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SENATE BILL 6066

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Kohl-Welles, Kline, Franklin, Kauffman and Roach

Read first time 02/16/2007.                      Referred to Committee on Labor,  
Commerce, Research & Development.

1            AN ACT Relating to the training of and collective bargaining over  
2 the training of care providers; amending RCW 74.39A.050, 74.39A.270,  
3 74.39A.300, 74.39A.310, 41.56.465, and 18.88A.085; adding a new section  
4 to chapter 74.39A RCW; creating new sections; and repealing RCW  
5 74.39A.190.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 74.39A RCW  
8 to read as follows:

9            (1) Effective January 1, 2009, the department shall require that  
10 all persons who are part of an independent provider bargaining unit,  
11 private agency home care provider, adult family home care workers, or  
12 other providers of long-term care services to the elderly and persons  
13 with disabilities, including adult family home providers, adult  
14 residential care providers, long-term care providers, boarding home  
15 administrators, boarding home caregivers, and other home and community  
16 service care providers identified in this chapter meet the following  
17 minimum training requirements described in this section.

18            (2) All entry-level persons employed as providers of long-term care

1 services to the elderly and persons with disabilities shall be required  
2 to obtain one hundred fifty hours of entry-level training including  
3 eighty-five hours of precertification training as follows:

4 (a) Two hours of orientation training in the role of the caregiver  
5 and the terms of employment to be completed within two weeks of  
6 employment or within fifty hours of work, whichever is later;

7 (b) Three hours of safety training including basic safety  
8 precautions and emergency procedures and infection control to be  
9 completed within two weeks of employment or within fifty hours of work,  
10 whichever is later; and

11 (c) Eighty hours of long-term care core competencies training  
12 including but not limited to: Consumer rights and confidentiality;  
13 communication and problem solving skills; personal care skills; health-  
14 related tasks training; in-home and nutritional support; body systems,  
15 disease, and disability training; and self-care training to be  
16 completed within six months of employment or within six hundred hours  
17 of work, whichever is later.

18 (3) The department shall offer sixty-five hours of advanced and  
19 specialty training including but not limited to topics such as: Client  
20 rights; personal care; mental illness; dementia; developmental  
21 disabilities; depression; medication assistance; advanced communication  
22 skills; positive client behavior support; developing or improving  
23 client-centered activities; dealing with wandering or aggressive client  
24 behaviors; medical conditions; nurse delegation core training; peer  
25 mentor training; and advocacy for quality care training.

26 (4) The department may develop a review process waiving some or all  
27 mandatory training requirements for a person who already possesses a  
28 health care degree, is certified under chapter 18.88A RCW, is a  
29 registered nurse, or has other significant experience and training.

30 (5) Effective January 1, 2009, the department shall require that  
31 all providers of long-term care services to the elderly and persons  
32 with disabilities shall obtain twelve hours of continuing education  
33 training in advanced and specialty training topics each year beginning  
34 on the anniversary date of completion of the one hundred fifty hours of  
35 training, or beginning on January 1, 2010, for existing workers.

36 (6) Effective January 1, 2010, the department shall require that  
37 all providers of long-term care services to the elderly and persons  
38 with disabilities shall be offered or made available on-the-job

1 training or peer mentorship of at least one hour a week for the first  
2 one hundred twenty days of work from a long-term care worker who has  
3 completed at least twelve hours of mentor training and is mentoring no  
4 more than ten other workers at any given time.

5 (7) The department shall adopt rules by January 1, 2009, that  
6 establish a certified home care aide designation and testing process.  
7 After completing at least eight-five hours of required entry-level  
8 training, workers subject to this section will be eligible to take the  
9 test established by the department to receive a home care aide  
10 certification. The department shall administer the home care aide  
11 certification examination and shall certify home care aides who pass  
12 the test. To maintain their certification, personal care aides must  
13 complete all training and continuing education requirements within the  
14 time limits specified in this section.

15 (8) Only training curriculum approved by the department may be used  
16 to fulfill the training requirements under this section. The  
17 department shall approve any training curriculum that has been  
18 developed with input from consumer and worker representatives, that  
19 allows for comprehensive instruction by qualified instructors on the  
20 competencies and training topics in this section, and that encourages  
21 direct participation by consumers and workers as associate instructors  
22 for some modules.

23 (9) The department shall deny payment to any provider of long-term  
24 care services to the elderly and persons with disabilities who does not  
25 or whose employees do not complete the training requirements and obtain  
26 certification as a personal care aide within six months or six hundred  
27 hours of work, whichever is later.

28 (10) For all providers of long-term care services to the elderly  
29 and persons with disabilities represented by an exclusive bargaining  
30 representative under RCW 74.39A.270 and 74.39A.300, all training under  
31 this section shall be provided by joint labor-management partnership or  
32 trust. The partnership or trust shall provide reports as required by  
33 the department verifying that all providers have complied with all  
34 training requirements. Employer contributions to the entity is a  
35 mandatory subject of the collective bargaining agreement and shall be  
36 fixed at a level sufficient to meet the cost of the training  
37 requirements and to contribute towards the cost of other services such  
38 as adult education, caregiver support, and career development services

1 necessary to recruit and retain a high quality direct care workforce.  
2 The partnership or trust shall be designated by the certified exclusive  
3 bargaining representative representing at least twenty thousand  
4 employees.

5 (11) The requirements of this section do not apply to nursing homes  
6 licensed under chapter 18.51 RCW.

7 (12) The department shall adopt rules to implement this section.

8 **Sec. 2.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read  
9 as follows:

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

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

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

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

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

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

31 (6) Prompt and specific enforcement remedies shall also be  
32 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,  
33 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have  
34 delivered care or failed to deliver care resulting in problems that are  
35 serious, recurring, or uncorrected, or that create a hazard that is  
36 causing or likely to cause death or serious harm to one or more  
37 residents. These enforcement remedies may also include, when

1 appropriate, reasonable conditions on a contract or license. In the  
2 selection of remedies, the safety, health, and well-being of residents  
3 shall be of paramount importance.

4 (7) To the extent funding is available, all long-term care staff  
5 directly responsible for the care, supervision, or treatment of  
6 vulnerable persons should be screened through background checks in a  
7 uniform and timely manner to ensure that they do not have a criminal  
8 history that would disqualify them from working with vulnerable  
9 persons. Whenever a state conviction record check is required by state  
10 law, persons may be employed or engaged as volunteers or independent  
11 contractors on a conditional basis according to law and rules adopted  
12 by the department.

13 (8) No provider or staff, or prospective provider or staff, with a  
14 stipulated finding of fact, conclusion of law, an agreed order, or  
15 finding of fact, conclusion of law, or final order issued by a  
16 disciplining authority, a court of law, or entered into a state  
17 registry finding him or her guilty of abuse, neglect, exploitation, or  
18 abandonment of a minor or a vulnerable adult as defined in chapter  
19 74.34 RCW shall be employed in the care of and have unsupervised access  
20 to vulnerable adults.

21 (9) The department shall establish, by rule, a state registry which  
22 contains identifying information about personal care aides identified  
23 under this chapter who have substantiated findings of abuse, neglect,  
24 financial exploitation, or abandonment of a vulnerable adult as defined  
25 in RCW 74.34.020. The rule must include disclosure, disposition of  
26 findings, notification, findings of fact, appeal rights, and fair  
27 hearing requirements. The department shall disclose, upon request,  
28 substantiated findings of abuse, neglect, financial exploitation, or  
29 abandonment to any person so requesting this information.

30 ~~(10) ((The department shall by rule develop training requirements~~  
31 ~~for individual providers and home care agency providers. Effective~~  
32 ~~March 1, 2002, individual providers and home care agency providers must~~  
33 ~~satisfactorily complete department approved orientation, basic~~  
34 ~~training, and continuing education within the time period specified by~~  
35 ~~the department in rule. The department shall adopt rules by March 1,~~  
36 ~~2002, for the implementation of this section based on the~~  
37 ~~recommendations of the community long term care training and education~~  
38 ~~steering committee established in RCW 74.39A.190. The department shall~~

1 deny payment to an individual provider or a home care provider who does  
2 not complete the training requirements within the time limit specified  
3 by the department by rule.

4 ~~(11) In an effort to improve access to training and education and~~  
5 ~~reduce costs, especially for rural communities, the coordinated system~~  
6 ~~of long term care training and education must include the use of~~  
7 ~~innovative types of learning strategies such as internet resources,~~  
8 ~~videotapes, and distance learning using satellite technology~~  
9 ~~coordinated through community colleges or other entities, as defined by~~  
10 ~~the department.~~

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

16 ~~(13))~~ The department shall establish, by rule, ~~((training,))~~  
17 background checks, and other quality assurance requirements for  
18 personal aides who provide in-home services funded by medicaid personal  
19 care as described in RCW 74.09.520, community options program entry  
20 system waiver services as described in RCW 74.39A.030, or chore  
21 services as described in RCW 74.39A.110 that are equivalent to  
22 requirements for individual providers.

23 ~~((14))~~ (11) Under existing funds the department shall establish  
24 internally a quality improvement standards committee to monitor the  
25 development of standards and to suggest modifications.

26 ~~((15) Within existing funds))~~ (12) Consistent with section 1 of  
27 this act, the department shall design, develop, and implement a long-  
28 term care training program that is flexible, relevant, and qualifies  
29 towards the requirements for a nursing assistant certificate as  
30 established under chapter 18.88A RCW. This subsection does not require  
31 completion of the nursing assistant certificate training program by  
32 providers or their staff. The long-term care teaching curriculum must  
33 consist of a fundamental module, or modules, and a range of other  
34 available relevant training modules that provide the caregiver with  
35 appropriate options that assist in meeting the resident's care needs.  
36 Some of the training modules may include, but are not limited to,  
37 specific training on the special care needs of persons with  
38 developmental disabilities, dementia, mental illness, and the care

1 needs of the elderly. No less than one training module must be  
2 dedicated to workplace violence prevention. The nursing care quality  
3 assurance commission shall work together with the department to develop  
4 the curriculum modules. The nursing care quality assurance commission  
5 shall direct the nursing assistant training programs to accept some or  
6 all of the skills and competencies from the curriculum modules towards  
7 meeting the requirements for a nursing assistant certificate as defined  
8 in chapter 18.88A RCW. A process may be developed to test persons  
9 completing modules from a caregiver's class to verify that they have  
10 the transferable skills and competencies for entry into a nursing  
11 assistant training program. The department may review whether  
12 facilities can develop their own related long-term care training  
13 programs. The department may develop a review process for determining  
14 what previous experience and training may be used to waive some or all  
15 of the mandatory training. ~~((The department of social and health  
16 services and the nursing care quality assurance commission shall work  
17 together to develop an implementation plan by December 12, 1998.))~~

18 **Sec. 3.** RCW 74.39A.270 and 2006 c 106 s 1 are each amended to read  
19 as follows:

20 (1) Solely for the purposes of collective bargaining and as  
21 expressly limited under subsections (2) and (3) of this section, the  
22 governor is the public employer, as defined in chapter 41.56 RCW, of  
23 individual providers, who, solely for the purposes of collective  
24 bargaining, are public employees as defined in chapter 41.56 RCW. To  
25 accommodate the role of the state as payor for the community-based  
26 services provided under this chapter and to ensure coordination with  
27 state employee collective bargaining under chapter 41.80 RCW and the  
28 coordination necessary to implement RCW 74.39A.300, the public employer  
29 shall be represented for bargaining purposes by the governor or the  
30 governor's designee appointed under chapter 41.80 RCW. The governor or  
31 governor's designee shall periodically consult with the authority  
32 during the collective bargaining process to allow the authority to  
33 communicate issues relating to the long-term in-home care services  
34 received by consumers. The governor or the governor's designee shall  
35 consult the authority on all issues for which the exclusive bargaining  
36 representative requests to engage in collective bargaining under  
37 subsections (6) and (7) of this section. The authority shall work with

1 the developmental disabilities council, the governor's committee on  
2 disability issues and employment, the state council on aging, and other  
3 consumer advocacy organizations to obtain informed input from consumers  
4 on their interests, including impacts on consumer choice, for all  
5 issues proposed for collective bargaining under subsections (6) and (7)  
6 of this section.

7 (2) Chapter 41.56 RCW governs the collective bargaining  
8 relationship between the governor and individual providers, except as  
9 otherwise expressly provided in this chapter and except as follows:

10 (a) The only unit appropriate for the purpose of collective  
11 bargaining under RCW 41.56.060 is a statewide unit of all individual  
12 providers;

13 (b) The showing of interest required to request an election under  
14 RCW 41.56.060 is ten percent of the unit, and any intervener seeking to  
15 appear on the ballot must make the same showing of interest;

16 (c) The mediation and interest arbitration provisions of RCW  
17 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

18 (i) With respect to commencement of negotiations between the  
19 governor and the bargaining representative of individual providers,  
20 negotiations shall be commenced by May 1st of any year prior to the  
21 year in which an existing collective bargaining agreement expires;

22 (ii) With respect to factors to be taken into consideration by an  
23 interest arbitration panel, the panel shall consider the financial  
24 ability of the state to pay for the compensation and fringe benefit  
25 provisions of a collective bargaining agreement; and

26 (iii) The decision of the arbitration panel is not binding on the  
27 legislature and, if the legislature does not approve the request for  
28 funds necessary to implement the compensation and fringe benefit  
29 provisions of the arbitrated collective bargaining agreement, is not  
30 binding on the authority or the state;

31 (d) Individual providers do not have the right to strike; and

32 (e) Individual providers who are related to, or family members of,  
33 consumers or prospective consumers are not, for that reason, exempt  
34 from this chapter or chapter 41.56 RCW.

35 (3) Individual providers who are public employees solely for the  
36 purposes of collective bargaining under subsection (1) of this section  
37 are not, for that reason, employees of the state, its political  
38 subdivisions, or an area agency on aging for any purpose. Chapter

1 41.56 RCW applies only to the governance of the collective bargaining  
2 relationship between the employer and individual providers as provided  
3 in subsections (1) and (2) of this section.

4 (4) Consumers and prospective consumers retain the right to select,  
5 hire, supervise the work of, and terminate any individual provider  
6 providing services to them. Consumers may elect to receive long-term  
7 in-home care services from individual providers who are not referred to  
8 them by the authority.

9 (5) In implementing and administering this chapter, neither the  
10 authority nor any of its contractors may reduce or increase the hours  
11 of service for any consumer below or above the amount determined to be  
12 necessary under any assessment prepared by the department or an area  
13 agency on aging.

14 (6) Except as expressly limited in this section and RCW 74.39A.300,  
15 the wages, hours, and working conditions of individual providers are  
16 determined solely through collective bargaining as provided in this  
17 chapter. No agency or department of the state may establish policies  
18 or rules governing the wages or hours of individual providers.  
19 However, this subsection does not modify:

20 (a) The department's authority to establish a plan of care for each  
21 consumer or its core responsibility to manage long-term in-home care  
22 services under this chapter, including determination of the level of  
23 care that each consumer is eligible to receive. However, at the  
24 request of the exclusive bargaining representative, the governor or the  
25 governor's designee appointed under chapter 41.80 RCW shall engage in  
26 collective bargaining, as defined in RCW 41.56.030(4), with the  
27 exclusive bargaining representative over how the department's core  
28 responsibility affects hours of work for individual providers. This  
29 subsection shall not be interpreted to require collective bargaining  
30 over an individual consumer's plan of care;

31 (b) The department's authority to terminate its contracts with  
32 individual providers who are not adequately meeting the needs of a  
33 particular consumer, or to deny a contract under RCW 74.39A.095(8);

34 (c) The consumer's right to assign hours to one or more individual  
35 providers selected by the consumer within the maximum hours determined  
36 by his or her plan of care;

37 (d) The consumer's right to select, hire, terminate, supervise the

1 work of, and determine the conditions of employment for each individual  
2 provider providing services to the consumer under this chapter;

3 (e) The department's obligation to comply with the federal medicaid  
4 statute and regulations and the terms of any community-based waiver  
5 granted by the federal department of health and human services and to  
6 ensure federal financial participation in the provision of the  
7 services; and

8 (f) The legislature's right to make programmatic modifications to  
9 the delivery of state services under this title, including standards of  
10 eligibility of consumers and individual providers participating in the  
11 programs under this title, and the nature of services provided. The  
12 governor shall not enter into, extend, or renew any agreement under  
13 this chapter that does not expressly reserve the legislative rights  
14 described in this subsection (6)(f).

15 (7) At the request of the exclusive bargaining representative, the  
16 governor or the governor's designee appointed under chapter 41.80 RCW  
17 shall engage in collective bargaining, as defined in RCW 41.56.030(4),  
18 with the exclusive bargaining representative over employer  
19 contributions for the cost of meeting the training requirements in  
20 section 1 of this act and providing other such programs and services  
21 necessary to establish and promote the education, training, career  
22 development, career ladders, certification, and licensing of a stable,  
23 professionally trained long-term care workforce.

24 (8)(a) The state, the department, the authority, the area agencies  
25 on aging, or their contractors under this chapter may not be held  
26 vicariously or jointly liable for the action or inaction of any  
27 individual provider or prospective individual provider, whether or not  
28 that individual provider or prospective individual provider was  
29 included on the authority's referral registry or referred to a consumer  
30 or prospective consumer. The existence of a collective bargaining  
31 agreement, the placement of an individual provider on the referral  
32 registry, or the development or approval of a plan of care for a  
33 consumer who chooses to use the services of an individual provider and  
34 the provision of case management services to that consumer, by the  
35 department or an area agency on aging, does not constitute a special  
36 relationship with the consumer.

37 (b) The members of the board are immune from any liability  
38 resulting from implementation of this chapter.

1        ~~((+8))~~ (9) Nothing in this section affects the state's  
2 responsibility with respect to unemployment insurance for individual  
3 providers. However, individual providers are not to be considered, as  
4 a result of the state assuming this responsibility, employees of the  
5 state.

6        **Sec. 4.** RCW 74.39A.300 and 2004 c 3 s 2 are each amended to read  
7 as follows:

8        (1) Upon meeting the requirements of subsection (2) of this  
9 section, the governor must submit, as a part of the proposed biennial  
10 or supplemental operating budget submitted to the legislature under RCW  
11 43.88.030, a request for funds necessary to administer chapter 3, Laws  
12 of 2002 and to implement the compensation and fringe benefits  
13 provisions of a collective bargaining agreement entered into under RCW  
14 74.39A.270 or for legislation necessary to implement such agreement.

15        (2) A request for funds necessary to implement the compensation and  
16 fringe benefits provisions of a collective bargaining agreement entered  
17 into under RCW 74.39A.270 shall not be submitted by the governor to the  
18 legislature unless such request:

19        (a) Has been submitted to the director of financial management by  
20 October 1st prior to the legislative session at which the request is to  
21 be considered; and

22        (b) Has been certified by the director of financial management as  
23 being feasible financially for the state or reflects the binding  
24 decision of an arbitration panel reached under RCW 74.39A.270(2)(c).

25        (3) Notwithstanding subsection (2) of this section, the governor  
26 must submit to the first available legislative session a request for  
27 funds necessary to implement the training contributions provisions of  
28 a collective bargaining agreement entered into under RCW 74.39A.270 as  
29 a part of the proposed biennial or supplemental operating budget  
30 submitted to the legislature under RCW 43.88.030.

31        (4) The legislature must approve or reject the submission of the  
32 request for funds as a whole. If the legislature rejects or fails to  
33 act on the submission, any such agreement will be reopened solely for  
34 the purpose of renegotiating the funds necessary to implement the  
35 agreement.

36        ~~((+4))~~ (5) When any increase in individual provider wages or  
37 benefits is negotiated or agreed to, no increase in wages or benefits

1 negotiated or agreed to under this chapter will take effect unless and  
2 until, before its implementation, the department has determined that  
3 the increase is consistent with federal law and federal financial  
4 participation in the provision of services under Title XIX of the  
5 federal social security act.

6 ~~((+5))~~ (6) The governor shall periodically consult with the joint  
7 committee on employment relations established by RCW 41.80.010  
8 regarding appropriations necessary to implement the compensation and  
9 fringe benefits provisions of any collective bargaining agreement and,  
10 upon completion of negotiations, advise the committee on the elements  
11 of the agreement and on any legislation necessary to implement such  
12 agreement.

13 ~~((+6))~~ (7) After the expiration date of any collective bargaining  
14 agreement entered into under RCW 74.39A.270, all of the terms and  
15 conditions specified in any such agreement remain in effect until the  
16 effective date of a subsequent agreement, not to exceed one year from  
17 the expiration date stated in the agreement, except as provided in RCW  
18 74.39A.270(6)(f).

19 ~~((+7))~~ (8) If, after the compensation and benefit provisions of an  
20 agreement are approved by the legislature, a significant revenue  
21 shortfall occurs resulting in reduced appropriations, as declared by  
22 proclamation of the governor or by resolution of the legislature, both  
23 parties shall immediately enter into collective bargaining for a  
24 mutually agreed upon modification of the agreement.

25 **Sec. 5.** RCW 74.39A.310 and 2006 c 9 s 1 are each amended to read  
26 as follows:

27 (1) The department shall create a formula that converts the cost of  
28 the increase in wages and benefits negotiated and funded in the  
29 contract for individual providers of home care services pursuant to RCW  
30 74.39A.270 and 74.39A.300, into a per-hour amount, excluding those  
31 benefits defined in subsection (2) of this section. That per-hour  
32 amount shall be added to the statewide home care agency vendor rate and  
33 shall be used exclusively for improving the wages and benefits of home  
34 care agency workers who provide direct care. The formula shall account  
35 for:

36 (a) All types of wages, benefits, and compensation negotiated and  
37 funded each biennium, including but not limited to:

- 1 (i) Regular wages;
- 2 (ii) Benefit pay, such as vacation, sick, and holiday pay;
- 3 (iii) Taxes on wages/benefit pay; (~~and~~)
- 4 (iv) Mileage; and
- 5 (v) Contributions to a joint labor-management partnership or trust
- 6 pursuant to section 1 of this act; and

7 (b) The increase in the average cost of worker's compensation for  
8 home care agencies and application of the increases identified in (a)  
9 of this subsection to all hours required to be paid, including travel  
10 time, of direct service workers under the wage and hour laws and  
11 associated employer taxes.

12 (2) The contribution rate for health care benefits, including but  
13 not limited to medical, dental, and vision benefits, for eligible  
14 agency home care workers shall be paid by the department to home care  
15 agencies at the same rate as negotiated and funded in the collective  
16 bargaining agreement for individual providers of home care services.

17 **Sec. 6.** RCW 41.56.465 and 1995 c 273 s 2 are each amended to read  
18 as follows:

19 (1) In making its determination, the panel shall be mindful of the  
20 legislative purpose enumerated in RCW 41.56.430 and, as additional  
21 standards or guidelines to aid it in reaching a decision, it shall take  
22 into consideration the following factors:

- 23 (a) The constitutional and statutory authority of the employer;
- 24 (b) Stipulations of the parties;
- 25 (c)(i) For employees listed in RCW 41.56.030(7)(a) through (d),  
26 comparison of the wages, hours, and conditions of employment of  
27 personnel involved in the proceedings with the wages, hours, and  
28 conditions of employment of like personnel of like employers of similar  
29 size on the west coast of the United States;

30 (ii) For employees listed in RCW 41.56.030(7)(e) through (h),  
31 comparison of the wages, hours, and conditions of employment of  
32 personnel involved in the proceedings with the wages, hours, and  
33 conditions of employment of like personnel of public fire departments  
34 of similar size on the west coast of the United States. However, when  
35 an adequate number of comparable employers exists within the state of  
36 Washington, other west coast employers may not be considered;

1        (iii) For employees listed in RCW 41.56.026 and 41.56.028, the cost  
2 of meeting the training requirements in section 1 of this act and  
3 providing other programs and services necessary to protect the quality  
4 of health care services;

5        (d) The average consumer prices for goods and services, commonly  
6 known as the cost of living;

7        (e) Changes in any of the circumstances under (a) through (d) of  
8 this subsection during the pendency of the proceedings; and

9        (f) Such other factors, not confined to the factors under (a)  
10 through (e) of this subsection, that are normally or traditionally  
11 taken into consideration in the determination of wages, hours, and  
12 conditions of employment. For those employees listed in RCW  
13 41.56.030(7)(a) who are employed by the governing body of a city or  
14 town with a population of less than fifteen thousand, or a county with  
15 a population of less than seventy thousand, consideration must also be  
16 given to regional differences in the cost of living.

17        (2) Subsection (1)(c) of this section may not be construed to  
18 authorize the panel to require the employer to pay, directly or  
19 indirectly, the increased employee contributions resulting from chapter  
20 502, Laws of 1993 or chapter 517, Laws of 1993 as required under  
21 chapter 41.26 RCW.

22        **Sec. 7.** RCW 18.88A.085 and 1994 sp.s. c 9 s 712 are each amended  
23 to read as follows:

24        (1) After January 1, 1990, the secretary shall issue a certificate  
25 to any applicant who demonstrates to the secretary's satisfaction that  
26 the following requirements have been met:

27        (a) Completion of an approved training program or successful  
28 completion of alternate training meeting established criteria approved  
29 by the commission; and

30        (b) Successful completion of a competency evaluation.

31        (2) The secretary may permit some of the training hours earned  
32 under chapter 74.39A RCW to be applied toward certification under this  
33 section.

34        (3) In addition, applicants shall be subject to the grounds for  
35 denial of certification under chapter 18.130 RCW.

1        NEW SECTION.    **Sec. 8.**    RCW 74.39A.190 (Community long-term care  
2 training and education steering committee) and 2002 c 233 s 4 & 2000 c  
3 121 s 8 are each repealed.

4        NEW SECTION.    **Sec. 9.**    The provisions of this act are to be  
5 liberally construed to effectuate the intent, policies, and purposes of  
6 this act.

7        NEW SECTION.    **Sec. 10.**    If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.

11        NEW SECTION.    **Sec. 11.**    This act may be known and cited as the  
12 establishing quality in long-term care services to the elderly and  
13 persons with disabilities act.

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