

FINAL BILL REPORT

ESHB 1548

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Synopsis as Enacted

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

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hunter, Darneille and Kenney; by request of Department of Social and Health Services).

House Committee on Ways & Means

Background:

Long-term care (LTC) 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 LTC 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 parent of a client who is a minor or 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 day health care centers.

Training/Certification Requirements for LTC Workers.

Various statutory and administrative training requirements apply to LTC workers. In Initiative 1029 (I-1029) adopted in November 2008, mandatory training requirements were increased and home care aide certification was required for certain LTC workers. This law, as amended in 2009, requires the following:

- an increase from 35 hours of basic training under administrative rules to 75 hours of basic training, to be completed within 120 days of hire for LTC workers hired on or after January 1, 2011. Individual providers must be compensated for training time. Exceptions from the training requirements include:

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1. parents caring for only their developmentally disabled adult child, who must have 12 hours of relevant training within 120 days of becoming an individual provider; and
 2. individual providers caring only for their adult child or their parent and, until 2014, certain respite providers, who must have 35 hours of training within 120 days of becoming an individual provider;
- certification as home care aides for all LTC workers hired on or after January 1, 2011, except for supported living providers and individual providers caring only for their adult child or parent; and
 - increased continuing education requirements for LTC workers beginning July 1, 2011, from 10 hours required in administrative rules to 12 hours. Exemptions from continuing education requirements are provided for individual providers caring only for their adult child and, until 2014, certain respite providers. Individual providers must be compensated for training time.

Advanced training opportunities must be offered to LTC 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 LTC 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 LTC 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:

Implementation of the new basic training and certification requirements for LTC workers is delayed as follows:

- The new basic training requirements begin with LTC workers hired on or after January 1, 2014, instead of January 1, 2011. Agency rules are to be adopted by August 1, 2013. The exemption for respite workers until January 1, 2014, is deleted.
- The home care aide certification requirement begins January 1, 2014, instead of January 1, 2011. Agency rules are to be adopted by August 1, 2013.

- The increase to 12 hours of 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.
- Peer mentoring begins January 1, 2014, instead of July 1, 2011.

Persons who are exempt from home care aide certification because they hold a health credential are also exempt from the requirement for 12 hours of continuing education.

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

Votes on Final Passage:

First Special Session

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| House | 83 | 13 |
| Senate | 34 | 12 |

Effective: June 15, 2011
August 24, 2011 (Sections 6, 10, and 14 through 17)