

SHB 2693 - H AMD 1241

By Representative Morrell

ADOPTED 02/18/2008

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) An underlying premise of Washington's long-term care system is
5 the value of consumer choice across a full continuum of care with the
6 right to accessible, quality care;

7 (b) An appropriately trained and motivated long-term care workforce
8 contributes to the quality of long-term care services;

9 (c) The level and content of basic training should be focused upon
10 the client with respect to client care needs, health status, choice,
11 and flexibility;

12 (d) There is a need for increased workforce diversity throughout
13 the long-term care system;

14 (e) Long-term care worker training should acknowledge cultural
15 diversity and strive to achieve a greater understanding of the
16 relationships between culture and health;

17 (f) The long-term care workforce has diverse work-life expectations
18 such as career advancement and quality job performance;

19 (g) The long-term care workforce has variable learning styles, and
20 can benefit from flexibility in training settings, modalities,
21 accessibility, and methods;

22 (h) Long-term care training should prepare workers and caregivers
23 to perform in as many long-term care settings as possible with economic
24 security and safety, but also should accommodate the interests of those
25 workers who intend to care exclusively for their family members;

26 (i) The care and support provided by unpaid long-term caregivers
27 should not be disrupted, but enhanced and stabilized by any changes to
28 long-term care training and credentialing; and

29 (j) The long-term care workforce should be increased and enhanced

1 to meet current and future needs. New policies and requirements should
2 not result in decreasing the available workforce or the services
3 available to consumers.

4 (2) The legislature intends to establish long-term care worker
5 training standards that are consistent with the findings of subsection
6 (1) of this section and to establish a credentialing program that will
7 allow for career advancement in the long-term care work force.

8 **Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read
9 as follows:

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

12 (1) "Adult family home" means a home licensed under chapter 70.128
13 RCW.

14 (2) "Adult residential care" means services provided by a boarding
15 home that is licensed under chapter 18.20 RCW and that has a contract
16 with the department under RCW 74.39A.020 to provide personal care
17 services.

18 (3) "Assisted living services" means services provided by a
19 boarding home that has a contract with the department under RCW
20 74.39A.010 to provide personal care services, intermittent nursing
21 services, and medication administration services, and the resident is
22 housed in a private apartment-like unit.

23 (4) "Boarding home" means a facility licensed under chapter 18.20
24 RCW.

25 (5) "Cost-effective care" means care provided in a setting of an
26 individual's choice that is necessary to promote the most appropriate
27 level of physical, mental, and psychosocial well-being consistent with
28 client choice, in an environment that is appropriate to the care and
29 safety needs of the individual, and such care cannot be provided at a
30 lower cost in any other setting. But this in no way precludes an
31 individual from choosing a different residential setting to achieve his
32 or her desired quality of life.

33 (6) "Department" means the department of social and health
34 services.

35 (7) "Enhanced adult residential care" means services provided by a
36 boarding home that is licensed under chapter 18.20 RCW and that has a

1 contract with the department under RCW 74.39A.010 to provide personal
2 care services, intermittent nursing services, and medication
3 administration services.

4 (8) "Functionally disabled person" or "person who is functionally
5 disabled" is synonymous with chronic functionally disabled and means a
6 person who because of a recognized chronic physical or mental condition
7 or disease, including chemical dependency, is impaired to the extent of
8 being dependent upon others for direct care, support, supervision, or
9 monitoring to perform activities of daily living. "Activities of daily
10 living", in this context, means self-care abilities related to personal
11 care such as bathing, eating, using the toilet, dressing, and transfer.
12 Instrumental activities of daily living may also be used to assess a
13 person's functional abilities as they are related to the mental
14 capacity to perform activities in the home and the community such as
15 cooking, shopping, house cleaning, doing laundry, working, and managing
16 personal finances.

17 (9) "Home and community services" means adult family homes, in-home
18 services, and other services administered or provided by contract by
19 the department directly or through contract with area agencies on aging
20 or similar services provided by facilities and agencies licensed by the
21 department.

22 (10) "Long-term care" is synonymous with chronic care and means
23 care and supports delivered indefinitely, intermittently, or over a
24 sustained time to persons of any age disabled by chronic mental or
25 physical illness, disease, chemical dependency, or a medical condition
26 that is permanent, not reversible or curable, or is long-lasting and
27 severely limits their mental or physical capacity for self-care. The
28 use of this definition is not intended to expand the scope of services,
29 care, or assistance by any individuals, groups, residential care
30 settings, or professions unless otherwise expressed by law.

31 (11)(a) "Long-term care workers" includes all persons who are
32 (~~long term care workers for the elderly or~~) paid to provide personal
33 care services to persons with functional disabilities, including but
34 not limited to individual providers of home care services, direct care
35 employees of home care agencies, providers of home care services to
36 persons with developmental disabilities under Title 71 RCW, all direct
37 care workers in state-licensed boarding homes, assisted living
38 facilities, and adult family homes, respite care providers, community

1 residential service providers, and any other direct care worker
2 providing home or community-based services to ~~((the elderly or))~~
3 persons with functional disabilities or developmental disabilities.

4 (b) "Long-term care workers" do not include persons employed in
5 nursing homes subject to chapter 18.51 RCW, hospitals or other acute
6 care settings, hospice agencies subject to chapter 70.127 RCW, adult
7 day care centers, and adult day health care centers.

8 (12) "Nursing home" means a facility licensed under chapter 18.51
9 RCW.

10 (13) "Personal care services" means physical or verbal assistance
11 with activities of daily living and instrumental activities of daily
12 living provided because of a person's functional limitations.

13 (14) "Secretary" means the secretary of social and health services.

14 ~~((14))~~ (15) "Training partnership" means a joint partnership or
15 trust established and maintained jointly by the office of the governor
16 and the exclusive bargaining representative of individual providers
17 under RCW 74.39A.270 to provide training~~((r))~~ and peer mentoring~~((r and~~
18 ~~examinations))~~ required under this chapter, and educational, career
19 development, or other related services to individual providers.

20 ~~((15))~~ (16) "Tribally licensed boarding home" means a boarding
21 home licensed by a federally recognized Indian tribe which home
22 provides services similar to boarding homes licensed under chapter
23 18.20 RCW.

24 NEW SECTION. Sec. 3. A new section is added to chapter 74.39A RCW
25 to read as follows:

26 (1)(a) This section establishes the basic training requirements for
27 long-term care workers initially contracted or employed on or after
28 January 1, 2010. Except as provided otherwise in this section, these
29 long-term care workers must complete:

30 (i) Worker orientation under (b)(i) of this subsection before the
31 worker has routine interaction with the person or persons the worker
32 will be caring for; and

33 (ii) The remaining hours of basic training required in this section
34 within one hundred twenty days after the date of the long-term care
35 worker's initial contracting or employment as a long-term care worker
36 unless the department, for good cause, extends the time period by up to
37 sixty days.

1 (b) Basic training:

2 (i) Consists of thirty-five hours of classroom training on a set of
3 modules covering the core knowledge and competencies that caregivers
4 need to learn and understand to meet the needs of and to provide care
5 effectively and safely to persons with functional disabilities. Basic
6 training must include a worker orientation consisting of introductory
7 information on residents' rights, communication skills, fire and life
8 safety, and universal precautions; and

9 (ii) Must be outcome-based, and the effectiveness of the training
10 must be measured through the use of a competency test.

11 (2) Training standards and the delivery system for basic training
12 must be relevant to the varied needs of persons served by long-term
13 care workers and be sufficient to ensure that long-term care workers
14 have the skills and knowledge necessary to provide high quality,
15 appropriate care in a manner that respects the preferences of each
16 person served. In an effort to improve the quality of training,
17 increase access to training, and reduce costs, especially for rural
18 communities, the classroom training provided in a coordinated system of
19 long-term care training and education should include:

20 (a) The use of innovative learning strategies such as internet
21 resources, videotapes, and distance learning using satellite technology
22 coordinated through community colleges or other entities, as defined by
23 the department; and

24 (b) The use of varied adult learner strategies, such as
25 opportunities to practice or demonstrate skills, role playing, and
26 group discussions.

27 (3) As specified in this section, the following persons are fully
28 or partially exempt from the basic training requirements of this
29 section:

30 (a) As specified by the department in rule, registered nurses,
31 licensed practical nurses, certified nursing assistants, medicare
32 certified home health aides, or persons who hold a similar health
33 certification or license. However, these persons must complete worker
34 orientation training as described in subsection (1)(b)(i) of this
35 section;

36 (b) Persons who successfully challenge the competency test for
37 basic training. Such persons shall be deemed to have completed the

1 relevant hours of basic training. However, these persons must complete
2 worker orientation training as described in subsection (1)(b)(i) of
3 this section;

4 (c) Long-term care workers employed by supportive living providers
5 regulated under chapter 388-101 WAC who are subject to the training
6 required in WAC 388-101-1680;

7 (d) Biological, step, or adoptive parents who are the individual
8 provider for only their son or daughter who is developmentally disabled
9 or functionally disabled, and persons who provide respite care on an
10 intermittent basis to such son or daughter of a biological, step, or
11 adoptive parent who is either an individual provider or an unpaid
12 caregiver. However, these workers must complete: (i) Six hours of
13 training relevant to the needs of adults with developmental
14 disabilities and related functional disabilities, as appropriate; and
15 (ii) safety training, which may be completed using distance learning or
16 other alternative methods of training. As used in this subsection,
17 "intermittent basis" means care provided exclusively to one individual
18 for not more than an average of twenty-four hours per month; and

19 (e) Long-term care workers who were initially contracted or
20 employed as long-term care workers before January 1, 2010. However,
21 these long-term care workers must complete all training requirements in
22 effect before that date.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.39A RCW
24 to read as follows:

25 (1)(a) The department shall develop qualification requirements for
26 trainers and criteria for the approval of basic training programs under
27 section 3 of this act. Only training curricula approved by the
28 department may be used to fulfill the requirements of section 3 of this
29 act.

30 (b)(i) The department shall develop criteria for reviewing and
31 approving trainers and training materials that are substantially
32 similar to or better than the materials developed by the department.
33 The department may approve a curriculum based upon attestation by a
34 boarding home administrator, an adult family home provider or resident
35 manager, a home care agency administrator, or the administrator of the
36 training partnership designated in RCW 74.39A.360 that the facility's,
37 agency's, or training partnership's training curriculum addresses

1 required training competencies identified by the department, and shall
2 review a curriculum to verify that it meets these requirements. The
3 department, or the department of health, as applicable, may conduct the
4 review as part of the regularly scheduled inspection and investigation
5 required under RCW 18.20.110, 70.128.090, or 70.127.100. The
6 department shall rescind approval of any curriculum if it determines
7 that the curriculum does not meet these requirements.

8 (ii) A facility, agency, or the training partnership with an
9 approved curriculum must provide reports as required by the department
10 on the long-term care workers who began training and those who
11 completed training, and verifying that all long-term care workers
12 required to do so have complied with all training requirements.

13 (c) Boarding homes, adult family homes, home care agencies, or
14 other entities employing long-term care workers that desire to deliver
15 facility or agency-based required basic training with facility or
16 agency designated trainers, or facilities and agencies that desire to
17 pool their resources to create shared training systems, must be
18 encouraged by the department in their efforts.

19 (d) The department shall consult with the state board for community
20 and technical colleges, the superintendent of public instruction, and
21 the training partnership to ensure, to the extent possible, that long-
22 term care worker training programs approved by the department assist
23 with opportunities to articulate to relevant degree or skills programs
24 offered in community colleges, vocational-technical institutes, skill
25 centers, and secondary schools, as defined in chapter 28B.50 RCW.

26 (2) The department shall adopt rules by September 1, 2009,
27 necessary to implement the training provisions of section 3 of this
28 act. In developing rules, the department shall consult with the
29 department of health, the nursing care quality assurance commission,
30 adult family home providers, boarding home providers, in-home personal
31 care providers, affected labor organizations, community and technical
32 colleges, and long-term care consumers and other interested
33 organizations.

34 **Sec. 5.** RCW 74.39A.340 and 2007 c 361 s 4 are each amended to read
35 as follows:

36 (1) Except as provided in subsection (2) of this section, beginning

1 January 1, 2010, long-term care workers shall complete twelve hours of
2 continuing education training in advanced training topics each year.
3 ((This requirement applies beginning on January 1, 2010.))

4 (2) This section does not apply to persons described in section
5 3(3)(d) of this act. However, this subsection does not prohibit
6 requiring continuing education for such persons who elect to become
7 registered or certified under chapter 18.-- RCW (the chapter created in
8 section 31 of this act).

9 **Sec. 6.** RCW 74.39A.360 and 2007 c 361 s 6 are each amended to read
10 as follows:

11 (1) Beginning January 1, 2010, for individual providers represented
12 by an exclusive bargaining representative under RCW 74.39A.270, all
13 training and peer mentoring required under this chapter shall be
14 provided by a training partnership. Contributions to the partnership
15 pursuant to a collective bargaining agreement negotiated under this
16 chapter shall be made beginning July 1, 2009. The training partnership
17 shall provide reports as required by the department on the individual
18 providers who began training and those who completed training, and
19 verifying that all individual providers required to do so have complied
20 with all training requirements. The exclusive bargaining
21 representative shall designate the training partnership.

22 (2) The training partnership shall offer persons who are acting as
23 unpaid informal caregivers for family members or friends the
24 opportunity to attend training offered through the partnership at no
25 cost to the individual caregiver or the state. Attendance
26 opportunities may be limited to the extent that:

27 (a) There is fixed maximum seating or participation capacity for a
28 training module that satisfies long-term care worker basic training or
29 continuing education requirements under this chapter; and

30 (b) The maximum capacity for a particular training module is fully
31 reserved twenty-four hours in advance of the scheduled date and time of
32 the module.

33 NEW SECTION. **Sec. 7.** (1) The legislature finds that:

34 (a) It is in the public interest to promote quality long-term care
35 services through registration for long-term care workers; and

1 (b) An additional level of credentialing for those long-term care
2 workers who seek to increase their skills and knowledge or enter a
3 health care professional career track will increase, stabilize, and
4 enhance the long-term care workforce and further promote quality long-
5 term care services.

6 (2) The legislature, therefore, intends to provide opportunities to
7 increase skills and knowledge or to pursue a career track through
8 certification and specialty endorsements, and potential articulation
9 from long-term care worker certification to other health care
10 credentialing or degrees.

11 NEW SECTION. **Sec. 8.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Department" means the department of health.

14 (2) "Secretary" means the secretary of health.

15 (3) "Long-term care worker" has the same meaning as in RCW
16 74.39A.009. There are two levels of credentialed long-term care
17 workers:

18 (a) "Registered long-term care worker" is an individual registered
19 under this chapter; and

20 (b) "Certified long-term care worker" is an individual certified
21 under this chapter.

22 (4) "Individual provider" has the same meaning as in RCW
23 74.39A.240.

24 (5) "Personal care services" has the same meaning as in RCW
25 74.39A.009.

26 (6) "Approved training program" means a program of not less than
27 eighty-five hours of training that is approved by the secretary in
28 consultation with the department of social and health services, the
29 state board for community and technical colleges, and the
30 superintendent of public instruction. The department shall ensure, to
31 the extent possible, that long-term care worker training programs
32 approved by the department assist with opportunities to articulate to
33 relevant degree or skill programs offered in community colleges,
34 vocational-technical institutes, skill centers, and secondary schools
35 as defined in chapter 28B.50 RCW. A training program approved under
36 this section may include, but is not limited to, the following
37 elements:

1 (a) Basic training under section 3 of this act, which is a required
2 element of an approved training program. For purposes of this
3 subsection, a person who successfully challenges the competency test
4 for basic training shall be deemed to have completed the relevant hours
5 of basic training other than worker orientation training;

6 (b) Hours that individual providers spend with peer mentors under
7 RCW 74.39A.330;

8 (c) Advanced training offered under RCW 74.39A.350;

9 (d) Up to ten hours spent being trained by the person to whom a
10 worker is providing care regarding the person's caregiving preferences
11 and needs;

12 (e) On-the-job training provided by the worker's employer,
13 including specialty training required under RCW 18.20.270(5) and
14 70.128.230(5);

15 (f) Structured training in population or setting specific
16 competencies that allow long-term care workers to acquire competencies
17 unique to the persons they will be serving or the care setting in which
18 they will be working;

19 (g) Attendance at relevant conferences sponsored by national or
20 state professional associations, governmental agencies, or institutions
21 of higher education; and

22 (h) Other structured or documented training approved by the
23 secretary. For the purposes of this subsection, "documented training"
24 means a written training program that describes the subject covered by
25 the training, the methods by which the training is conducted, and the
26 qualifications of the instructor.

27 (7) "Certification examination" means the measurement of an
28 individual's knowledge and skills as related to safe, competent
29 performance as a long-term care worker.

30 NEW SECTION. **Sec. 9.** (1)(a) Registration under this chapter
31 commences January 1, 2010. If the department determines that
32 administrative capacities essential to implementation of long-term care
33 worker registration under this chapter will not be fully functional by
34 January 1, 2010, the department may defer the implementation date to no
35 later than July 1, 2010.

36 (b) Except as provided otherwise in this chapter, long-term care
37 workers contracted or employed on or after January 1, 2010, must

1 register within one hundred twenty days after the date of the long-term
2 care worker's initial contracting or employment as a long-term care
3 worker, except that workers initially contracted or employed before
4 January 1, 2010, must register within one hundred twenty days after
5 January 1, 2010. However, the department, for good cause, may extend
6 the one hundred twenty day time period by up to sixty days.

7 (2) Beginning January 1, 2012, long-term care workers may elect to
8 be certified, with or without a specialty endorsement under section 14
9 of this act.

10 NEW SECTION. **Sec. 10.** (1) A registered or certified long-term
11 care worker may provide direct, hands-on personal care services to
12 persons with functional disabilities requiring long-term care services.

13 (2) No person may practice or, by use of any title or description,
14 represent himself or herself as:

15 (a) A registered long-term care worker without being registered
16 pursuant to this chapter; or

17 (b) A certified long-term care worker without applying for
18 certification, meeting the qualifications, and being certified pursuant
19 to this chapter.

20 NEW SECTION. **Sec. 11.** In addition to any other authority provided
21 by law, the secretary has the authority to:

22 (1) Set all certification, registration, and renewal fees in
23 accordance with RCW 43.70.250 and to collect and deposit all such fees
24 in the health professions account established under RCW 43.70.320;

25 (2) Establish forms, procedures, and examinations necessary to
26 administer this chapter;

27 (3) Hire clerical, administrative, and investigative staff as
28 needed to implement this chapter;

29 (4) Issue a registration to any applicant who has met the
30 requirements for registration;

31 (5) Issue a certificate to any applicant who has met the education,
32 training, and conduct requirements for certification;

33 (6) Maintain the official record for the department of all
34 applicants and persons with registrations and certificates;

35 (7) Exercise disciplinary authority as authorized in chapter 18.130
36 RCW;

1 (8) Deny registration to any applicant who fails to meet
2 requirement for registration; and

3 (9) Deny certification to applicants who do not meet the education,
4 training, competency evaluation, and conduct requirements for
5 certification.

6 NEW SECTION. **Sec. 12.** The secretary shall issue a registration to
7 any applicant who:

8 (1) Pays any applicable fees;

9 (2) Submits, on forms provided by the secretary, the applicant's
10 name, address, and other information as determined by the secretary;
11 and

12 (3) Establishes, to the secretary's satisfaction, that:

13 (a) The applicant has successfully completed the basic training
14 required under section 3 of this act. For purposes of this subsection,
15 a person who successfully challenges the competency test for basic
16 training shall be deemed to have completed the relevant hours of basic
17 training other than worker orientation training;

18 (b) The applicant has completed any required background check; and

19 (c) There are no grounds for denial of registration or issuance of
20 a conditional registration under this chapter or chapter 18.130 RCW.

21 NEW SECTION. **Sec. 13.** (1) The secretary shall issue a certificate
22 to any applicant who:

23 (a) Pays any applicable fees;

24 (b) Submits, on forms provided by the secretary, the applicant's
25 name, address, and other information as determined by the secretary;

26 (c) Establishes to the secretary's satisfaction that:

27 (i) The applicant has successfully completed an approved training
28 program;

29 (ii) The applicant has successfully completed a certification
30 examination;

31 (iii) The applicant has completed any required background check;
32 and

33 (iv) There exist no grounds for denial of certification under
34 chapter 18.130 RCW.

35 (2) The date and location of examinations shall be established by
36 the secretary. Applicants who have been found by the secretary to meet

1 the requirements for certification shall be scheduled for the next
2 examination following the filing of the application. The secretary
3 shall establish by rule the examination application deadline.

4 (3) The examination must include both a skills demonstration and a
5 written or oral knowledge test. Examinations shall be limited to the
6 purpose of determining whether the applicant possesses the minimum
7 skill and knowledge necessary to practice competently.

8 (4) The examination papers, all grading of the papers, and the
9 grading of skills demonstration shall be preserved for a period of not
10 less than one year after the secretary has made and published the
11 decisions. All examinations shall be conducted under fair and wholly
12 impartial methods.

13 (5) Any applicant failing to make the required grade in the first
14 examination may take up to three subsequent examinations as the
15 applicant desires upon prepaying a fee determined by the secretary
16 under RCW 43.70.250 for each subsequent examination. Upon failing four
17 examinations, the secretary may invalidate the original application and
18 require such remedial education before the person may take future
19 examinations.

20 (6) The certification examination must be administered and
21 evaluated by the department or by a contractor to the department that
22 is neither an employer of long-term care workers, a private contractor
23 providing training services under this chapter or section 3 of this
24 act, or the training partnership defined in RCW 74.39A.009.

25 NEW SECTION. **Sec. 14.** (1) A long-term care worker certified under
26 this chapter may apply for a specialty endorsement in the specialty
27 areas identified by the secretary in consultation with the department
28 of social and health services. The secretary shall issue an
29 endorsement to an applicant who:

30 (a) Completes the hours of training and practical experience
31 required in rules adopted by the secretary for the relevant specialty
32 endorsement;

33 (b) Pays any applicable fee; and

34 (c) Submits any other information as determined by the secretary.

35 (2) A certified long-term care worker who has been granted a
36 specialty endorsement under this section may include the specialty in
37 his or her title, as permitted under rules adopted by the secretary.

1 NEW SECTION. **Sec. 15.** An applicant holding a credential in
2 another state may be certified in this state without examination if the
3 secretary determines that the other state's credentialing standards for
4 long-term care workers are substantially equivalent to the standards in
5 this state.

6 NEW SECTION. **Sec. 16.** (1) Registrations and certifications shall
7 be renewed according to administrative procedures, administrative
8 requirements, and fees determined by the secretary under RCW 43.70.250
9 and 43.70.280.

10 (2) Completion of continuing education as required in RCW
11 74.39A.340 is a prerequisite to renewing a registration or
12 certification under this chapter.

13 NEW SECTION. **Sec. 17.** (1) This chapter does not apply to:

14 (a) Registered nurses, licensed practical nurses, certified nursing
15 assistants, medicare certified home health aides, or other persons who
16 hold a similar health credential, as determined by the secretary, or
17 persons with special education training and an endorsement granted by
18 the superintendent of public instruction that is recognized by the
19 secretary as appropriate to specified personal care services
20 circumstances;

21 (b) Biological, step, or adoptive parents who are the individual
22 provider for only their son or daughter who is developmentally disabled
23 or functionally disabled, and persons who provide respite care on an
24 intermittent basis to such son or daughter of a biological, step, or
25 adoptive parent who is either an individual provider or an unpaid
26 caregiver. As used in this subsection, "intermittent basis" means the
27 same as the definition in section 3(3)(d) of this act.

28 (2) Nothing in this chapter may be construed to prohibit or
29 restrict:

30 (a) The practice by an individual licensed, certified, or
31 registered under the laws of this state and performing services within
32 their authorized scope of practice;

33 (b) The practice by an individual employed by the government of the
34 United States while engaged in the performance of duties prescribed by
35 the laws of the United States;

1 (c) The practice by a person who is a regular student in an
2 educational program approved by the secretary, and whose performance of
3 services is pursuant to a regular course of instruction or assignments
4 from an instructor and under the general supervision of the instructor;

5 (d) A registered or certified long-term care worker from accepting
6 direction from a person who is self-directing his or her care; or

7 (e) A long-term care worker exempt under subsection (1) of this
8 section from applying for registration or certification, subject to
9 meeting the requirements for such application.

10 NEW SECTION. **Sec. 18.** (1) The uniform disciplinary act, chapter
11 18.130 RCW, governs unregistered or uncertified practice, issuance of
12 certificates and registrations, and the discipline of persons
13 registered or with certificates under this chapter. The secretary
14 shall be the disciplinary authority under this chapter.

15 (2)(a) The secretary may take action to immediately suspend the
16 registration or certification of a long-term care worker upon finding
17 that conduct of the long-term care worker has caused or presents an
18 imminent threat of harm to a functionally disabled person in his or her
19 care.

20 (b) If the secretary imposes suspension or conditions for
21 continuation of a registration or certification, the suspension or
22 conditions for continuation are effective immediately upon notice and
23 shall continue in effect pending the outcome of any hearing.

24 NEW SECTION. **Sec. 19.** (1) The department shall adopt rules by
25 September 1, 2009, necessary to implement the registration provisions
26 of this chapter. In developing rules, the department shall consult
27 with the department of social and health services, the nursing care
28 quality assurance commission, adult family home providers, boarding
29 home providers, in-home personal care providers, the training
30 partnership defined in RCW 74.39A.009, affected labor organizations,
31 community and technical colleges, and long-term care consumers and
32 other interested organizations.

33 (2)(a) The department shall also consult with these parties on a
34 plan to implement the voluntary certification program under this
35 chapter by January 1, 2012, in a cost-effective manner considering the
36 following:

1 (i) The certification program should assist a long-term care worker
2 to enter, if desired, a career path to other health care or allied
3 health professions, including articulation, to the maximum extent
4 possible under federal law, from long-term care worker certification to
5 nursing assistant certification under chapter 18.88A RCW;

6 (ii) The department should consider the relative merits of
7 certification and/or specialty endorsement examinations and of
8 practical work experience for certification and/or specialty
9 endorsements. If recommendations are made for practical work
10 experience requirements, the department's plan should include
11 recommendations on the hours and type of practical work experience that
12 would be appropriate for the credential sought.

13 (b) The department shall report on the certification plan to the
14 appropriate committees of the legislature by December 1, 2009.

15 **Sec. 20.** RCW 18.130.040 and 2007 c 269 s 17 and 2007 c 70 s 11 are
16 each reenacted and amended to read as follows:

17 (1) This chapter applies only to the secretary and the boards and
18 commissions having jurisdiction in relation to the professions licensed
19 under the chapters specified in this section. This chapter does not
20 apply to any business or profession not licensed under the chapters
21 specified in this section.

22 (2)(a) The secretary has authority under this chapter in relation
23 to the following professions:

24 (i) Dispensing opticians licensed and designated apprentices under
25 chapter 18.34 RCW;

26 (ii) Naturopaths licensed under chapter 18.36A RCW;

27 (iii) Midwives licensed under chapter 18.50 RCW;

28 (iv) Ocularists licensed under chapter 18.55 RCW;

29 (v) Massage operators and businesses licensed under chapter 18.108
30 RCW;

31 (vi) Dental hygienists licensed under chapter 18.29 RCW;

32 (vii) Acupuncturists licensed under chapter 18.06 RCW;

33 (viii) Radiologic technologists certified and X-ray technicians
34 registered under chapter 18.84 RCW;

35 (ix) Respiratory care practitioners licensed under chapter 18.89
36 RCW;

37 (x) Persons registered under chapter 18.19 RCW;

1 (xi) Persons licensed as mental health counselors, marriage and
2 family therapists, and social workers under chapter 18.225 RCW;
3 (xii) Persons registered as nursing pool operators under chapter
4 18.52C RCW;
5 (xiii) Nursing assistants registered or certified under chapter
6 18.88A RCW;
7 (xiv) Health care assistants certified under chapter 18.135 RCW;
8 (xv) Dietitians and nutritionists certified under chapter 18.138
9 RCW;
10 (xvi) Chemical dependency professionals certified under chapter
11 18.205 RCW;
12 (xvii) Sex offender treatment providers and certified affiliate sex
13 offender treatment providers certified under chapter 18.155 RCW;
14 (xviii) Persons licensed and certified under chapter 18.73 RCW or
15 RCW 18.71.205;
16 (xix) Denturists licensed under chapter 18.30 RCW;
17 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
18 (xxi) Surgical technologists registered under chapter 18.215 RCW;
19 (xxii) Recreational therapists; (~~and~~)
20 (xxiii) Animal massage practitioners certified under chapter 18.240
21 RCW; and
22 (xxiv) Long-term care workers registered or certified under chapter
23 18.-- RCW (the new chapter created in section 31 of this act).
24 (b) The boards and commissions having authority under this chapter
25 are as follows:
26 (i) The podiatric medical board as established in chapter 18.22
27 RCW;
28 (ii) The chiropractic quality assurance commission as established
29 in chapter 18.25 RCW;
30 (iii) The dental quality assurance commission as established in
31 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
32 licenses and registrations issued under chapter 18.260 RCW;
33 (iv) The board of hearing and speech as established in chapter
34 18.35 RCW;
35 (v) The board of examiners for nursing home administrators as
36 established in chapter 18.52 RCW;
37 (vi) The optometry board as established in chapter 18.54 RCW
38 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

11 (xi) The board of occupational therapy practice as established in
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses and registrations issued under
15 that chapter;

16 (xiii) The examining board of psychology and its disciplinary
17 committee as established in chapter 18.83 RCW; and

18 (xiv) The veterinary board of governors as established in chapter
19 18.92 RCW.

20 (3) In addition to the authority to discipline license holders, the
21 disciplining authority has the authority to grant or deny licenses
22 based on the conditions and criteria established in this chapter and
23 the chapters specified in subsection (2) of this section. This chapter
24 also governs any investigation, hearing, or proceeding relating to
25 denial of licensure or issuance of a license conditioned on the
26 applicant's compliance with an order entered pursuant to RCW 18.130.160
27 by the disciplining authority.

28 (4) All disciplining authorities shall adopt procedures to ensure
29 substantially consistent application of this chapter, the Uniform
30 Disciplinary Act, among the disciplining authorities listed in
31 subsection (2) of this section.

32 **Sec. 21.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and
33 2007 c 70 s 11 are each reenacted and amended to read as follows:

34 (1) This chapter applies only to the secretary and the boards and
35 commissions having jurisdiction in relation to the professions licensed
36 under the chapters specified in this section. This chapter does not

1 apply to any business or profession not licensed under the chapters
2 specified in this section.

3 (2)(a) The secretary has authority under this chapter in relation
4 to the following professions:

5 (i) Dispensing opticians licensed and designated apprentices under
6 chapter 18.34 RCW;

7 (ii) Naturopaths licensed under chapter 18.36A RCW;

8 (iii) Midwives licensed under chapter 18.50 RCW;

9 (iv) Ocularists licensed under chapter 18.55 RCW;

10 (v) Massage operators and businesses licensed under chapter 18.108
11 RCW;

12 (vi) Dental hygienists licensed under chapter 18.29 RCW;

13 (vii) Acupuncturists licensed under chapter 18.06 RCW;

14 (viii) Radiologic technologists certified and X-ray technicians
15 registered under chapter 18.84 RCW;

16 (ix) Respiratory care practitioners licensed under chapter 18.89
17 RCW;

18 (x) Persons registered under chapter 18.19 RCW;

19 (xi) Persons licensed as mental health counselors, marriage and
20 family therapists, and social workers under chapter 18.225 RCW;

21 (xii) Persons registered as nursing pool operators under chapter
22 18.52C RCW;

23 (xiii) Nursing assistants registered or certified under chapter
24 18.88A RCW;

25 (xiv) Health care assistants certified under chapter 18.135 RCW;

26 (xv) Dietitians and nutritionists certified under chapter 18.138
27 RCW;

28 (xvi) Chemical dependency professionals certified under chapter
29 18.205 RCW;

30 (xvii) Sex offender treatment providers and certified affiliate sex
31 offender treatment providers certified under chapter 18.155 RCW;

32 (xviii) Persons licensed and certified under chapter 18.73 RCW or
33 RCW 18.71.205;

34 (xix) Denturists licensed under chapter 18.30 RCW;

35 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

36 (xxi) Surgical technologists registered under chapter 18.215 RCW;

37 (xxii) Recreational therapists;

1 (xxiii) Animal massage practitioners certified under chapter 18.240
2 RCW; (~~and~~)
3 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
4 (xxv) Long-term care workers registered or certified under chapter
5 18.-- RCW (the new chapter created in section 31 of this act).
6 (b) The boards and commissions having authority under this chapter
7 are as follows:
8 (i) The podiatric medical board as established in chapter 18.22
9 RCW;
10 (ii) The chiropractic quality assurance commission as established
11 in chapter 18.25 RCW;
12 (iii) The dental quality assurance commission as established in
13 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
14 licenses and registrations issued under chapter 18.260 RCW;
15 (iv) The board of hearing and speech as established in chapter
16 18.35 RCW;
17 (v) The board of examiners for nursing home administrators as
18 established in chapter 18.52 RCW;
19 (vi) The optometry board as established in chapter 18.54 RCW
20 governing licenses issued under chapter 18.53 RCW;
21 (vii) The board of osteopathic medicine and surgery as established
22 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
23 18.57A RCW;
24 (viii) The board of pharmacy as established in chapter 18.64 RCW
25 governing licenses issued under chapters 18.64 and 18.64A RCW;
26 (ix) The medical quality assurance commission as established in
27 chapter 18.71 RCW governing licenses and registrations issued under
28 chapters 18.71 and 18.71A RCW;
29 (x) The board of physical therapy as established in chapter 18.74
30 RCW;
31 (xi) The board of occupational therapy practice as established in
32 chapter 18.59 RCW;
33 (xii) The nursing care quality assurance commission as established
34 in chapter 18.79 RCW governing licenses and registrations issued under
35 that chapter;
36 (xiii) The examining board of psychology and its disciplinary
37 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter
2 18.92 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplining authority has the authority to grant or deny licenses
5 based on the conditions and criteria established in this chapter and
6 the chapters specified in subsection (2) of this section. This chapter
7 also governs any investigation, hearing, or proceeding relating to
8 denial of licensure or issuance of a license conditioned on the
9 applicant's compliance with an order entered pursuant to RCW 18.130.160
10 by the disciplining authority.

11 (4) All disciplining authorities shall adopt procedures to ensure
12 substantially consistent application of this chapter, the Uniform
13 Disciplinary Act, among the disciplining authorities listed in
14 subsection (2) of this section.

15 **Sec. 22.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to read
16 as follows:

17 The definitions in this section apply throughout RCW 74.39A.030 and
18 74.39A.095 and 74.39A.220 through 74.39A.300, sections 3 and 23 of this
19 act, 41.56.026, 70.127.041, and 74.09.740 unless the context clearly
20 requires otherwise.

21 (1) "Authority" means the home care quality authority.

22 (2) "Board" means the board created under RCW 74.39A.230.

23 (3) "Consumer" means a person to whom an individual provider
24 provides any such services.

25 (4) "Individual provider" means a person, including a personal
26 aide, who has contracted with the department to provide personal care
27 or respite care services to (~~functionally disabled persons~~) persons
28 with functional disabilities under the medicaid personal care,
29 community options program entry system, chore services program, or
30 respite care program, or to provide respite care or residential
31 services and support to persons with developmental disabilities under
32 chapter 71A.12 RCW, or to provide respite care as defined in RCW
33 74.13.270.

34 NEW SECTION. **Sec. 23.** A new section is added to chapter 74.39A
35 RCW to read as follows:

36 (1) The department shall deny payment to any individual provider of

1 home care services who does not complete the training requirements of
2 section 3 of this act or obtain registration as a long-term care worker
3 as specified in chapter 18.-- RCW (the new chapter created in section
4 31 of this act).

5 (2) The department may terminate the contract of any individual
6 provider of home care services, or take any other enforcement measure
7 deemed appropriate by the department if the individual provider's
8 registration or certification is revoked under chapter 18.-- RCW (the
9 new chapter created in section 31 of this act).

10 (3) The department may take action to immediately terminate the
11 contract of an individual provider of home care services upon finding
12 that conduct of the individual provider has caused or presents an
13 imminent threat of harm to a functionally disabled person in their
14 care.

15 (4) The department shall take appropriate enforcement action
16 related to the contract or licensure of a provider of home and
17 community-based services, other than an individual provider, who
18 knowingly employs a long-term care worker who has failed to complete
19 the training requirements of section 3 of this act or obtain
20 registration as a long-term care worker as specified in chapter 18.--
21 RCW (the new chapter created in section 31 of this act).

22 (5) Chapter 34.05 RCW shall govern department actions under this
23 section.

24 **Sec. 24.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to
25 read as follows:

26 The department's system of quality improvement for long-term care
27 services shall use the following principles, consistent with applicable
28 federal laws and regulations:

29 (1) The system shall be client-centered and promote privacy,
30 independence, dignity, choice, and a home or home-like environment for
31 consumers consistent with chapter 392, Laws of 1997.

32 (2) The goal of the system is continuous quality improvement with
33 the focus on consumer satisfaction and outcomes for consumers. This
34 includes that when conducting licensing or contract inspections, the
35 department shall interview an appropriate percentage of residents,
36 family members, resident case managers, and advocates in addition to
37 interviewing providers and staff.

1 (3) Providers should be supported in their efforts to improve
2 quality and address identified problems initially through training,
3 consultation, technical assistance, and case management.

4 (4) The emphasis should be on problem prevention both in monitoring
5 and in screening potential providers of service.

6 (5) Monitoring should be outcome based and responsive to consumer
7 complaints and based on a clear set of health, quality of care, and
8 safety standards that are easily understandable and have been made
9 available to providers, residents, and other interested parties.

10 (6) Prompt and specific enforcement remedies shall also be
11 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,
12 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have
13 delivered care or failed to deliver care resulting in problems that are
14 serious, recurring, or uncorrected, or that create a hazard that is
15 causing or likely to cause death or serious harm to one or more
16 residents. These enforcement remedies may also include, when
17 appropriate, reasonable conditions on a contract or license. In the
18 selection of remedies, the safety, health, and well-being of residents
19 shall be of paramount importance.

20 (7) To the extent funding is available, all long-term care staff
21 directly responsible for the care, supervision, or treatment of
22 vulnerable persons should be screened through background checks in a
23 uniform and timely manner to ensure that they do not have a criminal
24 history that would disqualify them from working with vulnerable
25 persons. Whenever a state conviction record check is required by state
26 law, persons may be employed or engaged as volunteers or independent
27 contractors on a conditional basis according to law and rules adopted
28 by the department.

29 (8) No provider or staff, or prospective provider or staff, with a
30 stipulated finding of fact, conclusion of law, an agreed order, or
31 finding of fact, conclusion of law, or final order issued by a
32 disciplining authority, a court of law, or entered into a state
33 registry finding him or her guilty of abuse, neglect, exploitation, or
34 abandonment of a minor or a vulnerable adult as defined in chapter
35 74.34 RCW shall be employed in the care of and have unsupervised access
36 to vulnerable adults.

37 (9) The department shall establish, by rule, a state registry which
38 contains identifying information about personal care aides identified

1 under this chapter who have substantiated findings of abuse, neglect,
2 financial exploitation, or abandonment of a vulnerable adult as defined
3 in RCW 74.34.020. The rule must include disclosure, disposition of
4 findings, notification, findings of fact, appeal rights, and fair
5 hearing requirements. The department shall disclose, upon request,
6 substantiated findings of abuse, neglect, financial exploitation, or
7 abandonment to any person so requesting this information.

8 ~~(10) ((The department shall by rule develop training requirements~~
9 ~~for individual providers and home care agency providers. Effective~~
10 ~~March 1, 2002, individual providers and home care agency providers must~~
11 ~~satisfactorily complete department approved orientation, basic~~
12 ~~training, and continuing education within the time period specified by~~
13 ~~the department in rule. The department shall adopt rules by March 1,~~
14 ~~2002, for the implementation of this section based on the~~
15 ~~recommendations of the community long term care training and education~~
16 ~~steering committee established in RCW 74.39A.190. The department shall~~
17 ~~deny payment to an individual provider or a home care provider who does~~
18 ~~not complete the training requirements within the time limit specified~~
19 ~~by the department by rule.~~

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

27 ~~(12) The department shall create an approval system by March 1,~~
28 ~~2002, for those seeking to conduct department approved training. In~~
29 ~~the rule making process, the department shall adopt rules based on the~~
30 ~~recommendations of the community long term care training and education~~
31 ~~steering committee established in RCW 74.39A.190.~~

32 ~~(13))~~ The department shall establish, by rule, ~~((training,))~~
33 background checks~~((,))~~ and other quality assurance requirements for
34 personal aides who provide in-home services funded by medicaid personal
35 care as described in RCW 74.09.520, community options program entry
36 system waiver services as described in RCW 74.39A.030, or chore
37 services as described in RCW 74.39A.110 that are equivalent to
38 requirements for individual providers.

1 ~~((14))~~ (11) Under existing funds the department shall establish
2 internally a quality improvement standards committee to monitor the
3 development of standards and to suggest modifications.

4 ~~((15) Within existing funds, the department shall design, develop,
5 and implement a long term care training program that is flexible,
6 relevant, and qualifies towards the requirements for a nursing
7 assistant certificate as established under chapter 18.88A RCW. This
8 subsection does not require completion of the nursing assistant
9 certificate training program by providers or their staff. The long-
10 term care teaching curriculum must consist of a fundamental module, or
11 modules, and a range of other available relevant training modules that
12 provide the caregiver with appropriate options that assist in meeting
13 the resident's care needs. Some of the training modules may include,
14 but are not limited to, specific training on the special care needs of
15 persons with developmental disabilities, dementia, mental illness, and
16 the care needs of the elderly. No less than one training module must
17 be dedicated to workplace violence prevention. The nursing care
18 quality assurance commission shall work together with the department to
19 develop the curriculum modules. The nursing care quality assurance
20 commission shall direct the nursing assistant training programs to
21 accept some or all of the skills and competencies from the curriculum
22 modules towards meeting the requirements for a nursing assistant
23 certificate as defined in chapter 18.88A RCW. A process may be
24 developed to test persons completing modules from a caregiver's class
25 to verify that they have the transferable skills and competencies for
26 entry into a nursing assistant training program. The department may
27 review whether facilities can develop their own related long term care
28 training programs. The department may develop a review process for
29 determining what previous experience and training may be used to waive
30 some or all of the mandatory training. The department of social and
31 health services and the nursing care quality assurance commission shall
32 work together to develop an implementation plan by December 12, 1998.))~~

33 **Sec. 25.** RCW 70.127.100 and 2000 c 175 s 9 are each amended to
34 read as follows:

35 Upon receipt of an application under RCW 70.127.080 for a license
36 and the license fee, the department shall issue a license if the
37 applicant meets the requirements established under this chapter. A

1 license issued under this chapter shall not be transferred or assigned
2 without thirty days prior notice to the department and the department's
3 approval. A license, unless suspended or revoked, is effective for a
4 period of two years, however an initial license is only effective for
5 twelve months. The department shall conduct a survey within each
6 licensure period, and may conduct a licensure survey after ownership
7 transfer, to assure compliance with this chapter and the rules adopted
8 under this chapter and under section 3 of this act, and to enforce
9 section 23(4) of this act.

10 **Sec. 26.** RCW 18.20.110 and 2004 c 144 s 3 are each amended to read
11 as follows:

12 (1) The department shall make or cause to be made, at least every
13 eighteen months with an annual average of fifteen months, an inspection
14 and investigation of all boarding homes. However, the department may
15 delay an inspection to twenty-four months if the boarding home has had
16 three consecutive inspections with no written notice of violations and
17 has received no written notice of violations resulting from complaint
18 investigation during that same time period. The department may at
19 anytime make an unannounced inspection of a licensed home to assure
20 that the licensee is in compliance with this chapter and the rules
21 adopted under this chapter and section 3 of this act, and to enforce
22 section 23(4) of this act. Every inspection shall focus primarily on
23 actual or potential resident outcomes, and may include an inspection of
24 every part of the premises and an examination of all records, methods
25 of administration, the general and special dietary, and the stores and
26 methods of supply; however, the department shall not have access to
27 financial records or to other records or reports described in RCW
28 18.20.390. Financial records of the boarding home may be examined when
29 the department has reasonable cause to believe that a financial
30 obligation related to resident care or services will not be met, such
31 as a complaint that staff wages or utility costs have not been paid, or
32 when necessary for the department to investigate alleged financial
33 exploitation of a resident.

34 (2) Following such an inspection or inspections, written notice of
35 any violation of this law or the rules adopted hereunder shall be given
36 to the applicant or licensee and the department.

1 (3) The department may prescribe by rule that any licensee or
2 applicant desiring to make specified types of alterations or additions
3 to its facilities or to construct new facilities shall, before
4 commencing such alteration, addition, or new construction, submit plans
5 and specifications therefor to the agencies responsible for plan
6 reviews for preliminary inspection and approval or recommendations with
7 respect to compliance with the rules and standards herein authorized.

8 **Sec. 27.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read
9 as follows:

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

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

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

19 (c) "Long-term care worker" has the same meaning as defined in RCW
20 74.39A.009(11).

21 (2) Training must have the following components: Orientation,
22 basic training, specialty training as appropriate, and continuing
23 education. All boarding home employees or volunteers who routinely
24 interact with residents shall complete orientation. Boarding home
25 administrators, or their designees, and caregivers shall complete
26 orientation, basic training, specialty training as appropriate, and
27 continuing education. Training of caregivers employed by boarding
28 homes is governed by chapter 74.39A RCW. Any caregiver who has
29 satisfied the training and competency testing requirements of section
30 3 of this act or the continuing education requirements of RCW
31 74.39A.340 shall be deemed to have satisfied, as applicable, the
32 orientation, basic training, and continuing education requirements of
33 this section.

34 (3) Orientation consists of introductory information on residents'
35 rights, communication skills, fire and life safety, and universal
36 precautions. Orientation must be provided at the facility by

1 appropriate boarding home staff to all boarding home employees before
2 the employees have routine interaction with residents.

3 (4) Basic training consists of modules on the core knowledge and
4 skills that caregivers need to learn and understand to effectively and
5 safely provide care to residents. Basic training must be outcome-
6 based, and the effectiveness of the basic training must be measured by
7 demonstrated competency in the core areas through the use of a
8 competency test. (~~Basic training must be completed by caregivers
9 within one hundred twenty days of the date on which they begin to
10 provide hands on care or within one hundred twenty days of September 1,
11 2002, whichever is later.~~) Until (~~competency in the core areas has
12 been demonstrated, caregivers~~) a caregiver provides verification that
13 he or she has met the basic training requirements under section 3 of
14 this act, a caregiver shall not provide hands-on personal care to
15 residents without direct supervision. Boarding home administrators, or
16 their designees, must complete basic training and demonstrate
17 competency within one hundred twenty days of employment or within one
18 hundred twenty days of September 1, 2002, whichever is later.

19 (5)(a) For boarding homes that serve residents with special needs
20 such as dementia, developmental disabilities, or mental illness,
21 specialty training is required of administrators, or designees, and
22 caregivers. Specialty training consists of modules on the core
23 knowledge and skills that caregivers 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.

29 (b) Specialty training must be completed by caregivers within one
30 hundred twenty days of the date on which they begin to provide hands-on
31 care to a resident having special needs or within one hundred twenty
32 days of September 1, 2002, whichever is later. However, if specialty
33 training is not integrated with basic training, the specialty training
34 must be completed within ninety days of completion of basic training.
35 Until competency in the core specialty areas has been demonstrated,
36 caregivers shall not provide hands-on personal care to residents with
37 special needs without direct supervision. If training received by a
38 caregiver under section 3 of this act involves core knowledge and

1 skills to effectively and safely provide care to residents of the
2 boarding home with special needs, the hours of training received by the
3 caregiver shall apply toward meeting the specialty training
4 requirements under this section. Boarding home administrators, or
5 their designees, must complete specialty training and demonstrate
6 competency within one hundred twenty days of September 1, 2002, or one
7 hundred twenty days from the date on which the administrator or his or
8 her designee is hired, whichever is later, if the boarding home serves
9 one or more residents with special needs.

10 ~~((6) Continuing education consists of ongoing delivery of~~
11 ~~information to caregivers on various topics relevant to the care~~
12 ~~setting and care needs of residents. Competency testing is not~~
13 ~~required for continuing education. Continuing education is not~~
14 ~~required in the same calendar year in which basic or modified basic~~
15 ~~training is successfully completed. Continuing education is required~~
16 ~~in each calendar year thereafter.)) (c) If specialty training is~~
17 completed, the specialty training applies toward any continuing
18 education requirement for up to two years following the completion of
19 the specialty training.

20 ~~((7))~~ (6) Persons who successfully challenge the competency test
21 for basic training are fully exempt from the basic training
22 requirements of this section. Persons who successfully challenge the
23 specialty training competency test are fully exempt from the specialty
24 training requirements of this section.

25 ~~((8))~~ (7) Licensed persons who perform the tasks for which they
26 are licensed are fully or partially exempt from the training
27 requirements of this section, as specified by the department in rule.

28 ~~((9))~~ (8) In an effort to improve access to training and
29 education and reduce costs, especially for rural communities, the
30 coordinated system of long-term care training and education must
31 include the use of innovative types of learning strategies such as
32 internet resources, videotapes, and distance learning using satellite
33 technology coordinated through community colleges or other entities, as
34 defined by the department.

35 ~~((10))~~ (9) The department shall develop criteria for the approval
36 of orientation, basic training, and specialty training programs.

37 ~~((11) Boarding homes that desire to deliver facility based~~
38 ~~training with facility designated trainers, or boarding homes that~~

1 ~~desire to pool their resources to create shared training systems, must~~
2 ~~be encouraged by the department in their efforts. The department shall~~
3 ~~develop criteria for reviewing and approving trainers and training~~
4 ~~materials that are substantially similar to or better than the~~
5 ~~materials developed by the department. The department may approve a~~
6 ~~curriculum based upon attestation by a boarding home administrator that~~
7 ~~the boarding home's training curriculum addresses basic and specialty~~
8 ~~training competencies identified by the department, and shall review a~~
9 ~~curriculum to verify that it meets these requirements. The department~~
10 ~~may conduct the review as part of the next regularly scheduled yearly~~
11 ~~inspection and investigation required under RCW 18.20.110. The~~
12 ~~department shall rescind approval of any curriculum if it determines~~
13 ~~that the curriculum does not meet these requirements.~~

14 ~~(12) The department shall adopt rules by September 1, 2002, for the~~
15 ~~implementation of this section.~~

16 ~~(13))~~ (10) The orientation, basic training, specialty training,
17 and continuing education requirements of this section commence
18 September 1, 2002, or one hundred twenty days from the date of
19 employment, whichever is later, and shall be applied to (a) employees
20 hired subsequent to September 1, 2002; and (b) existing employees that
21 on September 1, 2002, have not successfully completed the training
22 requirements under RCW 74.39A.010 or 74.39A.020 and this section.
23 Existing employees who have not successfully completed the training
24 requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all
25 applicable requirements of this section. ~~((However, prior to September~~
26 ~~1, 2002, nothing in this section affects the current training~~
27 ~~requirements under RCW 74.39A.010.))~~

28 **Sec. 28.** RCW 70.128.090 and 2001 c 319 s 7 are each amended to
29 read as follows:

30 (1) During inspections of an adult family home, the department
31 shall have access and authority to examine areas and articles in the
32 home used to provide care or support to residents, including residents'
33 records, accounts, and the physical premises, including the buildings,
34 grounds, and equipment. The personal records of the provider are not
35 subject to department inspection nor is the separate bedroom of the
36 provider, not used in direct care of a client, subject to review. The
37 department may inspect all rooms during the initial licensing of the

1 home. However, during a complaint investigation, the department shall
2 have access to the entire premises and all pertinent records when
3 necessary to conduct official business. The department also shall have
4 the authority to interview the provider and residents of an adult
5 family home.

6 (2) Whenever an inspection is conducted, the department shall
7 prepare a written report that summarizes all information obtained
8 during the inspection, and if the home is in violation of this chapter
9 or the rules adopted under this chapter or under section 3 of this act,
10 or the department is enforcing section 23(4) of this act, serve a copy
11 of the inspection report upon the provider at the same time as a notice
12 of violation. This notice shall be mailed to the provider within ten
13 working days of the completion of the inspection process. If the home
14 is not in violation of this chapter, a copy of the inspection report
15 shall be mailed to the provider within ten calendar days of the
16 inspection of the home. All inspection reports shall be made available
17 to the public at the department during business hours.

18 (3) The provider shall develop corrective measures for any
19 violations found by the department's inspection. The department shall
20 upon request provide consultation and technical assistance to assist
21 the provider in developing effective corrective measures. The
22 department shall include a statement of the provider's corrective
23 measures in the department's inspection report.

24 NEW SECTION. **Sec. 29.** A new section is added to chapter 70.128
25 RCW to read as follows:

26 (1) Adult family homes may participate in a voluntary adult family
27 home certification program through the University of Washington
28 geriatric education center. In addition to the minimum qualifications
29 required under RCW 70.128.120, individuals participating in the
30 voluntary adult family home certification program must complete
31 fifty-two hours of class requirements as established by the University
32 of Washington geriatric education center. Subjects covered by the
33 class requirements must include: Specific age-related physical or
34 mental health conditions that can be prevented, postponed, or
35 alleviated by a health promotion intervention, how to establish health
36 promotion programs in residential settings and communities, preventing

1 falls, addressing health issues of aging families, and issues and
2 health concerns of ethnic older adults and those with developmental
3 disabilities.

4 (2) Individuals completing the requirements of RCW 70.128.120 and
5 the voluntary adult family home certification program shall be issued
6 a certified adult family home license by the department.

7 (3) The department shall adopt rules implementing this section.

8 **Sec. 30.** RCW 70.128.120 and 2006 c 249 s 1 are each amended to
9 read as follows:

10 Each adult family home provider and each resident manager shall
11 have the following minimum qualifications, except that only providers
12 are required to meet the provisions of subsection (10) of this section:

13 (1) Twenty-one years of age or older;

14 (2) For those applying after September 1, 2001, to be licensed as
15 providers, and for resident managers whose employment begins after
16 September 1, 2001, a United States high school diploma or general
17 educational development (GED) certificate or any English or translated
18 government documentation of the following:

19 (a) Successful completion of government-approved public or private
20 school education in a foreign country that includes an annual average
21 of one thousand hours of instruction over twelve years or no less than
22 twelve thousand hours of instruction;

23 (b) A foreign college, foreign university, or United States
24 community college two-year diploma;

25 (c) Admission to, or completion of coursework at, a foreign
26 university or college for which credit was granted;

27 (d) Admission to, or completion of coursework at, a United States
28 college or university for which credits were awarded;

29 (e) Admission to, or completion of postgraduate coursework at, a
30 United States college or university for which credits were awarded; or

31 (f) Successful passage of the United States board examination for
32 registered nursing, or any professional medical occupation for which
33 college or university education preparation was required;

34 (3) Good moral and responsible character and reputation;

35 (4) Literacy in the English language((~~7~~)). However, a person not
36 literate in the English language may meet the requirements of this
37 subsection by assuring that there is a person on staff and available

1 who is able to communicate or make provisions for communicating with
2 the resident in his or her primary language and capable of
3 understanding and speaking English well enough to be able to respond
4 appropriately to emergency situations and be able to read and
5 understand resident care plans;

6 (5) Management and administrative ability to carry out the
7 requirements of this chapter;

8 (6) Satisfactory completion of department-approved basic training
9 and continuing education training as specified by the department in
10 rule, based on recommendations of the community long-term care training
11 and education steering committee and working in collaboration with
12 providers, consumers, caregivers, advocates, family members, educators,
13 and other interested parties in the rule-making process;

14 (7) Satisfactory completion of department-approved, or equivalent,
15 special care training before a provider may provide special care
16 services to a resident;

17 (8) Not been convicted of any crime listed in RCW 43.43.830 and
18 43.43.842;

19 (9) For those applying after September 1, 2001, to be licensed as
20 providers, and for resident managers whose employment begins after
21 September 1, 2001, at least three hundred twenty hours of successful,
22 direct caregiving experience obtained after age eighteen to vulnerable
23 adults in a licensed or contracted setting prior to operating or
24 managing an adult family home; (~~and~~)

25 (10) Prior to being granted a license, providers applying after
26 January 1, 2007, must complete a department-approved forty-eight hour
27 adult family home administration and business planning class. The
28 department shall promote and prioritize bilingual capabilities within
29 available resources and when materials are available for this purpose;
30 and

31 (11) Following licensure, completion annually of two hours of
32 administrative continuing education administered by the department in
33 collaboration with the adult family home advisory committee and taught
34 by adult family home association providers with five or more years of
35 experience, or by another entity as determined by the department. For
36 the purpose of this subsection, "adult family home association" means
37 an organized group of adult family home providers with a proven history
38 of advocacy of at least five years with a sustained membership of at

1 least one hundred members as approved by the department. Internet
2 access and bilingual training materials shall be promoted and
3 prioritized when available and appropriate. The department shall
4 ensure balanced participation by the appointment of stakeholders
5 equally between adult family home providers and consumers to the adult
6 family home advisory committee.

7 **Sec. 31.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to
8 read as follows:

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

11 (a) "Caregiver" includes all adult family home resident managers
12 and any (~~person~~) long-term care worker who provides residents with
13 hands-on personal care on behalf of an adult family home, except
14 volunteers who are directly supervised.

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

19 (c) "Long-term care worker" has the same meaning as defined in RCW
20 74.39A.009(11).

21 (2) Training must have three components: Orientation, basic
22 training, and continuing education. All adult family home providers,
23 resident managers, and employees, or volunteers who routinely interact
24 with residents shall complete orientation. Caregivers shall complete
25 orientation, basic training, and continuing education. Training of
26 caregivers employed by adult family homes is governed by chapter 74.39A
27 RCW. Any caregiver who has satisfied the training and competency
28 testing requirements of section 3 of this act or the continuing
29 education requirements of RCW 74.39A.340 shall be deemed to have
30 satisfied, as applicable, the orientation, basic training, and
31 continuing education requirements of this section.

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

1 (4) Basic training consists of modules on the core knowledge and
2 skills that caregivers need to learn and understand to effectively and
3 safely provide care to residents. Basic training must be outcome-
4 based, and the effectiveness of the basic training must be measured by
5 demonstrated competency in the core areas through the use of a
6 competency test. (~~Basic training must be completed by caregivers
7 within one hundred twenty days of the date on which they begin to
8 provide hands on care or within one hundred twenty days of September 1,
9 2002, whichever is later.~~) Until (~~competency in the core areas has
10 been demonstrated, caregivers~~) a caregiver provides verification that
11 he or she has satisfied the basic training requirements under section
12 3 of this act, a caregiver shall not provide hands-on personal care to
13 residents without indirect supervision.

14 (5)(a) For adult family homes that serve residents with special
15 needs such as dementia, developmental disabilities, or mental illness,
16 specialty training is required of providers and resident managers.
17 Specialty training consists of modules on the core knowledge and skills
18 that providers and resident managers need to effectively and safely
19 provide care to residents with special needs. Specialty training
20 should be integrated into basic training wherever appropriate.
21 Specialty training must be outcome-based, and the effectiveness of the
22 specialty training measured by demonstrated competency in the core
23 specialty areas through the use of a competency test.

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

31 (~~(6) Continuing education consists of ongoing delivery of
32 information to caregivers on various topics relevant to the care
33 setting and care needs of residents. Competency testing is not
34 required for continuing education. Continuing education is not
35 required in the same calendar year in which basic or modified basic
36 training is successfully completed. Continuing education is required
37 in each calendar year thereafter.~~) If training received by a
38 caregiver under section 3 of this act involves core knowledge and

1 skills to effectively and safely provide care to residents of the adult
2 family home with special needs, the hours of training received by the
3 caregiver shall apply toward meeting the specialty training
4 requirements under this section.

5 (c) If specialty training is completed, the specialty training
6 applies toward any continuing education requirement for up to two years
7 following the completion of the specialty training.

8 ((+7)) (6) Persons who successfully challenge the competency test
9 for basic training are fully exempt from the basic training
10 requirements of this section. Persons who successfully challenge the
11 specialty training competency test are fully exempt from the specialty
12 training requirements of this section.

13 ((+8)) (7) Licensed persons who perform the tasks for which they
14 are licensed are fully or partially exempt from the training
15 requirements of this section, as specified by the department in rule.

16 ((+9)) (8) In an effort to improve access to training and
17 education and reduce costs, especially for rural communities, the
18 coordinated system of long-term care training and education must
19 include the use of innovative types of learning strategies such as
20 internet resources, videotapes, and distance learning using satellite
21 technology coordinated through community colleges, private
22 associations, or other entities, as defined by the department.

23 ~~((+10) Adult family homes that desire to deliver facility based~~
24 ~~training with facility designated trainers, or adult family homes that~~
25 ~~desire to pool their resources to create shared training systems, must~~
26 ~~be encouraged by the department in their efforts. The department shall~~
27 ~~develop criteria for reviewing and approving trainers and training~~
28 ~~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)) (9) The department shall adopt rules by September 1, 2002,
38 for the implementation of this section.

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

12 NEW SECTION. **Sec. 32.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 18.20.230 (Training standards review--Proposed
15 enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2; and

16 (2) RCW 70.128.210 (Training standards review--Delivery system--
17 Issues reviewed--Report to the legislature) and 1998 c 272 s 3.

18 NEW SECTION. **Sec. 33.** Sections 7 through 19 of this act
19 constitute a new chapter in Title 18 RCW.

20 NEW SECTION. **Sec. 34.** Section 20 of this act expires July 1,
21 2008.

22 NEW SECTION. **Sec. 35.** Section 21 of this act takes effect July 1,
23 2008.

24 NEW SECTION. **Sec. 36.** If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 2008, in the omnibus appropriations act, this act
27 is null and void."

28 Correct the title.

EFFECT: The striking amendment makes the following major changes

to the substitute bill:

Training

(1) Beginning with initial hire after January 1, 2010, requires long-term care workers to complete basic training (classroom training) of 35 hours, but makes the additional 50 hours of experiential training a prerequisite to taking a certification examination under a voluntary certification program.

(2) For purposes of the exemption from basic training for parent caregivers for their adult children: (a) Expands the exemption to include all such caregivers, whether the child is developmentally or functionally disabled; (b) adds a requirement to complete safety training, which may be completed by distance learning; and (c) increases the average number of hours that their exempt "intermittent" respite caregivers can provide from 16 to 24 hours per month.

(3) Requires boarding homes, adult family homes, and the Training Partnership that develop their own training programs to report to DSHS on the workers who start training and those who complete training, and to verify the completion of training.

(4) Requires adult family home providers and resident managers, following licensure, to complete two hours of administrative continuing education administered by DSHS, with collaboration by an advisory committee, and taught by adult family home association providers with five or more years of experience or by another entity determined by DSHS.

Registration

(1) Beginning January 1, 2010, adds a requirement for the registration of all long-term care workers with the Department of Health (DOH) within 120 days of initial hire or within 120 days after January 1, 2010, if the worker was hired before that date (with exemptions for parents who are caregivers for only their developmentally or functionally disabled adult children and certain respite caregivers, and certain credentialed personnel).

(2) To apply for registration, requires long-term care workers to complete basic training or successfully challenge the basic training competency test.

Certification

(1) Beginning January 1, 2012, allows long-term care workers to elect certification, and provides for specialty endorsements; requires the DOH to report on a plan for implementing the certification program by December 1, 2009.

(2) Moves administration of the certification program from DSHS to DOH.

(3) Defines the "approved training" that is required for the certification examination to be not less than 85 hours of training, including basic training, that will assist with opportunities to articulate to relevant degree or skill programs in community colleges or similar schools.

Technical

(1) Makes various technical clarifications to the training and credentialing programs, including: (a) Clarifying or adding definitions; (b) adding title and practice protection for both registered and certified long-term care workers; (c) granting authority for DOH to deny, as well as issue, certifications and registrations;

(d) specifying that continuing education is a requirement for renewal of registration or certification; (e) making the Uniform Disciplinary Act apply under Secretary of Health's authority; (f) allowing four attempts to pass the certification examination; and (g) allowing reciprocity for an equivalent out-of-state credential.

(2) Adds a cross-reference to DSHS authority to take licensure enforcement action against adult family homes and boarding homes that have workers who fail to complete required training or registration.

(3) Allows adult family homes that meet specified training to participate in a voluntary adult family home certification program through the University of Washington Geriatric Education Center.

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