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**Commerce & Labor Committee**

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**HB 2284**

**Brief Description:** Addressing the training of and collective bargaining over the training of care providers.

**Sponsors:** Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt.

**Brief Summary of Bill**

- Specifies that the Department of Social and Health Services (DSHS) must require certain providers of long-term care to meet certain minimum training requirements.
- Requires the DSHS to adopt rules establishing a certified home care aide designation and testing process, and to deny payment to providers who do not become certified within a specified time period.
- Requires that training for individual providers be provided by a joint labor-management partnership or trust selected by the providers' exclusive bargaining representative.
- Makes employer contributions to the entity providing training a mandatory subject of collective bargaining.

**Hearing Date:** 2/20/07

**Staff:** Jill Reinmuth (786-7134).

**Background:**

Individual providers and agency home care workers provide long-term care services to elderly and disabled clients who are eligible for publicly-funded services through the Department of Social and Health Services' (DSHS) Aging and Adult Services and Developmental Disabilities programs. These workers provide the DSHS' clients with personal care assistance with various tasks such as toileting, bathing, dressing, ambulating, meal preparation, and household chores.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Individual providers and agency home care workers must meet certain training requirements set forth in statute and in rules adopted by the DSHS. These training requirements include the following:

- An orientation which provides basic introductory information appropriate to the in-home setting and the population served;
- Basic training as to the core knowledge and skills needed to provide personal care services effectively and safely; and
- Continuing education designed to increase and keep current a person's knowledge and skills.

Wages, benefits, and working conditions for individual providers are determined solely through collective bargaining. The Governor must submit, as part of the proposed biennial or supplemental operating budget submitted to the Legislature, a request for funds necessary to implement the compensation and fringe benefits provisions of a collective bargaining agreement or binding interest arbitration award. The Legislature must approve or reject the submission of the request for funds as a whole.

Vendor payment rates for agency home care workers are established in the biennial operating budget. A formula established by the DSHS converts the cost of compensation increases negotiated and funded for individual providers into an hourly amount that is added to vendor rates for agency home care providers.

### **Summary of Bill:**

The Department of Social and Health Services (DSHS) must require certain providers of long-term care to meet specified minimum training requirements. These persons include all persons who are part of an independent provider bargaining unit, private agency home care providers, adult family home care workers, or other providers of long-term care services to the elderly and persons with disabilities, including adult family home providers, adult residential care providers, long-term care providers, boarding home administrators, boarding home caregivers, and other home and community service care providers, but not nursing homes.

The DSHS must require entry-level providers of long-term care to obtain 150 hours of entry-level training. The entry-level training must include 85 hours of pre-certification training, consisting of two hours of orientation, three hours of safety training, and 80 hours of long-term care core competencies training. The DSHS must also offer 65 hours of advanced and specialty training. The DSHS may develop a review process waiving some requirements for a person who is a registered nurse or certified nursing assistant, has a health care degree, or has other significant experience and training. These requirements apply beginning in 2009.

The DSHS must require all providers of long-term care services to obtain twelve hours of continuing education in advanced and specialty training topics each year. This requirement also applies beginning in 2009.

The DSHS must require that all providers of long-term care services be offered on-the-job training or peer mentorship of at least one hour per week for the first 120 days of work from a long-term care provider who has completed twelve hours of mentor training. This requirement applies beginning in 2010.

The DSHS must adopt rules establishing a certified home care aide designation and testing process. After completing 85 hours of entry-level training, workers are eligible to take the test to be certified as a home care aide. The DSHS must deny payment to providers of long-term care who do not complete the training requirements and become certified within 6 months or 600 hours of work, whichever is later.

Only training curriculum approved by the DSHS may be used. The DSHS must approve any training curriculum that was developed with input from consumer and worker representatives, allows for comprehensive instruction by qualified instructors, and encourages direct participation by consumers and workers.

For all providers of long-term care represented by an exclusive bargaining representative, training must be provided by a joint labor-management partnership or trust selected by the certified exclusive bargaining representative representing at least 20,000 employees. Employer contributions to the entity are a mandatory subject of collective bargaining, and must be fixed at a level sufficient to meet the cost of the training requirements and to contribute towards the cost of other services such as adult education, caregiver support, and career development services.

At the request of the exclusive bargaining representative, the Governor must engage in collective bargaining with the exclusive bargaining representative over employer contributions for the cost of meeting the training requirements and providing programs and services necessary to establish and promote the education, training, career development, career ladders, certification, and licensing of a stable, professionally trained long-term care workforce. The Governor must submit a request for funds necessary to implement the training contribution provisions of a collective bargaining agreement as part of the proposed operating budget submitted to the Legislature.

Other provisions address the factors considered by interest arbitration panels, the formula used to establish parity for individual providers and adult family home care providers, and certification as a nursing assistant. Duplicative, inconsistent, and obsolete provisions are stricken.

These provisions are to be known as the "Establishing Quality in Long-Term Care Services to the Elderly and Persons With Disabilities Act."

**Rules Authority:** The bill contains provisions requiring the exercise of rule-making powers by the Department of Social and Health Services.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.