

2SSB 5672 - H COMM AMD

By Committee on Health Care & Wellness

NOT ADOPTED 04/17/2019

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 designed to meet the
11 specific provisions related to the assessment, environment,
12 regulations, provision of care, and training requirements. These
13 services must be designed to support an intentional environment to
14 improve resident quality of life, promote resident safety, including
15 protecting safety in relationships between residents, increase
16 resident length of stay, clarify regulations, streamline training
17 requirements, reduce the need for institutional settings, and attract
18 more adult family home providers to develop such highly needed
19 resources. The recommendations for these services must be completed
20 by June 1, 2020, for consideration and implementation in the
21 2021-2023 biennium.

22 (2) Subject to the availability of amounts appropriated for this
23 specific purpose, the aging and long-term support administration
24 within the department shall work with stakeholders to design and
25 implement proposed services for individuals living in adult family
26 homes that are dedicated solely to the care of individuals with
27 dementia, including Alzheimer's disease. These services must be
28 designed to include specific provisions related to the assessment,
29 environment, regulations, provision of care, and training
30 requirements. These services must be designed to support an
31 intentional environment to improve resident quality of life, promote
32 resident safety, including protecting safety in relationships between

1 residents, increase resident length of stay, clarify regulations,
2 streamline training requirements, reduce the need for institutional
3 settings, and attract more adult family home providers to develop
4 such highly needed resources. The recommendations for these services
5 must be completed by June 1, 2020, for consideration and
6 implementation in the 2021-2023 biennium.

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

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this chapter.

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

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

20 (3) "Department" means the department of social and health
21 services.

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

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

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

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

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

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

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

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

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

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

11 If the department has any contracts for personal care services
12 with any adult family home represented by an exclusive bargaining
13 representative:

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

16 (2) Contributions to the adult family home training network must
17 be made under a collective bargaining agreement. For the 2019-2021
18 biennium, contributions must be within the amount appropriated for
19 the 2019-2021 collective bargaining agreement;

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

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

25 NEW SECTION. Sec. 4. A new section is added to chapter 70.18
26 RCW to read as follows:

27 (1) By December 1, 2020, the department shall report to the
28 appropriate committees of the legislature on the status of the adult
29 family home training network. The report shall include the number of
30 trainings provided, the topics of the trainings provided, the number
31 of caregivers, providers, and resident managers who completed
32 trainings, and the ability of the adult family home training network
33 to provide training in the services recommended in section 1 of this
34 act.

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

36 **Sec. 5.** RCW 70.128.230 and 2013 c 259 s 5 are each amended to
37 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~~) complete the
23 competency challenge test for basic training are fully exempt from
24 the basic training requirements of this section. Persons who
25 successfully (~~challenge~~) complete the specialty training competency
26 challenge test are fully exempt from the specialty training
27 requirements of this section.

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

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

35 (9) In an effort to improve access to training and education and
36 reduce costs, especially for rural communities, the (~~coordinated~~
37 ~~system of long-term care training and education~~) adult family home
38 training network must include the use of innovative types of learning
39 strategies such as internet resources, videotapes, and distance
40 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."

33 Correct the title.

EFFECT: Requires that promoting resident safety, including
protecting safety in relationships between residents, be a
consideration when designing services to support the intentional
environment of the adult family home.

Requires the Department of Social and Health Services
(Department), if it has a contract with an adult family home
represented by an exclusive bargaining unit for the delivery of

personal care services, to make training available through an adult family home training network with contributions made under a collective bargaining unit. Requires the adult family home training network to be designated by the collective bargaining representative.

Defines an "adult family home training network" as a nonprofit organization, joint partnership, or trust that is established by the exclusive bargaining representative of adult family homes with the capacity to provide training, workforce development, and other services to adult family homes.

Directs the Department to report to the appropriate committees of the legislature on the status of the adult family home training network by December 1, 2020.

Changes terminology related to competency challenge tests.

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