
**Health Care & Wellness
Committee**

HB 2693

Brief Description: Regarding training and certification of long-term care workers.

Sponsors: Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood and Sells.

Brief Summary of Bill

- Establishes, beginning January 1, 2010, a new program of training and certification for long-term care workers who are paid to provide personal care assistance to persons with functional disabilities.

Hearing Date: 1/30/08

Staff: Chris Cordes (786-7103).

Background:

Long-term Care Workers

Long-term care workers provide long-term care services to elderly and disabled clients, many of whom 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 their clients personal care assistance with various tasks such as bathing, eating, toileting, dressing, ambulating, meal preparation, and household chores.

By statute, long-term care workers include all persons who are long-term care workers for an elderly or disabled client, including individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities, all direct care workers in boarding homes, assisted living facilities, and adult family homes, respite care providers, and other direct care workers providing home or community-based services to these clients. They do not include workers in nursing homes, hospitals, hospice agencies, or adult day care or health day care centers.

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.

Long-term Care Worker Training Requirements

Long-term Care Worker Training Generally. Individual providers and agency home care workers must meet certain training requirements under various state statutes and DSHS rules. These training requirements include:

- 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.

This training is generally met with 34 hours of training, to be completed within 120 days of hire. However, orientation and safety training may be required before working with the client. Until 2010, long-term care workers must also have an additional 10 hours of continuing education.

Different training requirements apply to parents who are individual providers for only their developmentally disabled son or daughter who is receiving services through the Division of Developmental Disabilities in the DSHS. They must complete six hours of training within 180 days. Until 2010, they are not required to have continuing education.

The DSHS may deny payment to an individual provider or home care provider who does not complete the required training within 120 days of employment.

The DSHS, working with the Nursing Care Quality Assurance Commission, must have a long-term care training program under which some or all training hours earned under the long-term care worker training program may be applied toward the requirements for a nursing assistant certificate. Testing is permitted to allow caregivers to verify their competency to enter into a nursing assistant training program.

Training Requirements after January 1, 2010. Various additional training requirements apply to long-term care workers who begin work on or after January 1, 2010. These include requirements that:

- long-term care workers must be offered on-the-job training or peer mentorship for at least one hour per week in the first 90 days of work from a long-term care worker who has completed 12 hours of mentor training and is mentoring no more than 10 other workers;
- long-term care workers must complete 12 hours of continuing education training in advanced training topics each year; and
- the DSHS must offer sufficient opportunities for long-term care workers, who choose to do so, to accumulate 65 hours of training within a reasonable time period.

For individual providers represented by an exclusive bargaining representative, all required training and peer mentoring must be provided by a training partnership beginning January 1, 2010. Employer contributions to the Individual Provider Training Partnership for this training and other specified career development training are subject to collective bargaining at the request of the individual providers' exclusive bargaining representative.

2007 Study of Long-term Care Worker Training

In 2007 the Joint Legislative and Executive Task Force on Long-Term Care Financing and Chronic Care Management (Task Force) was charged with establishing a 15-member Home and

Community Long-Term Care Workforce Development Workgroup (Workgroup). The Workgroup was co-chaired by the Chair of the Task Force and the Executive Director of the Home Care Quality Authority.

The Workgroup was required to evaluate current training requirements for long-term care workers and to make recommendations regarding (1) the appropriate number of basic training hours and curricula content and (2) the development of criteria associated with certification of new long-term care workers. The Workgroup report was issued on December 1, 2007.

Summary of Bill:

Beginning January 1, 2010, a new program of training and certification is established for long-term care workers who provide services to persons with functional disabilities. The training and certification requirements are mandatory for non-exempt long-term care workers, except that different requirements apply to parents who are caring for their developmentally disabled son or daughter and their respite caregivers.

The definition of "long-term care worker" is limited to those who are paid long-term care workers.

Legislative Intent

A statement of legislative findings provides, among other findings, that (1) the underlying premise of the long-term care system is the value of consumer choice across a full continuum of care; (2) basic training should focus on client care needs; (3) appropriately trained and motivated long-term care workforce contributes to quality care; (4) increased workforce diversity is needed and training should acknowledge cultural diversity; (5) the long-term care workforce has diverse expectations such as career development and quality job performance; (6) the long-term care workforce could benefit from flexible training, and that training should prepare them for many settings and should accommodate workers caring exclusively for family members; (7) care provided by unpaid long-term caregivers should be enhanced and stabilized by training changes; and (8) the long-term care workforce should be increased and enhanced.

Long-term Care Worker Training Requirements

Who Must Complete Training and Hours Required. All long-term care workers, unless exempt, must complete basic training of 35 hours of classroom training and 50 hours of experiential training. Time spent in the statutory mentoring program and in being trained by the worker's client, on-the-job training, and relevant conferences should be included in experiential training. Training provided under boarding home and adult family home statutes counts toward the required 85 hours of training.

Different training requirements apply to parents who are individual providers for only their developmentally disabled son or daughter who is receiving services through the Division of Developmental Disabilities in the DSHS, and persons providing intermittent respite care to the developmentally disabled son or daughter of such parents or parents who are unpaid care givers. The caregivers must have 12 hours of training relevant to the needs of adults with developmental disabilities.

Basic Training Curricula. The required basic training must address the knowledge and competencies that caregivers need, including:

- core competencies regarding the needs and safety of individuals requiring care, which also includes worker orientation; and
- population-specific competencies unique to individuals that long-term care workers will be serving or unique to the setting in which they will work.

Competency testing must be used to measure the effectiveness of the required basic training.

Exemptions. As specified in DSHS rules, the following persons are fully or partially exempt from training requirements: registered nurses, licensed practical nurses, certified nursing assistants, Medicare certified home health aides, or persons with a similar health certification or licensure. However, these exempt persons must complete worker orientation.

Long-term care workers employed by supportive living providers are exempt, unless the training requirements adopted by DSHS for these workers are reduced to 85 hours or less.

Persons who successfully challenge the competency test are also exempt, but they must complete worker orientation.

Timelines for Basic Training. The required basic training must be completed within 120 days of beginning to provide hands-on care. The worker orientation must be completed before the long-term care worker has routine interaction with the individual for whom care is provided.

The basic training requirements commence on January 1, 2010, or 120 days from the date of contracting or employment, whichever is later. The requirements apply to long-term care workers newly contracted or hired subsequent to January 1, 2010. Long-term care workers contracted or employed before January 1, 2010, must complete all training required before that date.

The DSHS may defer the training implementation date to July 1, 2010, if it finds that administrative capacities will not be fully functional by January 1, 2010.

Training Standards. The DSHS must adopt experiential training standards to address the integrity and quality of the training and to verify participation. The DSHS must also develop criteria for the approval of training programs.

Long-term Care Worker Certification Program

Who Must Be Certified. After January 1, 2010, certification is required for all long-term care workers except: (1) workers who are caring exclusively for a family member; (2) workers providing intermittent respite care to the developmentally disabled son or daughter of a parent who is an individual provider or an unpaid care giver; and (3) workers who are contracted or employed before January 1, 2010.

A certified long-term care worker may provide direct personal care and assistance services to persons with functional disabilities who need assistance with eating, bathing, dressing, and other activities of daily living.

Program Administration. The certification program is administered by the DSHS, which is authorized to set fees, establish forms, procedures, and examinations, issue a certificate to an

applicant that has met the training, background check, and certification examination requirements, and maintain a record of applicants and certificated long-term care workers.

Examination Requirements. The DSHS must develop a long-term care worker certification examination to evaluate whether applicants have the minimum skills and knowledge necessary to practice competently. Only those who have completed the long-term care worker training requirements or had the requirements waived (either by exemption or by challenging the competency test) are eligible to sit for the examination.

Enforcement of Certification Requirements. The DSHS must deny payment to an individual provider of home care services who does not complete training or obtain certification within the required time limits. The DSHS may:

- deny certification to an applicant who does not meet the training, background check, or competency examination requirements for certification;
- revoke certification, terminate the contract of an individual provider, or take other appropriate action on finding unprofessional conduct; and
- immediately suspend certification, or immediately terminate the contract of an individual provider, if the long-term care worker caused or presents an imminent threat of harm to his or her client with functional disabilities.

In addition, the DSHS must take appropriate enforcement action related to the contract or licensure of a provider of home and community-based services who knowingly employs a long-term care worker who has not completed the training requirements or obtained certification within the required time limits.

Timelines for Certification. The certification requirement commences on January 1, 2010, or 180 days from initial contracting or employment, whichever is later. The requirement applies to long-term care workers contracted or hired after January 1, 2010.

The DSHS may defer the certification program implementation date to July 1, 2010, if it finds that administrative capacities will not be fully functional by January 1, 2010.

Training under the Individual Provider Training Partnership

The Individual Provider Training Partnership must offer unpaid informal caregivers providing care for family members or friends an opportunity to attend up to 10 hours per year of training at no cost to the caregiver or the state. Attendance may be limited, however, if the maximum capacity for a training module is reserved 24 hours in advance.

Implementing Rules

The DSHS must adopt rules by September 1, 2009, to implement the training and certification requirements, and their enforcement. In developing rules, the DSHS must consult with the Department of Health, the Nursing Care Quality Assurance Commission, adult family home providers, boarding home providers, in-home personal care providers, affected labor organizations, community and technical colleges, long-term care consumers, and other interested parties.

By January 1, 2010, DSHS rules must also permit reciprocity, to the extent possible under federal law, between long-term care worker certification and nursing assistant certification.

Repealed Laws

Statutes addressing the development of training standards in boarding homes and adult family homes are repealed.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

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