

CERTIFICATION OF ENROLLMENT

SENATE BILL 5529

Chapter 86, Laws of 2022

67th Legislature
2022 Regular Session

PERSONAL AIDE PROVIDERS—SELF-DIRECTED CARE

EFFECTIVE DATE: June 9, 2022

Passed by the Senate March 7, 2022
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Passed by the House March 3, 2022
Yeas 96 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved March 17, 2022 12:48 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5529** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

March 17, 2022

**Secretary of State
State of Washington**

SENATE BILL 5529

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senators Cleveland, Keiser, Dhingra, and C. Wilson; by request of Department of Social and Health Services

Prefiled 12/10/21. Read first time 01/10/22. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to self-directed care; amending RCW 74.39.007,
2 74.39.050, and 74.39.070; and repealing RCW 74.39.060.

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

4 **Sec. 1.** RCW 74.39.007 and 1999 c 336 s 2 are each amended to
5 read as follows:

6 The definitions in this section apply throughout RCW 74.39.007,
7 74.39.050, (~~((74.39.060,))~~) 74.39.070, 43.190.060, and section 1,
8 chapter 336, Laws of 1999 unless the context clearly requires
9 otherwise.

10 (1) "Self-directed care" means the process in which an adult
11 person, who is prevented by a functional disability from performing a
12 manual function related to health care that an individual would
13 otherwise perform for himself or herself, chooses to direct and
14 supervise a paid personal aide to perform those tasks.

15 (2) "Personal aide" means an individual, working privately or as
16 an individual provider (~~((under contract or agreement with the
17 department of social and health services))~~) as defined in RCW
18 74.39A.240, who acts at the direction of an adult person with a
19 functional disability living in his or her own home (~~((and provides
20 that person with health care services that a person))~~) to assist with
21 the physical performance of a health care task, as described in RCW

1 74.39.050, that persons without a functional disability can perform
2 themselves.

3 **Sec. 2.** RCW 74.39.050 and 1999 c 336 s 3 are each amended to
4 read as follows:

5 (1) An adult person with a functional disability living in his or
6 her own home may direct and supervise a paid personal aide in the
7 performance of a health care task.

8 (2) The following requirements shall guide the provision of self-
9 directed care under chapter 336, Laws of 1999:

10 (a) Health care tasks are those medical, nursing, or home health
11 services that enable the person to maintain independence, personal
12 hygiene, and safety in his or her own home, and that are services
13 that a person without a functional disability would customarily and
14 personally perform without the assistance of a licensed health care
15 provider.

16 (b) The individual who chooses to self-direct a health care task
17 is responsible for initiating self-direction by informing the health
18 care professional who has ordered the treatment which involves that
19 task of the individual's intent to perform that task through self-
20 direction.

21 (c) When state funds are used to pay for self-directed tasks, a
22 description of those tasks will be included in the client's
23 comprehensive assessment, and subject to review with each annual
24 reassessment.

25 (d) When a licensed health care provider orders treatment
26 involving a health care task to be performed through self-directed
27 care, the responsibility to ascertain that the patient understands
28 the treatment and will be able to follow through on the self-directed
29 care task is the same as it would be for a patient who performs the
30 health care task for himself or herself, and the licensed health care
31 provider incurs no additional liability when ordering a health care
32 task which is to be performed through self-directed care.

33 (e) The role of the personal aide in self-directed care is
34 limited to performing the physical aspect of health care tasks under
35 the direction of the person for whom the tasks are being done. This
36 shall not affect the ability of a person who acts as a personal aide
37 by performing self-directed health care tasks to also provide other
38 home care services, such as personal care or homemaker services,
39 which enable the client to remain at home.

1 (f) The responsibility to initiate self-directed health care
2 tasks, to possess the necessary knowledge and training for those
3 tasks, and to exercise judgment regarding the manner of their
4 performance rests and remains with the person who has chosen to self-
5 direct those tasks, including the decision to employ and dismiss a
6 personal aide.

7 **Sec. 3.** RCW 74.39.070 and 1999 c 336 s 8 are each amended to
8 read as follows:

9 A personal aide, in the performance of a health care task, who is
10 directed and supervised by a person with a functional disability in
11 his or her own home, is exempt from any legal requirement to qualify
12 and be credentialed by the department of health as a health care
13 provider under Title 18 RCW to the extent of the responsibilities
14 provided and health care tasks performed under chapter 336, Laws of
15 1999. Nothing in this section exempts an individual provider from
16 being required to become a certified home care aide under chapter
17 18.88B RCW.

18 NEW SECTION. **Sec. 4.** RCW 74.39.060 (Personal aide providers—
19 Registration) and 1999 c 336 s 4 are each repealed.

Passed by the Senate March 7, 2022.

Passed by the House March 3, 2022.

Approved by the Governor March 17, 2022.

Filed in Office of Secretary of State March 17, 2022.

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