

Chapter 246-980 WAC

HOME CARE AIDE RULES

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WAC

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WAC 246-980-010 Definitions. The definitions in this section and in RCW 74.39A.009 apply throughout this chapter unless the context clearly requires otherwise.

(1) "Activities of daily living" means self-care abilities related to personal care such as bathing, body care, bed mobility, eating, locomotion, medication assistance, use of the toilet, personal hygiene, dressing, and transfer. ~~Activities of daily living include instrumental activities of daily living.~~

(2) "Date of hire" means:

(a) The date of service authorization for individual providers hired by the department of social and health services, or-

(b) The date the long-term care worker is paid-hired by any employer, other than the department of social and health services, to provide direct care.

(c) The date of hire is specific to each long-term care worker, not to the employer, and does not change if a long-term care worker changes employers. If a long-term care worker is employed by both the department of social and health services and another employer, the earliest date of hire will be the date of hire for that worker.

(3) "Department" means the department of health.

(4) "Direct care worker" means a paid caregiver who provides hands-on personal care services to individuals with disabilities or the elderly requiring long-term care.

(5) "Instrumental activities of daily living" means routine activities performed in the home or the community such as meal preparation, shopping, house cleaning, laundry, maintaining employment, travel to medical services, use of the telephone, and management of personal finances.

(6) "Landlord" refers to having a formal, written lease agreement between the lessor and leasee. It does not apply to situations in which co-habitants voluntarily contribute financially to household expenses without a lease agreement.

(6) "Medication assistance" has the same meaning as WAC 246-888.

(7) "Secretary" means the secretary of the department of health.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-010, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-010, filed 7/20/10, effective 1/1/11.]

REQUIREMENTS FOR LONG-TERM CARE WORKERS THAT ARE REQUIRED TO BE CERTIFIED AS A HOME CARE AIDE

ers and home care aide certification? (1) Any person who is hired on or after January 7, 2012, as a long-term care worker for the elderly or persons with disabilities, regardless of the employment title, must obtain certification as a home care aide. This includes, but is not limited to:

(a) An individual provider of home care services who is reimbursed by the state;

(b) A direct care employee of a home care agency;

(c) A provider of home care services to persons with developmental disabilities under Title 71A RCW;

(d) A direct care worker in a state licensed assisted living facility;

(e) A direct care worker in a state licensed adult family home;

(f) A respite care provider who is reimbursed by the state or employed by a private agency or facility licensed by the state to provide personal care services; and

(g) Any other direct care workers providing home or community-based services to the elderly or persons with developmental disabilities.

WAC 246-980-025 Individuals exempt from obtaining a home care aide certification Who is exempt from obtaining a home care aide certification?

~~(2) A long-term care worker who meets the requirements in subsection (1) of this section but is exempted under WAC 246-980-070 is not required to obtain certification.~~ (1) The following individuals are not required to obtain certification as a home care aide. If they choose to voluntarily become certified, they must successfully pass the entry level training required by RCW 74.39A.074, successfully complete the home care aide certification examination and meet all other requirements of WAC 246-980-040(1)(c) and (d).

(a) An individual provider caring only for a biological, step, or adoptive child or parent.

(b) An individual provider who provides twenty hours or less of care for one person in any calendar month.

(c) An individual employed by a community residential service provider.

(d) 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.

(e) A direct care employee who is not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

(f) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

(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 successfully pass the home care aide certification examination and meet all other requirements of WAC 246-980-025(1)(c) and (d). 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 one hundred twenty calendar days of the date of hire and that the nursing assistant-certified credential has been issued within two hundred calendar days of the date of hire.

(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 over three years.

The department may require the exempt long-term care worker who is employed 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 ac-

cepted directly from the approved instructor or training program, if applicable. 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.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-020, filed 9/18/13, effective 10/19/13. Statutory Authority: 2012 c 1 (Initiative 1163) and chapter 18.88B RCW. WSR 12-08-043, § 246-980-020, filed 3/30/12, effective 4/4/12. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-020, filed 7/20/10, effective 1/1/11.]

WAC 246-980-030 ~~Can a nonexempt long-term care worker work be-~~
~~fore~~Working while obtaining certification as a home care aide? (1) A
~~nonexempt~~ long-term care worker may provide care before receiving cer-
tification as a home care aide if all the following conditions are
met:

(a) Before providing care, the long-term care worker must com-
plete 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) The long-term care worker may not work for more than two hundred calendar days from their date of hire without obtaining certification.

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

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-030, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-030, filed 7/20/10, effective 1/1/11.]

WAC 246-980-040 Certification Requirements ~~What must a nonexempt long-term care worker do to be eligible for a home care aide certification and what documentation is required?~~ (1) To qualify for certification as a home care aide, the applicant must:

(a) Successfully complete all training required by RCW 74.39A.074(1) within one hundred twenty calendar days of the date of hire as a long-term care worker.

(b) A long-term care worker who has not completed the training within one hundred twenty calendar days is:

(1) no longer eligible to provide care until they complete the required training or certification as a home care aide has been granted; and

(2) Must become certified within two hundred days of the date of hire.

~~_(a) Successfully complete the entry level training required by RCW 74.39A.074(1) before taking the examination;~~

~~(cb)~~ Successfully pass the home care aide certification examination, after completing training; and

~~(de)~~ Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8. This is included in the basic training requirements in WAC 388-71-0906 and 388-112-0053.

~~(2) An applicant must submit directly to the examination contractor:~~

~~(a) A completed application for examination provided by the examination contractor; and~~

~~(b) The fee required by the examination contractor.~~

(23) An applicant must submit to the department:

(a) A completed application for both certification and the examination on forms provided by the department;

(b) The required fees; and

(c) A certificate of completion from an approved training program indicating that the applicant has successfully completed the entry level training required by RCW 74.39A.074. The certificate of completion or other official verification may also be submitted directly from the approved instructor or training program.

(34) An applicant must submit to a state and federal background check as required by RCW 74.39A.056.

(4) Applicants exempt from certification by 246-980-025(2) who voluntarily choose to be certified must provide documentation they qualify for the exemption, but do not have to take the training required in (1)(a) or provide proof of training completion to the department.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-040, filed 9/18/13, effective 10/19/13. Statutory Authority: 2012 c 1 (Initiative 1163) and chapter 18.88B RCW. WSR 12-08-043, § 246-980-040, filed 3/30/12, effective

4/4/12. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-040, filed 7/20/10, effective 1/1/11.]

~~WAC 246-980-050 How long does a nonexempt long-term care worker have to complete the home care aide training and certification requirements? (1) Training:~~

~~(a) A long-term care worker must successfully complete all training required by RCW 74.39A.074(1) within one hundred twenty calendar days of the date of hire as a long-term care worker.~~

~~(b) A long-term care worker who has not completed the training within one hundred twenty calendar days is no longer eligible to provide care until certification as a home care aide has been granted.~~

~~(2) Certification: A long-term care worker who has not been issued a home care aide certification within two hundred calendar days of the date of hire must stop providing care until the certification has been granted.~~

~~[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-050, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-050, filed 7/20/10, effective 1/1/11.]~~

~~WAC 246-980-060 How does a nonexempt home care aide renew a certification or reinstate an expired certification? (1) To renew a home care aide certification:~~

~~(a) Certificates must be renewed every year by the home care aide's birthday as provided in chapter 246-12 WAC, Part 2.~~

~~(b) Verification of twelve hours of continuing education as required by RCW 74.39A.341 and WAC 246-980-110 must accompany the certification renewal.~~

~~(2) To reinstate an expired certification:~~

~~(a) If the certification has been expired for less than three years, the applicant must submit proof of twelve continuing education hours as required by RCW 74.39A.341 and WAC 246-980-110 for each year it has been expired, and meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(b) If the certification has been expired for three years or more, the applicant must successfully repeat the training and examination requirements in WAC 246-980-040 and meet the requirements of chapter 246-12 WAC, Part 2.~~

~~[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-060, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-060, filed 7/20/10, effective 1/1/11.]~~

REQUIREMENTS FOR A PROVISIONAL CERTIFICATION

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.

[Statutory Authority: 2013 c 259 and RCW 18.88B.035. WSR 14-09-002, § 246-980-065, filed 4/3/14, effective 5/4/14.]

~~REQUIREMENTS FOR LONG-TERM CARE WORKERS EXEMPT FROM CERTIFICATION AS A
HOME CARE AIDE~~

~~WAC 246-980-070 Who is 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 must successfully pass the entry level training required by RCW 74.39A.074, successfully complete the home care aide certification examination and meet all other requirements of WAC 246-980-080(1).~~

~~(a) An individual provider caring only for a biological, step, or adoptive child or parent.~~

~~(b) An individual hired prior to July 1, 2014, as an individual provider who provides twenty hours or less of care for one person in~~

~~any calendar month. An individual provider hired after July 1, 2014, will be required to complete the required training and obtain certification.~~

~~(c) An individual employed by a community residential service provider.~~

~~(d) 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.~~

~~(e) A direct care employee who is not paid by the state or by a private agency or facility licensed by the state to provide personal care services.~~

~~(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 successfully pass the home care aide certification examination and meet all other requirements of WAC 246-980-080(2). 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 one hundred twenty calendar days of the date of hire and that the nursing assistant-certified credential has been issued within two hundred calendar days of the date of hire.~~

~~(d) An individual with special education training and an endorsement granted by the superintendent of public instruction under RCW 28A.300.010.~~

~~(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 over three years.~~

~~The department may require the exempt long-term care worker who is employed between January 1, 2011, and January 6, 2012, to provide proof of that employment. Proof may include a letter or similar docu-~~

~~mentation 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. 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.~~

~~{Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-070, filed 9/18/13, effective 10/19/13. Statutory Authority: 2012 c 1 (Initiative 1163) and chapter 18.88B RCW. WSR 12-08-043, § 246-980-070, filed 3/30/12, effective 4/4/12. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-070, filed 7/20/10, effective 1/1/11.}~~

~~**WAC 246-980-080 How does an exempt individual apply for certification as a home care aide?** (1) An individual exempt from certification under WAC 246-980-070(1) may apply for certification as a home care aide as follows:~~

~~(a) To qualify for certification as a home care aide, the applicant must:~~

~~(i) Successfully complete entry level training as required by RCW 74.39A.074 before taking the examination;~~

~~(ii) Successfully pass the home care aide certification examination; and~~

~~(iii) Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8. This is included in the basic training requirements in WAC 388-71-0906 and 388-112-0053.~~

~~(b) An applicant must submit directly to the examination contractor:~~

~~(i) A completed application for examination provided by the examination contractor; and~~

~~(ii) The fee required by the examination contractor.~~

~~(c) An applicant must submit to the department:~~

~~(i) A completed application for certification on forms provided by the department;~~

~~(ii) The required fee; and~~

~~(iii) A certificate of completion from an approved training program signed by a department of social and health services approved instructor. The certificate must indicate that the applicant has successfully completed the entry level training as required by RCW~~

~~74.39A.074(1). The certificate of completion may also be submitted directly from the approved instructor or training program.~~

~~(d) An applicant must submit to a state and federal background check as required by RCW 74.39A.056.~~

~~(2) A long-term care worker exempt from certification under WAC 246-980-070(2) may apply for certification as a home care aide as follows:~~

~~(a) To qualify for certification as a home care aide, the applicant must:~~

~~(i) Successfully complete the home care aide certification examination; and~~

~~(ii) Complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8. This is included in the basic training requirements in WAC 388-71-0906 and 388-112-0053.~~

~~(b) An applicant must submit directly to the examination contractor a completed application for examination and the fee required by the examination contractor.~~

~~(c) An applicant must submit to the department:~~

~~(i) A completed application for certification on forms provided by the department; and~~

~~(ii) Proof the individual qualifies for exemption under WAC 246-840-070(2); and~~

~~(iii) The required fee.~~

~~(d) An applicant must submit to a state and federal background check as required by RCW 74.39A.056.~~

~~{Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-080, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-080, filed 7/20/10, effective 1/1/11.}~~

~~**WAC 246-980-090 How does an exempt home care aide renew a home care aide certification or reinstate an expired home care aide certification?** (1) To renew a home care aide certification:~~

~~(a) Certificates must be renewed every year by the home care aide's birthday as provided in chapter 246-12 WAC, Part 2.~~

~~(b) Verification of twelve hours of continuing education as required by RCW 74.39A.341 and WAC 246-980-110 must accompany the certification renewal.~~

~~(2) To reinstate a certification that has been expired for less than three years, the applicant must submit proof of twelve continuing education hours as required by RCW 74.39A.341 and WAC 246-980-110 for~~

~~each year it has been expired, and meet the requirements of chapter 246-12 WAC, Part 2.~~

~~(3) To reinstate a certification that has been expired for three years or more:~~

~~(a) A long-term care worker exempt from certification under WAC 246-980-070(1) must:~~

~~(i) Submit proof that the applicant has worked at least eight hours as a long-term care worker within the last three years and submit twelve hours of continuing education per year as required by RCW 74.39A.341 and WAC 246-980-110; or~~

~~(ii) Successfully repeat the training and examination requirements in WAC 246-980-080(1).~~

~~(b) A long-term care worker exempt from certification under WAC 246-980-070(2) must:~~

~~(i) Submit proof that the applicant has worked at least eight hours as a long-term care worker within the past three years and submit twelve hours of continuing education per year as required by RCW 74.39A.341 and WAC 246-980-110; or~~

~~(ii) Successfully repeat the certification examination requirements in WAC 246-980-080(2).~~

~~[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-090, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-090, filed 7/20/10, effective 1/1/11.]~~

GENERAL REQUIREMENTS FOR THE APPLICATION FOR HOME CARE AIDE CERTIFICATION BY BOTH REQUIRED AND VOLUNTARY HOME CARE AIDES

WAC 246-980-100 Examination and reexamination for home care aide certification. (1) The certification examination will consist of both a written knowledge test and a skills demonstration.

(2) The certification examination will test the core competencies, including but not limited to 7:

- (a) communication skills,
- (b) worker self-care,
- (c) problem solving,
- (d) maintaining dignity,
- (e) consumer directed care,
- (f) cultural sensitivity,
- (g) body mechanics,
- (h) fall prevention,
- (i) skin and body care,
- (j) home care aide roles and boundaries,

(k) supporting activities of daily living, and

(l) food preparation and handling.

(3) Applicants apply to take the examination by completing the application for both certification and the examination and returning it to the department. The department will notify the examination contractor once an applicant meets all requirements to take the certification examination. ~~An applicant must apply directly to the examination contractor to take the examination.~~

(4) The examination contractor will notify an applicant of the date, time, and place of the examination.

(5) The examination contractor will notify both the department and an applicant of the examination results.

(a) An applicant who does not successfully pass any portion of the examination can follow the examination contractor's procedures for review and appeal.

(b) An applicant who does not successfully pass any portion of the examination may retake that portion of the examination two times.

(i) To retake the examination, an applicant must submit an application for reexamination, along with the required reexamination fee directly to the examination contractor.

(ii) An application for reexamination may be submitted any time after an applicant receives notice of not successfully completing any portion of the certification examination.

(c) An applicant who does not successfully pass both portions of the certification examination within two years of successfully completing the required training or who does not successfully pass both portions of the certification examination after completing the certification examination three consecutive times:

(i) Must retake and successfully complete the core competencies portion of the entry-level training as required by RCW 74.39A.074 before retaking both portions of the certification examination; and

(ii) Cannot continue to provide care as a long-term care worker until the certification has been issued.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-100, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-100, filed 7/20/10, effective 1/1/11.]

WAC 246-980-110 Continuing education. (1) A home care aide must demonstrate completion of twelve hours of continuing education per year as required by RCW 74.39A.341. The required continuing education

must be obtained during the period between renewals. Continuing education is subject to the provisions of chapter 246-12 WAC, Part 7.

(2) Verification of completion of the continuing education requirement is due upon renewal. If the first renewal period is less than a full year from the date of certification, no continuing education will be due for the first renewal period.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-110, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-110, filed 7/20/10, effective 1/1/11.]

WAC 246-980-115 Renew/Reinstate expired certification. (1) To

renew a home care aide certification:

(a) Certificates must be renewed every year by the home care aide's birthday as provided in chapter 246-12 WAC, Part 2.

(b) Verification of twelve hours of continuing education as required by RCW 74.39A.341 and WAC 246-980-110 must accompany the certification renewal.

(2) To reinstate an expired certification:

(a) If the certification has been expired for less than three years, the applicant must submit proof of twelve continuing education hours as required by RCW 74.39A.341 and WAC 246-980-110 for each year it has been expired, and meet the requirements of chapter 246-12 WAC, Part 2.

(b) If the certification has been expired for three years or more, the applicant must successfully repeat the training and examination requirements in WAC 246-980-040 and meet the requirements of chapter 246-12 WAC, Part 2.

(c) Applicants previously exempt from certification by 246-980-025(2) who voluntarily choose to be certified do not have to complete training to reinstate a certification expired over three years so long as they continue to be exempt under 246-980-025(2) at the time of re-applying.

WAC 246-980-120 Home care aide—Application—Conviction data—
Criteria for denial or conditional license. (1) An applicant who has any criminal history may be denied certification or may be granted certification with conditions pursuant to RCW 18.130.055.

(2) In determining whether to deny certification or grant certification with conditions due to an applicant's criminal history, the department may consider, but is not limited to, the following factors:

(a) The severity of the crime as classified under law;

(b) The number of convictions and whether the applicant has exhibited a pattern of criminal conduct;

(c) The amount of time elapsed since the date of conviction or the date of offense;

(d) The amount of time the applicant has spent in the community after release from custody;

(e) Whether any conviction is listed by the department of social and health services as a disqualifying crime, including those offenses listed in RCW 43.43.830 (5), (6), or (7);

(f) Whether the applicant has complied with court-ordered conditions such as treatment, restitution, or other remedial or rehabilitative measures;

(g) Other remediation or rehabilitation by the applicant subsequent to the conviction date;

(h) Whether the applicant disclosed the conviction on the certification application; and

(i) Any other factor relating to the applicant's ability to practice as a home care aide with reasonable skill and safety.

(3) A long-term care worker disqualified from working with vulnerable persons under chapter 74.39A RCW may not be certified as a home care aide.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-120, filed 9/18/13, effective 10/19/13. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-120, filed 7/20/10, effective 1/1/11.]

WAC 246-980-130 Provision for delegation of certain tasks to a home care aide. (1) A home care aide-certified may perform tasks delegated by a registered nurse for patients in community-based care settings or in-home care settings each as defined in RCW 18.79.260 (3)(e).

(2) Before performing any delegated task a home care aide-certified must show the certificate of completion of the core delegation training from the department of social and health services to the registered nurse delegator.

(3) A home care aide-certified who is performing nurse delegation tasks must comply with all applicable requirements of the nursing care quality assurance commission in WAC 246-840-910 through 246-840-970.

(4) A home care aide-certified, who may be performing insulin injections must show a certificate of completion of diabetic training from the department of social and health services to the registered nurse delegator.

(5) A home care aide-certified must meet any additional training requirements identified by the department of social and health services.

(6) For the purposes of this section, delegated nursing care tasks must be performed:

(a) Only for the specific patient for whom those tasks are delegated;

(b) Only with the patient's consent; and

(c) In compliance with all applicable requirements in WAC 246-840-910 through 246-840-970.

(7) A home care aide-certified may consent or refuse to consent to perform a delegated nursing care task. The home care aide-certified is responsible for his or her own actions with the decision to consent

or refuse to consent and the performance of the delegated nursing care task.

(8) A home care aide-certified must not accept delegation of, or perform, the following nursing care tasks:

(a) Administration of medication by injection, with the exception of insulin injections;

(b) Sterile procedures;

(c) Central line maintenance;

(d) Acts that require nursing judgment.

(9) A person who is working as a long-term care worker but has not received a home care aide certification must have either an active nursing assistant-certified or an active nursing assistant-registered credential issued by the department and comply with WAC 246-841-405.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-130, filed 9/18/13, effective 10/19/13.]

WAC 246-980-140 Scope of practice for long-term care workers. (1)

A long-term care worker performs activities of daily living or activities of daily living and instrumental activities of daily living. A

person performing only instrumental activities of daily living is not acting under the long-term care worker scope of practice.

(a) "Activities of daily living" means self-care abilities related to personal care such as bathing, eating, medication assistance, using the toilet, dressing, and transfer. This may include fall prevention, skin and body care.

(b) "Instrumental activities of daily living" means activities in the home and community including cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(2) A long-term care worker documents observations and tasks completed, as well as communicates observations ~~on the day they were performed to clients, family, supervisors, and, if appropriate, health care providers.~~

(3) A long-term care worker may perform medication assistance as described in chapter 246-888 WAC.

(4) A long-term care worker may perform nurse delegated tasks, to include medication administration, if he or she meets and follows the requirements in WAC 246-980-130.

(5) This subsection applies to all long-term care workers, whether required to be certified or exempt.

[Statutory Authority: Chapters 18.88B and 18.130 RCW, 2012 c 164, and 2013 c 259. WSR 13-19-087, § 246-980-140, filed 9/18/13, effective 10/19/13.]

WAC 246-980-150 Standards of practice. (1) A long-term care worker demonstrates behavior which maintains and respects client and/or resident rights and safety. This includes, but is not limited to, the following:

(a) A long-term care worker may not solicit, accept or borrow money, material or property from client or resident. This subsection does not apply to a long-term care worker who is in an established personal relationship with the client, preexisting the provision of services, where there is no evidence of, or potential for, exploiting the client.

(b) A long term care worker may not accept from a client or resident gifts of value greater than the hourly minimum wage in Washington state at customary gift-giving times such as birthdays or major holidays. This section does not apply to a long-term care worker who is in an established personal relationship with

the client, preexisting the provision of services, where there is no evidence of, or potential for, exploiting the client.

(c) A long-term care worker may not accept, borrow, or take alcohol or drugs, including marijuana, from a client or resident.

(d) A long-term care worker may not ingest any substance, even prescribed medicine, that impacts their ability to perform their job duties during the time a long-term care worker is paid to provide care.

(e) A long-term care worker may not solicit or accept a role that gives them power over a client's or resident's finances, legal matters, property, or healthcare decisions. This includes, but is not limited to, acting as power of attorney, legal guardian, payee, or executor or beneficiary of a will. This section does not apply to a long-term care worker who is in an established personal relationship with the client, preexisting the provision of services, where there is no evidence of, or potential for, exploiting the client.

(f) A long-term care worker may not be the landlord for a client or resident they provide care to. This does not apply to adult family homes licensed by the department of social and health services so long as the adult family home license is active and in good standing. This section does not apply to a long-term care worker who is in an established personal relationship with the client, preexisting the provision of services, where there is no evidence of, or potential for, exploiting the client.

(g) A long-term care worker respects a client's or resident's privacy and does not take or disseminate photos or videos of a client or resident that do not respect the client's or resident's dignity and rights. A long-term care worker must obtain the written permission of the client or resident, or their legal guardian, prior to taking or disseminating photos or videos of the client or resident, unless the long-term care worker is in an established personal relationship with the client, preexisting the provision of services, where there is no evidence of, or potential for, exploiting the client.

WAC 246-980-160 Sexual Misconduct. A long-term care worker may not engage in sexual misconduct as defined in WAC 246-16-100.

WAC 246-980-990 Home care aide certification fees. (1) Certifications must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for home care aide:

Title of Fee	Fee
Application	\$85.00
Certification renewal	85.00
Late renewal penalty	30.00
Expired certification reactivation	30.00
Duplicate certification	15.00
Verification	25.00

[Statutory Authority: RCW 43.70.110, 43.70.250, 43.70.280. WSR 16-05-021 and 15-19-150, § 246-980-990, filed 2/8/16 and 9/22/15, effective 5/1/16. Statutory Authority: Chapters 18.88B and 74.39A RCW. WSR 10-15-103, § 246-980-990, filed 7/20/10, effective 1/1/11.]