



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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FILED

DATE: July 07, 2023

TIME: 1:25 PM

WSR 23-15-019

Agency: Department of Health

Subject of possible rule making: The Department of Health (department) is considering rulemaking to implement legislation to increase the home care aide workforce. Amending WACs 246-980-010, 246-980-025, 246-980-040, 246-980-100, 246-980-110, 246-980-115, and 246-980-140 and possibly creating new rule sections in Chapter 246-980 WAC, Home care aide rules. The department is considering amending Chapter 246-980 WAC to align with statutory changes and implement Engrossed Second Substitute House Bill (E2SHB) 1694 (Chapter 424, Laws of 2023) and Engrossed Second Substitute Senate Bill (E2SSB) 5278 (Chapter 323, Laws of 2023), both passed in the 2023 legislative session. These bills address date of hire, the home care aide workforce, certification examinations, and other aspects of the profession.

This rulemaking will also continue discussions with interested parties and rulemaking work done under WSR 21-16-100 to implement Engrossed Substitute House Bill (ESHB) 1120 (Chapter 203, Laws of 2021) on how to implement multiple dates of hire.

The department may also consider changes to update, streamline, or clarify the rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 18.88B.060, RCW 18.88B.021, RCW 18.88B.031, and RCW 18.88B.041

Reasons why rules on this subject may be needed and what they might accomplish:

E2SHB 1694 amended RCW 18.88B.010 to define date of hire and RCW 18.88B.021 to define multiple dates of hire. E2SHB 1694 also created a new section in chapter 18.88B RCW on renewing and/or reinstating an expired credential, created a new section in chapter 18.88B RCW to allow a free renewal for those with a credential expired more than six months and less than two years effective from September 1, 2023 and expiring July 1, 2025, and made additional changes to Department of Social and Health Services (DSHS) statutes.

E2SSB 5278 amended RCW 18.88B.031 to remove the requirement that training be completed before taking the certification examination and expanded when the certification examination can be taken.

The department, in alignment with the intent of E2SHB 1694 and E2SSB 5278, is considering ways to reduce barriers to entering and remaining in the home care aide workforce, including streamlining the certification examination and the certification process

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The department has statutory authority over home care aide certification, while DSHS has statutory authority over training. The department and DSHS coordinate closely with each other and other interested parties to ensure proposed rules align, meet the needs of both professions, and protect clients and their families.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Collaborative

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Tracie Drake Address: PO Box 47850 Olympia, WA 98504-7850 Phone:(360) 480-7479 Fax: N/A TTY: 711 Email: tracie.drake@doh.wa.gov Web site: www.doh.wa.gov Other:	(If necessary) Name: Address: Phone: Fax: TTY: Email: Web site: Other:
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Additional comments: Rulemaking notices will be mailed via GovDelivery. To receive notices, interested persons may contact Tracie Drake or sign up by going to: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions," then check the box next to "Home Care Aides."

Date: 7/7/23
Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH
Title: Chief of Policy for Secretary of Health

Signature:
