SENATE BILL REPORT ESHB 2284

As of April 21, 2007

- **Title:** An act relating to the training of and collective bargaining over the training of care providers.
- **Brief Description:** Addressing the training of and collective bargaining over the training of care providers.
- **Sponsors:** House Committee on Commerce & Labor (originally sponsored by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt).

Brief History:

Committee Activity: Labor, Commerce, Research & Development:

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Staff: Jennifer Strus (786-7316)

Background: Individual providers and agency home care workers provide long-term care services to elderly and disabled clients who are eligible for publicly-funded services through the Department of Social and Health Services' (DSHS) Aging and Adult Services and Developmental Disabilities programs. These workers provide DSHS clients with personal care assistance with various tasks such as toileting, bathing, dressing, ambulating, meal preparation, and household chores.

Individual providers and agency home care workers must meet certain training requirements set forth in statute and in rules adopted by DSHS. These training requirements include the following:

- an orientation which provides basic introductory information appropriate to the inhome setting and the population served;
- basic training as to the core knowledge and skills needed to provide personal care services effectively and safely; and
- continuing education designed to increase and keep current a person's knowledge and skills.

Wages, benefits, and working conditions for individual providers are determined solely through collective bargaining. The Governor must submit, as part of the proposed biennial or supplemental operating budget submitted to the Legislature, a request for funds necessary to implement the compensation and fringe benefits' provisions of a collective bargaining agreement or binding interest arbitration award. The Legislature must approve or reject the

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submission of the request for funds as a whole. The 2005 Legislature established an eightmember Joint Legislative and Executive Task Force on Long-Term Care Financing and Chronic Care Management (Task Force) to make recommendations related to: the composition of a long-term care system adequate to meet needs; efficient models that will effectively sustain the funding of long-term care; laws and regulations that should be revised and/or eliminated to reduce or contain costs; the feasibility of private options that will enable individuals to pay for long-term care; options that support the needs of rural communities; and disability prevention interventions and chronic care management strategies that can reduce the need for long-term care. The Task Force issued recommendations January 1, 2007, and will issue a final report no later than June 30, 2007.

Summary of Bill: The Task Force is to establish a Home and Community Long-Term Care Workforce Development Workgroup (Workgroup). The Workgroup consists of the following members: the chair of the Task Force; the Executive Director of the Home Care Quality Authority; the Assistant Secretary of DSHS for Aging and Disability Services; a representative of the Department of Labor and Industries with knowledge and/or experience with apprenticeship programs; a representative of the Office of Financial Management; a representative of a labor or employee organization representing at least 20,000 home and community-based long-term care workers; a representative of a not-for-profit provider of home and community-based long-term care services; a representative of adult family home providers; a representative of boarding homes; a person with long-term care expertise or workforce development issues; a person representative from the Washington Long-Term Care Ombudsman Office; and a representative from the Washington Developmental Disabilities Council.

The Workgroup is to evaluate current training requirements. The Workgroup is to make recommendations for any changes to the Governor and legislative committees by December 1, 2007, and the Task Force is to include the Workgroup's findings and recommendations in the Task Force's final report.

The training partnership is maintained by the Office of the Governor and the exclusive bargaining representative of individual providers (instead of as a Taft-Hartley trust). Peer mentoring of at least one hour per week is required during the first 90 days of work for long-term care workers who begin work on or after January 1, 2010. DSHS is required to offer advanced training beginning January 1, 2010.

The scope of collective bargaining over training costs is narrowed to refer to other training intended to promote the career development of individual providers.

The Secretary of DSHS may permit all or a portion of the training hours to be applied to certification as a nursing assistant.

The due date for the Task Force's final report is changed from June 30, 2007, to December 30, 2007.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The section establishing the Home and Community Long-Term Care Workforce Development Workgroup becomes effective immediately. The portions of the bill pertaining to collective bargaining take effect on July 1, 2008.