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**SENATE BILL 5728**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Walsh, Conway, Keiser, Rivers, Wilson, C., and Becker

1 AN ACT Relating to the establishment of a training network for  
2 adult family homes; amending RCW 70.128.010 and 70.128.230; and  
3 adding a new section to chapter 70.128 RCW.

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

5 **Sec. 1.** RCW 70.128.010 and 2007 c 184 s 7 are each amended to  
6 read as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Adult family home" means a residential home in which a  
10 person or persons provide personal care, special care, room, and  
11 board to more than one but not more than six adults who are not  
12 related by blood or marriage to the person or persons providing the  
13 services.

14 (2) "Provider" means any person who is licensed under this  
15 chapter to operate an adult family home. For the purposes of this  
16 section, "person" means any individual, partnership, corporation,  
17 association, or limited liability company.

18 (3) "Department" means the department of social and health  
19 services.

20 (4) "Resident" means an adult in need of personal or special care  
21 in an adult family home who is not related to the provider.

1 (5) "Adults" means persons who have attained the age of eighteen  
2 years.

3 (6) "Home" means an adult family home.

4 (7) "Imminent danger" means serious physical harm to or death of  
5 a resident has occurred, or there is a serious threat to resident  
6 life, health, or safety.

7 (8) "Special care" means care beyond personal care as defined by  
8 the department, in rule.

9 (9) "Capacity" means the maximum number of persons in need of  
10 personal or special care permitted in an adult family home at a given  
11 time. This number shall include related children or adults in the  
12 home and who received special care.

13 (10) "Resident manager" means a person employed or designated by  
14 the provider to manage the adult family home.

15 (11) "Adult family home licensee" means a provider as defined in  
16 this section who does not receive payments from the medicaid and  
17 state-funded long-term care programs.

18 (12) "Adult family home training network" means a joint  
19 partnership or trust that includes the office of the governor and the  
20 exclusive bargaining representative of adult family homes under  
21 chapter 41.56 RCW with the capacity to provide training, workforce  
22 development, and other services to adult family homes.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.128  
24 RCW to read as follows:

25 If the department has any contracts for personal care services  
26 with any adult family home represented by an exclusive bargaining  
27 representative:

28 (1) Training required under this chapter for adult family homes  
29 must be available through an adult family home training network;

30 (2) Contributions to the adult family home training network must  
31 be made under a collective bargaining agreement;

32 (3) The adult family home training network shall provide reports  
33 as required by the department verifying that providers have complied  
34 with all training requirements; and

35 (4) The exclusive bargaining representative shall designate the  
36 adult family home training network.

37 **Sec. 3.** RCW 70.128.230 and 2013 c 259 s 5 are each amended to  
38 read as follows:

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

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

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

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

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

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

33 (5) For adult family homes that serve residents with special  
34 needs such as dementia, developmental disabilities, or mental  
35 illness, specialty training is required of providers and resident  
36 managers.

37 (a) Specialty training consists of modules on the core knowledge  
38 and skills that providers and resident managers need to effectively  
39 and safely provide care to residents with special needs. Specialty  
40 training should be integrated into basic training wherever

1 appropriate. Specialty training must be outcome-based, and the  
2 effectiveness of the specialty training measured by demonstrated  
3 competency in the core specialty areas through the use of a  
4 competency test.

5 (b) Specialty training must be completed by providers and  
6 resident managers before admitting and serving residents who have  
7 been determined to have special needs related to mental illness,  
8 dementia, or a developmental disability. Should a resident develop  
9 special needs while living in a home without specialty designation,  
10 the provider and resident manager have one hundred twenty days to  
11 complete specialty training.

12 (6) Continuing education consists of ongoing delivery of  
13 information to caregivers on various topics relevant to the care  
14 setting and care needs of residents. Competency testing is not  
15 required for continuing education. Continuing education is not  
16 required in the same calendar year in which basic 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  
24 of 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) (a) Registered nurses and licensed practical nurses licensed  
28 under chapter 18.79 RCW are exempt from any continuing education  
29 requirement established under this section.

30 (b) The department may adopt rules that would exempt licensed  
31 persons from all or part of the training requirements under this  
32 chapter, if they are (i) performing the tasks for which they are  
33 licensed and (ii) subject to chapter 18.130 RCW.

34 (9) In an effort to improve access to training and education and  
35 reduce costs, especially for rural communities, the (~~coordinated~~  
36 ~~system of long-term care training and education~~) adult family home  
37 training network must include the use of innovative types of learning  
38 strategies such as internet resources, videotapes, and distance  
39 learning using satellite technology coordinated through community

1 colleges, private associations, or other entities, as defined by the  
2 department.

3       (10) The adult family home training network shall assist adult  
4 family homes that desire to deliver facility-based training with  
5 facility designated trainers, or adult family homes that desire to  
6 pool their resources to create shared training systems(~~(, must be~~  
7 ~~encouraged by the department in their efforts)~~). The department shall  
8 develop criteria for reviewing and approving trainers and training  
9 materials. The department may approve a curriculum based upon  
10 attestation by an adult family home administrator that the adult  
11 family home's training curriculum addresses basic and specialty  
12 training competencies identified by the department, and shall review  
13 a curriculum to verify that it meets these requirements. The  
14 department may conduct the review as part of the next regularly  
15 scheduled inspection authorized under RCW 70.128.070. The department  
16 shall rescind approval of any curriculum if it determines that the  
17 curriculum does not meet these requirements.

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

20       (12)(a) Except as provided in (b) of this subsection, the  
21 orientation, basic training, specialty training, and continuing  
22 education requirements of this section commence September 1, 2002,  
23 and shall be applied to (i) employees hired subsequent to September  
24 1, 2002; or (ii) existing employees that on September 1, 2002, have  
25 not successfully completed the training requirements under RCW  
26 70.128.120 or 70.128.130 and this section. Existing employees who  
27 have not successfully completed the training requirements under RCW  
28 70.128.120 or 70.128.130 shall be subject to all applicable  
29 requirements of this section.

30       (b) Beginning January 7, 2012, long-term care workers, as defined  
31 in RCW 74.39A.009, employed by an adult family home are also subject  
32 to the training requirements under RCW 74.39A.074.

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