

Aug. 13, 2020

Governor Jay Inslee  
Senator Andy Billig, Senate Majority Leader  
Senator Mark Schoesler, Senate Minority Leader  
Representative Laurie Jinkins, Speaker of the House  
Representative J.T. Wilcox, House Minority Leader

**Re: Request For A Longer Extension Of Certain Long-Term Care Proclamations**

Dear Gov. Inslee, Sen. Billig, Sen. Schoesler, Speaker Jinkins, and Rep. Wilcox,

As you are aware, several Proclamations have been issued and then extended to allow for the temporary waiver of certain training, certification and background check requirements for long-term care employers and workers. We support these waivers because they provide flexibility to deal with administrative challenges created by the COVID-19 pandemic while maintaining an absolute commitment to the safety and well-being of clients, workers and everyone touched by the long-term care system.

We are grateful for the month-to-month extensions of these waivers, both because the waivers make sense in this time of crisis and also because it averts the need for emergency rulemaking by DSHS. But we agree with DSHS that the time has come for a longer-term extension of these waivers – an extension until February of next year – to provide our state’s long-term care industry, workforce and regulatory agency with the predictability and flexibility needed to ensure there is no interruption of these essential services during the ongoing COVID-19 pandemic.

To provide the certainty that our entire long-term system so desperately needs in the coming months, we are asking for the following Proclamations to be extended until February of 2021:

**Proclamation 20-10, Training & Certification (currently extended by Proclamation 20-65):**

In accordance with the Safe Start WA phased approach to reopening businesses, Home Care Aide training instructors were able to resume in-person classroom training in June, though class sizes must be smaller and limit the number of caregivers based on social distancing requirements and on the size limitations of available classrooms. Additional barriers include:

- Instructor availability, with as high as 25% not returning to teach.
- A high caregiver no-show rate in classes that are scheduled (30-44%).
- There is currently no availability in 5 areas: Bellevue, Lynwood, Mt. Vernon, Longview & Omak.
- A significantly reduced number of caregivers are completing the Department of Health Home Care Aide application, the first step in the process toward certification.

The statutory requirement of 120 days is not a sufficient timeline under current conditions. Additional time is essential to both clear the backlog of existing workers waiting to access training and testing, but also to address the needs of new workers as they begin their careers in long-term care. Without adequate time to complete training, testing and certification, the available workforce will fall dramatically and many Washingtonians will lose their caregivers and be forced to choose between leaving their homes or being denied critical care.

**Proclamation 20-18, Annual Inspections & Fingerprint Background Checks (currently extended by Proclamation 20-65):**

Suspends annual inspections for Adult Family Homes, Assisted Living Facilities, Nursing Homes, and Enhanced Services Facilities and fingerprint background check requirements for Adult Family Homes,

Assisted Living Facilities, Enhanced Services Facilities, and in-home providers. During the COVID-19 outbreak, DSHS efforts are necessarily focused on inspecting facilities to identify and improve infection control measures and investigate complaints that place residents in imminent jeopardy including complaints related to neglect, abuse, and exploitation. Continuing routine annual inspections would be a hindrance to these activities both for DSHS and for the facilities being inspected.

**Proclamation 20-18, Fingerprinting (currently extended by Proclamation 20-65):**

Based on July 24, 2020 data, there are approximately 25,000 long-term care workers statewide who haven't completed the FBI fingerprinting requirement. Without a completed FBI fingerprint check, these workers will be immediately dismissed without a continuing waiver and clients living in their homes and in facilities will go without needed care. Significant barriers exist to getting these workers immediately into compliance with the underlying statute. While the remaining third-party fingerprinting vendor locations have reopened, and many sites have capacity, three fingerprinting sites have closed permanently with another three sites remaining closed during the pandemic. Some sites have also decreased their hours of operation. A phased approach to reopening, allowing time for providers to get safely fingerprinted, within the capacity of the vendor, is essential.

**Proclamation 20-37 NAR Waiver (currently extended by Proclamation 20-65):**

There are currently over 3,000 nursing assistants registered who have been unable to complete skills and written tests to meet the 120-day timeline for certification. State testing operations were suspended as a result of the COVID-19 pandemic, continuing to make it impossible at this time for NAR's to complete mandatory training and testing to become certified nursing assistants in the four-month period. Failure to extend this waiver to permit adequate time to complete testing will result in job losses for those who are unable to comply with this standard. While the contracted testing entity is re-opening testing centers in the coming weeks, we believe it is critical to extend the timeline on this waiver to permit these workers to continue service.

The waivers described above are all currently set to expire on September 1. We are requesting that you extend all of these waivers until February of next year in order to protect the stability of the long-term care system. A longer-term extension of these waivers will allow for the thoughtful implementation of a safe and thorough plan for reimplementing the underlying statutory requirements while protecting the health and safety of the over 129,000 vulnerable adults in our state who receive long-term care services in their own homes or in licensed care facilities.

Thank you for your leadership and for your attention to this important issue.

Sincerely,

