
HOUSE BILL 2693

State of Washington 60th Legislature 2008 Regular Session

By Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood, and Sells

Read first time 01/15/08. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to required basic training and certification of
2 long-term care workers; amending RCW 74.39A.009, 74.39A.360,
3 74.39A.050, 70.128.230, and 18.20.270; adding new sections to chapter
4 74.39A RCW; adding a new section to chapter 18.88A RCW; creating a new
5 section; and repealing RCW 18.20.230, and 70.128.210.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) An underlying premise of Washington's long-term care system is
9 the value of consumer choice across a full continuum of care with the
10 right to accessible, quality care;

11 (b) The level and content of basic training should be focused upon
12 the client with respect to client care needs, health status, choice,
13 and flexibility;

14 (c) An appropriately trained and motivated long-term care workforce
15 contributes to the quality of long-term care services;

16 (d) There is a need for increased workforce diversity throughout
17 the long-term care system;

18 (e) Long-term care worker training should acknowledge cultural

1 diversity and strive to achieve a greater understanding of the
2 relationships between culture and health;

3 (f) The long-term care workforce has diverse work-life expectations
4 such as career advancement and quality job performance;

5 (g) The long-term care workforce has variable learning styles, and
6 can benefit from flexibility in training settings, modalities,
7 accessibility, and methods;

8 (h) Long-term care training should prepare workers and caregivers
9 to perform in as many long-term care settings as possible with economic
10 security and safety, but also should accommodate the interests of those
11 workers who intend to care exclusively for their family members;

12 (i) The care and support provided by unpaid long-term caregivers
13 should not be disrupted, but enhanced and stabilized by any changes to
14 long-term care training and certification; and

15 (j) The long-term care workforce should be increased and enhanced
16 to meet current and future needs. New policies and requirements should
17 not result in decreasing the available workforce or the services
18 available to consumers.

19 (2) The legislature intends to establish long-term care worker
20 training standards that are consistent with the findings of subsection
21 (1) of this section.

22 **Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read
23 as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Adult family home" means a home licensed under chapter 70.128
27 RCW.

28 (2) "Adult residential care" means services provided by a boarding
29 home that is licensed under chapter 18.20 RCW and that has a contract
30 with the department under RCW 74.39A.020 to provide personal care
31 services.

32 (3) "Assisted living services" means services provided by a
33 boarding home that has a contract with the department under RCW
34 74.39A.010 to provide personal care services, intermittent nursing
35 services, and medication administration services, and the resident is
36 housed in a private apartment-like unit.

- 1 (4) "Boarding home" means a facility licensed under chapter 18.20
2 RCW.
- 3 (5) "Cost-effective care" means care provided in a setting of an
4 individual's choice that is necessary to promote the most appropriate
5 level of physical, mental, and psychosocial well-being consistent with
6 client choice, in an environment that is appropriate to the care and
7 safety needs of the individual, and such care cannot be provided at a
8 lower cost in any other setting. But this in no way precludes an
9 individual from choosing a different residential setting to achieve his
10 or her desired quality of life.
- 11 (6) "Department" means the department of social and health
12 services.
- 13 (7) "Enhanced adult residential care" means services provided by a
14 boarding home that is licensed under chapter 18.20 RCW and that has a
15 contract with the department under RCW 74.39A.010 to provide personal
16 care services, intermittent nursing services, and medication
17 administration services.
- 18 (8) "Functionally disabled person" or "person who is functionally
19 disabled" is synonymous with chronic functionally disabled and means a
20 person who because of a recognized chronic physical or mental condition
21 or disease, including chemical dependency, is impaired to the extent of
22 being dependent upon others for direct care, support, supervision, or
23 monitoring to perform activities of daily living. "Activities of daily
24 living", in this context, means self-care abilities related to personal
25 care such as bathing, eating, using the toilet, dressing, and transfer.
26 Instrumental activities of daily living may also be used to assess a
27 person's functional abilities as they are related to the mental
28 capacity to perform activities in the home and the community such as
29 cooking, shopping, house cleaning, doing laundry, working, and managing
30 personal finances.
- 31 (9) "Home and community services" means adult family homes, in-home
32 services, and other services administered or provided by contract by
33 the department directly or through contract with area agencies on aging
34 or similar services provided by facilities and agencies licensed by the
35 department.
- 36 (10) "Long-term care" is synonymous with chronic care and means
37 care and supports delivered indefinitely, intermittently, or over a
38 sustained time to persons of any age disabled by chronic mental or

1 physical illness, disease, chemical dependency, or a medical condition
2 that is permanent, not reversible or curable, or is long-lasting and
3 severely limits their mental or physical capacity for self-care. The
4 use of this definition is not intended to expand the scope of services,
5 care, or assistance by any individuals, groups, residential care
6 settings, or professions unless otherwise expressed by law.

7 (11)(a) "Long-term care workers" includes all persons who are paid
8 long-term care workers for (~~the elderly or~~) persons with functional
9 disabilities, including but not limited to individual providers of home
10 care services, direct care employees of home care agencies, providers
11 of home care services to persons with developmental disabilities under
12 Title 71 RCW, all direct care workers in state-licensed boarding homes,
13 assisted living facilities, and adult family homes, respite care
14 providers, community residential service providers, and any other
15 direct care worker providing home or community-based services to the
16 elderly or persons with functional disabilities or developmental
17 disabilities.

18 (b) "Long-term care workers" do not include persons employed in
19 nursing homes subject to chapter 18.51 RCW, hospitals or other acute
20 care settings, hospice agencies subject to chapter 70.127 RCW, adult
21 day care centers, and adult day health care centers.

22 (12) "Nursing home" means a facility licensed under chapter 18.51
23 RCW.

24 (13) "Secretary" means the secretary of social and health services.

25 (14) "Training partnership" means a joint partnership or trust
26 established and maintained jointly by the office of the governor and
27 the exclusive bargaining representative of individual providers under
28 RCW 74.39A.270 to provide training, peer mentoring, and examinations
29 required under this chapter, and educational, career development, or
30 other services to individual providers.

31 (15) "Tribally licensed boarding home" means a boarding home
32 licensed by a federally recognized Indian tribe which home provides
33 services similar to boarding homes licensed under chapter 18.20 RCW.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW
35 to read as follows:

36 (1) Except to the extent provided otherwise in subsection (9) of
37 this section, long-term care workers must meet the basic training

1 requirements established in this section. Training standards and the
2 delivery system shall be relevant to the varied needs of individuals
3 served by long-term care workers, and shall be sufficient to ensure
4 that long-term care workers have the skills and knowledge necessary to
5 provide high quality, appropriate care in a manner that respects each
6 individual's preferences.

7 (2)(a) Basic training shall include two components:

8 (i) Thirty-five hours of classroom training. In an effort to
9 improve the quality of training, increase access to training, and
10 reduce costs, especially for rural communities, the coordinated system
11 of long-term care training and education should include:

12 (A) The use of innovative learning strategies such as internet
13 resources, videotapes, and distance learning using satellite technology
14 coordinated through community colleges or other entities, as defined by
15 the department; and

16 (B) The use of varied adult learner strategies, such as
17 opportunities to practice or demonstrate skills, role playing, and
18 group discussions.

19 (ii) Fifty hours of experiential training. In an effort to improve
20 the quality of training, increase access to training, and reduce costs,
21 the department shall allow, and the training partnership shall
22 accommodate, significant flexibility in defining experiential training.
23 Experiential training should include but not be limited to hours
24 individual providers spend with mentors under RCW 74.39A.330, hours
25 spent being trained by the individual to whom a worker is providing
26 care regarding the individual's caregiving preferences and needs, on-
27 the-job training provided by the worker's employer, and attendance at
28 relevant conferences. The department shall adopt experiential training
29 standards in rule to address the integrity and quality of the training,
30 and to verify participation in experiential training.

31 (b) Training required under RCW 18.20.270(5) and 70.128.230(5)
32 shall count toward the eighty-five hours of training required under
33 this subsection.

34 (3) Required basic training consists of modules on the knowledge
35 and competencies that caregivers need to learn and understand to
36 effectively and safely provide care to functionally disabled persons.
37 Training must consist of:

1 (a) A set of core competencies that all long-term care workers must
2 complete. Core competencies consist of competencies and knowledge
3 necessary to meet the needs of, and safely care for, any individual who
4 requires personal care services. Core training modules must include
5 worker orientation, which must consist of introductory information on
6 residents' rights, communication skills, fire and life safety, and
7 universal precautions; and

8 (b) Additional population or setting specific competencies that
9 allow long-term care workers to acquire competencies unique to the
10 individuals they will be serving or the care setting in which they will
11 be working.

12 (4) Required basic training must be completed by long-term care
13 workers within one hundred twenty days of the date on which they begin
14 to provide hands-on care. Long-term care worker orientation under
15 subsection (3)(a) of this section must be completed by all long-term
16 care workers before the worker has routine interaction with the
17 individual or individuals they will be caring for.

18 (5) Required basic training must be outcome-based, and the
19 effectiveness of the training must be measured through the use of a
20 competency test.

21 (6) As specified by the department in rule, the following persons
22 are fully or partially exempt from the training requirements of this
23 section:

24 (a) Registered nurses, licensed practical nurses, certified nursing
25 assistants, medicare certified home health aides, or persons who hold
26 a similar health certification or license. However, these individuals
27 must complete worker orientation training as described in subsection
28 (3)(a) of this section;

29 (b) Persons who successfully challenge the competency test for
30 required basic training. However, these individuals must complete
31 worker orientation training as described in subsection (3)(a) of this
32 section; and

33 (c) Long-term care workers employed by supportive living providers
34 regulated under chapter 388-101 WAC who are subject to the training
35 required in WAC 388-101-1680. If the supportive living staff training
36 requirements included in chapter 388-101 WAC as of the effective date
37 of this act are reduced to eighty-five hours or less, the requirements

1 of this section shall apply to long-term care workers employed by
2 supportive living programs.

3 (7) The department shall develop criteria for the approval of
4 training programs. Only training curricula approved by the department
5 may be used to fulfill the requirements of this section. Boarding
6 homes, adult family homes, home care agencies, or other entities
7 employing long-term care workers that desire to deliver facility or
8 agency-based training with facility or agency designated trainers, or
9 facilities and agencies that desire to pool their resources to create
10 shared training systems, must be encouraged by the department in their
11 efforts. The department shall develop criteria for reviewing and
12 approving trainers and training materials that are substantially
13 similar to or better than the materials developed by the department.
14 The department may approve a curriculum based upon attestation by a
15 boarding home administrator, an adult family home provider or resident
16 manager, or a home care agency administrator that the facility's or
17 agency's training curriculum addresses required training competencies
18 identified by the department, and shall review a curriculum to verify
19 that it meets these requirements. The department, or the department of
20 health as applicable, may conduct the review as part of the next
21 regularly scheduled yearly inspection and investigation required under
22 RCW 18.20.110, 70.128.090, or 70.127.100. The department shall rescind
23 approval of any curriculum if it determines that the curriculum does
24 not meet these requirements.

25 (8)(a) The basic training requirements of this section commence
26 January 1, 2010, or one hundred twenty days from the date of
27 contracting or employment, whichever is later, and shall be applied to
28 long-term care workers newly contracted or hired subsequent to January
29 1, 2010. Long-term care workers contracted or employed prior to
30 January 1, 2010, must complete all training requirements in effect
31 prior to that date.

32 (b) If the department determines that administrative capacities
33 essential to implementation of long-term care worker training
34 requirements of this section will not be fully functional by January 1,
35 2010, the department may defer the implementation date of the training
36 requirements to no later than July 1, 2010.

37 (9)(a) Biological, step, or adoptive parents who are the individual
38 provider for only their developmentally disabled son or daughter who is

1 receiving services through the department's division of developmental
2 disabilities; and persons who provide respite care on an intermittent
3 basis to the developmentally disabled son or daughter of a biological,
4 step, or adoptive parent who is an individual provider or who is an
5 unpaid caregiver, must meet the basic training requirements established
6 in this subsection. As used in this subsection, "intermittent basis"
7 means care provided exclusively to one individual for not more than an
8 average of sixteen hours per month.

9 (b) Basic training must include twelve hours of training relevant
10 to the needs of adults with developmental disabilities.

11 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.39A RCW
12 to read as follows:

13 (1) Except to the extent provided otherwise in subsection (5) of
14 this section, after January 1, 2010, all long-term care workers must
15 obtain certification by the department within one hundred eighty days
16 of employment. This section does not apply to persons already
17 contracted or employed as long-term care workers prior to January 1,
18 2010.

19 (2) A long-term care worker may provide direct, hands-on personal
20 care and other assistance services to persons with functional
21 disabilities requiring long-term care services. Personal care services
22 include assistance with eating, bathing, dressing, and other activities
23 of daily living.

24 (3) The department has the authority to:

25 (a) Set certification and renewal fees;

26 (b) Establish forms, procedures, and examinations necessary to
27 certify long-term care workers pursuant to this chapter;

28 (c) Hire clerical, administrative, and investigative staff as
29 needed to implement this section;

30 (d) Issue a certificate to any applicant who has met the training,
31 background check, and certification examination requirements of this
32 chapter; and

33 (e) Maintain the official record of all applicants and persons with
34 certificates.

35 (4)(a) The certification requirement of this section commences
36 January 1, 2010, or one hundred eighty days from the date of initial

1 contracting or employment, whichever is later, and shall be applied to
2 long-term care workers contracted or hired subsequent to January 1,
3 2010.

4 (b) If the department determines that administrative capacities
5 essential to implementation of long-term care worker certification will
6 not be fully functional by January 1, 2010, the department may defer
7 the implementation date of certification to no later than July 1, 2010.

8 (5) Long-term care workers who are caring exclusively for a family
9 member and intermittent respite providers described in section 3(9) of
10 this act, are exempt from the requirement to obtain certification as a
11 long-term care worker. For purposes of this section, "family member"
12 means a biological parent, grandparent, sibling, aunt, or uncle, or a
13 parent, grandparent, sibling, aunt, or uncle related by marriage or
14 adoption.

15 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.39A RCW
16 to read as follows:

17 (1) The department shall develop a long-term care worker
18 certification examination to evaluate whether applicants possess the
19 minimum skills and knowledge necessary to practice competently. Only
20 those who have completed the training requirements or have had those
21 requirements waived pursuant to section 3(6) of this act shall be
22 eligible to sit for this examination.

23 (2) The examination shall include both a skills demonstration and
24 a written or oral knowledge test. Examinations shall be limited to the
25 purpose of determining whether the applicant possesses the minimum
26 skill and knowledge necessary to practice competently.

27 (3) The examination papers, all grading of the papers, and the
28 grading of skills demonstration shall be preserved for a period of at
29 least one year. All examinations shall be conducted under fair and
30 wholly impartial methods.

31 (4) The certification exam shall be administered and evaluated by
32 the department or by contractor to the department that is neither an
33 employer of long-term care workers or a private contractor providing
34 training services under this act.

35 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.39A RCW
36 to read as follows:

1 (1) The department shall deny payment to any individual provider of
2 home care services who does not complete the training requirements or
3 obtain certification as a long-term care worker within the time limit
4 specified in this chapter.

5 (2) The department may deny certification to an applicant who does
6 not meet training, background check, or competency examination
7 requirements for certification.

8 (3) The department may revoke the certification of any long-term
9 care worker, terminate the contract of any individual provider of home
10 care services, or take any other enforcement measure deemed appropriate
11 by the department upon a finding of unprofessional conduct, as defined
12 in RCW 18.130.180. For purposes of this act, the department shall be
13 considered the disciplining authority.

14 (4) The department may take action to immediately suspend the
15 certification of a long-term care worker, or immediately terminate the
16 contract of an individual provider of home care services, upon finding
17 that conduct of the long-term care worker or individual provider has
18 caused or presents an imminent threat of harm to a functionally
19 disabled person in their care.

20 (5) The department shall take appropriate enforcement action
21 related to the contract or licensure of a provider of home and
22 community-based services, other than an individual provider, who
23 knowingly employs a long-term care worker who has failed to complete
24 the training requirements or obtain certification as a long-term care
25 worker within the time limits specified in this act.

26 (6) Chapter 34.05 RCW shall govern department actions under this
27 section, except that orders of the department imposing certificate
28 suspension or conditions for continuation of a certificate are
29 effective immediately upon notice and shall continue in effect pending
30 any hearing.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.39A RCW
32 to read as follows:

33 The department shall adopt rules by September 1, 2009, necessary to
34 implement the training, certification, and enforcement provisions of
35 this act. In developing rules, the department shall consult with the
36 department of health, the nursing care quality assurance commission,
37 adult family home providers, boarding home providers, in-home personal

1 care providers, affected labor organizations, community and technical
2 colleges, and long-term care consumers and other interested
3 organizations.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.88A RCW
5 to read as follows:

6 By January 1, 2010, the department shall develop, in consultation
7 with the nursing care quality assurance commission and consumer and
8 worker representatives, rules permitting reciprocity to the maximum
9 extent possible under federal law between long-term care worker
10 certification and nursing assistant certification.

11 **Sec. 9.** RCW 74.39A.360 and 2007 c 361 s 6 are each amended to read
12 as follows:

13 (1) Beginning January 1, 2010, for individual providers represented
14 by an exclusive bargaining representative under RCW 74.39A.270, all
15 training and peer mentoring required under this chapter shall be
16 provided by a training partnership. Contributions to the partnership
17 pursuant to a collective bargaining agreement negotiated under this
18 chapter shall be made beginning July 1, 2009. The training partnership
19 shall provide reports as required by the department verifying that all
20 individual providers have complied with all training requirements. The
21 exclusive bargaining representative shall designate the training
22 partnership.

23 (2) The training partnership shall offer persons who are acting as
24 unpaid informal caregivers for family members or friends the
25 opportunity to attend up to ten hours per year of training offered
26 through the partnership at no cost to the individual caregiver or the
27 state. Attendance opportunities may be limited to the extent that:

28 (a) There is fixed maximum seating or participation capacity for a
29 training module that satisfies long-term care worker basic training or
30 continuing education requirements under this chapter; and

31 (b) The maximum capacity for a particular training module is
32 reserved twenty-four hours in advance of the scheduled date and time of
33 the module.

34 **Sec. 10.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to
35 read as follows:

1 The department's system of quality improvement for long-term care
2 services shall use the following principles, consistent with applicable
3 federal laws and regulations:

4 (1) The system shall be client-centered and promote privacy,
5 independence, dignity, choice, and a home or home-like environment for
6 consumers consistent with chapter 392, Laws of 1997.

7 (2) The goal of the system is continuous quality improvement with
8 the focus on consumer satisfaction and outcomes for consumers. This
9 includes that when conducting licensing or contract inspections, the
10 department shall interview an appropriate percentage of residents,
11 family members, resident case managers, and advocates in addition to
12 interviewing providers and staff.

13 (3) Providers should be supported in their efforts to improve
14 quality and address identified problems initially through training,
15 consultation, technical assistance, and case management.

16 (4) The emphasis should be on problem prevention both in monitoring
17 and in screening potential providers of service.

18 (5) Monitoring should be outcome based and responsive to consumer
19 complaints and based on a clear set of health, quality of care, and
20 safety standards that are easily understandable and have been made
21 available to providers, residents, and other interested parties.

22 (6) Prompt and specific enforcement remedies shall also be
23 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,
24 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have
25 delivered care or failed to deliver care resulting in problems that are
26 serious, recurring, or uncorrected, or that create a hazard that is
27 causing or likely to cause death or serious harm to one or more
28 residents. These enforcement remedies may also include, when
29 appropriate, reasonable conditions on a contract or license. In the
30 selection of remedies, the safety, health, and well-being of residents
31 shall be of paramount importance.

32 (7) To the extent funding is available, all long-term care staff
33 directly responsible for the care, supervision, or treatment of
34 vulnerable persons should be screened through background checks in a
35 uniform and timely manner to ensure that they do not have a criminal
36 history that would disqualify them from working with vulnerable
37 persons. Whenever a state conviction record check is required by state

1 law, persons may be employed or engaged as volunteers or independent
2 contractors on a conditional basis according to law and rules adopted
3 by the department.

4 (8) No provider or staff, or prospective provider or staff, with a
5 stipulated finding of fact, conclusion of law, an agreed order, or
6 finding of fact, conclusion of law, or final order issued by a
7 disciplining authority, a court of law, or entered into a state
8 registry finding him or her guilty of abuse, neglect, exploitation, or
9 abandonment of a minor or a vulnerable adult as defined in chapter
10 74.34 RCW shall be employed in the care of and have unsupervised access
11 to vulnerable adults.

12 (9) The department shall establish, by rule, a state registry which
13 contains identifying information about personal care aides identified
14 under this chapter who have substantiated findings of abuse, neglect,
15 financial exploitation, or abandonment of a vulnerable adult as defined
16 in RCW 74.34.020. The rule must include disclosure, disposition of
17 findings, notification, findings of fact, appeal rights, and fair
18 hearing requirements. The department shall disclose, upon request,
19 substantiated findings of abuse, neglect, financial exploitation, or
20 abandonment to any person so requesting this information.

21 ~~(10) ((The department shall by rule develop training requirements~~
22 ~~for individual providers and home care agency providers. Effective~~
23 ~~March 1, 2002, individual providers and home care agency providers must~~
24 ~~satisfactorily complete department approved orientation, basic~~
25 ~~training, and continuing education within the time period specified by~~
26 ~~the department in rule. The department shall adopt rules by March 1,~~
27 ~~2002, for the implementation of this section based on the~~
28 ~~recommendations of the community long term care training and education~~
29 ~~steering committee established in RCW 74.39A.190. The department shall~~
30 ~~deny payment to an individual provider or a home care provider who does~~
31 ~~not complete the training requirements within the time limit specified~~
32 ~~by the department by rule.~~

33 ~~(11) In an effort to improve access to training and education and~~
34 ~~reduce costs, especially for rural communities, the coordinated system~~
35 ~~of long term care training and education must include the use of~~
36 ~~innovative types of learning strategies such as internet resources,~~
37 ~~videotapes, and distance learning using satellite technology~~

1 coordinated through community colleges or other entities, as defined by
2 the department.

3 ~~(12) The department shall create an approval system by March 1,~~
4 ~~2002, for those seeking to conduct department approved training. In~~
5 ~~the rule making process, the department shall adopt rules based on the~~
6 ~~recommendations of the community long term care training and education~~
7 ~~steering committee established in RCW 74.39A.190.~~

8 ~~(13))~~ The department shall establish, by rule, ~~((training,))~~
9 background checks~~((7))~~ and other quality assurance requirements for
10 personal aides who provide in-home services funded by medicaid personal
11 care as described in RCW 74.09.520, community options program entry
12 system waiver services as described in RCW 74.39A.030, or chore
13 services as described in RCW 74.39A.110 that are equivalent to
14 requirements for individual providers.

15 ~~((14))~~ (11) Under existing funds the department shall establish
16 internally a quality improvement standards committee to monitor the
17 development of standards and to suggest modifications.

18 ~~((15) Within existing funds, the department shall design, develop,~~
19 ~~and implement a long term care training program that is flexible,~~
20 ~~relevant, and qualifies towards the requirements for a nursing~~
21 ~~assistant certificate as established under chapter 18.88A RCW. This~~
22 ~~subsection does not require completion of the nursing assistant~~
23 ~~certificate training program by providers or their staff. The long-~~
24 ~~term care teaching curriculum must consist of a fundamental module, or~~
25 ~~modules, and a range of other available relevant training modules that~~
26 ~~provide the caregiver with appropriate options that assist in meeting~~
27 ~~the resident's care needs. Some of the training modules may include,~~
28 ~~but are not limited to, specific training on the special care needs of~~
29 ~~persons with developmental disabilities, dementia, mental illness, and~~
30 ~~the care needs of the elderly. No less than one training module must~~
31 ~~be dedicated to workplace violence prevention. The nursing care~~
32 ~~quality assurance commission shall work together with the department to~~
33 ~~develop the curriculum modules. The nursing care quality assurance~~
34 ~~commission shall direct the nursing assistant training programs to~~
35 ~~accept some or all of the skills and competencies from the curriculum~~
36 ~~modules towards meeting the requirements for a nursing assistant~~
37 ~~certificate as defined in chapter 18.88A RCW. A process may be~~
38 ~~developed to test persons completing modules from a caregiver's class~~

1 ~~to verify that they have the transferable skills and competencies for~~
2 ~~entry into a nursing assistant training program. The department may~~
3 ~~review whether facilities can develop their own related long term care~~
4 ~~training programs. The department may develop a review process for~~
5 ~~determining what previous experience and training may be used to waive~~
6 ~~some or all of the mandatory training. The department of social and~~
7 ~~health services and the nursing care quality assurance commission shall~~
8 ~~work together to develop an implementation plan by December 12, 1998.)~~

9 **Sec. 11.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to
10 read as follows:

11 (1) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.

13 (a) "Caregiver" includes all adult family home resident managers
14 and any ((person)) long-term care worker who provides residents with
15 hands-on personal care on behalf of an adult family home, except
16 volunteers who are directly supervised.

17 (b) "Indirect supervision" means oversight by a person who has
18 demonstrated competency in the core areas or has been fully exempted
19 from the training requirements pursuant to this section and is quickly
20 and easily available to the caregiver, but not necessarily on-site.

21 (c) "Long-term care worker" has the same meaning as defined in RCW
22 74.39A.009(11).

23 (2) Training must have three components: Orientation, basic
24 training, and continuing education. All adult family home providers,
25 resident managers, and employees, or volunteers who routinely interact
26 with residents shall complete orientation. Caregivers shall complete
27 orientation, basic training, and continuing education. Training of
28 caregivers employed by adult family homes is governed by chapter 74.39A
29 RCW. Any caregiver who has satisfied the training and competency
30 testing requirements of section 3 of this act or the continuing
31 education requirements of RCW 74.39A.340 shall be deemed to have
32 satisfied the orientation, basic training, and continuing education
33 requirements of this section.

34 (3) Orientation consists of introductory information on residents'
35 rights, communication skills, fire and life safety, and universal
36 precautions. Orientation must be provided at the facility by

1 appropriate adult family home staff to all adult family home employees
2 before the employees have routine interaction with residents.

3 (4) Basic training consists of modules on the core knowledge and
4 skills that caregivers need to learn and understand to effectively and
5 safely provide care to residents. Basic training must be outcome-
6 based, and the effectiveness of the basic training must be measured by
7 demonstrated competency in the core areas through the use of a
8 competency test. (~~Basic training must be completed by caregivers
9 within one hundred twenty days of the date on which they begin to
10 provide hands on care or within one hundred twenty days of September 1,
11 2002, whichever is later.~~) Until (~~competency in the core areas has
12 been demonstrated, caregivers~~) a caregiver provides verification that
13 he or she has satisfied the basic training requirements under section
14 3 of this act, a caregiver shall not provide hands-on personal care to
15 residents without indirect supervision.

16 (5) For adult family homes that serve residents with special needs
17 such as dementia, developmental disabilities, or mental illness,
18 specialty training is required of providers and resident managers.
19 Specialty training consists of modules on the core knowledge and skills
20 that providers and resident managers need to effectively and safely
21 provide care to residents with special needs. Specialty training
22 should be integrated into basic training wherever appropriate.
23 Specialty training must be outcome-based, and the effectiveness of the
24 specialty training measured by demonstrated competency in the core
25 specialty areas through the use of a competency test. Specialty
26 training must be completed by providers and resident managers before
27 admitting and serving residents who have been determined to have
28 special needs related to mental illness, dementia, or a developmental
29 disability. Should a resident develop special needs while living in a
30 home without specialty designation, the provider and resident manager
31 have one hundred twenty days to complete specialty training. If
32 training received by a caregiver under section 2 of this act involves
33 core knowledge and skills to effectively and safely provide care to
34 residents of the adult family home with special needs, the hours of
35 training received by the caregiver shall apply toward meeting the
36 specialty training requirements under this section.

37 (6) (~~Continuing education consists of ongoing delivery of
38 information to caregivers on various topics relevant to the care~~

1 ~~setting and care needs of residents. Competency testing is not~~
2 ~~required for continuing education. Continuing education is not~~
3 ~~required in the same calendar year in which basic or modified basic~~
4 ~~training is successfully completed. Continuing education is required~~
5 ~~in each calendar year thereafter.)) If specialty training is completed,~~
6 the specialty training applies toward any continuing education
7 requirement for up to two years following the completion of the
8 specialty training.

9 (7) Persons who successfully challenge the competency test for
10 basic training are fully exempt from the basic training requirements of
11 this section. Persons who successfully challenge the specialty
12 training competency test are fully exempt from the specialty training
13 requirements of this section.

14 (8) Licensed persons who perform the tasks for which they are
15 licensed are fully or partially exempt from the training requirements
16 of this section, as specified by the department in rule.

17 (9) In an effort to improve access to training and education and
18 reduce costs, especially for rural communities, the coordinated system
19 of long-term care training and education must include the use of
20 innovative types of learning strategies such as internet resources,
21 videotapes, and distance learning using satellite technology
22 coordinated through community colleges, private associations, or other
23 entities, as defined by the department.

24 ~~(10) ((Adult family homes that desire to deliver facility based~~
25 ~~training with facility designated trainers, or adult family homes that~~
26 ~~desire to pool their resources to create shared training systems, must~~
27 ~~be encouraged by the department in their efforts. The department shall~~
28 ~~develop criteria for reviewing and approving trainers and training~~
29 ~~materials. The department may approve a curriculum based upon~~
30 ~~attestation by an adult family home administrator that the adult family~~
31 ~~home's training curriculum addresses basic and specialty training~~
32 ~~competencies identified by the department, and shall review a~~
33 ~~curriculum to verify that it meets these requirements. The department~~
34 ~~may conduct the review as part of the next regularly scheduled~~
35 ~~inspection authorized under RCW 70.128.070. The department shall~~
36 ~~rescind approval of any curriculum if it determines that the curriculum~~
37 ~~does not meet these requirements.~~

1 ~~(11)~~) The department shall adopt rules by September 1, 2002, for
2 the implementation of this section.

3 ~~((12))~~ (11) The orientation, basic training, specialty training,
4 and continuing education requirements of this section commence
5 September 1, 2002, and shall be applied to (a) employees hired
6 subsequent to September 1, 2002; or (b) existing employees that on
7 September 1, 2002, have not successfully completed the training
8 requirements under RCW 70.128.120 or 70.128.130 and this section.
9 Existing employees who have not successfully completed the training
10 requirements under RCW 70.128.120 or 70.128.130 shall be subject to all
11 applicable requirements of this section. ~~((However, until September 1,~~
12 ~~2002, nothing in this section affects the current training requirements~~
13 ~~under RCW 70.128.120 and 70.128.130.))~~

14 **Sec. 12.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read
15 as follows:

16 (1) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Caregiver" includes any ~~(person)~~ long-term care worker who
19 provides residents with hands-on personal care on behalf of a boarding
20 home, except volunteers who are directly supervised.

21 (b) "Direct supervision" means oversight by a person who has
22 demonstrated competency in the core areas or has been fully exempted
23 from the training requirements pursuant to this section, is on the
24 premises, and is quickly and easily available to the caregiver.

25 (c) "Long-term care worker" has the same meaning as defined in RCW
26 74.39A.009(11).

27 (2) Training must have the following components: Orientation,
28 basic training, specialty training as appropriate, and continuing
29 education. All boarding home employees or volunteers who routinely
30 interact with residents shall complete orientation. Boarding home
31 administrators, or their designees, and caregivers shall complete
32 orientation, basic training, specialty training as appropriate, and
33 continuing education. Training of caregivers employed by boarding
34 homes is governed by chapter 74.39A RCW. Any caregiver who has
35 satisfied the training and competency testing requirements of section
36 3 of this act or the continuing education requirements of RCW

1 74.39A.340 shall be deemed to have satisfied the orientation, basic
2 training, and continuing education requirements of this section.

3 (3) Orientation consists of introductory information on residents'
4 rights, communication skills, fire and life safety, and universal
5 precautions. Orientation must be provided at the facility by
6 appropriate boarding home staff to all boarding home employees before
7 the employees have routine interaction with residents.

8 (4) Basic training consists of modules on the core knowledge and
9 skills that caregivers need to learn and understand to effectively and
10 safely provide care to residents. Basic training must be outcome-
11 based, and the effectiveness of the basic training must be measured by
12 demonstrated competency in the core areas through the use of a
13 competency test. ~~((Basic training must be completed by caregivers~~
14 ~~within one hundred twenty days of the date on which they begin to~~
15 ~~provide hands-on care or within one hundred twenty days of September 1,~~
16 ~~2002, whichever is later.)) Until ~~((competency in the core areas has~~
17 ~~been demonstrated, caregivers)) a caregiver provides verification that
18 he or she has met the basic training requirements under section 3 of
19 this act, a caregiver shall not provide hands-on personal care to
20 residents without direct supervision. Boarding home administrators, or
21 their designees, must complete basic training and demonstrate
22 competency within one hundred twenty days of employment or within one
23 hundred twenty days of September 1, 2002, whichever is later.~~~~

24 (5) For boarding homes that serve residents with special needs such
25 as dementia, developmental disabilities, or mental illness, specialty
26 training is required of administrators, or designees, and caregivers.
27 Specialty training consists of modules on the core knowledge and skills
28 that caregivers need to effectively and safely provide care to
29 residents with special needs. Specialty training should be integrated
30 into basic training wherever appropriate. Specialty training must be
31 outcome-based, and the effectiveness of the specialty training measured
32 by demonstrated competency in the core specialty areas through the use
33 of a competency test. Specialty training must be completed by
34 caregivers within one hundred twenty days of the date on which they
35 begin to provide hands-on care to a resident having special needs or
36 within one hundred twenty days of September 1, 2002, whichever is
37 later. However, if specialty training is not integrated with basic
38 training, the specialty training must be completed within ninety days

1 of completion of basic training. Until competency in the core
2 specialty areas has been demonstrated, caregivers shall not provide
3 hands-on personal care to residents with special needs without direct
4 supervision. If training received by a caregiver under section 3 of
5 this act involves core knowledge and skills to effectively and safely
6 provide care to residents of the boarding home with special needs, the
7 hours of training received by the caregiver shall apply toward meeting
8 the specialty training requirements under this section. Boarding home
9 administrators, or their designees, must complete specialty training
10 and demonstrate competency within one hundred twenty days of September
11 1, 2002, or one hundred twenty days from the date on which the
12 administrator or his or her designee is hired, whichever is later, if
13 the boarding home serves one or more residents with special needs.

14 ~~(6) ((Continuing education consists of ongoing delivery of~~
15 ~~information to caregivers on various topics relevant to the care~~
16 ~~setting and care needs of residents. Competency testing is not~~
17 ~~required for continuing education. Continuing education is not~~
18 ~~required in the same calendar year in which basic or modified basic~~
19 ~~training is successfully completed. Continuing education is required~~
20 ~~in each calendar year thereafter.))~~ If specialty training is
21 completed, the specialty training applies toward any continuing
22 education requirement for up to two years following the completion of
23 the specialty training.

24 (7) Persons who successfully challenge the competency test for
25 basic training are fully exempt from the basic training requirements of
26 this section. Persons who successfully challenge the specialty
27 training competency test are fully exempt from the specialty training
28 requirements of this section.

29 (8) Licensed persons who perform the tasks for which they are
30 licensed are fully or partially exempt from the training requirements
31 of this section, as specified by the department in rule.

32 (9) In an effort to improve access to training and education and
33 reduce costs, especially for rural communities, the coordinated system
34 of long-term care training and education must include the use of
35 innovative types of learning strategies such as internet resources,
36 videotapes, and distance learning using satellite technology
37 coordinated through community colleges or other entities, as defined by
38 the department.

1 (10) The department shall develop criteria for the approval of
2 orientation, basic training, and specialty training programs.

3 ~~(11) ((Boarding homes that desire to deliver facility based
4 training with facility designated trainers, or boarding homes that
5 desire to pool their resources to create shared training systems, must
6 be encouraged by the department in their efforts. The department shall
7 develop criteria for reviewing and approving trainers and training
8 materials that are substantially similar to or better than the
9 materials developed by the department. The department may approve a
10 curriculum based upon attestation by a boarding home administrator that
11 the boarding home's training curriculum addresses basic and specialty
12 training competencies identified by the department, and shall review a
13 curriculum to verify that it meets these requirements. The department
14 may conduct the review as part of the next regularly scheduled yearly
15 inspection and investigation required under RCW 18.20.110. The
16 department shall rescind approval of any curriculum if it determines
17 that the curriculum does not meet these requirements.~~

18 ~~(12) The department shall adopt rules by September 1, 2002, for the
19 implementation of this section.~~

20 ~~(13))~~ The orientation, basic training, specialty training, and
21 continuing education requirements of this section commence September 1,
22 2002, or one hundred twenty days from the date of employment, whichever
23 is later, and shall be applied to (a) employees hired subsequent to
24 September 1, 2002; and (b) existing employees that on September 1,
25 2002, have not successfully completed the training requirements under
26 RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who
27 have not successfully completed the training requirements under RCW
28 74.39A.010 or 74.39A.020 shall be subject to all applicable
29 requirements of this section. ~~((However, prior to September 1, 2002,
30 nothing in this section affects the current training requirements under
31 RCW 74.39A.010.))~~

32 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 18.20.230 (Training standards review--Proposed
35 enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2; and

1 (2) RCW 70.128.210 (Training standards review--Delivery system--
2 Issues reviewed--Report to the legislature) and 1998 c 272 s 3.

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