

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE SENATE BILL 5672

Chapter 466, Laws of 2019

(partial veto)

66th Legislature
2019 Regular Session

ADULT FAMILY HOME SPECIALTY SERVICES

EFFECTIVE DATE: July 28, 2019

Passed by the Senate April 25, 2019
Yeas 31 Nays 17

CYRUS HABIB

President of the Senate

Passed by the House April 17, 2019
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 21, 2019 2:46 PM with the
exception of section 6, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SECOND SUBSTITUTE
SENATE BILL 5672** as passed by the
Senate and the House of
Representatives on the dates hereon
set forth.

BRAD HENDRICKSON

Secretary

FILED

May 21, 2019

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5672

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Cleveland, O'Ban, Walsh, Wellman, Darneille, Dhingra, Hunt, Keiser, Frockt, Kuderer, Nguyen, and Saldaña)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to adult family home specialty services; amending
2 RCW 70.128.010 and 70.128.230; adding new sections to chapter 70.128
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.128
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the developmental disabilities administration
9 within the department shall work with stakeholders to design and
10 implement services for individuals living in adult family homes who
11 have a primary need of care related to a developmental or
12 intellectual disability. These services must be enhancements or in
13 addition to services currently available, and designed to meet the
14 specific provisions related to the assessment, environment,
15 regulations, provision of care, and training requirements. These
16 services must be enhancements or in addition to services currently
17 available, and designed to support an intentional environment to
18 improve resident quality of life, promote resident safety, including
19 protecting safety in relationships between residents, increase
20 resident length of stay, clarify regulations, streamline training
21 requirements, reduce the need for institutional settings, and attract

1 more adult family home providers to develop such highly needed
2 resources. The recommendations for these services must be completed
3 by June 1, 2020, for consideration and implementation in the
4 2021-2023 biennium.

5 (2) Subject to the availability of amounts appropriated for this
6 specific purpose, the aging and long-term support administration
7 within the department shall work with stakeholders to design and
8 implement proposed services for individuals living in adult family
9 homes that are dedicated solely to the care of individuals with
10 dementia, including Alzheimer's disease. These services must be
11 enhancements or in addition to services currently available, and
12 designed to include specific provisions related to the assessment,
13 environment, regulations, provision of care, and training
14 requirements. These services must be designed to support an
15 intentional environment to improve resident quality of life, promote
16 resident safety, including protecting safety in relationships between
17 residents, increase resident length of stay, clarify regulations,
18 streamline training requirements, reduce the need for institutional
19 settings, and attract more adult family home providers to develop
20 such highly needed resources. The recommendations for these services
21 must be completed by June 1, 2020, for consideration and
22 implementation in the 2021-2023 biennium.

23 **Sec. 2.** RCW 70.128.010 and 2007 c 184 s 7 are each amended to
24 read as follows:

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

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

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

36 (3) "Department" means the department of social and health
37 services.

38 (4) "Resident" means an adult in need of personal or special care
39 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 nonprofit
19 organization established by the exclusive bargaining representative
20 of adult family homes designated under RCW 41.56.029 with the
21 capacity to provide training, workforce development, and other
22 services to adult family homes.

23 NEW SECTION. Sec. 3. A new section is added to chapter 70.128
24 RCW to read as follows:

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

28 (a) Effective July 1, 2020, training required under this chapter
29 for adult family homes must be available through an adult family home
30 training network.

31 (b) The exclusive bargaining representative shall designate the
32 adult family home training network.

33 (c) The parties to the collective bargaining agreement must
34 negotiate a memorandum of understanding to provide for contributions
35 to the adult family home training network. Contributions to the adult
36 family home training network must begin no sooner than January 1,
37 2020. Contributions to the adult family home training network for
38 fiscal year 2021 must be limited to no more than the amount

1 appropriated for training in the 2019-2021 collective bargaining
2 agreement.

3 (d) Contributions must be provided to the adult family home
4 training network through a vendor contract executed by the
5 department.

6 (e) The adult family home training network shall provide reports
7 as required by the department verifying that providers have complied
8 with all training requirements.

9 (2) Nothing in subsection (1) of this section:

10 (a) Limits the ability of a department-approved training entity
11 or instructor to provide training to an adult family home provider,
12 resident manager, or caregiver;

13 (b) Requires that a department-approved training entity or
14 instructor contract with an adult family home training network; or

15 (c) Prevents an adult family home provider, resident manager, or
16 caregiver from receiving training from a department-approved training
17 entity or instructor.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.128
19 RCW to read as follows:

20 (1) By December 1, 2020, the department shall report to the
21 appropriate committees of the legislature on the status of the adult
22 family home training network.

23 (2) This section expires July 1, 2021.

24 **Sec. 5.** RCW 70.128.230 and 2013 c 259 s 5 are each amended to
25 read as follows:

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

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

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

37 (2) Training must have three components: Orientation, basic
38 training, and continuing education. All adult family home providers,

1 resident managers, and employees, or volunteers who routinely
2 interact with residents shall complete orientation. Caregivers shall
3 complete orientation, basic training, and continuing education.

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

10 (4) Basic training consists of modules on the core knowledge and
11 skills that caregivers need to learn and understand to effectively
12 and safely provide care to residents. Basic training must be outcome-
13 based, and the effectiveness of the basic training must be measured
14 by demonstrated competency in the core areas through the use of a
15 competency test. Basic training must be completed by caregivers
16 within one hundred twenty days of the date on which they begin to
17 provide hands-on care. Until competency in the core areas has been
18 demonstrated, caregivers shall not provide hands-on personal care to
19 residents without direct supervision.

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

24 (a) Specialty training consists of modules on the core knowledge
25 and skills that providers and resident managers need to effectively
26 and safely provide care to residents with special needs. Specialty
27 training should be integrated into basic training wherever
28 appropriate. Specialty training must be outcome-based, and the
29 effectiveness of the specialty training measured by demonstrated
30 competency in the core specialty areas through the use of a
31 competency test.

32 (b) Specialty training must be completed by providers and
33 resident managers before admitting and serving residents who have
34 been determined to have special needs related to mental illness,
35 dementia, or a developmental disability. Should a resident develop
36 special needs while living in a home without specialty designation,
37 the provider and resident manager have one hundred twenty days to
38 complete specialty training.

39 (6) Continuing education consists of ongoing delivery of
40 information to caregivers on various topics relevant to the care

1 setting and care needs of residents. Competency testing is not
2 required for continuing education. Continuing education is not
3 required in the same calendar year in which basic or modified basic
4 training is successfully completed. Continuing education is required
5 in each calendar year thereafter. If specialty training is completed,
6 the specialty training applies toward any continuing education
7 requirement for up to two years following the completion of the
8 specialty training.

9 (7) Persons who successfully ~~((challenge))~~ complete the
10 competency challenge test for basic training are fully exempt from
11 the basic training requirements of this section. Persons who
12 successfully ~~((challenge))~~ complete the specialty training competency
13 challenge test are fully exempt from the specialty training
14 requirements of this section.

15 (8) (a) Registered nurses and licensed practical nurses licensed
16 under chapter 18.79 RCW are exempt from any continuing education
17 requirement established under this section.

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

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

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

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

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

7 (12)(a) Except as provided in (b) of this subsection, the
8 orientation, basic training, specialty training, and continuing
9 education requirements of this section commence September 1, 2002,
10 and shall be applied to (i) employees hired subsequent to September
11 1, 2002; or (ii) existing employees that on September 1, 2002, have
12 not successfully completed the training requirements under RCW
13 70.128.120 or 70.128.130 and this section. Existing employees who
14 have not successfully completed the training requirements under RCW
15 70.128.120 or 70.128.130 shall be subject to all applicable
16 requirements of this section.

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

20 ***NEW SECTION. Sec. 6. If specific funding for the purposes of**
21 **this act, referencing this act by bill or chapter number, is not**
22 **provided by June 30, 2019, in the omnibus appropriations act, this**
23 **act is null and void.**

****Sec. 6 was vetoed. See message at end of chapter.***

Passed by the Senate April 25, 2019.

Passed by the House April 17, 2019.

Approved by the Governor May 21, 2019, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 21, 2019.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 6, Second
Substitute Senate Bill No. 5672 entitled:

"AN ACT Relating to adult family home specialty services."

Section 6 contains a null and void clause. The enacted budget
references the bill number, but does not provide specific funding.
Therefore, the bill might be void if this section is not vetoed. The
Department of Social and Health Services agrees that this work is
important, so it will begin this work without additional resources.

For these reasons I have vetoed Section 6 of Second Substitute Senate
Bill No. 5672.

With the exception of Section 6, Second Substitute Senate Bill No. 5672 is approved."

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