



RULE-MAKING ORDER

EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 25, 2025

TIME: 9:42 AM

WSR 25-18-034

Agency: Department of Health

Effective date of rule:

Emergency Rules

- ☒ Immediately upon filing.
☐ Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Home Care Aide Certification - Extended Timeline

The Department of Health (department) is establishing emergency rules to extend the timeline for individuals applying for Home Care Aide certification. Mandated by Senate Bill (SB) 5672 (chapter 341, Laws of 2025), this legislation requires the department to adopt rules that allow long-term care workers additional time to become certified while the Office of the State Auditor completes their biennial performance report under section 201, chapter 1, Laws of 2012 (Initiative Measure No. 1163). Initiative 1163 increased training requirements and competency assessments for long-term care workers. The biennial performance report shall provide recommendations for the consideration of the legislature for future requirements.

To align with this recent legislation, the department is adopting rules to extend the certification deadline for home care aides from 200 days to 365 days from the date of hire, or 260 days if granted a provisional certificate under RCW 18.88B.035 to allow applicants more time to complete requirements. This change is intended to continue the efforts of reducing workforce barriers and supporting the long-term care workers.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 246-980-030, 246-980-040, and 246-980-065
Suspended: None

Statutory authority for adoption: RCW 18.88B.021, 43.70.040 and SB 5672 (chapter 341, Laws of 2025)

Other authority: None

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This emergency rule is necessary for the immediate preservation of the public health and safety of patients, to provide support of the workforce, and to avoid a critical shortage of long-term care workers.

SB 5672 requires the department to adopt rules to extend the home care aide certification timeline allowing them additional time to complete the training, testing, and other certification requirements. Currently if a long-term care worker does not meet the requirements for certification within 200 days of initial hire, or 260 days if granted a provisional certificate they must stop working and reapply or be rehired for certification. Through discussion and feedback from the public and interested parties, there was positive support for the proposed rules. The department estimates that extending the timeline to complete certification requirements to 365 days from the date of hire or 425 day if granted a provisional certificate will allow applicants enough time to fulfill training requirements and reflects the realistic timeline employers and long-term care workers experience in the process to become certified. Amending the timelines will assist home care aide applicants allowing them to continue working while completing the necessary requirements of certification. The department determines that this adjustment is a safe measure until the audit is completed.

The potential loss of the workforce that occurs when applicants are unable to complete training requirements in the short time that is allotted will continue to worsen the current long-term care workforce shortage. Healthcare services are already forced to operate under strained capacity.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	0	Amended	0	Repealed	0
Federal rules or standards:	New	0	Amended	0	Repealed	0
Recently enacted state statutes:	New	0	Amended	3	Repealed	0

The number of sections adopted at the request of a nongovernmental entity:

New	0	Amended	0	Repealed	0
-----	---	---------	---	----------	---

The number of sections adopted on the agency's own initiative:

New	0	Amended	0	Repealed	0
-----	---	---------	---	----------	---

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	0	Amended	3	Repealed	0
-----	---	---------	---	----------	---

The number of sections adopted using:

Negotiated rule making:	New	0	Amended	0	Repealed	0
Pilot rule making:	New	0	Amended	0	Repealed	0
Other alternative rule making:	New	0	Amended	3	Repealed	0

Date Adopted: August 25, 2025

Name: Kristin Peterson, JD for Dennis E. Worsham

Title: Chief of Policy for Secretary of Health

Signature:



AMENDATORY SECTION (Amending WSR 18-20-072, filed 9/28/18, effective 10/29/18)

WAC 246-980-030 Working while obtaining certification as a home care aide. (1) A long-term care worker may provide care before receiving certification as a home care aide if all the following conditions are met:

(a) Before providing care, the long-term care worker must complete 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))~~ 14 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) A long-term care worker is no longer eligible to provide care without a credential under the following circumstances:

(a) The long-term care worker does not successfully complete all of the training required by RCW 74.39A.074(1) within ~~((one hundred twenty))~~ 120 calendar days from their date of hire;

(b) The long-term care worker has not obtained their certification within ~~((two hundred))~~ 365 calendar days from their date of hire, or ~~((two hundred sixty))~~ 425 calendar days if granted a provisional certificate under RCW ~~((18.88B.041))~~ 18.88B.035. These timelines go into effect August 25, 2025, through December 31, 2027. These timelines apply to a pending applicant or a new applicant who has submitted an original application for certification as a home care aide by December 31, 2027.

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

AMENDATORY SECTION (Amending WSR 24-15-025, filed 7/9/24, effective 8/9/24)

WAC 246-980-040 Certification requirements. To qualify for certification as a home care aide, the applicant shall:

(1) Successfully complete all training required by RCW 74.39A.074(1) within 120 calendar days of the date of hire as a long-term care worker;

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

(3) Become certified within ~~((200))~~ 365 days of date of hire, or ~~((260))~~ 425 days if granted a provisional certificate under RCW ~~((18.88B.041))~~ 18.88B.035. These timelines go into effect August 25, 2025, through December 31, 2027. These timelines apply to a pending applicant or a new applicant who has submitted an original application for certification as a home care aide by December 31, 2027.

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))~~) 200 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))~~) 425 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 425 of employment if the certification has not been granted for any reason. This timeline goes into effect August 25, 2025, through December 31, 2027. This timeline applies to a pending applicant or a new applicant who has submitted an original application for certification as a home care aide by December 31, 2027.

(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.