Chapter 246-980 WAC
HOME CARE AIDE RULES

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246-980-060 How does a nonexempt home care aide renew a certification or reinstate an expired certification? [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.] Repealed by WSR 18-20-072, filed 9/28/18, effective 10/29/18. Statutory Authority: RCW 18.88B.021.

246-980-070 Who is exempt from obtaining a home care aide certification? [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.] Repealed by WSR 18-20-072, filed 9/28/18, effective 10/29/18. Statutory Authority: RCW 18.88B.021.

246-980-080 How does an exempt individual apply for certification 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, § 246-980-080, 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.] Repealed by WSR 18-20-072, filed 9/28/18, effective 10/29/18. Statutory Authority: RCW 18.88B.021.

246-980-090 How does an exempt home care aide renew a home care aide certification or reinstate an expired home care aide certification? [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.] Repealed by WSR 18-20-072, filed 9/28/18, effective 10/29/18. Statutory Authority: RCW 18.88B.021.

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.

(2) "Date of hire" means the first day the long-term care worker is employed by any employer as a long-term care worker or the date the long-term care worker provides direct care for pay from any employer.

(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) "Medication assistance" has the same meaning as RCW 69.41.010.

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

[Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-010, filed 7/9/24, effective 8/9/24. Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-010, filed 9/28/18, effective 10/29/18. 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

WAC 246-980-020 Long-term care workers and home care aide certification. 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, unless exempt under WAC 246-980-025. This includes, but is not limited to:

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

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

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

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

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

(6) 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

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

[Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-020, filed 9/28/18, effective 10/29/18. 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 246-980-025 Individuals 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 shall successfully pass the entry level training required by RCW 74.39A.074 and meet the requirements of WAC 246-980-040.

(a) An individual provider caring only for a biological, step, or adoptive child or parent, including when related by marriage or domestic partnership.

(b) An individual provider caring only for a sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

(c) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States Department of Veterans Affairs home and community-based programs.

(d) An individual provider who provides 20 hours or less of care for one person in any calendar month.

(e) An individual employed by a community residential service business.

(f) 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.

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

(h) A person working as an individual provider who only provides nonrespite services and works less than 300 hours in any calendar year.

(i) Any direct care worker exempt under RCW 18.88B.041(1).

(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 meet the requirements of WAC 246-980-040. 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 120 calendar days of the date of hire and that the nursing assistant-certified credential has been issued within 200 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 three consecutive years.

(i) The department may require the exempt long-term care worker who was employed as a long-term care worker 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 accepted directly from the approved instructor or training program, if applicable.

(ii) 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: RCW 18.88B.041, 18.88B.060, 43.70.280, and 2024 c 322. WSR 25-15-128, s 246-980-025, filed 7/21/25, effective 8/21/25. Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-025, filed 7/9/24, effective 8/9/24. Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-025, 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 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 calendar days from their date of hire;

(b) The long-term care worker has not obtained their certification within two hundred calendar days from their date of hire, or two hundred sixty calendar days if granted a provisional certificate under RCW 18.88B.041.

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

[Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-030, filed 9/28/18, effective 10/29/18. 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. 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 days of date of hire, or 260 days if granted a provisional certificate under RCW 18.88B.041.

[Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-040, filed 7/9/24, effective 8/9/24. Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085. WSR 21-02-002, § 246-980-040, filed 12/23/20, effective 1/23/21. Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-040, filed 9/28/18, effective 10/29/18. 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 246-980-045 Application requirements. (1) An applicant for certification as a home care aide shall submit to the department:

(a) A completed application on forms provided by the department;

(b) The required fees under WAC 246-980-990; 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 be submitted directly from the approved instructor or training program.

(2) An applicant must submit to a state and federal background check as required by RCW 74.39A.056 and 18.130.064.

[Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-045, filed 7/9/24, effective 8/9/24.]

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: RCW 18.88B.060. WSR 16-09-004, § 246-980-065, filed 4/7/16, effective 5/8/16. 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.]

GENERAL REQUIREMENTS FOR HOME CARE AIDE CERTIFICATION

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:

(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) The department will notify the examination contractor once an applicant meets requirements to take the certification examination.

(4) The applicant shall contact the examination contractor to schedule the examination and submit payment, if required. The examination fees are set by the vendor.

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

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

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

(a) To retake the examination, an applicant shall contact the examination contractor to:

(i) Schedule a new exam; and

(ii) Pay the reexamination fee.

(b) An applicant may schedule a reexamination any time after 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 after four consecutive times:

(i) Shall 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: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-100, filed 7/9/24, effective 8/9/24. Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-100, filed 9/28/18, effective 10/29/18. 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 shall demonstrate completion of 12 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 WAC 246-12-170 through 246-12-240.

(2) Verification of completion of the continuing education requirement is due upon renewal of an active credential. 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.

(3) No continuing education is required for renewal of a credential that has been expired five years or less.

(4) An individual provider who is exempt from certification as a home care aide may voluntarily take continuing education under RCW 18.88B.041. Until January 1, 2027, continuing education hours must be paid for by the individual provider's consumer directed employer, up to 12 hours annually.

[Statutory Authority: RCW 18.88B.041, 18.88B.060, 43.70.280, and 2024 c 322. WSR 25-15-128, s 246-980-110, filed 7/21/25, effective 8/21/25. Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-110, filed 7/9/24, effective 8/9/24. 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 or reinstate an expired certification. (1) To renew a home care aide certification the practitioner shall:

(a) Renew the certification every year by the home care aide's birthday as provided in WAC 246-12-020 through 246-12-051;

(b) Submit a completed application as provided by the department; and

(c) Provide verification of 12 hours of continuing education as required by RCW 74.39A.341 and WAC 246-980-110 with the renewal application.

(2) To reinstate an expired certification:

(a) If the certification has been expired for five years or less, the practitioner shall meet the requirements of WAC 246-12-040.

(b) If the certification has been expired for more than five years, the practitioner shall successfully repeat the training requirements or the examination requirements in WAC 246-980-040 and meet the requirements of WAC 246-12-020 through 246-12-051.

[Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-115, filed 7/9/24, effective 8/9/24. Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-115, filed 9/28/18, effective 10/29/18.]

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 (7), (8), or (9);

(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: RCW 18.88B.021. WSR 18-20-072, § 246-980-120, filed 9/28/18, effective 10/29/18. 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 to perform delegated tasks.

[Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-130, filed 9/28/18, effective 10/29/18. 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.

(3) A long-term care worker may perform medication assistance as described in RCW 69.41.010.

(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) A long-term care worker may provide skills acquisition training on instrumental activities of daily living and the following activities of daily living tasks: Dressing, application of deodorant, washing hands and face, hair washing, hair combing and styling, application of makeup, menses care, shaving with an electric razor, tooth brushing or denture care, and bathing tasks excluding any transfers in or out of the bathing area.

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

[Statutory Authority: RCW 18.88B.021, 18.88B.031, 18.88B.041, and 18.88B.060. WSR 24-15-025, § 246-980-140, filed 7/9/24, effective 8/9/24. Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-140, filed 9/28/18, effective 10/29/18; WSR 16-17-100, § 246-980-140, filed 8/18/16, effective 9/18/16. 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 must demonstrate behavior which maintains and respects client 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 a 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 exploiting the client.

(b) A long-term care worker may not accept from a client or resident gifts of value greater than twice the current hourly minimum wage in Washington state. Gifts are limited to customary gift-giving times, such as birthdays or major holidays. 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 exploiting the client.

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

(d) A long-term care worker may not ingest, inject, inhale, or consume in any manner any substance, including prescribed medicine,

that impairs their ability to perform their job duties during the time in which they are 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 health care decisions. This includes, but is not limited to, acting as power of attorney, legal guardian, payee, insurance beneficiary, or executor or beneficiary of a will. 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 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 exploiting the client.

(g) A long-term care worker shall respect a client's or resident's privacy and shall 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. This includes, but is not limited to, social media. A long-term care worker must obtain the written permission of the client or resident, or their legal guardian, prior to taking or disseminating any photo or video 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 exploiting the client.

(2) For the purposes of this section, "landlord" means having a formal, written lease agreement between the lessor and lessee. It does not apply to situations in which cohabitants voluntarily contribute financially to household expenses without a lease agreement.

[Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-150, filed 9/28/18, effective 10/29/18.]

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

[Statutory Authority: RCW 18.88B.021. WSR 18-20-072, § 246-980-160, filed 9/28/18, effective 10/29/18.]

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.

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

Title of Fee	Fee
Application	$100.00
Certification renewal	100.00
Late renewal penalty	50.00
Expired certification reactivation	30.00
Duplicate certification	15.00
Verification	25.00

[Statutory Authority: RCW 43.70.110, 43.70.250, and 43.70.280. WSR 23-07-057, § 246-980-990, filed 3/9/23, effective 6/1/23; 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.]