

2SSB 5672 - H COMM AMD
By Committee on Appropriations

ADOPTED AND ENGROSSED 4/17/19

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.128
4 RCW to read as follows:

5 (1) Subject to the availability of amounts appropriated for this
6 specific purpose, the developmental disabilities administration
7 within the department shall work with stakeholders to design and
8 implement services for individuals living in adult family homes who
9 have a primary need of care related to a developmental or
10 intellectual disability. These services must be enhancements or in
11 addition to services currently available, and designed to meet the
12 specific provisions related to the assessment, environment,
13 regulations, provision of care, and training requirements. These
14 services must be enhancements or in addition to services currently
15 available, and designed to support an intentional environment to
16 improve resident quality of life, promote resident safety, including
17 protecting safety in relationships between residents, increase
18 resident length of stay, clarify regulations, streamline training
19 requirements, reduce the need for institutional settings, and attract
20 more adult family home providers to develop such highly needed
21 resources. The recommendations for these services must be completed
22 by June 1, 2020, for consideration and implementation in the
23 2021-2023 biennium.

24 (2) Subject to the availability of amounts appropriated for this
25 specific purpose, the aging and long-term support administration
26 within the department shall work with stakeholders to design and
27 implement proposed services for individuals living in adult family
28 homes that are dedicated solely to the care of individuals with
29 dementia, including Alzheimer's disease. These services must be
30 enhancements or in addition to services currently available, and
31 designed to include specific provisions related to the assessment,
32 environment, regulations, provision of care, and training

1 requirements. These services must be designed to support an
2 intentional environment to improve resident quality of life, promote
3 resident safety, including protecting safety in relationships between
4 residents, increase resident length of stay, clarify regulations,
5 streamline training requirements, reduce the need for institutional
6 settings, and attract more adult family home providers to develop
7 such highly needed resources. The recommendations for these services
8 must be completed by June 1, 2020, for consideration and
9 implementation in the 2021-2023 biennium.

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

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

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

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

23 (3) "Department" means the department of social and health
24 services.

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

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

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

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

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

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

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

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

6 (12) "Adult family home training network" means a nonprofit
7 organization established by the exclusive bargaining representative
8 of adult family homes designated under RCW 41.56.029 with the
9 capacity to provide training, workforce development, and other
10 services to adult family homes.

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

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

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

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

21 (c) The parties to the collective bargaining agreement must
22 negotiate a memorandum of understanding to provide for contributions
23 to the adult family home training network. Contributions to the adult
24 family home training network must begin no sooner than January 1,
25 2020. Contributions to the adult family home training network for
26 fiscal year 2021 must be limited to no more than the amount
27 appropriated for training in the 2019-2021 collective bargaining
28 agreement.

29 (d) Contributions must be provided to the adult family home
30 training network through a vendor contract executed by the
31 department.

32 (e) 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.

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

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

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

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

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

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

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

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

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

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

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

25 (2) Training must have three components: Orientation, basic
26 training, and continuing education. All adult family home providers,
27 resident managers, and employees, or volunteers who routinely
28 interact with residents shall complete orientation. Caregivers shall
29 complete orientation, basic training, and continuing education.

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

36 (4) Basic training consists of modules on the core knowledge and
37 skills that caregivers need to learn and understand to effectively
38 and safely provide care to residents. Basic training must be outcome-

1 based, and the effectiveness of the basic training must be measured
2 by demonstrated competency in the core areas through the use of a
3 competency test. Basic training must be completed by caregivers
4 within one hundred twenty days of the date on which they begin to
5 provide hands-on care. Until competency in the core areas has been
6 demonstrated, caregivers shall not provide hands-on personal care to
7 residents without direct supervision.

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

12 (a) Specialty training consists of modules on the core knowledge
13 and skills that providers and resident managers need to effectively
14 and safely provide care to residents with special needs. Specialty
15 training should be integrated into basic training wherever
16 appropriate. Specialty training must be outcome-based, and the
17 effectiveness of the specialty training measured by demonstrated
18 competency in the core specialty areas through the use of a
19 competency test.

20 (b) Specialty training must be completed by providers and
21 resident managers before admitting and serving residents who have
22 been determined to have special needs related to mental illness,
23 dementia, or a developmental disability. Should a resident develop
24 special needs while living in a home without specialty designation,
25 the provider and resident manager have one hundred twenty days to
26 complete specialty training.

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

37 (7) Persons who successfully (~~challenge~~) complete the
38 competency challenge test for basic training are fully exempt from
39 the basic training requirements of this section. Persons who
40 successfully (~~challenge~~) complete the specialty training competency

1 challenge test are fully exempt from the specialty training
2 requirements of this section.

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

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

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

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

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

35 (12)(a) Except as provided in (b) of this subsection, the
36 orientation, basic training, specialty training, and continuing
37 education requirements of this section commence September 1, 2002,
38 and shall be applied to (i) employees hired subsequent to September
39 1, 2002; or (ii) existing employees that on September 1, 2002, have
40 not successfully completed the training requirements under RCW

1 70.128.120 or 70.128.130 and this section. Existing employees who
2 have not successfully completed the training requirements under RCW
3 70.128.120 or 70.128.130 shall be subject to all applicable
4 requirements of this section.

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

8 NEW SECTION. **Sec. 6.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2019, in the omnibus appropriations act, this
11 act is null and void."

12 Correct the title.

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