
Ways & Means Committee

HB 1548

Brief Description: Concerning the implementation of long-term care worker requirements regarding background checks and training.

Sponsors: Representatives Hunter, Darnelle and Kenney; by request of Department of Social and Health Services.

Brief Summary of Bill

- Delays the implementation dates for long-term care worker home care aide certification, revisions in training requirements, and fingerprint-based background checks to January 1, 2014, and delays long-term care worker continuing education requirements to July 1, 2014.

Hearing Date: 1/31/11

Staff: Chris Cordes (786-7103) and Carma Matti-Jackson (786-7140).

Background:

Long-term care workers provide care to elderly and disabled clients, many of whom are eligible for publicly funded services through the Department of Social and Health Services' (DSHS) Aging and Disabilities Services Administration. These workers provide their clients personal care assistance with various tasks such as bathing, eating, toileting, dressing, ambulating, meal preparation, and household chores. The services may be provided (1) by long-term care workers employed in various regulated residential settings or (2) in the client's home by individual providers who contract directly with the DSHS or by agency providers who are employees of a licensed home care agency. A paid individual provider may be a relative or a household member, although the client's spouse may not be a paid individual provider under most programs.

The term "long-term care worker" does not include persons employed in nursing homes, hospitals, hospice agencies, or adult day care or health day care centers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Training and Certification Requirements for Long-Term Care Workers.

Mandatory training and home care aide certification requirements for long-term care workers were established by Initiative 1029 (I-1029) in November 2008. This law, as amended in 2009, requires the following:

1. Seventy five hours of basic training within 120 days of hire for long-term care workers hired on or after January 1, 2011. Individual providers must be compensated for training time. Exceptions from the training requirements include:
 - parents who are the individual provider for only their developmentally disabled child, who must have 12 hours of relevant training within 120 days of becoming an individual provider; and
 - individual providers caring only for their child or parent and, until 2014, certain respite providers, who must have 35 hours of training within 120 days of becoming an individual provider.
2. Certification as home care aides for all long-term care workers hired on or after January 1, 2011.
3. Increased continuing education requirements for long-term care workers beginning July 1, 2011. Exemptions from continuing education requirements are provided for individual providers caring only for their child and, until 2014, certain respite providers. Individual providers must be compensated for training time.

Advanced training opportunities must be offered to long-term care workers beginning January 1, 2012, and a peer mentorship program must begin on July 1, 2011.

As of January 1, 2010, for individual providers represented by an exclusive bargaining representative, all required training and peer mentoring is provided by a training partnership. As of July 1, 2009, contributions to the training partnership are made pursuant to a collective bargaining agreement negotiated with the Governor.

Background Checks for Long-term Care Workers.

Under various laws, the DSHS is responsible for investigating the suitability of applicants or service providers who provide in-home services under DSHS programs. These investigations include an examination of state criminal history record information, and under some statutes applicants must be fingerprinted through both the Washington State Patrol and the Federal Bureau of Investigation (FBI).

The passage of I-1029 in 2008, as amended in 2009, requires all long-term care workers hired after January 1, 2012, to be screened through state and federal background checks, including checking against the FBI fingerprint identification records system and the National Sex Offenders Registry.

Summary of Bill:

The training and certification requirements for long-term care workers are delayed as follows:

1. The new basic training requirements begin January 1, 2014, instead of January 1, 2011, with agency rules to be adopted by August 1, 2013. The exemption for respite workers until January 1, 2014, is deleted.
2. The home care aide certification requirement begins January 1, 2014, instead of January 1, 2011, with agency rules to be adopted by August 1, 2013.
3. Increased continuing education begins July 1, 2014, instead of July 1, 2011, and advanced training is offered beginning January 1, 2014, instead of January 1, 2012.
4. Peer mentoring begins January 1, 2014, instead of July 1, 2011.

The requirement to conduct FBI fingerprint-based background checks for long-term care workers applies to those hired after January 1, 2014, instead of January 1, 2012.

Appropriation: None.

Fiscal Note: Requested on January 25, 2011.

Effective Date: The bill contains an emergency clause and takes effect immediately.