**5700-S.E AMH HCW H4992.1 - NOT FOR FLOOR USE**

**ESSB 5700** - H COMM AMD

By Committee on Health Care & Wellness

Strike everything after the enacting clause and insert the following:

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

Beginning December 31, 2020, the secretary shall require any applicant for certification under RCW 18.88A.085 or 18.88A.087 to have completed inclusiveness and cultural competency training on issues relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population, based upon a curriculum approved by the commission, before issuing a certification.

**Sec.**  RCW 74.39A.074 and 2017 c 216 s 1 are each amended to read as follows:

(1)(a) Except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a), all persons hired as long‑term care workers must meet the minimum training requirements in this section within one hundred twenty calendar days after the date of being hired.

(b) Except as provided in RCW 74.39A.076, the minimum training requirement is seventy‑five hours of entry‑level training approved by the department. A long-term care worker must successfully complete five of these seventy‑five hours before being eligible to provide care.

(c) Training required by (d) of this subsection applies toward the training required under RCW 18.20.270 or 70.128.230 or any statutory or regulatory training requirements for long-term care workers employed by community residential service businesses.

(d) The seventy‑five hours of entry-level training required shall be as follows:

(i) Before a long-term care worker is eligible to provide care, he or she must complete:

(A) Two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment; and

(B) Three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(ii) Seventy hours of long‑term care basic training, including training related to:

(A) Core competencies; ((~~and~~))

(B) Population specific competencies, including identification of individuals with potential hearing loss and how to seek assistance if hearing loss is suspected; and

(C) Beginning December 31, 2020, inclusiveness and cultural competency training on issues relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population.

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

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

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

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

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

**Sec.**  RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

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

(2) Of the twelve hours of continuing education training required by subsection (1) of this section, time must be allocated, as established by the department in rule, to provide inclusiveness and cultural competency training on issues relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population as follows:

(a) Long-term care workers, including certified nursing assistants who meet the definition of a long-term care worker, who completed their certification or training requirements before December 31, 2020, must complete the one-time training by their next continuing education due date after December 31, 2020;

(b) Long-term care workers, whether they completed the inclusiveness and cultural competency training on issues related to the LGBTQ population pursuant to section 1 of this act, long-term care basic training, or as continuing education training under this subsection (2), are not required to take the one-time training again until the department approves changes to the curriculum. If there are approved changes in the curriculum based upon revised department competencies, all long-term care workers must take the new curriculum as set forth in rule.

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

((~~(3)~~)) (4) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

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

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

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

~~(d)~~)) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

((~~(e)~~)) (d) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

((~~(4)~~)) (5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

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

(b) Requires comprehensive instruction by qualified instructors; and

(c) For the one-time training described in subsection (2) of this section, contributes to an evidence and outcome-based approach, and meets the training's learning objectives that will be defined in rule.

((~~(5)~~)) (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

((~~(6)~~)) (7) The department of health shall adopt rules to implement subsection (1) of this section.

((~~(7)~~)) (8) The department shall adopt rules to implement subsections (2) and (3) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 70.128 RCW to read as follows:

(1) Adult family home providers and resident managers must complete a one-time department-approved inclusiveness and cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form that adult family home providers and resident managers may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Adult family home providers and resident managers of adult family homes that are licensed on the effective date of this section must complete the one-time training by the facility's next license renewal after December 31, 2020;

(b) Adult family home providers and resident managers of adult family homes that are licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Adult family home providers who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, adult family home providers and resident managers are not required to take the training again until the department approves changes to the learning objectives as established in rule. If there are approved changes to the learning objectives, adult family home providers and resident managers must take a new training as set forth in rule.

(3) By July 1, 2019, adult family home providers must have written inclusiveness and cultural competency policies related to the LGBTQ population. The policies shall be made available in writing to residents and prospective residents, as well as their representatives, to the same extent that disclosure forms are made available under RCW 70.128.280. Adult family home providers must make the policies available to the department upon request. Adult family home providers must post the policies in accordance with department guidelines. The department shall adopt guidance for adult family home providers that contains elements that must be addressed in inclusiveness and cultural competency policies and instructions for posting the policy.

NEW SECTION. **Sec.**  A new section is added to chapter 18.20 RCW to read as follows:

(1) Assisted living facility licensees or administrators must complete a one-time department-approved inclusiveness and cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form that facility licensees or administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Licensees or administrators of assisted living facilities that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2020;

(b) Licensees or administrators of assisted living facilities that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) After completing the one-time training, assisted living facility licensees or administrators are not required to take the training again until the department approves changes to the learning objectives as established in rule. If there are approved changes to the learning objectives, assisted living facility licensees or administrators must take a new training as set forth in rule.

(3) By July 1, 2019, assisted living facility licensees must have written inclusiveness and cultural competency policies related to the LGBTQ population. The policies shall be made available in writing to residents and prospective residents, as well as their representatives, to the same extent that disclosure forms are made available under RCW 18.20.300. Assisted living facility licensees must make the policies available to the department upon request. Assisted living facility licensees must post the policies in accordance with department guidelines. The department shall adopt guidance for assisted living facility licensees that contains elements that must be addressed in inclusiveness and cultural competency policies and instructions for posting the policy.

NEW SECTION. **Sec.**  A new section is added to chapter 18.51 RCW to read as follows:

(1) Nursing home licensees or administrators must complete a one-time department-approved inclusiveness and cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form that nursing home licensees or administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Licensees or administrators of nursing homes that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2020;

(b) Licensees or administrators of nursing homes that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) After completing the one-time training, nursing home licensees or administrators are not required to take the training again until the department approves changes to the learning objectives as established in rule. If there are approved changes to the learning objectives, all nursing home licensees or administrators must take a new training as set forth in rule.

(3) By July 1, 2019, nursing home licensees must have written inclusiveness and cultural competency policies related to the LGBTQ population. The policies shall be made available in writing to residents and prospective residents, as well as their representatives, according to department guidance. Nursing home licensees must make the policies available to the department upon request. Nursing home licensees must post the policies in accordance with department guidelines. The department shall adopt guidance for nursing home licensees that contains elements that must be addressed in inclusiveness and cultural competency policies and instructions for posting the policy and making it available."

Correct the title.

EFFECT: Requires that, beginning December 31, 2020, inclusiveness and cultural competency training related to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population be a part of the basic training requirements for long-term care workers and a condition of certification for nursing assistants. Requires that long-term care workers and certified nursing assistants who complete their certification or training prior to December 31, 2020, complete the training requirement as a one-time continuing education requirement.

Changes the application of the training requirement from assisted living facility "owners" and nursing home "owners" to "licensees" of either type of facility. Changes the application of the training requirement from adult family home "owners" to adult family home "providers."

Extends the date for the training requirement to become effective from December 31, 2019, to December 31, 2020.

Requires adult family homes, assisted living facilities, and nursing homes to have written inclusiveness and cultural competency policies related to the LGBTQ population by July 1, 2019. Requires that the policies be made available to residents and prospective residents, as well as their representatives. Requires the policies to be posted according to the Department of Social and Health Services (DSHS) guidelines. Directs DSHS to adopt guidance related to the elements that must be addressed in the policies and instructions for posting the policies.

Makes nonsubstantive changes to clarify terminology and eliminate redundant references to long-term care worker training requirements and changes phrasing related to rules.