
SUBSTITUTE HOUSE BILL 2284

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to the training of and collective bargaining over
2 the training of care providers; amending RCW 74.39A.050, 74.39A.270,
3 74.39A.300, 74.39A.310, 41.56.465, and 18.88A.085; adding a new section
4 to chapter 74.39A RCW; creating new sections; and repealing RCW
5 74.39A.190.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.39A RCW
8 to read as follows:

9 (1) Effective January 1, 2009, the department shall require that
10 all persons who are long-term care workers for the elderly or persons
11 with disabilities, including adult family home providers, adult
12 residential care providers, long-term care providers, boarding home
13 administrators, boarding home caregivers, and other home and community
14 service care providers identified in this chapter meet the following
15 minimum training requirements described in this section.

16 (2) All entry-level persons employed as providers of long-term care
17 services to the elderly and persons with disabilities shall be required
18 to obtain eighty-five hours of entry-level training as follows:

1 (a) Two hours of orientation training in the role of the caregiver
2 and the terms of employment to be completed within two weeks of
3 employment or within fifty hours of work, whichever is later;

4 (b) Three hours of safety training including basic safety
5 precautions and emergency procedures and infection control to be
6 completed within two weeks of employment or within fifty hours of work,
7 whichever is later; and

8 (c) Eighty hours of long-term care core competencies training
9 including but not limited to: Consumer rights and confidentiality;
10 communication and problem solving skills; personal care skills; health-
11 related tasks training; in-home and nutritional support; body systems,
12 disease, and disability training; and self-care training to be
13 completed within six months of employment or within six hundred hours
14 of work, whichever is later.

15 (3) The department shall offer sixty-five hours of advanced and
16 specialty training including but not limited to topics such as: Client
17 rights; personal care; mental illness; dementia; developmental
18 disabilities; depression; medication assistance; advanced communication
19 skills; positive client behavior support; developing or improving
20 client-centered activities; dealing with wandering or aggressive client
21 behaviors; medical conditions; nurse delegation core training; peer
22 mentor training; and advocacy for quality care training. The
23 department may not require providers of long-term care services to
24 obtain the training described in this subsection.

25 (4) The department may develop a review process waiving some or all
26 mandatory training requirements for a person who already possesses a
27 health care degree, is certified under chapter 18.88A RCW, is a
28 registered nurse, or has other significant formal experience and
29 training.

30 (5) Effective January 1, 2009, the department shall require that
31 all providers of long-term care services to the elderly and persons
32 with disabilities shall obtain twelve hours of continuing education
33 training in advanced and specialty training topics each year beginning
34 on the anniversary date of completion of the eighty-five hours of
35 training, or beginning on January 1, 2010, for existing workers.

36 (6) Effective January 1, 2010, the department shall require that
37 all providers of long-term care services to the elderly and persons
38 with disabilities shall be offered or made available on-the-job

1 training or peer mentorship of at least one hour a week for the first
2 one hundred twenty days of work from a long-term care worker who has
3 completed at least twelve hours of mentor training and is mentoring no
4 more than ten other workers at any given time.

5 (7) The department shall adopt rules by January 1, 2009, that
6 establish a certified home care aide designation and testing process.
7 After completing at least eight-five hours of required entry-level
8 training, workers subject to this section will be eligible to take the
9 test established by the department to receive a home care aide
10 certification. The department shall administer the home care aide
11 certification examination and shall certify home care aides who pass
12 the test. To maintain their certification, home care aides must
13 complete all training and continuing education requirements within the
14 time limits specified in this section.

15 (8) Only training curriculum approved by the department may be used
16 to fulfill the training requirements under this section. The
17 department shall approve any training curriculum that has been
18 developed with input from consumer and worker representatives, that
19 allows for comprehensive instruction by qualified instructors on the
20 competencies and training topics in this section, and that encourages
21 direct participation by consumers and workers as associate instructors
22 for some modules.

23 (9) The department shall deny payment to any provider of long-term
24 care services to the elderly and persons with disabilities who does not
25 or whose employees do not complete the training requirements and obtain
26 certification as a home care aide within six months or six hundred
27 hours of work, whichever is later.

28 (10) For all providers of long-term care services to the elderly
29 and persons with disabilities represented by an exclusive bargaining
30 representative under RCW 74.39A.270 and 74.39A.300, all training under
31 this section shall be provided by joint labor-management partnership or
32 trust. The partnership or trust shall provide reports as required by
33 the department verifying that all providers have complied with all
34 training requirements. Employer contributions to the entity is a
35 mandatory subject of the collective bargaining agreement and shall be
36 fixed at a level sufficient to meet the cost of the training
37 requirements and to contribute towards the cost of other services such
38 as adult education, caregiver support, and career development services

1 necessary to recruit and retain a high quality direct care workforce.
2 The partnership or trust shall be designated by the certified exclusive
3 bargaining representative representing at least twenty thousand
4 employees.

5 (11) The requirements of this section do not apply to:

6 (a) Nursing homes licensed under chapter 18.51 RCW; and

7 (b) Persons already employed prior to January 1, 2009, as long-term
8 care workers for the elderly or persons with disabilities.

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

10 **Sec. 2.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read
11 as follows:

12 The department's system of quality improvement for long-term care
13 services shall use the following principles, consistent with applicable
14 federal laws and regulations:

15 (1) The system shall be client-centered and promote privacy,
16 independence, dignity, choice, and a home or home-like environment for
17 consumers consistent with chapter 392, Laws of 1997.

18 (2) The goal of the system is continuous quality improvement with
19 the focus on consumer satisfaction and outcomes for consumers. This
20 includes that when conducting licensing or contract inspections, the
21 department shall interview an appropriate percentage of residents,
22 family members, resident case managers, and advocates in addition to
23 interviewing providers and staff.

24 (3) Providers should be supported in their efforts to improve
25 quality and address identified problems initially through training,
26 consultation, technical assistance, and case management.

27 (4) The emphasis should be on problem prevention both in monitoring
28 and in screening potential providers of service.

29 (5) Monitoring should be outcome based and responsive to consumer
30 complaints and based on a clear set of health, quality of care, and
31 safety standards that are easily understandable and have been made
32 available to providers, residents, and other interested parties.

33 (6) Prompt and specific enforcement remedies shall also be
34 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,
35 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have
36 delivered care or failed to deliver care resulting in problems that are
37 serious, recurring, or uncorrected, or that create a hazard that is

1 causing or likely to cause death or serious harm to one or more
2 residents. These enforcement remedies may also include, when
3 appropriate, reasonable conditions on a contract or license. In the
4 selection of remedies, the safety, health, and well-being of residents
5 shall be of paramount importance.

6 (7) To the extent funding is available, all long-term care staff
7 directly responsible for the care, supervision, or treatment of
8 vulnerable persons should be screened through background checks in a
9 uniform and timely manner to ensure that they do not have a criminal
10 history that would disqualify them from working with vulnerable
11 persons. Whenever a state conviction record check is required by state
12 law, persons may be employed or engaged as volunteers or independent
13 contractors on a conditional basis according to law and rules adopted
14 by the department.

15 (8) No provider or staff, or prospective provider or staff, with a
16 stipulated finding of fact, conclusion of law, an agreed order, or
17 finding of fact, conclusion of law, or final order issued by a
18 disciplining authority, a court of law, or entered into a state
19 registry finding him or her guilty of abuse, neglect, exploitation, or
20 abandonment of a minor or a vulnerable adult as defined in chapter
21 74.34 RCW shall be employed in the care of and have unsupervised access
22 to vulnerable adults.

23 (9) The department shall establish, by rule, a state registry which
24 contains identifying information about (~~personal~~) home care aides
25 identified under this chapter who have substantiated findings of abuse,
26 neglect, financial exploitation, or abandonment of a vulnerable adult
27 as defined in RCW 74.34.020. The rule must include disclosure,
28 disposition of findings, notification, findings of fact, appeal rights,
29 and fair hearing requirements. The department shall disclose, upon
30 request, substantiated findings of abuse, neglect, financial
31 exploitation, or abandonment to any person so requesting this
32 information.

33 ~~(10) ((The department shall by rule develop training requirements~~
34 ~~for individual providers and home care agency providers. Effective~~
35 ~~March 1, 2002, individual providers and home care agency providers must~~
36 ~~satisfactorily complete department approved orientation, basic~~
37 ~~training, and continuing education within the time period specified by~~
38 ~~the department in rule. The department shall adopt rules by March 1,~~

1 ~~2002, for the implementation of this section based on the~~
2 ~~recommendations of the community long term care training and education~~
3 ~~steering committee established in RCW 74.39A.190. The department shall~~
4 ~~deny payment to an individual provider or a home care provider who does~~
5 ~~not complete the training requirements within the time limit specified~~
6 ~~by the department by rule.~~

7 ~~(11) In an effort to improve access to training and education and~~
8 ~~reduce costs, especially for rural communities, the coordinated system~~
9 ~~of long term care training and education must include the use of~~
10 ~~innovative types of learning strategies such as internet resources,~~
11 ~~videotapes, and distance learning using satellite technology~~
12 ~~coordinated through community colleges or other entities, as defined by~~
13 ~~the department.~~

14 ~~(12) The department shall create an approval system by March 1,~~
15 ~~2002, for those seeking to conduct department approved training. In~~
16 ~~the rule making process, the department shall adopt rules based on the~~
17 ~~recommendations of the community long term care training and education~~
18 ~~steering committee established in RCW 74.39A.190.~~

19 ~~(13))~~ The department shall establish, by rule, ~~((training,))~~
20 background checks, and other quality assurance requirements for
21 ~~((personal))~~ home care aides who provide in-home services funded by
22 medicaid personal care as described in RCW 74.09.520, community options
23 program entry system waiver services as described in RCW 74.39A.030, or
24 chore services as described in RCW 74.39A.110 that are equivalent to
25 requirements for individual providers.

26 ~~((14))~~ (11) Under existing funds the department shall establish
27 internally a quality improvement standards committee to monitor the
28 development of standards and to suggest modifications.

29 ~~((15) Within existing funds))~~ (12) Consistent with section 1 of
30 this act, the department shall design, develop, and implement a long-
31 term care training program that is flexible, relevant, and qualifies
32 towards the requirements for a nursing assistant certificate as
33 established under chapter 18.88A RCW. This subsection does not require
34 completion of the nursing assistant certificate training program by
35 providers or their staff. The long-term care teaching curriculum must
36 consist of a fundamental module, or modules, and a range of other
37 available relevant training modules that provide the caregiver with
38 appropriate options that assist in meeting the resident's care needs.

1 Some of the training modules may include, but are not limited to,
2 specific training on the special care needs of persons with
3 developmental disabilities, dementia, mental illness, and the care
4 needs of the elderly. No less than one training module must be
5 dedicated to workplace violence prevention. The nursing care quality
6 assurance commission shall work together with the department to develop
7 the curriculum modules. The nursing care quality assurance commission
8 shall direct the nursing assistant training programs to accept some or
9 all of the skills and competencies from the curriculum modules towards
10 meeting the requirements for a nursing assistant certificate as defined
11 in chapter 18.88A RCW. A process may be developed to test persons
12 completing modules from a caregiver's class to verify that they have
13 the transferable skills and competencies for entry into a nursing
14 assistant training program. The department may review whether
15 facilities can develop their own related long-term care training
16 programs. The department may develop a review process for determining
17 what previous experience and training may be used to waive some or all
18 of the mandatory training. ~~((The department of social and health
19 services and the nursing care quality assurance commission shall work
20 together to develop an implementation plan by December 12, 1998.))~~

21 **Sec. 3.** RCW 74.39A.270 and 2006 c 106 s 1 are each amended to read
22 as follows:

23 (1) Solely for the purposes of collective bargaining and as
24 expressly limited under subsections (2) and (3) of this section, the
25 governor is the public employer, as defined in chapter 41.56 RCW, of
26 individual providers, who, solely for the purposes of collective
27 bargaining, are public employees as defined in chapter 41.56 RCW. To
28 accommodate the role of the state as payor for the community-based
29 services provided under this chapter and to ensure coordination with
30 state employee collective bargaining under chapter 41.80 RCW and the
31 coordination necessary to implement RCW 74.39A.300, the public employer
32 shall be represented for bargaining purposes by the governor or the
33 governor's designee appointed under chapter 41.80 RCW. The governor or
34 governor's designee shall periodically consult with the authority
35 during the collective bargaining process to allow the authority to
36 communicate issues relating to the long-term in-home care services
37 received by consumers. The governor or the governor's designee shall

1 consult the authority on all issues for which the exclusive bargaining
2 representative requests to engage in collective bargaining under
3 subsections (6) and (7) of this section. The authority shall work with
4 the developmental disabilities council, the governor's committee on
5 disability issues and employment, the state council on aging, and other
6 consumer advocacy organizations to obtain informed input from consumers
7 on their interests, including impacts on consumer choice, for all
8 issues proposed for collective bargaining under subsections (6) and (7)
9 of this section.

10 (2) Chapter 41.56 RCW governs the collective bargaining
11 relationship between the governor and individual providers, except as
12 otherwise expressly provided in this chapter and except as follows:

13 (a) The only unit appropriate for the purpose of collective
14 bargaining under RCW 41.56.060 is a statewide unit of all individual
15 providers;

16 (b) The showing of interest required to request an election under
17 RCW 41.56.060 is ten percent of the unit, and any intervener seeking to
18 appear on the ballot must make the same showing of interest;

19 (c) The mediation and interest arbitration provisions of RCW
20 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

21 (i) With respect to commencement of negotiations between the
22 governor and the bargaining representative of individual providers,
23 negotiations shall be commenced by May 1st of any year prior to the
24 year in which an existing collective bargaining agreement expires;

25 (ii) With respect to factors to be taken into consideration by an
26 interest arbitration panel, the panel shall consider the financial
27 ability of the state to pay for the compensation and fringe benefit
28 provisions of a collective bargaining agreement; and

29 (iii) The decision of the arbitration panel is not binding on the
30 legislature and, if the legislature does not approve the request for
31 funds necessary to implement the compensation and fringe benefit
32 provisions of the arbitrated collective bargaining agreement, is not
33 binding on the authority or the state;

34 (d) Individual providers do not have the right to strike; and

35 (e) Individual providers who are related to, or family members of,
36 consumers or prospective consumers are not, for that reason, exempt
37 from this chapter or chapter 41.56 RCW.

1 (3) Individual providers who are public employees solely for the
2 purposes of collective bargaining under subsection (1) of this section
3 are not, for that reason, employees of the state, its political
4 subdivisions, or an area agency on aging for any purpose. Chapter
5 41.56 RCW applies only to the governance of the collective bargaining
6 relationship between the employer and individual providers as provided
7 in subsections (1) and (2) of this section.

8 (4) Consumers and prospective consumers retain the right to select,
9 hire, supervise the work of, and terminate any individual provider
10 providing services to them. Consumers may elect to receive long-term
11 in-home care services from individual providers who are not referred to
12 them by the authority.

13 (5) In implementing and administering this chapter, neither the
14 authority nor any of its contractors may reduce or increase the hours
15 of service for any consumer below or above the amount determined to be
16 necessary under any assessment prepared by the department or an area
17 agency on aging.

18 (6) Except as expressly limited in this section and RCW 74.39A.300,
19 the wages, hours, and working conditions of individual providers are
20 determined solely through collective bargaining as provided in this
21 chapter. No agency or department of the state may establish policies
22 or rules governing the wages or hours of individual providers.
23 However, this subsection does not modify:

24 (a) The department's authority to establish a plan of care for each
25 consumer or its core responsibility to manage long-term in-home care
26 services under this chapter, including determination of the level of
27 care that each consumer is eligible to receive. However, at the
28 request of the exclusive bargaining representative, the governor or the
29 governor's designee appointed under chapter 41.80 RCW shall engage in
30 collective bargaining, as defined in RCW 41.56.030(4), with the
31 exclusive bargaining representative over how the department's core
32 responsibility affects hours of work for individual providers. This
33 subsection shall not be interpreted to require collective bargaining
34 over an individual consumer's plan of care;

35 (b) The department's authority to terminate its contracts with
36 individual providers who are not adequately meeting the needs of a
37 particular consumer, or to deny a contract under RCW 74.39A.095(8);

1 (c) The consumer's right to assign hours to one or more individual
2 providers selected by the consumer within the maximum hours determined
3 by his or her plan of care;

4 (d) The consumer's right to select, hire, terminate, supervise the
5 work of, and determine the conditions of employment for each individual
6 provider providing services to the consumer under this chapter;

7 (e) The department's obligation to comply with the federal medicaid
8 statute and regulations and the terms of any community-based waiver
9 granted by the federal department of health and human services and to
10 ensure federal financial participation in the provision of the
11 services; and

12 (f) The legislature's right to make programmatic modifications to
13 the delivery of state services under this title, including standards of
14 eligibility of consumers and individual providers participating in the
15 programs under this title, and the nature of services provided. The
16 governor shall not enter into, extend, or renew any agreement under
17 this chapter that does not expressly reserve the legislative rights
18 described in this subsection (6)(f).

19 (7) At the request of the exclusive bargaining representative, the
20 governor or the governor's designee appointed under chapter 41.80 RCW
21 shall engage in collective bargaining, as defined in RCW 41.56.030(4),
22 with the exclusive bargaining representative over employer
23 contributions for the cost of meeting the training requirements in
24 section 1 of this act and providing other such programs and services
25 necessary to establish and promote the education, training, career
26 development, career ladders, certification, and licensing of a stable,
27 professionally trained long-term care workforce.

28 (8)(a) The state, the department, the authority, the area agencies
29 on aging, or their contractors under this chapter may not be held
30 vicariously or jointly liable for the action or inaction of any
31 individual provider or prospective individual provider, whether or not
32 that individual provider or prospective individual provider was
33 included on the authority's referral registry or referred to a consumer
34 or prospective consumer. The existence of a collective bargaining
35 agreement, the placement of an individual provider on the referral
36 registry, or the development or approval of a plan of care for a
37 consumer who chooses to use the services of an individual provider and

1 the provision of case management services to that consumer, by the
2 department or an area agency on aging, does not constitute a special
3 relationship with the consumer.

4 (b) The members of the board are immune from any liability
5 resulting from implementation of this chapter.

6 ~~((+8))~~ (9) Nothing in this section affects the state's
7 responsibility with respect to unemployment insurance for individual
8 providers. However, individual providers are not to be considered, as
9 a result of the state assuming this responsibility, employees of the
10 state.

11 **Sec. 4.** RCW 74.39A.300 and 2004 c 3 s 2 are each amended to read
12 as follows:

13 (1) Upon meeting the requirements of subsection (2) of this
14 section, the governor must submit, as a part of the proposed biennial
15 or supplemental operating budget submitted to the legislature under RCW
16 43.88.030, a request for funds necessary to administer chapter 3, Laws
17 of 2002 and to implement the compensation and fringe benefits
18 provisions of a collective bargaining agreement entered into under RCW
19 74.39A.270 or for legislation necessary to implement such agreement.

20 (2) A request for funds necessary to implement the compensation and
21 fringe benefits provisions of a collective bargaining agreement entered
22 into under RCW 74.39A.270 shall not be submitted by the governor to the
23 legislature unless such request:

24 (a) Has been submitted to the director of financial management by
25 October 1st prior to the legislative session at which the request is to
26 be considered; and

27 (b) Has been certified by the director of financial management as
28 being feasible financially for the state or reflects the binding
29 decision of an arbitration panel reached under RCW 74.39A.270(2)(c).

30 (3) Notwithstanding subsection (2) of this section, the governor
31 must submit to the first available legislative session a request for
32 funds necessary to implement the training contributions provisions of
33 a collective bargaining agreement entered into under RCW 74.39A.270 as
34 a part of the proposed biennial or supplemental operating budget
35 submitted to the legislature under RCW 43.88.030.

36 (4) The legislature must approve or reject the submission of the
37 request for funds as a whole. If the legislature rejects or fails to

1 act on the submission, any such agreement will be reopened solely for
2 the purpose of renegotiating the funds necessary to implement the
3 agreement.

4 ~~((4))~~ (5) When any increase in individual provider wages or
5 benefits is negotiated or agreed to, no increase in wages or benefits
6 negotiated or agreed to under this chapter will take effect unless and
7 until, before its implementation, the department has determined that
8 the increase is consistent with federal law and federal financial
9 participation in the provision of services under Title XIX of the
10 federal social security act.

11 ~~((5))~~ (6) The governor shall periodically consult with the joint
12 committee on employment relations established by RCW 41.80.010
13 regarding appropriations necessary to implement the compensation and
14 fringe benefits provisions of any collective bargaining agreement and,
15 upon completion of negotiations, advise the committee on the elements
16 of the agreement and on any legislation necessary to implement such
17 agreement.

18 ~~((6))~~ (7) After the expiration date of any collective bargaining
19 agreement entered into under RCW 74.39A.270, all of the terms and
20 conditions specified in any such agreement remain in effect until the
21 effective date of a subsequent agreement, not to exceed one year from
22 the expiration date stated in the agreement, except as provided in RCW
23 74.39A.270(6)(f).

24 ~~((7))~~ (8) If, after the compensation and benefit provisions of an
25 agreement are approved by the legislature, a significant revenue
26 shortfall occurs resulting in reduced appropriations, as declared by
27 proclamation of the governor or by resolution of the legislature, both
28 parties shall immediately enter into collective bargaining for a
29 mutually agreed upon modification of the agreement.

30 **Sec. 5.** RCW 74.39A.310 and 2006 c 9 s 1 are each amended to read
31 as follows:

32 (1) The department shall create a formula that converts the cost of
33 the increase in wages and benefits negotiated and funded in the
34 contract for individual providers of home care services pursuant to RCW
35 74.39A.270 and 74.39A.300, into a per-hour amount, excluding those
36 benefits defined in subsection (2) of this section. That per-hour
37 amount shall be added to the statewide home care agency vendor rate and

1 shall be used exclusively for improving the wages and benefits of home
2 care agency workers who provide direct care. The formula shall account
3 for:

4 (a) All types of wages, benefits, and compensation negotiated and
5 funded each biennium, including but not limited to:

- 6 (i) Regular wages;
- 7 (ii) Benefit pay, such as vacation, sick, and holiday pay;
- 8 (iii) Taxes on wages/benefit pay; (~~and~~)
- 9 (iv) Mileage; and
- 10 (v) Contributions to a joint labor-management partnership or trust
11 pursuant to section 1 of this act; and

12 (b) The increase in the average cost of worker's compensation for
13 home care agencies and application of the increases identified in (a)
14 of this subsection to all hours required to be paid, including travel
15 time, of direct service workers under the wage and hour laws and
16 associated employer taxes.

17 (2) The contribution rate for health care benefits, including but
18 not limited to medical, dental, and vision benefits, for eligible
19 agency home care workers shall be paid by the department to home care
20 agencies at the same rate as negotiated and funded in the collective
21 bargaining agreement for individual providers of home care services.

22 **Sec. 6.** RCW 41.56.465 and 1995 c 273 s 2 are each amended to read
23 as follows:

24 (1) In making its determination, the panel shall be mindful of the
25 legislative purpose enumerated in RCW 41.56.430 and, as additional
26 standards or guidelines to aid it in reaching a decision, it shall take
27 into consideration the following factors:

- 28 (a) The constitutional and statutory authority of the employer;
- 29 (b) Stipulations of the parties;
- 30 (c)(i) For employees listed in RCW 41.56.030(7)(a) through (d),
31 comparison of the wages, hours, and conditions of employment of
32 personnel involved in the proceedings with the wages, hours, and
33 conditions of employment of like personnel of like employers of similar
34 size on the west coast of the United States;
- 35 (ii) For employees listed in RCW 41.56.030(7)(e) through (h),
36 comparison of the wages, hours, and conditions of employment of
37 personnel involved in the proceedings with the wages, hours, and

1 conditions of employment of like personnel of public fire departments
2 of similar size on the west coast of the United States. However, when
3 an adequate number of comparable employers exists within the state of
4 Washington, other west coast employers may not be considered;

5 (iii) For employees listed in RCW 41.56.026 and 41.56.028, the cost
6 of meeting the training requirements in section 1 of this act and
7 providing other programs and services necessary to protect the quality
8 of health care services;

9 (d) The average consumer prices for goods and services, commonly
10 known as the cost of living;

11 (e) Changes in any of the circumstances under (a) through (d) of
12 this subsection during the pendency of the proceedings; and

13 (f) Such other factors, not confined to the factors under (a)
14 through (e) of this subsection, that are normally or traditionally
15 taken into consideration in the determination of wages, hours, and
16 conditions of employment. For those employees listed in RCW
17 41.56.030(7)(a) who are employed by the governing body of a city or
18 town with a population of less than fifteen thousand, or a county with
19 a population of less than seventy thousand, consideration must also be
20 given to regional differences in the cost of living.

21 (2) Subsection (1)(c) of this section may not be construed to
22 authorize the panel to require the employer to pay, directly or
23 indirectly, the increased employee contributions resulting from chapter
24 502, Laws of 1993 or chapter 517, Laws of 1993 as required under
25 chapter 41.26 RCW.

26 **Sec. 7.** RCW 18.88A.085 and 1994 sp.s. c 9 s 712 are each amended
27 to read as follows:

28 (1) After January 1, 1990, the secretary shall issue a certificate
29 to any applicant who demonstrates to the secretary's satisfaction that
30 the following requirements have been met:

31 (a) Completion of an approved training program or successful
32 completion of alternate training meeting established criteria approved
33 by the commission; and

34 (b) Successful completion of a competency evaluation.

35 (2) The secretary may permit some of the training hours earned
36 under chapter 74.39A RCW to be applied toward certification under this
37 section.

1 (3) In addition, applicants shall be subject to the grounds for
2 denial of certification under chapter 18.130 RCW.

3 NEW SECTION. **Sec. 8.** RCW 74.39A.190 (Community long-term care
4 training and education steering committee) and 2002 c 233 s 4 & 2000 c
5 121 s 8 are each repealed.

6 NEW SECTION. **Sec. 9.** The provisions of this act are to be
7 liberally construed to effectuate the intent, policies, and purposes of
8 this act.

9 NEW SECTION. **Sec. 10.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 11.** This act may be known and cited as the
14 establishing quality in long-term care services to the elderly and
15 persons with disabilities act.

--- END ---