

2 ESHB 2707 - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 03/07/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 18.20.270 and 2000 c 121 s 2 are each amended to read
8 as follows:

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

11 (a) "Caregiver" includes any person who provides residents with
12 hands-on personal care on behalf of a boarding home, except volunteers
13 who are directly supervised.

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

18 (2) Training must have the following components: Orientation,
19 basic training, specialty training as appropriate, and continuing
20 education. All boarding home employees or volunteers who routinely
21 interact with residents shall complete orientation. Boarding home
22 administrators, or their designees, and caregivers shall complete
23 orientation, basic training, specialty training as appropriate, and
24 continuing education.

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

30 (4) Basic training consists of modules on the core knowledge and
31 skills that caregivers need to learn and understand to effectively and
32 safely provide care to residents. Basic training must be outcome-
33 based, and the effectiveness of the basic training must be measured by
34 demonstrated competency in the core areas through the use of a
35 competency test. Basic training must be completed by caregivers within
36 one hundred twenty days of the date on which they begin to provide

1 hands-on care or within one hundred twenty days of ((March)) September
2 1, 2002, whichever is later. Until competency in the core areas has
3 been demonstrated, caregivers shall not provide hands-on personal care
4 to residents without direct supervision. Boarding home administrators,
5 or their designees, must complete basic training and demonstrate
6 competency within one hundred twenty days of employment or within one
7 hundred twenty days of ((March)) September 1, 2002, whichever is later.

8 (5) For boarding homes that serve residents with special needs such
9 as dementia, developmental disabilities, or mental illness, specialty
10 training is required of administrators, or designees, and caregivers.
11 Specialty training consists of modules on the core knowledge and skills
12 that caregivers need to effectively and safely provide care to
13 residents with special needs. Specialty training should be integrated
14 into basic training wherever appropriate. Specialty training must be
15 outcome-based, and the effectiveness of the specialty training measured
16 by demonstrated competency in the core specialty areas through the use
17 of a competency test. Specialty training must be completed by
18 caregivers within one hundred twenty days of the date on which they
19 begin to provide hands-on care to a resident having special needs or
20 within one hundred twenty days of ((March)) September 1, 2002,
21 whichever is later. However, if specialty training is not integrated
22 with basic training, the specialty training must be completed within
23 ninety days of completion of basic training. Until competency in the
24 core specialty areas has been demonstrated, caregivers shall not
25 provide hands-on personal care to residents with special needs without
26 direct supervision. Boarding home administrators, or their designees,
27 must complete specialty training and demonstrate competency within one
28 hundred twenty days of ((March)) September 1, 2002, or one hundred
29 twenty days from the date on which the administrator or his or her
30 designee is hired, whichever is later, if the boarding home serves one
31 or more residents with special needs.

32 (6) Continuing education consists of ongoing delivery of
33 information to caregivers on various topics relevant to the care
34 setting and care needs of residents. Competency testing is not
35 required for continuing education. Continuing education is not
36 required ((during the first)) in the same calendar year ((following
37 completion of the)) in which basic ((training)) or modified basic
38 training is successfully completed. Continuing education is required
39 in each calendar year thereafter. If specialty training is completed,

1 the specialty training applies toward any continuing education
2 requirement for up to two years following the completion of the
3 specialty training.

4 (7) Persons who successfully challenge the competency test for
5 basic training are fully exempt from the basic training requirements of
6 this section. Persons who successfully challenge the specialty
7 training competency test are fully exempt from the specialty training
8 requirements of this section.

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

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

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

23 (11) Boarding homes that desire to deliver facility-based training
24 with facility designated trainers, or boarding homes that desire to
25 pool their resources to create shared training systems, must be
26 encouraged by the department in their efforts. The (~~community long~~
27 ~~term care training and education steering committee~~) department shall
28 develop criteria for reviewing and approving trainers and training
29 materials that are substantially similar to or better than the
30 materials developed by the (~~steering committee~~) department. The
31 department may approve a curriculum based upon attestation by a
32 boarding home administrator that the boarding home's training
33 curriculum addresses basic and specialty training competencies
34 identified by the department, and shall review a curriculum to verify
35 that it meets these requirements. The department may conduct the
36 review as part of the next regularly scheduled yearly inspection and
37 investigation required under RCW 18.20.110. The department shall
38 rescind approval of any curriculum if it determines that the curriculum
39 does not meet these requirements.

1 (12) The department shall adopt rules by (~~March~~) September 1,
2 2002, for the implementation of this section (~~based on the~~
3 ~~recommendations of the community long term care training and education~~
4 ~~steering committee established in RCW 74.39A.190~~)).

5 (13) The orientation, basic training, specialty training, and
6 continuing education requirements of this section (~~take effect March~~)
7 commence September 1, 2002, or one hundred twenty days from the date of
8 employment, whichever is later, and shall be applied (~~prospectively~~)
9 to (a) employees hired subsequent to September 1, 2002; and (b)
10 existing employees that on September 1, 2002, have not successfully
11 completed the training requirements under RCW 74.39A.010 or 74.39A.020
12 and this section. Existing employees who have not successfully
13 completed the training requirements under RCW 74.39A.010 or 74.39A.020
14 shall be subject to all applicable requirements of this section.
15 However, prior to September 1, 2002, nothing in this section affects
16 the current training requirements under RCW 74.39A.010.

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

19 The department shall publish its final basic and specialty training
20 competencies and learning outcomes as required by chapter 121, Laws of
21 2000 no later than June 1, 2002.

22 **Sec. 3.** RCW 70.128.230 and 2000 c 121 s 3 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 all adult family home resident managers
27 and any person who provides residents with hands-on personal care on
28 behalf of an adult family home, except volunteers who are directly
29 supervised.

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

34 (2) Training must have three components: Orientation, basic
35 training, and continuing education. All adult family home providers,
36 resident managers, and employees, or volunteers who routinely interact

1 with residents shall complete orientation. Caregivers shall complete
2 orientation, basic training, and continuing education.

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

8 (4) Basic training consists of modules on the core knowledge and
9 skills that caregivers need to learn and understand to effectively and
10 safely provide care to residents. Basic training must be outcome-
11 based, and the effectiveness of the basic training must be measured by
12 demonstrated competency in the core areas through the use of a
13 competency test. Basic training must be completed by caregivers within
14 one hundred twenty days of the date on which they begin to provide
15 hands-on care or within one hundred twenty days of (~~March~~) September
16 1, 2002, whichever is later. Until competency in the core areas has
17 been demonstrated, caregivers shall not provide hands-on personal care
18 to residents without indirect supervision.

19 (5) For adult family homes that serve residents with special needs
20 such as dementia, developmental disabilities, or mental illness,
21 specialty training is required of providers and resident managers.
22 Specialty training consists of modules on the core knowledge and skills
23 that providers and resident managers need to effectively and safely
24 provide care to residents with special needs. Specialty training
25 should be integrated into basic training wherever appropriate.
26 Specialty training must be outcome-based, and the effectiveness of the
27 specialty training measured by demonstrated competency in the core
28 specialty areas through the use of a competency test. Specialty
29 training must be completed by providers and resident managers before
30 admitting and serving residents who have been determined to have
31 special needs related to mental illness, dementia, or a developmental
32 disability. Should a resident develop special needs while living in a
33 home without specialty designation, the provider and resident manager
34 have one hundred twenty days to complete specialty training.

35 (6) Continuing education consists of ongoing delivery of
36 information to caregivers on various topics relevant to the care
37 setting and care needs of residents. Competency testing is not
38 required for continuing education. Continuing education is not
39 required (~~during the first~~) in the same calendar year (~~following~~

1 ~~completion of the~~) in which basic ((training)) or modified basic
2 training is successfully completed. Continuing education is required
3 in each calendar year thereafter. If specialty training is completed,
4 the specialty training applies toward any continuing education
5 requirement for up to two years following the completion of the
6 specialty training.

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

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

15 (9) In an effort to improve access to training and education and
16 reduce costs, especially for rural communities, the coordinated system
17 of long-term care training and education must include the use of
18 innovative types of learning strategies such as internet resources,
19 videotapes, and distance learning using satellite technology
20 coordinated through community colleges, private associations, or other
21 entities, as defined by the department.

22 (10) Adult family homes that desire to deliver facility-based
23 training with facility designated trainers, or adult family homes that
24 desire to pool their resources to create shared training systems, must
25 be encouraged by the department in their efforts. The ~~((community~~
26 ~~long term care training and education steering committee))~~ department
27 shall develop criteria for reviewing and approving trainers and
28 training materials. The department may approve a curriculum based upon
29 attestation by an adult family home administrator that the adult family
30 home's training curriculum addresses basic and specialty training
31 competencies identified by the department, and shall review a
32 curriculum to verify that it meets these requirements. The department
33 may conduct the review as part of the next regularly scheduled
34 inspection authorized under RCW 70.128.070. The department shall
35 rescind approval of any curriculum if it determines that the curriculum
36 does not meet these requirements.

37 (11) The department shall adopt rules by ~~((March))~~ September 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)).~~

3 (12) The orientation, basic training, specialty training, and
4 continuing education requirements of this section (~~take effect March~~)
5 commence September 1, 2002, and shall be applied ((prospectively)) to
6 (a) employees hired subsequent to September 1, 2002; or (b) existing
7 employees that on September 1, 2002, have not successfully completed
8 the training requirements under RCW 70.128.120 or 70.128.130 and this
9 section. Existing employees who have not successfully completed the
10 training requirements under RCW 70.128.120 or 70.128.130 shall be
11 subject to all applicable requirements of this section. However, until
12 September 1, 2002, nothing in this section affects the current training
13 requirements under RCW 70.128.120 and 70.128.130.

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

16 (1) The secretary shall appoint a steering committee for community
17 long-term care training and education to advise the department on the
18 development (~~and approval~~) of criteria for training materials, the
19 development of competency tests, the development of criteria for
20 trainers, and the development of exemptions from training. The
21 community long-term care training and education steering committee
22 shall also review the effectiveness of the training program or
23 programs, including the qualifications and availability of the
24 trainers. (~~The steering committee shall also review the~~
25 ~~appropriateness of the adopted rules implementing this section.)) The
26 steering committee shall advise the department on flexible and
27 innovative learning strategies that accomplish the training goals, such
28 as competency and outcome-based models and distance learning. The
29 steering committee shall review and recommend the most appropriate
30 length of time between an employee's date of first hire and the start
31 of the employee's basic training.~~

32 (2) The steering committee shall, at a minimum, consist of a
33 representative from each of the following: Each of the statewide
34 boarding home associations, two adult family home associations, each of
35 the statewide home care associations, the long-term care ombudsman
36 program, the area agencies on aging, the department of health
37 representing the nursing care quality assurance commission, and a
38 consumer, or their nonprovider designee, from a boarding home, adult

1 family home, home care served by an agency, and home care served by an
2 individual provider. A majority of the members currently serving
3 constitute a quorum.

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

8 (4) Establishment of the steering committee does not prohibit the
9 department from utilizing other advisory activities that the department
10 deems necessary for program development. However, when the department
11 obtains input from other advisory sources, the department shall present
12 the information to the steering committee for their review (~~and~~
13 ~~approval~~)).

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

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

20 (7) The steering committee shall cease to exist (~~(on)~~) July 1,
21 (~~(2004)~~) 2003.

22 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately."

26 **ESHB 2707** - S COMM AMD
27 By Committee on Health & Long-Term Care

28 ADOPTED 03/07/02

29 On page 1, line 1 of the title, after "training;" strike the
30 remainder of the title and insert "amending RCW 18.20.270, 70.128.230,
31 and 74.39A.190; adding a new section to chapter 43.20A RCW; and
32 declaring an emergency."

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