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ENGROSSED SUBSTITUTE HOUSE BILL 2707

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State of Washington

57th Legislature

2002 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Edwards, Skinner, Cody and Schual-Berke)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to long-term caregiver training; amending RCW  
2 18.20.270 and 70.128.230; adding a new section to chapter 43.20A RCW;  
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 18.20.270 and 2000 c 121 s 2 are each amended to read  
6 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 a boarding home, except volunteers  
11 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 boarding home employees or volunteers who routinely  
19 interact with residents shall complete orientation. Boarding home

1 administrators, or their designees, and caregivers shall complete  
2 orientation, basic training, specialty training as appropriate, and  
3 continuing education.

4 (3) Orientation consists of introductory information on residents'  
5 rights, communication skills, fire and life safety, and universal  
6 precautions. Orientation must be provided at the facility by  
7 appropriate boarding home staff to all boarding home employees before  
8 the employees have routine interaction with residents.

9 (4) Basic training consists of modules on the core knowledge and  
10 skills that caregivers need to learn and understand to effectively and  
11 safely provide care to residents. Basic training must be outcome-  
12 based, and the effectiveness of the basic training must be measured by  
13 demonstrated competency in the core areas through the use of a  
14 competency test. Basic training must be completed by caregivers within  
15 one hundred twenty days of the date on which they begin to provide  
16 hands-on care or within one hundred twenty days of (~~March~~) September  
17 1, 2002, whichever is later. Until competency in the core areas has  
18 been demonstrated, caregivers shall not provide hands-on personal care  
19 to residents without direct supervision. Boarding home administrators,  
20 or their designees, must complete basic training and demonstrate  
21 competency within one hundred twenty days of employment or within one  
22 hundred twenty days of (~~March~~) September 1, 2002, whichever is later.

23 (5) For boarding homes that serve residents with special needs such  
24 as dementia, developmental disabilities, or mental illness, specialty  
25 training is required of administrators, or designees, and caregivers.  
26 Specialty training consists of modules on the core knowledge and skills  
27 that caregivers need to effectively and safely provide care to  
28 residents with special needs. Specialty training should be integrated  
29 into basic training wherever appropriate. Specialty training must be  
30 outcome-based, and the effectiveness of the specialty training measured  
31 by demonstrated competency in the core specialty areas through the use  
32 of a competency test. Specialty training must be completed by  
33 caregivers within one hundred twenty days of the date on which they  
34 begin to provide hands-on care to a resident having special needs or  
35 within one hundred twenty days of (~~March~~) September 1, 2002,  
36 whichever is later. However, if specialty training is not integrated  
37 with basic training, the specialty training must be completed within  
38 ninety days of completion of basic training. Until competency in the  
39 core specialty areas has been demonstrated, caregivers shall not

1 provide hands-on personal care to residents with special needs without  
2 direct supervision. Boarding home administrators, or their designees,  
3 must complete specialty training and demonstrate competency within one  
4 hundred twenty days of (~~March~~) September 1, 2002, or one hundred  
5 twenty days from the date on which the administrator or his or her  
6 designee is hired, whichever is later, if the boarding home serves one  
7 or more residents with special needs.

8 (6) Continuing education consists of ongoing delivery of  
9 information to caregivers on various topics relevant to the care  
10 setting and care needs of residents. Competency testing is not  
11 required for continuing education. Continuing education is not  
12 required during the first year following completion of the basic  
13 training. If specialty training is completed, the specialty training  
14 applies toward any continuing education requirement for up to two years  
15 following the completion of the specialty training.

16 (7) Persons who successfully challenge the competency test for  
17 basic training are fully exempt from the basic training requirements of  
18 this section. Persons who successfully challenge the specialty  
19 training competency test are fully exempt from the specialty training  
20 requirements of this section.

21 (8) Licensed persons who perform the tasks for which they are  
22 licensed are fully or partially exempt from the training requirements  
23 of this section, as specified by the department in rule.

24 (9) In an effort to improve access to training and education and  
25 reduce costs, especially for rural communities, the coordinated system  
26 of long-term care training and education must include the use of  
27 innovative types of learning strategies such as internet resources,  
28 videotapes, and distance learning using satellite technology  
29 coordinated through community colleges or other entities, as defined by  
30 the department.

31 (10) The community long-term care training and education steering  
32 committee established under RCW 74.39A.190 shall develop criteria for  
33 the approval of orientation, basic training, and specialty training  
34 programs.

35 (11) Boarding homes that desire to deliver facility-based training  
36 with facility designated trainers, or boarding homes that desire to  
37 pool their resources to create shared training systems, must be  
38 encouraged by the department in their efforts. The community long-term  
39 care training and education steering committee shall develop criteria

1 for reviewing and approving trainers and training materials that are  
2 substantially similar to or better than the materials developed by the  
3 steering committee. The department may approve a curriculum based upon  
4 attestation by a boarding home administrator that the boarding home's  
5 training curriculum addresses basic and specialty training competencies  
6 identified by the department, and shall review a curriculum to verify  
7 that it meets these requirements. The department may conduct the  
8 review as part of the regularly scheduled yearly inspection and  
9 investigation required under RCW 18.20.110. The department may rescind  
10 approval of any curriculum if it determines that the curriculum does  
11 not meet these requirements.

12 (12) The department shall adopt rules by (~~March~~) September 1,  
13 2002, for the implementation of this section 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 orientation, basic training, specialty training, and  
17 continuing education requirements of this section (~~take effect March~~)  
18 commence September 1, 2002, or one hundred twenty days from the date of  
19 employment, whichever is later, and shall be applied (~~prospectively~~)  
20 to (a) employees hired subsequent to September 1, 2002; and (b)  
21 existing employees that on September 1, 2002, have not successfully  
22 completed the training requirements under RCW 74.39A.010, and this  
23 section. Existing employees who have not successfully completed the  
24 training requirements under RCW 74.39A.010, 74.39A.020, and this  
25 section shall be subject to all applicable requirements of this  
26 section. However, nothing in this section affects the current training  
27 requirements under RCW 74.39A.010.

28 NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW  
29 to read as follows:

30 The department shall publish its final basic and specialty training  
31 competencies and learning outcomes as required by chapter 121, Laws of  
32 2000 no later than June 1, 2002.

33 **Sec. 3.** RCW 70.128.230 and 2000 c 121 s 3 are each amended to read  
34 as follows:

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

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

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

9 (2) Training must have three components: Orientation, basic  
10 training, and continuing education. All adult family home providers,  
11 resident managers, and employees, or volunteers who routinely interact  
12 with residents shall complete orientation. Caregivers shall complete  
13 orientation, basic training, and continuing education.

14 (3) Orientation consists of introductory information on residents'  
15 rights, communication skills, fire and life safety, and universal  
16 precautions. Orientation must be provided at the facility by  
17 appropriate adult family home staff to all adult family home employees  
18 before the employees have routine interaction with residents.

19 (4) Basic training consists of modules on the core knowledge and  
20 skills that caregivers need to learn and understand to effectively and  
21 safely provide care to residents. Basic training must be outcome-  
22 based, and the effectiveness of the basic training must be measured by  
23 demonstrated competency in the core areas through the use of a  
24 competency test. Basic training must be completed by caregivers within  
25 one hundred twenty days of the date on which they begin to provide  
26 hands-on care or within one hundred twenty days of (~~March~~) September  
27 1, 2002, whichever is later. Until competency in the core areas has  
28 been demonstrated, caregivers shall not provide hands-on personal care  
29 to residents without indirect supervision.

30 (5) For adult family homes that serve residents with special needs  
31 such as dementia, developmental disabilities, or mental illness,  
32 specialty training is required of providers and resident managers.  
33 Specialty training consists of modules on the core knowledge and skills  
34 that providers and resident managers need to effectively and safely  
35 provide care to residents with special needs. Specialty training  
36 should be integrated into basic training wherever appropriate.  
37 Specialty training must be outcome-based, and the effectiveness of the  
38 specialty training measured by demonstrated competency in the core  
39 specialty areas through the use of a competency test. Specialty

1 training must be completed by providers and resident managers before  
2 admitting and serving residents who have been determined to have  
3 special needs related to mental illness, dementia, or a developmental  
4 disability. Should a resident develop special needs while living in a  
5 home without specialty designation, the provider and resident manager  
6 have one hundred twenty days to complete specialty training.

7 (6) Continuing education consists of ongoing delivery of  
8 information to caregivers on various topics relevant to the care  
9 setting and care needs of residents. Competency testing is not  
10 required for continuing education. Continuing education is not  
11 required during the first year following completion of the basic  
12 training. If specialty training is completed, the specialty training  
13 applies toward any continuing education requirement for up to two years  
14 following the completion of the specialty training.

15 (7) Persons who successfully challenge the competency test for  
16 basic training are fully exempt from the basic training requirements of  
17 this section. Persons who successfully challenge the specialty  
18 training competency test are fully exempt from the specialty training  
19 requirements of this section.

20 (8) Licensed persons who perform the tasks for which they are  
21 licensed are fully or partially exempt from the training requirements  
22 of this section, as specified by the department in rule.

23 (9) In an effort to improve access to training and education and  
24 reduce costs, especially for rural communities, the coordinated system  
25 of long-term care training and education must include the use of  
26 innovative types of learning strategies such as internet resources,  
27 videotapes, and distance learning using satellite technology  
28 coordinated through community colleges, private associations, or other  
29 entities, as defined by the department.

30 (10) Adult family homes that desire to deliver facility-based  
31 training with facility designated trainers, or adult family homes that  
32 desire to pool their resources to create shared training systems, must  
33 be encouraged by the department in their efforts. The community long-  
34 term care training and education steering committee shall develop  
35 criteria for reviewing and approving trainers and training materials.  
36 The department may approve a curriculum based upon attestation by an  
37 adult family home administrator that the adult family home's training  
38 curriculum addresses basic and specialty training competencies  
39 identified by the department, and shall review a curriculum to verify

1 that it meets these requirements. The department may conduct the  
2 review as part of the inspection authorized under RCW 70.128.070. The  
3 department may rescind approval of any curriculum if it determines that  
4 the curriculum does not meet these requirements.

5 (11) The department shall adopt rules by (~~March~~) September 1,  
6 2002, for the implementation of this section based on the  
7 recommendations of the community long-term care training and education  
8 steering committee established in RCW 74.39A.190.

9 (12) The orientation, basic training, specialty training, and  
10 continuing education requirements of this section (~~take effect March~~)  
11 commence September 1, 2002, and shall be applied (~~prospectively~~) to  
12 (a) employees hired subsequent to September 1, 2002; or (b) existing  
13 employees that on September 1, 2002, have not successfully completed  
14 the training requirements under RCW 70.128.120, 70.128.130, and this  
15 section. Existing employees who have not successfully completed the  
16 training requirements under RCW 70.128.120 and this section shall be  
17 subject to all applicable requirements of this section. However,  
18 nothing in this section affects the current training requirements under  
19 RCW 70.128.120 and 70.128.130.

20 NEW SECTION. Sec. 4. This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and takes effect  
23 immediately.

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