

**Chapter 18.88A RCW
NURSING ASSISTANTS**

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RCW 18.88A.010 Legislative declaration. (1) The legislature takes special note of the contributions made by nursing assistants in health care facilities whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of health care workers who provide for the basic needs of patients. The legislature also recognizes the growing shortage of nurses as the proportion of the elderly population grows and as the acuity of patients in hospitals and nursing homes becomes generally more severe.

(2) The legislature finds and declares that:

(a) Occupational nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement. The establishment of such a system should bring about a more stabilized workforce in health care facilities, as well as provide a valuable resource for recruitment into licensed nursing practice.

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

(c) Certified home care aides and medical assistants are a valuable potential source of nursing assistants who will be needed to

meet the care needs of the state's growing aging population. To assure continued opportunity for recruitment into licensed nursing practice and career advancement for certified home care aides and medical assistants, nursing assistant training programs should recognize the relevant training and experience obtained by these credentialed professionals. By taking advantage of the authority granted under the federal social security act to certify nursing assistants through a state-approved competency evaluation program as a federally recognized alternative to the state-approved training and competency evaluation program, the legislature intends to increase the potential for recruitment into licensed nursing practice while maintaining a single standard for competency evaluation of certified nursing assistants.

(d) The registration of nursing assistants and providing for voluntary certification of those who wish to seek higher levels of qualification is in the interest of the public health, safety, and welfare. [2010 c 169 s 1; 1991 c 16 s 1; 1989 c 300 s 3; 1988 c 267 s 1. Formerly RCW 18.52B.010.]

Conflict with federal requirements—2010 c 169: "If any part of this act is found by a federal agency to be in conflict with federal requirements, including requirements related to the medicare and medicaid programs under the federal social security act, that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements, including requirements related to the medicare and medicaid programs under the federal social security act, that are a necessary condition to the receipt of federal funds by the state." [2010 c 169 s 13.]

RCW 18.88A.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative training" means a nursing assistant-certified program meeting criteria adopted by the *commission under RCW 18.88A.087 to meet the requirements of a state-approved nurse aide competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act.

(2) "Approved training program" means a nursing assistant-certified training program approved by the *commission to meet the requirements of a state-approved nurse aide training and competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act. For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the *commission in cooperation with the board for community and technical colleges or the superintendent of public instruction.

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

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

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

(6) "Health care facility" means a nursing home, hospital licensed under chapter 70.41 or 71.12 RCW, hospice care facility, home health care agency, hospice agency, licensed or certified service provider under chapter 71.24 RCW other than an individual health care provider, or other entity for delivery of health care services as defined by the *commission.

(7) "Medication assistant" means a nursing assistant-certified with a medication assistant endorsement issued under RCW 18.88A.082 who is authorized, in addition to his or her duties as a nursing assistant-certified, to administer certain medications and perform certain treatments in a nursing home under the supervision of a registered nurse under RCW 18.88A.082.

(8) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility. The two levels of nursing assistants are:

(a) "Nursing assistant-certified," an individual certified under this chapter; and

(b) "Nursing assistant-registered," an individual registered under this chapter.

(9) "Nursing home" means a nursing home licensed under chapter 18.51 RCW.

(10) "Secretary" means the secretary of health. [2018 c 201 s 9008; 2015 c 158 s 1; 2012 c 208 s 2. Prior: 2010 c 169 s 2; 1994 sp.s. c 9 s 708; 1991 c 16 s 2; (1991 c 3 s 221 repealed by 1991 sp.s. c 11 s 2); 1989 c 300 s 4; 1988 c 267 s 2. Formerly RCW 18.52B.020.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Findings—Intent—Effective date—2018 c 201: See notes following RCW 41.05.018.

Effective date—2012 c 208 ss 2-10: "Sections 2 through 10 of this act take effect July 1, 2013." [2012 c 208 s 12.]

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

Board of nursing: Chapter 18.79 RCW.

RCW 18.88A.030 Scope of practice—Nursing home employment—Voluntary certification—Rules. (1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

(b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has

demonstrated skills necessary to perform competently all assigned duties and responsibilities.

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

(2) (a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within a period of time determined in rule by the *commission; or (ii) alternative training and the competency evaluation prior to employment.

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

(3) The *commission may adopt rules to implement the provisions of this chapter. [2021 c 203 s 16; 2010 c 169 s 4; 1995 1st sp.s. c 18 s 52; 1994 sp.s. c 9 s 709; 1991 c 16 s 3; 1989 c 300 s 5; 1988 c 267 s 3. Formerly RCW 18.52B.030.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Effective date—Retroactive application—2021 c 203: See notes following RCW 43.43.832.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

Conflict with federal requirements—Severability—Effective date—1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.040 Registration and certification. (1) No person may practice or represent himself or herself as a nursing assistant-registered by use of any title or description without being registered by the department pursuant to this chapter.

(2) After October 1, 1990, no person may by use of any title or description, practice or represent himself or herself as a nursing assistant-certified without applying for certification, meeting the qualifications, and being certified by the department pursuant to this chapter.

(3) After July 1, 2013, no person may practice, or represent himself or herself by any title or description, as a medication assistant without a medication assistant endorsement issued under RCW 18.88A.082. [2012 c 208 s 4; 1991 c 16 s 4; 1989 c 300 s 6; 1988 c 267 s 4. Formerly RCW 18.52B.040.]

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

RCW 18.88A.050 Powers of secretary. In addition to any other authority provided by law, the secretary has the authority to:

- (1) Set all nursing assistant certification, registration, medication assistant endorsement, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;
- (2) Establish forms, procedures, and the competency evaluation necessary to administer this chapter;
- (3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;
- (4) Issue a nursing assistant registration to any applicant who has met the requirements for registration;
- (5) After January 1, 1990, issue a nursing assistant certificate to any applicant who has met the training, competency evaluation, and conduct requirements for certification under this chapter;
- (6) Issue a medication assistant endorsement to any applicant who has met the requirements of RCW 18.88A.082;
- (7) Maintain the official record for the department of all applicants and persons with registrations, certificates, and medication assistant endorsements under this chapter;
- (8) Exercise disciplinary authority as authorized in chapter 18.130 RCW;
- (9) Deny registration to any applicant who fails to meet requirement for registration as a nursing assistant;
- (10) Deny certification to applicants who do not meet the training, competency evaluation, and conduct requirements for certification as a nursing assistant; and
- (11) Deny medication assistant endorsement to applicants who do not meet the requirements of RCW 18.88A.082. [2012 c 208 s 5; 2010 c 169 s 5; 1991 c 16 s 6; (1991 c 3 s 222 repealed by 1991 sp.s. c 11 s 2); 1989 c 300 s 7; 1988 c 267 s 6. Formerly RCW 18.52B.060.]

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

RCW 18.88A.060 Commission—Powers. In addition to any other authority provided by law, the *commission may:

- (1) Determine minimum nursing assistant education requirements and approve training programs;
- (2) Approve education and training programs and examinations for medication assistants as provided in RCW 18.88A.082;
- (3) Define the prescriber-ordered treatments a medication assistant is authorized to perform under RCW 18.88A.082;
- (4) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, the competency evaluation for applicants for nursing assistant certification, using the same competency evaluation for all applicants, whether qualifying to take the competency evaluation under an approved training program or alternative training;

(5) Establish forms and procedures for evaluation of an applicant's alternative training under criteria adopted pursuant to RCW 18.88A.087;

(6) Define and approve any experience requirement for nursing assistant certification;

(7) Adopt rules implementing a continuing competency evaluation program for nursing assistants; and

(8) Adopt rules to enable it to carry into effect the provisions of this chapter. [2012 c 208 s 6; 2010 c 169 s 6; 1994 sp.s. c 9 s 710; 1991 c 16 s 8; 1989 c 300 s 8; 1988 c 267 s 7. Formerly RCW 18.52B.070.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.080 Registration requirements. (1) The secretary shall issue a registration to any applicant who pays any applicable fees and submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary, provided there are no grounds for denial of registration or issuance of a conditional registration under this chapter or chapter 18.130 RCW.

(2) Applicants must file an application with the *commission for registration within three days of employment. [1994 sp.s. c 9 s 711; 1991 c 16 s 10; (1991 c 3 s 224 repealed by 1991 sp.s. c 11 s 2); 1989 c 300 s 10; 1988 c 267 s 10. Formerly RCW 18.52B.100.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.082 Medication assistant endorsement—Requirements.

(1) Beginning July 1, 2013, the secretary shall issue a medication assistant endorsement to any nursing assistant-certified who meets the following requirements:

(a) Ongoing certification as a nursing assistant-certified in good standing under this chapter;

(b) Completion of a minimum number of hours of documented work experience as a nursing assistant-certified in a long-term care setting as defined in rule by the *commission;

(c) Successful completion of an education and training program approved by the *commission by rule, such as the model medication

assistant-certified curriculum adopted by the national council of state boards of nursing. The education and training program must include training on the specific tasks listed in subsection (2) of this section as well as training on identifying tasks that a medication assistant may not perform under subsection (4) of this section;

(d) Passage of an examination approved by the *commission by rule, such as the medication aide competency examination available through the national council of state boards of nursing; and

(e) Continuing competency requirements as defined in rule by the *commission.

(2) Subject to subsection (3) of this section, a medication assistant may perform the following additional tasks:

(a) The administration of medications orally, topically, and through inhalation;

(b) The performance of simple prescriber-ordered treatments, including blood glucose monitoring, noncomplex clean dressing changes, pulse oximetry reading, and oxygen administration, to be defined by the *commission by rule; and

(c) The documentation of the tasks in this subsection (2) on applicable medication or treatment forms.

(3) A medication assistant may only perform the additional tasks in subsection (2) of this section:

(a) In a nursing home;

(b) Under the direct supervision of a designated registered nurse who is on-site and immediately accessible during the medication assistant's shift. The registered nurse shall assess the resident prior to the medication assistant administering medications or treatments and determine whether it is safe to administer the medications or treatments. The judgment and decision to administer medications or treatments is retained by the registered nurse; and

(c) If, while functioning as a medication assistant, the primary responsibility of the medication assistant is performing the additional tasks. The *commission may adopt rules regarding the medication assistant's primary responsibilities and limiting the duties, within the scope of practice of a nursing assistant-certified, that a nursing assistant-certified may perform while functioning as a medication assistant.

(4) A medication assistant may not:

(a) Accept telephone or verbal orders from a prescriber;

(b) Calculate medication dosages;

(c) Inject any medications;

(d) Perform any sterile task;

(e) Administer medications through a tube;

(f) Administer any Schedule I, II, or III controlled substance;

or

(g) Perform any task that requires nursing judgment.

(5) Nothing in this section requires a nursing home to employ a nursing assistant-certified with a medication assistant endorsement.

(6) A medication assistant is responsible and accountable for his or her specific functions.

(7) A medication assistant's employer may limit or restrict the range of functions permitted under this section, but may not expand those functions. [2012 c 208 s 3.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—2012 c 208: "(1) The legislature finds that many residents of skilled nursing facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are often the key to good care and the need for well-trained caregivers with diverse skill sets is growing as the state's population ages and residents' needs increase.

(2) The legislature further finds that the evidence-based practice of allowing nursing assistants certified to administer certain medications and treatments promotes quality and safety for residents in skilled nursing facilities, and that creating opportunities for career advancement and pay improvement through additional training and credentialing will help enhance the working environment for nursing assistants certified in skilled nursing facilities.

(3) The legislature further finds that creating continued opportunities for recruitment into nursing practice and career advancement for nursing assistants certified will help ensure quality care for residents, and nurse training programs should recognize the relevant training and experience obtained by these credentialed professionals." [2012 c 208 s 1.]

Rules—2012 c 208: "The department of health and the Washington nursing care quality assurance commission shall adopt any rules necessary to implement chapter 208, Laws of 2012." [2012 c 208 s 11.]

RCW 18.88A.085 Certification of requirements. (1) After January 1, 1990, the secretary shall issue a nursing assistant certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of an approved training program or successful completion of alternative training meeting established criteria adopted by the *commission under RCW 18.88A.087; and

(b) Successful completion of the competency evaluation.

(2) In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW. [2010 c 169 s 7; 2007 c 361 s 9; 1994 sp.s. c 9 s 712; 1991 c 16 s 11.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

Construction—Severability—Captions not law—Short title—2007 c 361: See notes following RCW 74.39A.009.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.087 Certification—Alternative training—Credentialing reciprocity—Report.

(1) The *commission shall adopt criteria for evaluating an applicant's alternative training 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 at least twenty-four hours of training that the *commission determines is necessary to provide training equivalent to approved training on 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.

(2) (a) The *commission, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. The secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

(3) The secretary, in consultation with the *commission, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice. [2021 c 203 s 17; 2010 c 169 s 3.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Effective date—Retroactive application—2021 c 203: See notes following RCW 43.43.832.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

RCW 18.88A.088 Certification—Military training or experience.

An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the *commission determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 32 s 10.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

RCW 18.88A.090 Competency evaluations. (1) The *commission shall examine each applicant, by a written or oral and a manual component of competency evaluation. The competency evaluation shall be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(2) Any applicant failing to make the required grade in the first competency evaluation may take up to three subsequent competency evaluations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent competency evaluation. Upon failing four competency evaluations, the secretary may invalidate the original application and require such remedial education before the person may take future competency evaluations.

The *commission may approve a competency evaluation prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements. [2010 c 169 s 8; 1994 sp.s. c 9 s 713; 1991 c 3 s 225; 1989 c 300 s 11; 1988 c 267 s 13. Formerly RCW 18.52B.130.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.100 Waiver of examination for initial applications. The secretary shall waive the competency evaluation and certify a person to practice within the state of Washington if the *commission determines that the person meets commonly accepted standards of education and experience for the nursing assistants. This section applies only to those individuals who file an application for waiver by December 31, 1991. [1994 sp.s. c 9 s 714. Prior: 1991 c 16 s 12; 1991 c 3 s 226; 1989 c 300 s 12; 1988 c 267 s 15. Formerly RCW 18.52B.140.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.110 Certificates for applicants credentialed in another state. An applicant holding a credential in another state may be certified by endorsement to practice in this state without the competency evaluation if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state. [2010 c 169 s 9; 1991 c 16 s 13.]

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

RCW 18.88A.120 Applications for registration and certification—Fee. Applications for registration, certification, and medication assistant endorsement shall be submitted on forms provided by the secretary. The secretary may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for registration, certification, and medication assistant endorsement credentialing provided for in this chapter and chapter 18.130 RCW. Each applicant shall comply with administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280. [2012 c 208 s 7; 1996 c 191 s 74; 1991 c 16 s 14.]

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

RCW 18.88A.122 Reinstatement of certification—Exemption from fees. (Expires July 1, 2025.) (1) Beginning September 1, 2023, a person whose nursing assistant certificate has been expired for more than six months and less than two years who seeks to restore the certificate to active status is exempt from the payment of any late renewal fee or current renewal fee if the person complies with all other certification requirements determined necessary by the department to return to active status.

(2) The department shall send a notification to the last known address of each person who held a certificate under this chapter and, since January 1, 2020, failed to renew the certificate to inform the person that a certificate may be restored without a financial penalty or payment of a renewal fee under subsection (1) of this section. For persons who have allowed their certificates to expire since January 1, 2023, the department must allow six months to pass since the expiration prior to contacting them to inform them that a certificate may be restored without a financial penalty or payment of a renewal fee under subsection (1) of this section.

(3) The department shall adopt rules to assure that continuing education requirements are not a barrier for persons seeking to reactivate their certificates under this chapter.

(4) This section expires July 1, 2025. [2023 c 424 s 5.]

RCW 18.88A.130 Renewal of registration or certification. Registrations, certifications, and medication assistant endorsements shall be renewed according to administrative procedures, administrative requirements, and fees determined by the secretary under RCW 43.70.250 and 43.70.280. [2012 c 208 s 8; 1996 c 191 s 75; 1994 sp.s. c 9 s 715; 1991 c 16 s 15.]

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

Severability—Headings and captions not law—Effective date—1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 18.88A.140 Exemptions. Nothing in this chapter may be construed to prohibit or restrict:

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

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

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

(4) A nursing assistant, while employed as a personal aide as defined in RCW 74.39.007 or a long-term care worker as defined in chapter 74.39A RCW, from accepting direction from an individual who is self-directing his or her care. [2010 c 169 s 10; 2003 c 140 s 3; 2000 c 171 s 25; 1991 c 16 s 5.]

Conflict with federal requirements—2010 c 169: See note following RCW 18.88A.010.

Effective date—2003 c 140: See note following RCW 18.79.040.

RCW 18.88A.150 Application of uniform disciplinary act. The uniform disciplinary act, chapter 18.130 RCW, governs unregistered, uncertified, or unendorsed practice, issuance of certificates, registrations, and medication assistant endorsements, and the discipline of persons registered or with certificates under this chapter. The secretary shall be the disciplinary authority under this chapter. [2012 c 208 s 9; 1991 c 16 s 7.]

Effective date—2012 c 208 ss 2-10: See note following RCW 18.88A.020.

Findings—Rules—2012 c 208: See notes following RCW 18.88A.082.

RCW 18.88A.200 Delegation of nursing care tasks—Legislative finding. The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and auxiliary staff for many years. The opportunity for a nurse to delegate to nursing assistants qualifying under RCW 18.88A.210 may enhance the viability and quality of health care services in community-based care settings and in-home care settings to allow individuals to live as independently as possible with maximum safeguards. [2003 c 140 s 4; 1995 1st sp.s. c 18 s 45.]

Effective date—2003 c 140: See note following RCW 18.79.040.

Conflict with federal requirements—Severability—Effective date—1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

RCW 18.88A.210 Delegation—Basic and specialized nurse delegation training requirements. (1) A nursing assistant meeting the requirements of this section who provides care to individuals in community-based care settings or in-home care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) (a) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (i) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training, (ii) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (iii) meet any additional training requirements identified by the *nursing care quality assurance commission. Exceptions to these training requirements must adhere to RCW 18.79.260(3) (e) (vi).

(b) In addition to meeting the requirements of (a) of this subsection, before commencing the care of individuals with diabetes that involves administration of insulin by injection, the nursing assistant must provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating completion of specialized diabetes nurse delegation training. The training must include, but is not limited to, instruction regarding diabetes, insulin, sliding scale insulin orders, and proper injection procedures. [2008 c 146 s 12; 2003 c 140 s 5; 2000 c 95 s 1; 1998 c 272 s 10; 1995 1st sp.s. c 18 s 46.]

***Reviser's note:** The reference to "nursing care quality assurance commission" was changed to "board of nursing" by 2023 c 123.

Findings—Intent—Severability—2008 c 146: See notes following RCW 74.41.040.

Effective date—2003 c 140: See note following RCW 18.79.040.

Findings—Severability—Effective date—1998 c 272: See notes following RCW 18.20.230.

Conflict with federal requirements—Severability—Effective date—1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

RCW 18.88A.230 Delegation—Liability—Reprisal or disciplinary action. (1) The nursing assistant shall be accountable for their own individual actions in the delegation process. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the secretary for refusing to accept delegation of a nursing task based on patient safety issues. No community-based care setting as defined in RCW 18.79.260(3) (e), or in-

home services agency as defined in RCW 70.127.010, may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint. [2003 c 140 s 6; 2000 c 95 s 2; 1998 c 272 s 11; 1997 c 275 s 6; 1995 1st sp.s. c 18 s 48.]

Effective date—2003 c 140: See note following RCW 18.79.040.

Findings—Severability—Effective date—1998 c 272: See notes following RCW 18.20.230.

Conflict with federal requirements—Severability—Effective date—1995 1st sp.s. c 18: See notes following RCW 74.39A.030.