
ENGROSSED SUBSTITUTE SENATE BILL 6582

State of Washington

61st Legislature

2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Roach, Zarelli, Prentice, and Kilmer)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to credentialing as a nursing assistant; amending
2 RCW 18.88A.010, 18.88A.020, 18.88A.030, 18.88A.050, 18.88A.060,
3 18.88A.085, and 18.88A.140; adding a new section to chapter 18.88A RCW;
4 creating a new section; and repealing RCW 18.88A.115.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 18.88A.010 and 1991 c 16 s 1 are each amended to read
7 as follows:

8 (1) The legislature takes special note of the contributions made by
9 nursing assistants in health care facilities whose tasks are arduous
10 and whose working conditions may be contributing to the high and often
11 critical turnover among the principal cadre of health care workers who
12 provide for the basic needs of patients. The legislature also
13 recognizes the growing shortage of nurses as the proportion of the
14 elderly population grows and as the acuity of patients in hospitals and
15 nursing homes becomes generally more severe.

16 (2) The legislature finds and declares that:

17 (a) Occupational nursing assistants should have a formal system of
18 educational and experiential qualifications leading to career mobility
19 and advancement. The establishment of such a system should bring about

1 a more stabilized workforce in health care facilities, as well as
2 provide a valuable resource for recruitment into licensed nursing
3 practice.

4 ~~((The legislature finds that))~~ (b) The quality of patient care in
5 health care facilities is dependent upon the competence of the
6 personnel who staff their facilities. To assure the availability of
7 trained personnel in health care facilities the legislature recognizes
8 the need for training programs for nursing assistants.

9 ~~((The legislature declares that))~~ (c) Certified home care aides are
10 a valuable potential source of nursing assistants who will be needed to
11 meet the care needs of the state's growing aging population. To assure
12 continued opportunity for recruitment into nursing practice and career
13 advancement for certified home care aides, nursing assistant training
14 programs should recognize the relevant training and experience obtained
15 by these credentialed professionals.

16 (d) The registration of nursing assistants and providing for
17 voluntary certification of those who wish to seek higher levels of
18 qualification is in the interest of the public health, safety, and
19 welfare.

20 **Sec. 2.** RCW 18.88A.020 and 1994 sp.s. c 9 s 708 are each amended
21 to read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Department" means the department of health.

25 (2) "Secretary" means the secretary of health.

26 (3) "Commission" means the Washington nursing care quality
27 assurance commission.

28 (4) "Nursing assistant" means an individual, regardless of title,
29 who, under the direction and supervision of a registered nurse or
30 licensed practical nurse, assists in the delivery of nursing and
31 nursing-related activities to patients in a health care facility. The
32 two levels of nursing assistants are (a) "nursing assistant-certified,"
33 an individual certified under this chapter, (b) "nursing assistant-
34 registered," an individual registered under this chapter.

35 (5) "Approved training program" means a nursing assistant-certified
36 training program approved by the commission to meet the training
37 requirements of a state-approved nurse aide training and competency

1 evaluation program within the meaning of 42 U.S.C. Sec. 1395i-3(e).
2 For community college, vocational-technical institutes, skill centers,
3 and secondary school as defined in chapter 28B.50 RCW, nursing
4 assistant-certified training programs shall be approved by the
5 commission in cooperation with the board for community and technical
6 colleges or the superintendent of public instruction.

7 (6) "Health care facility" means a nursing home, hospital, hospice
8 care facility, home health care agency, hospice agency, or other entity
9 for delivery of health care services as defined by the commission.

10 (7) "Competency evaluation" means the measurement of an
11 individual's knowledge and skills as related to safe, competent
12 performance as a nursing assistant.

13 (8) "Alternative training" means a nursing assistant-certified
14 program meeting criteria adopted by the commission under section 3 of
15 this act to meet the requirements of a state-approved nurse aide
16 competency evaluation program within the meaning of 42 U.S.C. Sec.
17 1395i-3(e).

18 **NEW SECTION. Sec. 3.** A new section is added to chapter 18.88A RCW
19 to read as follows:

20 (1) The commission shall adopt criteria for evaluating an
21 applicant's alternative training to determine the applicant's
22 eligibility to take a qualifying examination for nursing assistant
23 certification. At least one option adopted by the commission must
24 allow an applicant to take the examination if he or she:

25 (a) Is a certified home care aide pursuant to chapter 18.88B RCW;
26 and

27 (b) Has successfully completed twenty-four hours of training that
28 the commission determines is necessary to provide training equivalent
29 to approved training on topics not addressed in the training specified
30 for certification as a home care aide. In the commission's discretion,
31 a portion of these hours may include clinical training.

32 (2) By January 1, 2011, the commission, in consultation with the
33 secretary and representatives of consumers, workers, and employers,
34 shall adopt rules to implement this section and to provide for
35 credentialing reciprocity to the extent required by this section
36 between home care aide certification and nursing assistant

1 certification. The secretary shall also adopt such rules as may be
2 necessary to implement this section and the credentialing reciprocity
3 program by January 1, 2011.

4 (3) Beginning December 1, 2011, the secretary, in consultation with
5 the commission, shall report annually by December 1st to the governor
6 and the legislature on the progress made in achieving career
7 advancement for certified home care aides into nursing practice.

8 **Sec. 4.** RCW 18.88A.030 and 1995 1st sp.s. c 18 s 52 are each
9 amended to read as follows:

10 (1)(a) A nursing assistant may assist in the care of individuals as
11 delegated by and under the direction and supervision of a licensed
12 (registered) nurse or licensed practical nurse.

13 ((+2)) (b) A health care facility (~~shall~~) may not assign a
14 nursing assistant-registered to provide care until the nursing
15 assistant-registered has demonstrated skills necessary to perform
16 competently all assigned duties and responsibilities.

17 ((+3)) (c) Nothing in this chapter shall be construed to confer on
18 a nursing assistant the authority to administer medication unless
19 delegated as a specific nursing task pursuant to this chapter or to
20 practice as a licensed (registered) nurse or licensed practical nurse
21 as defined in chapter 18.79 RCW.

22 ((+4)) (2)(a) A nursing assistant employed in a nursing home must
23 have successfully obtained certification through: (i) An approved
24 training program and the competency evaluation within four months after
25 the date of employment; or (ii) alternative training and the competency
26 evaluation prior to employment.

27 (b) Certification is voluntary for nursing assistants working in
28 health care facilities other than nursing homes unless otherwise
29 required by state or federal law or regulation.

30 ((+5)) (3) The commission may adopt rules to implement the
31 provisions of this chapter.

32 **Sec. 5.** RCW 18.88A.050 and 1991 c 16 s 6 are each amended to read
33 as follows:

34 In addition to any other authority provided by law, the secretary
35 has the authority to:

1 (1) Set all certification, registration, and renewal fees in
2 accordance with RCW 43.70.250 and to collect and deposit all such fees
3 in the health professions account established under RCW 43.70.320;

4 (2) Establish forms, procedures, and examinations necessary to
5 administer this chapter;

6 (3) Hire clerical, administrative, and investigative staff as
7 needed to implement this chapter;

8 (4) Issue a registration to any applicant who has met the
9 requirements for registration;

10 (5) After January 1, 1990, issue a certificate to any applicant who
11 has met the education, training, competency evaluation, and conduct
12 requirements for certification;

13 (6) Maintain the official record for the department of all
14 applicants and persons with registrations and certificates;

15 (7) Exercise disciplinary authority as authorized in chapter 18.130
16 RCW;

17 (8) Deny registration to any applicant who fails to meet
18 requirement for registration;

19 (9) Deny certification to applicants who do not meet the education,
20 training, competency evaluation, and conduct requirements for
21 certification.

22 **Sec. 6.** RCW 18.88A.060 and 1994 sp.s. c 9 s 710 are each amended
23 to read as follows:

24 In addition to any other authority provided by law, the commission
25 may:

26 (1) Determine minimum nursing assistant education requirements and
27 approve training programs;

28 (2) Prepare, grade, and administer, or determine the nature of, and
29 supervise the grading and administration of, examinations of training
30 and competency for applicants for nursing assistant certification;

31 (~~Determine whether alternative methods of training are~~
32 ~~equivalent to approved training programs, and~~) Establish forms
33 and procedures (~~and criteria~~) for evaluation of an applicant's
34 alternative training (~~to determine the applicant's eligibility to take~~
35 ~~any qualifying examination for certification~~) under criteria adopted
36 pursuant to section 3 of this act;

- 1 (4) Define and approve any experience requirement for nursing
- 2 assistant certification;
- 3 (5) Adopt rules implementing a continuing competency evaluation
- 4 program for nursing assistants; and
- 5 (6) Adopt rules to enable it to carry into effect the provisions of
- 6 this chapter.

7 **Sec. 7.** RCW 18.88A.085 and 2007 c 361 s 9 are each amended to read
8 as follows:

9 (1) After January 1, 1990, the secretary shall issue a nursing
10 assistant certificate to any applicant who demonstrates to the
11 secretary's satisfaction that the following requirements have been met:

12 (a) Successful completion of an approved training program or
13 successful completion of ~~((alternate))~~ alternative training meeting
14 established criteria ~~((approved))~~ adopted by the commission under
15 section 3 of this act; and

16 (b) Successful completion of a competency evaluation.

17 (2) ~~((The secretary may permit all or a portion of the training~~
18 ~~hours — earned — under — chapter — 74.39A — RCW — to — be — applied — toward~~
19 ~~certification under this section.~~

20 ~~(3))~~ In addition, applicants shall be subject to the grounds for
21 denial of certification under chapter 18.130 RCW.

22 **Sec. 8.** RCW 18.88A.140 and 2003 c 140 s 3 are each amended to read
23 as follows:

24 Nothing in this chapter may be construed to prohibit or restrict:

25 (1) The practice by an individual licensed, certified, or
26 registered under the laws of this state and performing services within
27 their authorized scope of practice;

28 (2) The practice by an individual employed by the government of the
29 United States while engaged in the performance of duties prescribed by
30 the laws of the United States;

31 (3) The practice by a person who is a regular student in an
32 educational program approved by the secretary, and whose performance of
33 services is pursuant to a regular course of instruction or assignments
34 from an instructor and under the general supervision of the instructor;

35 (4) A nursing assistant, while employed as a personal aide as

1 defined in RCW 74.39.007 or a long-term care worker as defined in
2 chapter 74.39A RCW, from accepting direction from an individual who is
3 self-directing (~~(their)~~) his or her care.

4 NEW SECTION. Sec. 9. RCW 18.88A.115 (Home care aide certification
5 reciprocity) and 2009 c 580 s 16 & 2009 c 2 s 11 (Initiative Measure
6 No. 1029) are each repealed.

7 NEW SECTION. Sec. 10. If any part of this act is found by an
8 agency of the federal government to be in conflict with federal
9 requirements, including requirements related to the medicare and
10 medicaid programs under the federal social security act, that are a
11 prescribed condition to the allocation of federal funds to the state,
12 the conflicting part of this act is inoperative solely to the extent of
13 the conflict and with respect to the agencies directly affected, and
14 this finding does not affect the operation of the remainder of this act
15 in its application to the agencies concerned. Rules adopted under this
16 act must meet federal requirements, including requirements related to
17 the medicare and medicaid programs under the federal social security
18 act, that are a necessary condition to the receipt of federal funds by
19 the state.

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