
SUBSTITUTE HOUSE BILL 2693

State of Washington 60th Legislature 2008 Regular Session

By House Appropriations (originally sponsored by Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood, and Sells)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to required basic training and certification of
2 long-term care workers; amending RCW 74.39A.009, 74.39A.340,
3 74.39A.360, 74.39A.050, 70.128.230, and 18.20.270; adding new sections
4 to chapter 74.39A RCW; adding a new section to chapter 18.88A RCW;
5 creating new sections; and repealing RCW 18.20.230, and 70.128.210.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) An underlying premise of Washington's long-term care system is
9 the value of consumer choice across a full continuum of care with the
10 right to accessible, quality care;

11 (b) The level and content of basic training should be focused upon
12 the client with respect to client care needs, health status, choice,
13 and flexibility;

14 (c) An appropriately trained and motivated long-term care workforce
15 contributes to the quality of long-term care services;

16 (d) There is a need for increased workforce diversity throughout
17 the long-term care system;

18 (e) Long-term care worker training should acknowledge cultural

1 diversity and strive to achieve a greater understanding of the
2 relationships between culture and health;

3 (f) The long-term care workforce has diverse work-life expectations
4 such as career advancement and quality job performance;

5 (g) The long-term care workforce has variable learning styles, and
6 can benefit from flexibility in training settings, modalities,
7 accessibility, and methods;

8 (h) Long-term care training should prepare workers and caregivers
9 to perform in as many long-term care settings as possible with economic
10 security and safety, but also should accommodate the interests of those
11 workers who intend to care exclusively for their family members;

12 (i) The care and support provided by unpaid long-term caregivers
13 should not be disrupted, but enhanced and stabilized by any changes to
14 long-term care training and certification; and

15 (j) The long-term care workforce should be increased and enhanced
16 to meet current and future needs. New policies and requirements should
17 not result in decreasing the available workforce or the services
18 available to consumers.

19 (2) The legislature intends to establish long-term care worker
20 training standards that are consistent with the findings of subsection
21 (1) of this section.

22 **Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read
23 as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter.

26 (1) "Adult family home" means a home licensed under chapter 70.128
27 RCW.

28 (2) "Adult residential care" means services provided by a boarding
29 home that is licensed under chapter 18.20 RCW and that has a contract
30 with the department under RCW 74.39A.020 to provide personal care
31 services.

32 (3) "Assisted living services" means services provided by a
33 boarding home that has a contract with the department under RCW
34 74.39A.010 to provide personal care services, intermittent nursing
35 services, and medication administration services, and the resident is
36 housed in a private apartment-like unit.

1 (4) "Boarding home" means a facility licensed under chapter 18.20
2 RCW.

3 (5) "Cost-effective care" means care provided in a setting of an
4 individual's choice that is necessary to promote the most appropriate
5 level of physical, mental, and psychosocial well-being consistent with
6 client choice, in an environment that is appropriate to the care and
7 safety needs of the individual, and such care cannot be provided at a
8 lower cost in any other setting. But this in no way precludes an
9 individual from choosing a different residential setting to achieve his
10 or her desired quality of life.

11 (6) "Department" means the department of social and health
12 services.

13 (7) "Enhanced adult residential care" means services provided by a
14 boarding home that is licensed under chapter 18.20 RCW and that has a
15 contract with the department under RCW 74.39A.010 to provide personal
16 care services, intermittent nursing services, and medication
17 administration services.

18 (8) "Functionally disabled person" or "person who is functionally
19 disabled" is synonymous with chronic functionally disabled and means a
20 person who because of a recognized chronic physical or mental condition
21 or disease, including chemical dependency, is impaired to the extent of
22 being dependent upon others for direct care, support, supervision, or
23 monitoring to perform activities of daily living. "Activities of daily
24 living", in this context, means self-care abilities related to personal
25 care such as bathing, eating, using the toilet, dressing, and transfer.
26 Instrumental activities of daily living may also be used to assess a
27 person's functional abilities as they are related to the mental
28 capacity to perform activities in the home and the community such as
29 cooking, shopping, house cleaning, doing laundry, working, and managing
30 personal finances.

31 (9) "Home and community services" means adult family homes, in-home
32 services, and other services administered or provided by contract by
33 the department directly or through contract with area agencies on aging
34 or similar services provided by facilities and agencies licensed by the
35 department.

36 (10) "Long-term care" is synonymous with chronic care and means
37 care and supports delivered indefinitely, intermittently, or over a
38 sustained time to persons of any age disabled by chronic mental or

1 physical illness, disease, chemical dependency, or a medical condition
2 that is permanent, not reversible or curable, or is long-lasting and
3 severely limits their mental or physical capacity for self-care. The
4 use of this definition is not intended to expand the scope of services,
5 care, or assistance by any individuals, groups, residential care
6 settings, or professions unless otherwise expressed by law.

7 (11)(a) "Long-term care workers" includes all persons who are paid
8 long-term care workers for (~~the elderly or~~) persons with functional
9 disabilities, including but not limited to individual providers of home
10 care services, direct care employees of home care agencies, providers
11 of home care services to persons with developmental disabilities under
12 Title 71 RCW, all direct care workers in state-licensed boarding homes,
13 assisted living facilities, and adult family homes, respite care
14 providers, community residential service providers, and any other
15 direct care worker providing home or community-based services to the
16 elderly or persons with functional disabilities or developmental
17 disabilities.

18 (b) "Long-term care workers" do not include persons employed in
19 nursing homes subject to chapter 18.51 RCW, hospitals or other acute
20 care settings, hospice agencies subject to chapter 70.127 RCW, adult
21 day care centers, and adult day health care centers.

22 (12) "Nursing home" means a facility licensed under chapter 18.51
23 RCW.

24 (13) "Secretary" means the secretary of social and health services.

25 (14) "Training partnership" means a joint partnership or trust
26 established and maintained jointly by the office of the governor and
27 the exclusive bargaining representative of individual providers under
28 RCW 74.39A.270 to provide training, peer mentoring, and examinations
29 required under this chapter, and educational, career development, or
30 other services to individual providers.

31 (15) "Tribally licensed boarding home" means a boarding home
32 licensed by a federally recognized Indian tribe which home provides
33 services similar to boarding homes licensed under chapter 18.20 RCW.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW
35 to read as follows:

36 (1) Except to the extent provided otherwise in subsection (9) of
37 this section, long-term care workers must meet the basic training

1 requirements established in this section. Training standards and the
2 delivery system shall be relevant to the varied needs of individuals
3 served by long-term care workers, and shall be sufficient to ensure
4 that long-term care workers have the skills and knowledge necessary to
5 provide high quality, appropriate care in a manner that respects each
6 individual's preferences.

7 (2)(a) Basic training shall include two components:

8 (i) Thirty-five hours of classroom training. In an effort to
9 improve the quality of training, increase access to training, and
10 reduce costs, especially for rural communities, the coordinated system
11 of long-term care training and education should include:

12 (A) The use of innovative learning strategies such as internet
13 resources, videotapes, and distance learning using satellite technology
14 coordinated through community colleges or other entities, as defined by
15 the department; and

16 (B) The use of varied adult learner strategies, such as
17 opportunities to practice or demonstrate skills, role playing, and
18 group discussions.

19 (ii) Fifty hours of experiential training. In an effort to improve
20 the quality of training, increase access to training, and reduce costs,
21 the department shall allow, and the training partnership shall
22 accommodate, significant flexibility in defining experiential training.
23 Experiential training should include but not be limited to hours
24 individual providers spend with mentors under RCW 74.39A.330, hours
25 spent being trained by the individual to whom a worker is providing
26 care regarding the individual's caregiving preferences and needs, on-
27 the-job training provided by the worker's employer, and attendance at
28 relevant conferences. The department shall adopt experiential training
29 standards in rule to address the integrity and quality of the training,
30 and to verify participation in experiential training.

31 (b) Training required under RCW 18.20.270(5) and 70.128.230(5)
32 shall count toward the eighty-five hours of training required under
33 this subsection.

34 (3) Required basic training consists of modules on the knowledge
35 and competencies that caregivers need to learn and understand to
36 effectively and safely provide care to functionally disabled persons.
37 Training must consist of:

1 (a) A set of core competencies that all long-term care workers must
2 complete. Core competencies consist of competencies and knowledge
3 necessary to meet the needs of, and safely care for, any individual who
4 requires personal care services. Core training modules must include
5 worker orientation, which must consist of introductory information on
6 residents' rights, communication skills, fire and life safety, and
7 universal precautions; and

8 (b) Additional population or setting specific competencies that
9 allow long-term care workers to acquire competencies unique to the
10 individuals they will be serving or the care setting in which they will
11 be working.

12 (4) Required basic training must be completed by long-term care
13 workers within one hundred twenty days of the date on which they begin
14 to provide hands-on care. Long-term care worker orientation under
15 subsection (3)(a) of this section must be completed by all long-term
16 care workers before the worker has routine interaction with the
17 individual or individuals they will be caring for.

18 (5) Required basic training must be outcome-based, and the
19 effectiveness of the training must be measured through the use of a
20 competency test.

21 (6) As specified by the department in rule, the following persons
22 are fully or partially exempt from the training requirements of this
23 section:

24 (a) Registered nurses, licensed practical nurses, certified nursing
25 assistants, medicare certified home health aides, or persons who hold
26 a similar health certification or license. However, these individuals
27 must complete worker orientation training as described in subsection
28 (3)(a) of this section;

29 (b) Persons who successfully challenge the competency test for
30 required basic training. However, these individuals must complete
31 worker orientation training as described in subsection (3)(a) of this
32 section; and

33 (c) Long-term care workers employed by supportive living providers
34 regulated under chapter 388-101 WAC who are subject to the training
35 required in WAC 388-101-1680. If the supportive living staff training
36 requirements included in chapter 388-101 WAC as of the effective date
37 of this act are reduced to eighty-five hours or less, the requirements

1 of this section shall apply to long-term care workers employed by
2 supportive living programs.

3 (7) The department shall develop criteria for the approval of
4 training programs. Only training curricula approved by the department
5 may be used to fulfill the requirements of this section. Boarding
6 homes, adult family homes, home care agencies, or other entities
7 employing long-term care workers that desire to deliver facility or
8 agency-based training with facility or agency designated trainers, or
9 facilities and agencies that desire to pool their resources to create
10 shared training systems, must be encouraged by the department in their
11 efforts. The department shall develop criteria for reviewing and
12 approving trainers and training materials that are substantially
13 similar to or better than the materials developed by the department.
14 The department may approve a curriculum based upon attestation by a
15 boarding home administrator, an adult family home provider or resident
16 manager, or a home care agency administrator that the facility's or
17 agency's training curriculum addresses required training competencies
18 identified by the department, and shall review a curriculum to verify
19 that it meets these requirements. The department, or the department of
20 health as applicable, may conduct the review as part of the next
21 regularly scheduled yearly inspection and investigation required under
22 RCW 18.20.110, 70.128.090, or 70.127.100. The department shall rescind
23 approval of any curriculum if it determines that the curriculum does
24 not meet these requirements.

25 (8)(a) The basic training requirements of this section commence
26 January 1, 2010, or one hundred twenty days from the date of
27 contracting or employment, whichever is later, and shall be applied to
28 long-term care workers newly contracted or hired subsequent to January
29 1, 2010. Long-term care workers contracted or employed prior to
30 January 1, 2010, must complete all training requirements in effect
31 prior to that date.

32 (b) If the department determines that administrative capacities
33 essential to implementation of long-term care worker training
34 requirements of this section will not be fully functional by January 1,
35 2010, the department may defer the implementation date of the training
36 requirements to no later than July 1, 2010.

37 (9)(a) Biological, step, or adoptive parents who are the individual
38 provider for only their developmentally disabled son or daughter who is

1 receiving services through the department's division of developmental
2 disabilities; and persons who provide respite care on an intermittent
3 basis to the developmentally disabled son or daughter of a biological,
4 step, or adoptive parent who is an individual provider or who is an
5 unpaid caregiver, must meet the basic training requirements established
6 in this subsection. As used in this subsection, "intermittent basis"
7 means care provided exclusively to one individual for not more than an
8 average of sixteen hours per month.

9 (b) Basic training must include six hours of training relevant to
10 the needs of adults with developmental disabilities.

11 **Sec. 4.** RCW 74.39A.340 and 2007 c 361 s 4 are each amended to read
12 as follows:

13 (1) Except as provided in subsection (2) of this section, beginning
14 January 1, 2010, long-term care workers shall complete twelve hours of
15 continuing education training in advanced training topics each year.
16 ((This requirement applies beginning on January 1, 2010.))

17 (2) This section does not apply to persons whose basic training
18 requirements are specified under section 3(9) of this act. However,
19 this subsection (2) does not prohibit requiring continuing education
20 for such persons who elect to become certified under section 5 of this
21 act.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.39A RCW
23 to read as follows:

24 (1) Except to the extent provided otherwise in subsection (5) of
25 this section, after January 1, 2010, all long-term care workers must
26 obtain certification by the department within one hundred eighty days
27 of employment. This section does not apply to persons already
28 contracted or employed as long-term care workers prior to January 1,
29 2010.

30 (2) A long-term care worker may provide direct, hands-on personal
31 care and other assistance services to persons with functional
32 disabilities requiring long-term care services. Personal care services
33 include assistance with eating, bathing, dressing, and other activities
34 of daily living.

35 (3) The department has the authority to:

36 (a) Set certification and renewal fees;

1 (b) Establish forms, procedures, and examinations necessary to
2 certify long-term care workers pursuant to this chapter;

3 (c) Hire clerical, administrative, and investigative staff as
4 needed to implement this section;

5 (d) Issue a certificate to any applicant who has met the training,
6 background check, and certification examination requirements of this
7 chapter; and

8 (e) Maintain the official record of all applicants and persons with
9 certificates.

10 (4)(a) The certification requirement of this section commences
11 January 1, 2010, or one hundred eighty days from the date of initial
12 contracting or employment, whichever is later, and shall be applied to
13 long-term care workers contracted or hired subsequent to January 1,
14 2010.

15 (b) If the department determines that administrative capacities
16 essential to implementation of long-term care worker certification will
17 not be fully functional by January 1, 2010, the department may defer
18 the implementation date of certification to no later than July 1, 2010.

19 (5) Long-term care workers who are caring exclusively for a family
20 member and intermittent respite providers described in section 3(9) of
21 this act, are exempt from the requirement to obtain certification as a
22 long-term care worker. For purposes of this section, "family member"
23 means a biological parent, grandparent, sibling, aunt, or uncle, or a
24 parent, grandparent, sibling, aunt, or uncle related by marriage or
25 adoption.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.39A RCW
27 to read as follows:

28 (1) The department shall develop a long-term care worker
29 certification examination to evaluate whether applicants possess the
30 minimum skills and knowledge necessary to practice competently. Only
31 those who have completed the training requirements or have had those
32 requirements waived pursuant to section 3(6) of this act shall be
33 eligible to sit for this examination.

34 (2) The examination shall include both a skills demonstration and
35 a written or oral knowledge test. Examinations shall be limited to the
36 purpose of determining whether the applicant possesses the minimum
37 skill and knowledge necessary to practice competently.

1 (3) The examination papers, all grading of the papers, and the
2 grading of skills demonstration shall be preserved for a period of at
3 least one year. All examinations shall be conducted under fair and
4 wholly impartial methods.

5 (4) The certification exam shall be administered and evaluated by
6 the department or by contractor to the department that is neither an
7 employer of long-term care workers or a private contractor providing
8 training services under this act.

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

11 (1) The department shall deny payment to any individual provider of
12 home care services who does not complete the training requirements or
13 obtain certification as a long-term care worker within the time limit
14 specified in this chapter.

15 (2) The department may deny certification to an applicant who does
16 not meet training, background check, or competency examination
17 requirements for certification.

18 (3) The department may revoke the certification of any long-term
19 care worker, terminate the contract of any individual provider of home
20 care services, or take any other enforcement measure deemed appropriate
21 by the department upon a finding of unprofessional conduct, as defined
22 in RCW 18.130.180. For purposes of this act, the department shall be
23 considered the disciplining authority.

24 (4) The department may take action to immediately suspend the
25 certification of a long-term care worker, or immediately terminate the
26 contract of an individual provider of home care services, upon finding
27 that conduct of the long-term care worker or individual provider has
28 caused or presents an imminent threat of harm to a functionally
29 disabled person in their care.

30 (5) The department shall take appropriate enforcement action
31 related to the contract or licensure of a provider of home and
32 community-based services, other than an individual provider, who
33 knowingly employs a long-term care worker who has failed to complete
34 the training requirements or obtain certification as a long-term care
35 worker within the time limits specified in this act.

36 (6) Chapter 34.05 RCW shall govern department actions under this
37 section, except that orders of the department imposing certificate

1 suspension or conditions for continuation of a certificate are
2 effective immediately upon notice and shall continue in effect pending
3 any hearing.

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

6 The department shall adopt rules by September 1, 2009, necessary to
7 implement the training, certification, and enforcement provisions of
8 this act. In developing rules, the department shall consult with the
9 department of health, the nursing care quality assurance commission,
10 adult family home providers, boarding home providers, in-home personal
11 care providers, affected labor organizations, community and technical
12 colleges, and long-term care consumers and other interested
13 organizations.

14 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.88A RCW
15 to read as follows:

16 By January 1, 2010, the department shall develop, in consultation
17 with the nursing care quality assurance commission and consumer and
18 worker representatives, rules permitting reciprocity to the maximum
19 extent possible under federal law between long-term care worker
20 certification and nursing assistant certification.

21 **Sec. 10.** RCW 74.39A.360 and 2007 c 361 s 6 are each amended to
22 read as follows:

23 (1) Beginning January 1, 2010, for individual providers represented
24 by an exclusive bargaining representative under RCW 74.39A.270, all
25 training and peer mentoring required under this chapter shall be
26 provided by a training partnership. Contributions to the partnership
27 pursuant to a collective bargaining agreement negotiated under this
28 chapter shall be made beginning July 1, 2009. The training partnership
29 shall provide reports as required by the department verifying that all
30 individual providers have complied with all training requirements. The
31 exclusive bargaining representative shall designate the training
32 partnership.

33 (2) The training partnership shall offer persons who are acting as
34 unpaid informal caregivers for family members or friends the

1 opportunity to attend up to ten hours per year of training offered
2 through the partnership at no cost to the individual caregiver or the
3 state. Attendance opportunities may be limited to the extent that:

4 (a) There is fixed maximum seating or participation capacity for a
5 training module that satisfies long-term care worker basic training or
6 continuing education requirements under this chapter; and

7 (b) The maximum capacity for a particular training module is
8 reserved twenty-four hours in advance of the scheduled date and time of
9 the module.

10 **Sec. 11.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to
11 read 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 care aides identified
25 under this chapter who have substantiated findings of abuse, neglect,
26 financial exploitation, or abandonment of a vulnerable adult as defined
27 in RCW 74.34.020. The rule must include disclosure, disposition of
28 findings, notification, findings of fact, appeal rights, and fair
29 hearing requirements. The department shall disclose, upon request,
30 substantiated findings of abuse, neglect, financial exploitation, or
31 abandonment to any person so requesting this information.

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

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

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

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

18 ~~(13))~~ The department shall establish, by rule, ~~((training,))~~
19 background checks~~((7))~~ and other quality assurance requirements for
20 personal aides who provide in-home services funded by medicaid personal
21 care as described in RCW 74.09.520, community options program entry
22 system waiver services as described in RCW 74.39A.030, or chore
23 services as described in RCW 74.39A.110 that are equivalent to
24 requirements for individual providers.

25 ~~((14))~~ (11) Under existing funds the department shall establish
26 internally a quality improvement standards committee to monitor the
27 development of standards and to suggest modifications.

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

1 ~~persons with developmental disabilities, dementia, mental illness, and~~
2 ~~the care needs of the elderly. No less than one training module must~~
3 ~~be dedicated to workplace violence prevention. The nursing care~~
4 ~~quality assurance commission shall work together with the department to~~
5 ~~develop the curriculum modules. The nursing care quality assurance~~
6 ~~commission shall direct the nursing assistant training programs to~~
7 ~~accept some or all of the skills and competencies from the curriculum~~
8 ~~modules towards meeting the requirements for a nursing assistant~~
9 ~~certificate as defined in chapter 18.88A RCW. A process may be~~
10 ~~developed to test persons completing modules from a caregiver's class~~
11 ~~to verify that they have the transferable skills and competencies for~~
12 ~~entry into a nursing assistant training program. The department may~~
13 ~~review whether facilities can develop their own related long term care~~
14 ~~training programs. The department may develop a review process for~~
15 ~~determining what previous experience and training may be used to waive~~
16 ~~some or all of the mandatory training. The department of social and~~
17 ~~health services and the nursing care quality assurance commission shall~~
18 ~~work together to develop an implementation plan by December 12, 1998.)~~)

19 **Sec. 12.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to
20 read as follows:

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

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

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

31 (c) "Long-term care worker" has the same meaning as defined in RCW
32 74.39A.009(11).

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

1 caregivers employed by adult family homes is governed by chapter 74.39A
2 RCW. Any caregiver who has satisfied the training and competency
3 testing requirements of section 3 of this act or the continuing
4 education requirements of RCW 74.39A.340 shall be deemed to have
5 satisfied the orientation, basic training, and continuing education
6 requirements of this section.

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

12 (4) Basic training consists of modules on the core knowledge and
13 skills that caregivers need to learn and understand to effectively and
14 safely provide care to residents. Basic training must be outcome-
15 based, and the effectiveness of the basic training must be measured by
16 demonstrated competency in the core areas through the use of a
17 competency test. ~~((Basic training must be completed by caregivers~~
18 ~~within one hundred twenty days of the date on which they begin to~~
19 ~~provide hands on care or within one hundred twenty days of September 1,~~
20 ~~2002, whichever is later.)) Until ~~((competency in the core areas has~~
21 ~~been demonstrated, caregivers)) a caregiver provides verification that
22 he or she has satisfied the basic training requirements under section
23 3 of this act, a caregiver shall not provide hands-on personal care to
24 residents without indirect supervision.~~~~

25 (5) For adult family homes that serve residents with special needs
26 such as dementia, developmental disabilities, or mental illness,
27 specialty training is required of providers and resident managers.
28 Specialty training consists of modules on the core knowledge and skills
29 that providers and resident managers need to effectively and safely
30 provide care to residents with special needs. Specialty training
31 should be integrated into basic training wherever appropriate.
32 Specialty training must be outcome-based, and the effectiveness of the
33 specialty training measured by demonstrated competency in the core
34 specialty areas through the use of a competency test. Specialty
35 training must be completed by providers and resident managers before
36 admitting and serving residents who have been determined to have
37 special needs related to mental illness, dementia, or a developmental
38 disability. Should a resident develop special needs while living in a

1 home without specialty designation, the provider and resident manager
2 have one hundred twenty days to complete specialty training. If
3 training received by a caregiver under section 2 of this act involves
4 core knowledge and skills to effectively and safely provide care to
5 residents of the adult family home with special needs, the hours of
6 training received by the caregiver shall apply toward meeting the
7 specialty training requirements under this section.

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 in the same calendar year in which basic or modified basic~~
13 ~~training is successfully completed. Continuing education is required~~
14 ~~in each calendar year thereafter.))~~ If specialty training is completed,
15 the specialty training applies toward any continuing education
16 requirement for up to two years following the completion of the
17 specialty training.

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

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

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

33 (10) ~~((Adult family homes that desire to deliver facility based~~
34 ~~training with facility designated trainers, or adult family homes that~~
35 ~~desire to pool their resources to create shared training systems, must~~
36 ~~be encouraged by the department in their efforts. The department shall~~
37 ~~develop criteria for reviewing and approving trainers and training~~
38 ~~materials. The department may approve a curriculum based upon~~

1 ~~attestation by an adult family home administrator that the adult family~~
2 ~~home's training curriculum addresses basic and specialty training~~
3 ~~competencies identified by the department, and shall review a~~
4 ~~curriculum to verify that it meets these requirements. The department~~
5 ~~may conduct the review as part of the next regularly scheduled~~
6 ~~inspection authorized under RCW 70.128.070. The department shall~~
7 ~~rescind approval of any curriculum if it determines that the curriculum~~
8 ~~does not meet these requirements.~~

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

11 ~~((12))~~) (11) The orientation, basic training, specialty training,
12 and continuing education requirements of this section commence
13 September 1, 2002, and shall be applied to (a) employees hired
14 subsequent to September 1, 2002; or (b) existing employees that on
15 September 1, 2002, have not successfully completed the training
16 requirements under RCW 70.128.120 or 70.128.130 and this section.
17 Existing employees who have not successfully completed the training
18 requirements under RCW 70.128.120 or 70.128.130 shall be subject to all
19 applicable requirements of this section. ~~((However, until September 1,~~
20 ~~2002, nothing in this section affects the current training requirements~~
21 ~~under RCW 70.128.120 and 70.128.130.))~~

22 **Sec. 13.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read
23 as follows:

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

26 (a) "Caregiver" includes any ~~((person))~~ long-term care worker who
27 provides residents with hands-on personal care on behalf of a boarding
28 home, except volunteers who are directly supervised.

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

33 (c) "Long-term care worker" has the same meaning as defined in RCW
34 74.39A.009(11).

35 (2) Training must have the following components: Orientation,
36 basic training, specialty training as appropriate, and continuing
37 education. All boarding home employees or volunteers who routinely

1 interact with residents shall complete orientation. Boarding home
2 administrators, or their designees, and caregivers shall complete
3 orientation, basic training, specialty training as appropriate, and
4 continuing education. Training of caregivers employed by boarding
5 homes is governed by chapter 74.39A RCW. Any caregiver who has
6 satisfied the training and competency testing requirements of section
7 3 of this act or the continuing education requirements of RCW
8 74.39A.340 shall be deemed to have satisfied the orientation, basic
9 training, and continuing education requirements of this section.

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

15 (4) Basic training consists of modules on the core knowledge and
16 skills that caregivers need to learn and understand to effectively and
17 safely provide care to residents. Basic training must be outcome-
18 based, and the effectiveness of the basic training must be measured by
19 demonstrated competency in the core areas through the use of a
20 competency test. (~~Basic training must be completed by caregivers~~
21 ~~within one hundred twenty days of the date on which they begin to~~
22 ~~provide hands-on care or within one hundred twenty days of September 1,~~
23 ~~2002, whichever is later.)) Until ((~~competency in the core areas has~~
24 ~~been demonstrated, caregivers~~)) a caregiver provides verification that
25 he or she has met the basic training requirements under section 3 of
26 this act, a caregiver shall not provide hands-on personal care to
27 residents without direct supervision. Boarding home administrators, or
28 their designees, must complete basic training and demonstrate
29 competency within one hundred twenty days of employment or within one
30 hundred twenty days of September 1, 2002, whichever is later.~~

31 (5) For boarding homes that serve residents with special needs such
32 as dementia, developmental disabilities, or mental illness, specialty
33 training is required of administrators, or designees, and caregivers.
34 Specialty training consists of modules on the core knowledge and skills
35 that caregivers need to effectively and safely provide care to
36 residents with special needs. Specialty training should be integrated
37 into basic training wherever appropriate. Specialty training must be
38 outcome-based, and the effectiveness of the specialty training measured

1 by demonstrated competency in the core specialty areas through the use
2 of a competency test. Specialty training must be completed by
3 caregivers within one hundred twenty days of the date on which they
4 begin to provide hands-on care to a resident having special needs or
5 within one hundred twenty days of September 1, 2002, whichever is
6 later. However, if specialty training is not integrated with basic
7 training, the specialty training must be completed within ninety days
8 of completion of basic training. Until competency in the core
9 specialty areas has been demonstrated, caregivers shall not provide
10 hands-on personal care to residents with special needs without direct
11 supervision. If training received by a caregiver under section 3 of
12 this act involves core knowledge and skills to effectively and safely
13 provide care to residents of the boarding home with special needs, the
14 hours of training received by the caregiver shall apply toward meeting
15 the specialty training requirements under this section. Boarding home
16 administrators, or their designees, must complete specialty training
17 and demonstrate competency within one hundred twenty days of September
18 1, 2002, or one hundred twenty days from the date on which the
19 administrator or his or her designee is hired, whichever is later, if
20 the boarding home serves one or more residents with special needs.

21 ~~(6) ((Continuing education consists of ongoing delivery of~~
22 ~~information to caregivers on various topics relevant to the care~~
23 ~~setting and care needs of residents. Competency testing is not~~
24 ~~required for continuing education. Continuing education is not~~
25 ~~required in the same calendar year in which basic or modified basic~~
26 ~~training is successfully completed. Continuing education is required~~
27 ~~in each calendar year thereafter.))~~ If specialty training is
28 completed, the specialty training applies toward any continuing
29 education requirement for up to two years following the completion of
30 the specialty training.

31 (7) Persons who successfully challenge the competency test for
32 basic training are fully exempt from the basic training requirements of
33 this section. Persons who successfully challenge the specialty
34 training competency test are fully exempt from the specialty training
35 requirements of this section.

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

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

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

10 ~~(11) ((Boarding homes that desire to deliver facility based
11 training with facility designated trainers, or boarding homes that
12 desire to pool their resources to create shared training systems, must
13 be encouraged by the department in their efforts. The department shall
14 develop criteria for reviewing and approving trainers and training
15 materials that are substantially similar to or better than the
16 materials developed by the department. The department may approve a
17 curriculum based upon attestation by a boarding home administrator that
18 the boarding home's training curriculum addresses basic and specialty
19 training competencies identified by the department, and shall review a
20 curriculum to verify that it meets these requirements. The department
21 may conduct the review as part of the next regularly scheduled yearly
22 inspection and investigation required under RCW 18.20.110. The
23 department shall rescind approval of any curriculum if it determines
24 that the curriculum does not meet these requirements.~~

25 ~~(12) The department shall adopt rules by September 1, 2002, for the
26 implementation of this section.~~

27 ~~(13))~~ The orientation, basic training, specialty training, and
28 continuing education requirements of this section commence September 1,
29 2002, or one hundred twenty days from the date of employment, whichever
30 is later, and shall be applied to (a) employees hired subsequent to
31 September 1, 2002; and (b) existing employees that on September 1,
32 2002, have not successfully completed the training requirements under
33 RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who
34 have not successfully completed the training requirements under RCW
35 74.39A.010 or 74.39A.020 shall be subject to all applicable
36 requirements of this section. ~~((However, prior to September 1, 2002,
37 nothing in this section affects the current training requirements under
38 RCW 74.39A.010.))~~

1 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 18.20.230 (Training standards review--Proposed
4 enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2; and

5 (2) RCW 70.128.210 (Training standards review--Delivery system--
6 Issues reviewed--Report to the legislature) and 1998 c 272 s 3.

7 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
8 this act, referencing this act by bill or chapter number, is not
9 provided by June 30, 2008, in the omnibus appropriations act, this act
10 is null and void.

--- END ---