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**ENGROSSED SUBSTITUTE SENATE BILL 5700**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Ranker, Rivers, Liias, Pedersen, Darneille, Chase, and Kuderer)

AN ACT Relating to training long-term care providers on the needs of the LGBTQ population; amending RCW 74.39A.341; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 18.51 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 74.39A.341 and 2015 c 152 s 3 are each amended to read as follows:

(1) All long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. ((~~This requirement applies beginning July 1, 2012.~~))

(2) Of the twelve hours of continuing education training required by subsection (1) of this section, time must be allocated, as established by the department in rule, to provide cultural competency training on issues relating to the LGBTQ population as follows:

(a) Long-term care workers who are licensed on or after the effective date of this section must complete the one-time training by their next continuing education due date after December 31, 2019;

(b) After completing the one-time training, long-term care workers are not required to take the one-time training again until the department approves changes to the curriculum. If there are approved changes in the curriculum based upon revised department competencies, all long-term care workers must take the new curriculum as set forth in the Washington Administrative Code.

(3) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

((~~(3)~~)) (4) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(c) ((~~Before January 1, 2016, a long-term care worker employed by a community residential service business;~~

~~(d)~~)) A person working as an individual provider who provides twenty hours or less of care for one person in any calendar month; or

((~~(e)~~)) (d) A person working as an individual provider who only provides respite services and works less than three hundred hours in any calendar year.

((~~(4)~~)) (5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; ((~~and~~))

(b) Requires comprehensive instruction by qualified instructors; and

(c) For the one-time training described in subsection (2) of this section, contributes to an evidence and outcome-based approach, and meets the training's learning objectives that will be defined in rule.

((~~(5)~~)) (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

((~~(6)~~)) (7) The department of health shall adopt rules to implement subsection (1) of this section.

((~~(7)~~)) (8) The department shall adopt rules to implement subsections (2) and (3) of this section.

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

(1) Adult family home owners and resident managers must complete a one-time department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form home owners and resident managers may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Adult family home owners and resident managers of adult family homes that are licensed on the effective date of this section must complete the one-time training by the facility's next license renewal after December 31, 2019;

(b) Adult family home owners and resident managers of adult family homes that are licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Adult family home owners who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, adult family home owners and resident managers are not required to take the training again until the department approves changes to the learning objectives as established in the Washington Administrative Code. If there are approved changes to the learning objectives, adult family home owners, resident managers, and all long-term care workers, must take a new training as set forth in the Washington Administrative Code.

NEW SECTION. **Sec.**  A new section is added to chapter 18.20 RCW to read as follows:

(1) Assisted living facility owners and administrators must complete a one-time department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form facility owners and administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Owners and administrators of assisted living facilities that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2019;

(b) Owners and administrators of assisted living facilities that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Assisted living facility owners who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, assisted living facility owners and administrators are not required to take the training again until the department approves changes to the learning objectives as established in the Washington Administrative Code. If there are approved changes to the learning objectives, assisted living facility owners, administrators, and all long-term care workers, must take a new training as set forth in the Washington Administrative Code.

NEW SECTION. **Sec.**  A new section is added to chapter 18.51 RCW to read as follows:

(1) Nursing home owners and administrators must complete a one-time department-approved cultural competency training relating to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population. The department must approve the training curriculum, program, and instructors required by this section, and develop a form home owners and administrators may use for self-reporting completion of this requirement.

(2) The training required by this section must be completed as follows:

(a) Owners and administrators of nursing homes that are licensed on the effective date of this section must complete the one-time training by the time of the facility's next license renewal after December 31, 2019;

(b) Owners and administrators of nursing homes that become licensed after the effective date of this section must complete the training by the time of the facility's first license renewal;

(c) Nursing home owners who work on-site of the facility less than two days per license year are not required to complete the training;

(d) After completing the one-time training, nursing home owners and administrators are not required to take the training again until the department approves changes to the learning objectives as established in the Washington Administrative Code. If there are approved changes to the learning objectives, all nursing home owners, administrators, and all long-term care workers, must take a new training as set forth in the Washington Administrative Code.

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