
HOUSE BILL 1629

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Cody, Schmick, Jinkins, Tharinger, Green, Pollet, Morrell, Santos, and Ryu

Read first time 02/01/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to eliminating barriers to credentialing and
2 continuing education as a home care aide; amending RCW 18.88B.021,
3 74.39A.341, and 70.128.230; and reenacting and amending RCW 18.20.270.

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

5 **Sec. 1.** RCW 18.88B.021 and 2012 c 164 s 301 are each amended to
6 read as follows:

7 (1) Beginning January 7, 2012, except as provided in RCW
8 18.88B.041, any person hired as a long-term care worker must be
9 certified as a home care aide as provided in this chapter within
10 ~~((one))~~ two hundred ~~((fifty))~~ calendar days after the date of being
11 hired ~~((or within one hundred fifty calendar days after March 29, 2012,~~
12 ~~whichever is later))~~. In computing the time periods in this
13 subsection, the first day is the date of hire ~~((or March 29, 2012,~~
14 ~~whichever is applicable))~~.

15 (2)(a) No person may practice or, by use of any title or
16 description, represent himself or herself as a certified home care aide
17 without being certified as provided in this chapter.

18 (b) This section does not prohibit a person: (i) From practicing
19 a profession for which the person has been issued a license or which is

1 specifically authorized under this state's laws; or (ii) who is exempt
2 from certification under RCW 18.88B.041 from providing services as a
3 long-term care worker.

4 (c) In consultation with consumer and worker representatives, the
5 department shall, by January 1, 2013, establish by rule a single scope
6 of practice that encompasses both long-term care workers who are
7 certified home care aides and long-term care workers who are exempted
8 from certification under RCW 18.88B.041.

9 (3) The department shall adopt rules to implement this section.

10 **Sec. 2.** RCW 74.39A.341 and 2012 c 164 s 405 are each amended to
11 read as follows:

12 (1) All long-term care workers shall complete twelve hours of
13 continuing education training in advanced training topics each year.
14 This requirement applies beginning July 1, 2012.

15 (2) Completion of continuing education as required in this section
16 is a prerequisite to maintaining home care aide certification under
17 chapter 18.88B RCW.

18 (3) Unless voluntarily certified as a home care aide under chapter
19 18.88B RCW, subsection (1) of this section does not apply to:

20 (a) An individual provider caring only for his or her biological,
21 step, or adoptive child;

22 (b) Registered nurses and licensed practical nurses licensed under
23 chapter 18.79 RCW;

24 (c) Before January 1, 2016, a long-term care worker employed by a
25 community residential service business; or

26 ((+e+)) (d) Before July 1, 2014, a person hired as an individual
27 provider who provides twenty hours or less of care for one person in
28 any calendar month.

29 (4) Only training curriculum approved by the department may be used
30 to fulfill the training requirements specified in this section. The
31 department shall only approve training curriculum that:

32 (a) Has been developed with input from consumer and worker
33 representatives; and

34 (b) Requires comprehensive instruction by qualified instructors.

35 (5) Individual providers under RCW 74.39A.270 shall be compensated
36 for training time required by this section.

1 (6) The department of health shall adopt rules to implement
2 subsection (1) of this section.

3 (7) The department shall adopt rules to implement subsection (2) of
4 this section.

5 **Sec. 3.** RCW 18.20.270 and 2012 c 164 s 702 and 2012 c 10 s 16 are
6 each reenacted and amended to read as follows:

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

9 (a) "Caregiver" includes any person who provides residents with
10 hands-on personal care on behalf of an assisted living facility, except
11 volunteers who are directly supervised.

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

16 (2) Training must have the following components: Orientation,
17 basic training, specialty training as appropriate, and continuing
18 education. All assisted living facility employees or volunteers who
19 routinely interact with residents shall complete orientation. Assisted
20 living facility administrators, or their designees, and caregivers
21 shall complete orientation, basic training, specialty training as
22 appropriate, and continuing education.

23 (3) Orientation consists of introductory information on residents'
24 rights, communication skills, fire and life safety, and universal
25 precautions. Orientation must be provided at the facility by
26 appropriate assisted living facility staff to all assisted living
27 facility employees before the employees have routine interaction with
28 residents.

29 (4) Basic training consists of modules on the core knowledge and
30 skills that caregivers need to learn and understand to effectively and
31 safely provide care to residents. Basic training must be outcome-
32 based, and the effectiveness of the basic training must be measured by
33 demonstrated competency in the core areas through the use of a
34 competency test. Basic training must be completed by caregivers within
35 one hundred twenty days of the date on which they begin to provide
36 hands-on care. Until competency in the core areas has been
37 demonstrated, caregivers shall not provide hands-on personal care to

1 residents without direct supervision. Assisted living facility
2 administrators, or their designees, must complete basic training and
3 demonstrate competency within one hundred twenty days of employment.

4 (5) For assisted living facilities that serve residents with
5 special needs such as dementia, developmental disabilities, or mental
6 illness, specialty training is required of administrators, or
7 designees, and caregivers.

8 (a) Specialty training consists of modules on the core knowledge
9 and skills that caregivers need to effectively and safely provide care
10 to residents with special needs. Specialty training should be
11 integrated into basic training wherever appropriate. Specialty
12 training must be outcome-based, and the effectiveness of the specialty
13 training measured by demonstrated competency in the core specialty
14 areas through the use of a competency test.

15 (b) Specialty training must be completed by caregivers within one
16 hundred twenty days of the date on which they begin to provide hands-on
17 care to a resident having special needs. However, if specialty
18 training is not integrated with basic training, the specialty training
19 must be completed within ninety days of completion of basic training.
20 Until competency in the core specialty areas has been demonstrated,
21 caregivers shall not provide hands-on personal care to residents with
22 special needs without direct supervision.

23 (c) Assisted living facility administrators, or their designees,
24 must complete specialty training and demonstrate competency within one
25 hundred twenty days from the date on which the administrator or his or
26 her designee is hired, if the assisted living facility serves one or
27 more residents with special needs.

28 (6) Continuing education consists of ongoing delivery of
29 information to caregivers on various topics relevant to the care
30 setting and care needs of residents. Competency testing is not
31 required for continuing education. Continuing education is not
32 required in the same calendar year in which basic or modified basic
33 training is successfully completed. Continuing education is required
34 in each calendar year thereafter. If specialty training is completed,
35 the specialty training applies toward any continuing education
36 requirement for up to two years following the completion of the
37 specialty training.

1 (7) Persons who successfully challenge the competency test for
2 basic training are fully exempt from the basic training requirements of
3 this section. Persons who successfully challenge the specialty
4 training competency test are fully exempt from the specialty training
5 requirements of this section.

6 (8)(a) Except as provided in (b) of this subsection, licensed
7 persons who perform the tasks for which they are licensed are fully or
8 partially exempt from the training requirements of this section, as
9 specified by the department in rule.

10 (b) In addition to any full or partial exemption specified by the
11 department in rule, registered nurses and licensed practical nurses
12 licensed under chapter 18.79 RCW are exempt from any continuing
13 education requirement established under this section.

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

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

23 (11) Assisted living facilities that desire to deliver facility-
24 based training with facility designated trainers, or assisted living
25 facilities that desire to pool their resources to create shared
26 training systems, must be encouraged by the department in their
27 efforts. The department shall develop criteria for reviewing and
28 approving trainers and training materials that are substantially
29 similar to or better than the materials developed by the department.
30 The department may approve a curriculum based upon attestation by an
31 assisted living facility administrator that the assisted living
32 facility's training curriculum addresses basic and specialty training
33 competencies identified by the department, and shall review a
34 curriculum to verify that it meets these requirements. The department
35 may conduct the review as part of the next regularly scheduled yearly
36 inspection and investigation required under RCW 18.20.110. The
37 department shall rescind approval of any curriculum if it determines
38 that the curriculum does not meet these requirements.

1 (12) The department shall adopt rules for the implementation of
2 this section.

3 (13)(a) Except as provided in (b) of this subsection, the
4 orientation, basic training, specialty training, and continuing
5 education requirements of this section commence September 1, 2002, or
6 one hundred twenty days from the date of employment, whichever is
7 later, and shall be applied to (i) employees hired subsequent to
8 September 1, 2002; and (ii) existing employees that on September 1,
9 2002, have not successfully completed the training requirements under
10 RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who
11 have not successfully completed the training requirements under RCW
12 74.39A.010 or 74.39A.020 shall be subject to all applicable
13 requirements of this section.

14 (b) Beginning January 7, 2012, long-term care workers, as defined
15 in RCW 74.39A.009, employed by facilities licensed under this chapter
16 are also subject to the training requirements under RCW 74.39A.074.

17 **Sec. 4.** RCW 70.128.230 and 2012 c 164 s 705 are each amended to
18 read as follows:

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

21 (a) "Caregiver" includes all adult family home resident managers
22 and any person who provides residents with hands-on personal care on
23 behalf of an adult family home, except volunteers who are directly
24 supervised.

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

29 (2) Training must have three components: Orientation, basic
30 training, and continuing education. All adult family home providers,
31 resident managers, and employees, or volunteers who routinely interact
32 with residents shall complete orientation. Caregivers shall complete
33 orientation, basic training, and continuing education.

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 within
9 one hundred twenty days of the date on which they begin to provide
10 hands-on care. Until competency in the core areas has been
11 demonstrated, caregivers shall not provide hands-on personal care to
12 residents without indirect supervision.

13 (5) For adult family homes that serve residents with special needs
14 such as dementia, developmental disabilities, or mental illness,
15 specialty training is required of providers and resident managers.

16 (a) Specialty training consists of modules on the core knowledge
17 and skills that providers and resident managers need to effectively and
18 safely provide care to residents with special needs. Specialty
19 training should be integrated into basic training wherever appropriate.
20 Specialty training must be outcome-based, and the effectiveness of the
21 specialty training measured by demonstrated competency in the core
22 specialty areas through the use of a competency test.

23 (b) Specialty training must be completed by providers and resident
24 managers before admitting and serving residents who have been
25 determined to have special needs related to mental illness, dementia,
26 or a developmental disability. Should a resident develop special needs
27 while living in a home without specialty designation, the provider and
28 resident manager have one hundred twenty days to complete specialty
29 training.

30 (6) Continuing education consists of ongoing delivery of
31 information to caregivers on various topics relevant to the care
32 setting and care needs of residents. Competency testing is not
33 required for continuing education. Continuing education is not
34 required in the same calendar year in which basic or modified basic
35 training is successfully completed. Continuing education is required
36 in each calendar year thereafter. If specialty training is completed,
37 the specialty training applies toward any continuing education

1 requirement for up to two years following the completion of the
2 specialty training.

3 (7) Persons who successfully challenge the competency test for
4 basic training are fully exempt from the basic training requirements of
5 this section. Persons who successfully challenge the specialty
6 training competency test are fully exempt from the specialty training
7 requirements of this section.

8 (8)(a) Except as provided in (b) of this subsection, licensed
9 persons who perform the tasks for which they are licensed are fully or
10 partially exempt from the training requirements of this section, as
11 specified by the department in rule.

12 (b) In addition to any full or partial exemption specified by the
13 department in rule, registered nurses and licensed practical nurses
14 licensed under chapter 18.79 RCW are exempt from any continuing
15 education requirement established under this section.

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

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

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

1 (12)(a) Except as provided in (b) of this subsection, the
2 orientation, basic training, specialty training, and continuing
3 education requirements of this section commence September 1, 2002, and
4 shall be applied to (i) employees hired subsequent to September 1,
5 2002; or (ii) existing employees that on September 1, 2002, have not
6 successfully completed the training requirements under RCW 70.128.120
7 or 70.128.130 and this section. Existing employees who have not
8 successfully completed the training requirements under RCW 70.128.120
9 or 70.128.130 shall be subject to all applicable requirements of this
10 section.

11 (b) Beginning January 7, 2012, long-term care workers, as defined
12 in RCW 74.39A.009, employed by an adult family home are also subject to
13 the training requirements under RCW 74.39A.074.

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