

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2707

Chapter 233, Laws of 2002

57th Legislature
2002 Regular Session

LONG-TERM CAREGIVER TRAINING

EFFECTIVE DATE: 3/28/02

Passed by the House March 12, 2002
Yeas 97 Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 7, 2002
Yeas 41 Nays 0

BRAD OWEN
President of the Senate

Approved March 28, 2002

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2707** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

March 28, 2002 - 9:06 a.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2707

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

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, 70.128.230, and 74.39A.190; adding a new section to chapter
3 43.20A RCW; 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~~) in the same calendar year (~~following~~
13 ~~completion of the~~) in which basic (~~training~~) or modified basic
14 training is successfully completed. Continuing education is required
15 in each calendar year thereafter. If specialty training is completed,
16 the specialty training applies toward any continuing education
17 requirement for up to two years following the completion of the
18 specialty training.

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

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

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

34 (10) The (~~community long term care training and education steering~~
35 ~~committee established under RCW 74.39A.190~~) department shall develop
36 criteria for the approval of orientation, basic training, and specialty
37 training programs.

38 (11) Boarding homes that desire to deliver facility-based training
39 with facility designated trainers, or boarding homes that desire to

1 pool their resources to create shared training systems, must be
2 encouraged by the department in their efforts. The ~~((community long-~~
3 ~~term care training and education steering committee))~~ department shall
4 develop criteria for reviewing and approving trainers and training
5 materials that are substantially similar to or better than the
6 materials developed by the ~~((steering committee))~~ department. The
7 department may approve a curriculum based upon attestation by a
8 boarding home administrator that the boarding home's training
9 curriculum addresses basic and specialty training competencies
10 identified by the department, and shall review a curriculum to verify
11 that it meets these requirements. The department may conduct the
12 review as part of the next regularly scheduled yearly inspection and
13 investigation required under RCW 18.20.110. The department shall
14 rescind approval of any curriculum if it determines that the curriculum
15 does not meet these requirements.

16 (12) The department shall adopt rules by ~~((March))~~ September 1,
17 2002, for the implementation of this section ~~((based on the~~
18 ~~recommendations of the community long term care training and education~~
19 ~~steering committee established in RCW 74.39A.190))~~.

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

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

34 The department shall publish its final basic and specialty training
35 competencies and learning outcomes as required by chapter 121, Laws of
36 2000 no later than June 1, 2002.

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

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

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

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

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

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

23 (4) Basic training consists of modules on the core knowledge and
24 skills that caregivers need to learn and understand to effectively and
25 safely provide care to residents. Basic training must be outcome-
26 based, and the effectiveness of the basic training must be measured by
27 demonstrated competency in the core areas through the use of a
28 competency test. Basic training must be completed by caregivers within
29 one hundred twenty days of the date on which they begin to provide
30 hands-on care or within one hundred twenty days of (~~March~~) September
31 1, 2002, whichever is later. Until competency in the core areas has
32 been demonstrated, caregivers shall not provide hands-on personal care
33 to residents without indirect supervision.

34 (5) For adult family homes that serve residents with special needs
35 such as dementia, developmental disabilities, or mental illness,
36 specialty training is required of providers and resident managers.
37 Specialty training consists of modules on the core knowledge and skills
38 that providers and resident managers need to effectively and safely
39 provide care to residents with special needs. Specialty training

1 should be integrated into basic training wherever appropriate.
2 Specialty training must be outcome-based, and the effectiveness of the
3 specialty training measured by demonstrated competency in the core
4 specialty areas through the use of a competency test. Specialty
5 training must be completed by providers and resident managers before
6 admitting and serving residents who have been determined to have
7 special needs related to mental illness, dementia, or a developmental
8 disability. Should a resident develop special needs while living in a
9 home without specialty designation, the provider and resident manager
10 have one hundred twenty days to complete specialty training.

11 (6) Continuing education consists of ongoing delivery of
12 information to caregivers on various topics relevant to the care
13 setting and care needs of residents. Competency testing is not
14 required for continuing education. Continuing education is not
15 required (~~during the first~~) in the same calendar year (~~following~~
16 ~~completion of the~~) in which basic (~~training~~) or modified basic
17 training is successfully completed. Continuing education is required
18 in each calendar year thereafter. If specialty training is completed,
19 the specialty training applies toward any continuing education
20 requirement for up to two years following the completion of the
21 specialty training.

22 (7) Persons who successfully challenge the competency test for
23 basic training are fully exempt from the basic training requirements of
24 this section. Persons who successfully challenge the specialty
25 training competency test are fully exempt from the specialty training
26 requirements of this section.

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

30 (9) In an effort to improve access to training and education and
31 reduce costs, especially for rural communities, the coordinated system
32 of long-term care training and education must include the use of
33 innovative types of learning strategies such as internet resources,
34 videotapes, and distance learning using satellite technology
35 coordinated through community colleges, private associations, or other
36 entities, as defined by the department.

37 (10) Adult family homes that desire to deliver facility-based
38 training with facility designated trainers, or adult family homes that
39 desire to pool their resources to create shared training systems, must

1 be encouraged by the department in their efforts. The ~~((community~~
2 ~~long-term care training and education steering committee))~~ department
3 shall develop criteria for reviewing and approving trainers and
4 training materials. The department may approve a curriculum based upon
5 attestation by an adult family home administrator that the adult family
6 home's training curriculum addresses basic and specialty training
7 competencies identified by the department, and shall review a
8 curriculum to verify that it meets these requirements. The department
9 may conduct the review as part of the next regularly scheduled
10 inspection authorized under RCW 70.128.070. The department shall
11 rescind approval of any curriculum if it determines that the curriculum
12 does not meet these requirements.

13 (11) The department shall adopt rules by ~~((March))~~ September 1,
14 2002, for the implementation of this section ((based on the
15 recommendations of the community long-term care training and education
16 steering committee established in RCW 74.39A.190)).

17 (12) The orientation, basic training, specialty training, and
18 continuing education requirements of this section ~~((take effect March))~~
19 commence September 1, 2002, and shall be applied ((prospectively)) to
20 (a) employees hired subsequent to September 1, 2002; or (b) existing
21 employees that on September 1, 2002, have not successfully completed
22 the training requirements under RCW 70.128.120 or 70.128.130 and this
23 section. Existing employees who have not successfully completed the
24 training requirements under RCW 70.128.120 or 70.128.130 shall be
25 subject to all applicable requirements of this section. However, until
26 September 1, 2002, nothing in this section affects the current training
27 requirements under RCW 70.128.120 and 70.128.130.

28 **Sec. 4.** RCW 74.39A.190 and 2000 c 121 s 8 are each amended to read
29 as follows:

30 (1) The secretary shall appoint a steering committee for community
31 long-term care training and education to advise the department on the
32 development ~~((and approval))~~ of criteria for training materials, the
33 development of competency tests, the development of criteria for
34 trainers, and the development of exemptions from training. The
35 community long-term care training and education steering committee
36 shall also review the effectiveness of the training program or
37 programs, including the qualifications and availability of the
38 trainers. ~~((The steering committee shall also review the~~

1 appropriateness of the adopted rules implementing this section.)) The
2 steering committee shall advise the department on flexible and
3 innovative learning strategies that accomplish the training goals, such
4 as competency and outcome-based models and distance learning. The
5 steering committee shall review and recommend the most appropriate
6 length of time between an employee's date of first hire and the start
7 of the employee's basic training.

8 (2) The steering committee shall, at a minimum, consist of a
9 representative from each of the following: Each of the statewide
10 boarding home associations, two adult family home associations, each of
11 the statewide home care associations, the long-term care ombudsman
12 program, the area agencies on aging, the department of health
13 representing the nursing care quality assurance commission, and a
14 consumer, or their nonprovider designee, from a boarding home, adult
15 family home, home care served by an agency, and home care served by an
16 individual provider. A majority of the members currently serving
17 constitute a quorum.

18 (3) Nothing in this chapter shall prevent the adult family home
19 advisory committee from enhancing training requirements for adult
20 family providers and resident managers, regulated under chapter 18.48
21 RCW, at the cost of those providers and resident managers.

22 (4) Establishment of the steering committee does not prohibit the
23 department from utilizing other advisory activities that the department
24 deems necessary for program development. However, when the department
25 obtains input from other advisory sources, the department shall present
26 the information to the steering committee for their review (~~and~~
27 ~~approval~~)).

28 (5) Each member of the steering committee shall serve without
29 compensation. Consumer representatives may be reimbursed for travel
30 expenses as authorized in RCW 43.03.060.

31 (6) The steering committee recommendations must implement the
32 intent of RCW 74.39A.050(14) to create training that includes skills
33 and competencies that are transferable to nursing assistant training.

34 (7) The steering committee shall cease to exist (~~on~~) July 1,
35 (~~2004~~) 2003.

36 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
37 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

Passed the House March 12, 2002.

Passed the Senate March 7, 2002.

Approved by the Governor March 28, 2002.

Filed in Office of Secretary of State March 28, 2002.