a comprehensive alternative training program that will help students obtain a nursing assistant certified license. In addition to obtaining the license that will enable a student to work in the nursing field, the license also will help a nurse get accepted into a higher degree nursing program, if they elect to pursue an additional license.

#### **B. WAC 246-841-550. Medical assistant-certified alternative program requirements.**

**Rule Overview.** This rule establishes minimum criteria for a facility to obtain approval for offering an alternative training program for medical assistants-certified so that they may qualify to become a nursing assistant-certified. The rule outlines the course content, the forms required and documentation.

**Rule Cost/Benefit Analysis.** The proposed rule allows schools to develop a new alternative training program that meets the requirements to complete a nursing assistant-certified competency evaluation. It also recognizes relevant training already acquired by those practicing as medical assistant-certified.

The costs associated with creating an alternative training program are the same as the costs to create the alternative training program for home care aids identified above (WAC 246-841-550).

The benefit of this rule is the establishment of a process for facilities and schools to develop a comprehensive alternative training program that will help students obtain a nursing assistant certified license. In addition to obtaining the license that will enable a student to work in the nursing field, the license also will help a nurse get accepted into a higher degree nursing program, if they elect to pursue an additional license.

#### **C. WAC 246-841-555. Responsibilities of the program director in alternative programs.**

**Rule Overview.** This rule establishes the areas of responsibility for program directors. This rule helps program directors meet the requirements for approval of a new alternative program. Responsibilities range from overseeing development of the curriculum, verifying that prospective students are eligible to enter the program, supervising instructors, direct supervision of students during clinical experience and establishing an evaluation process to assess if the student has mastered the required competencies.

**Rule Cost/Benefit Analysis.** The benefit of this rule is that it clearly identifies the responsibilities for the program director. The program director will be able to develop an alternative training program with the knowledge of these requirements. The cost to comply

with the program director responsibilities are included in the program development costs identified in the sections above.

**D. WAC 246-841-560. Alternative program application for approval, denial or withdrawal.**

**Rule Overview.** This rule requires applicants to submit a completed application, provided by the department, for program approval. The rule also identifies the process for applicants to appeal if the commission has denied their application.

**Rule Cost/Benefit Analysis.** The commission's assumption is that it will take several hours for a program director to complete the application. The cost of completing this application is included in the program development costs identified above.

**E. WAC 246-841-570. Record keeping and administrative procedures for approved alternative programs.**

**Rule Overview.** The proposed rule requires schools to refer to WAC 246-841-510 for details on record keeping and administrative procedures. The referenced rule includes details about a file on each student, recording data in the file and recording a checklist for each student.

**Rule Cost/Benefit Analysis** – The commission's assumption is that schools and facilities that intend to offer this training program already have the mechanisms in place for keeping records for each student. Thus, this activity would not be a burden. There would be a nominal cost for maintaining the records over five years depending on the schools current retention schedule for records. The benefit is that schools will be assured to maintain adequate records.

**F. WAC 246-841-573. Closure of an alternative program.**

**Rule Overview.** The proposed rule outlines the responsibility of the school to notify the commission if it intends to close an approved alternative program.

**Rule Cost/Benefit Analysis** – The commission's assumptions is the cost to provide notification is minimal. The benefit is the commission has up-to-date records of schools that are operating.

**G. WAC 246-841-575. Alternative program – Eligibility to complete the nursing assistant-certified competency examination.**

**Rule Overview.** The proposed rule outlines the requirements for an applicant to be eligible to complete the nursing assistant certified competency examination which includes the requirement for the applicant to 1) be a home care aide-certified or a graduate of a medical assistant-certified program, 2) submit evidence that they completed a cardiopulmonary resuscitation (CPR) course, 3) submit evidence that they completed a seven hour AIDS prevention course and 4) take and pass the competency evaluation.

**Rule Cost/Benefit Analysis** –The cost to complete the CPR class could range from no cost to \$55. Students can take a CPR class from several providers. Currently, the Red Cross offers a free CPR class. Students can also take the seven hour AIDS prevention course on line at no cost. Lastly, the commission acknowledges that students will have to pay the cost of the training, but the cost of this training is unknown at this time and not identified in this analysis.

The benefit if the rule is that it identifies the minimum criteria to be for a prospective applicant to obtain the needed skills and experience to offer typical NAC services safely .

#### **H. WAC 246-841-585. Application for nursing assistant-certified from an alternative program.**

**Rule Overview.** The proposed rule outlines the documents an applicant must file when they submit their application for NAC. The application must be completed and include the following:

- Copy of certificate of completion of an alternative program;
- Documentation verifying home care aide-certified or medical assistant-certified;
- Copy of adult cardiopulmonary resuscitation course (CPR) course;
- Applicable fees;
- Evidence of completion of seven hours of AIDS prevention.

**Rule Cost/Benefit Analysis** – The commission assumes it will take applicants one to several hours to complete the application. The application fee is \$48.

The benefit of this rule is that students will understand what is needed at a minimum to apply to the alternative NAC program. This expands the opportunities for home care aides-certified and medical assistant-certified to become a NAC.

#### **4. Rule Package Cost-Benefit Conclusion.**

As the analysis above indicates, however, these rules create well run, comprehensive training programs where students will become eligible to pursue becoming a NAC. These new programs will result in an increase in the number of health care workers available to work with the public. Students that elect to take the alternative program will have to pay the course fee, but they will

also increase their chance of being accepted into nursing programs. Nursing schools are difficult to get into if a student is not already a NAC.

**Section 5. What alternative versions of the rule did we consider? Is the proposed rule the least burdensome approach?**

**Descriptions of alternatives considered:**

Legislation requires the commission to develop these rules. No other alternatives to rule writing were pursued. During the rules writing workshops the commission did make modifications for the AIDS requirement. Home care aide-certified already have an AIDS training requirement so this was not added to the alternative program requirement.

The commission looked at the current training curriculum for home care aide-certified and medical assistant-certified. In the requirements for an alternative program only the missing education is required. No duplication of training is required. This saves the applicant from additional expenses for training.

**Section 6. Did you determine that the rule does not require anyone to take an action that violates another federal or state law?**

The rules do not require anyone to take an action that violates requirements of federal or state law.

**Section 7. Did we determine the rule does not impose more stringent performance requirements on private entities than on public entities? Is the difference required in federal or state law?**

The proposed rules do not impose more stringent performance requirements on private entities than on public entities. All applicants are individuals.

**Section 8. Did you determine if the rules differ from any federal regulation or applicable statute? If so, did we determine the difference is justified by an explicit state statute? Was there substantial evidence the difference is necessary?**

The rules do not differ from any applicable federal regulation or statute.

**Section 9. Did we demonstrate that the rule has been coordinated, to the maximum extent possible, with other federal, state, and local laws applicable to the same activity or subject matter?**

There are no other applicable laws.