

2 **ESHB 2380** - S COMM AMD

3 By Committee on Health & Long-Term Care

4 ADOPTED 3/1/00

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 18.20.020 and 1998 c 272 s 14 are each amended to
8 read as follows:

9 As used in this chapter:

10 (1) "Aged person" means a person of the age sixty-five years or
11 more, or a person of less than sixty-five years who by reason of
12 infirmity requires domiciliary care.

13 (2) "Boarding home" means any home or other institution, however
14 named, which is advertised, announced, or maintained for the express or
15 implied purpose of providing board and domiciliary care to ~~((three))~~
16 seven or more aged persons not related by blood or marriage to the
17 operator. ~~((It))~~ However, a boarding home that is licensed to provide
18 board and domiciliary care to three to six persons on the effective
19 date of this act may maintain its boarding home license as long as it
20 is continually licensed as a boarding home. "Boarding home" shall not
21 include facilities certified as group training homes pursuant to RCW
22 71A.22.040, nor any home, institution or section thereof which is
23 otherwise licensed and regulated under the provisions of state law
24 providing specifically for the licensing and regulation of such home,
25 institution or section thereof. Nor shall it include any independent
26 senior housing, independent living units in continuing care retirement
27 communities, or other similar living situations including those
28 subsidized by the department of housing and urban development.

29 (3) "Person" means any individual, firm, partnership, corporation,
30 company, association, or joint stock association, and the legal
31 successor thereof.

32 (4) "Secretary" means the secretary of social and health services.

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

1 (~~(6) "Authorized department" means any city, county, city-county~~
2 ~~health department or health district authorized by the secretary to~~
3 ~~carry out the provisions of this chapter.~~)

4 **Sec. 2.** RCW 18.20.040 and 1957 c 253 s 4 are each amended to read
5 as follows:

6 An application for a license shall be made to the department (~~(or~~
7 ~~authorized department)~~) upon forms provided by (~~(either of said~~
8 ~~departments)~~) the department and shall contain such information as the
9 department reasonably requires, which shall include affirmative
10 evidence of ability to comply with such rules (~~(and regulations)~~) as
11 are lawfully (~~(promulgated)~~) adopted by the (~~(board)~~) department.

12 **Sec. 3.** RCW 18.20.050 and 1987 c 75 s 3 are each amended to read
13 as follows:

14 Upon receipt of an application for license, if the applicant and
15 the boarding home facilities meet the requirements established under
16 this chapter, the department (~~(or the department and the authorized~~
17 ~~health department jointly,~~) shall issue a license. If there is a
18 failure to comply with the provisions of this chapter or the
19 standards(~~(,)~~) and rules(~~(, and regulations promulgated)~~) adopted
20 pursuant thereto, the department(~~(, or the department and authorized~~
21 ~~health department,~~) may in its discretion issue to an applicant for a
22 license, or for the renewal of a license, a provisional license which
23 will permit the operation of the boarding home for a period to be
24 determined by the department, (~~(or the department and authorized health~~
25 ~~department,~~) but not to exceed twelve months, which provisional
26 license shall not be subject to renewal. At the time of the
27 application for or renewal of a license or provisional license the
28 licensee shall pay a license fee as established by the department under
29 RCW 43.20B.110. (~~(When the license or provisional license is issued~~
30 ~~jointly by the department and authorized health department, the license~~
31 ~~fee shall be paid to the authorized health department.)~~) All licenses
32 issued under the provisions of this chapter shall expire on a date to
33 be set by the department, but no license issued pursuant to this
34 chapter shall exceed twelve months in duration(~~(: PROVIDED, That)~~).
35 However, when the annual license renewal date of a previously licensed
36 boarding home is set by the department on a date less than twelve
37 months prior to the expiration date of a license in effect at the time

1 of reissuance, the license fee shall be prorated on a monthly basis and
2 a credit be allowed at the first renewal of a license for any period of
3 one month or more covered by the previous license. All applications
4 for renewal of a license shall be made not later than thirty days prior
5 to the date of expiration of the license. Each license shall be issued
6 only for the premises and persons named in the application, and no
7 license shall be transferable or assignable. Licenses shall be posted
8 in a conspicuous place on the licensed premises.

9 **Sec. 4.** RCW 18.20.110 and 1985 c 213 s 7 are each amended to read
10 as follows:

11 The department (~~(or authorized health department)~~) shall make or
12 cause to be made at least a yearly inspection and investigation of all
13 boarding homes. Every inspection shall focus primarily on actual or
14 potential resident outcomes, and may include an inspection of every
15 part of the premises and an examination of all records (other than
16 financial records), methods of administration, the general and special
17 dietary, and the stores and methods of supply. Following such an
18 inspection or inspections, written notice of any violation of this law
19 or the rules (~~(and regulations promulgated)~~) adopted hereunder(~~(7)~~)
20 shall be given to the applicant or licensee and the department. The
21 department may prescribe by (~~(regulations)~~) rule that any licensee or
22 applicant desiring to make specified types of alterations or additions
23 to its facilities or to construct new facilities shall, before
24 commencing such alteration, addition, or new construction, submit plans
25 and specifications therefor to the (~~(department or to the authorized~~
26 ~~department)~~) agencies responsible for plan reviews for preliminary
27 inspection and approval or recommendations with respect to compliance
28 with the (~~(regulations)~~) rules and standards herein authorized.

29 **Sec. 5.** RCW 18.20.120 and 1994 c 214 s 25 are each amended to read
30 as follows:

31 All information received by the department (~~(or authorized health~~
32 ~~department)~~) through filed reports, inspections, or as otherwise
33 authorized under this chapter(~~(7)~~) shall not be disclosed publicly in
34 any manner as to identify individuals or boarding homes, except at the
35 specific request of a member of the public and disclosure is consistent
36 with RCW 42.17.260(1).

1 **Sec. 6.** RCW 18.20.130 and 1995 c 369 s 4 are each amended to read
2 as follows:

3 Standards for fire protection and the enforcement thereof, with
4 respect to all boarding homes to be licensed hereunder, shall be the
5 responsibility of the chief of the Washington state patrol, through the
6 director of fire protection, who shall adopt such recognized standards
7 as may be applicable to boarding homes for the protection of life
8 against the cause and spread of fire and fire hazards. The department,
9 upon receipt of an application for a license, shall submit to the chief
10 of the Washington state patrol, through the director of fire
11 protection, in writing, a request for an inspection, giving the
12 applicant's name and the location of the premises to be licensed. Upon
13 receipt of such a request, the chief of the Washington state patrol,
14 through the director of fire protection, or his or her deputy, shall
15 make an inspection of the boarding home to be licensed, and if it is
16 found that the premises do not comply with the required safety
17 standards and fire ~~((regulations))~~ rules as ~~((promulgated))~~ adopted by
18 the chief of the Washington state patrol, through the director of fire
19 protection, he or she shall promptly make a written report to the
20 boarding home and the department ~~((or authorized department))~~ as to the
21 manner and time allowed in which the premises must qualify for a
22 license and set forth the conditions to be remedied with respect to
23 fire ~~((regulations))~~ rules. The department, ~~((authorized department,))~~
24 applicant, or licensee shall notify the chief of the Washington state
25 patrol, through the director of fire protection, upon completion of any
26 requirements made by him or her, and the chief of the Washington state
27 patrol, through the director of fire protection, or his or her deputy,
28 shall make a reinspection of such premises. Whenever the boarding home
29 to be licensed meets with the approval of the chief of the Washington
30 state patrol, through the director of fire protection, he or she shall
31 submit to the department ~~((or authorized department,))~~ a written report
32 approving same with respect to fire protection before a full license
33 can be issued. The chief of the Washington state patrol, through the
34 director of fire protection, shall make or cause to be made inspections
35 of such homes at least annually.

36 In cities which have in force a comprehensive building code, the
37 provisions of which are determined by the chief of the Washington state
38 patrol, through the director of fire protection, to be equal to the
39 minimum standards of the code for boarding homes adopted by the chief

1 of the Washington state patrol, through the director of fire
2 protection, the chief of the fire department, provided the latter is a
3 paid chief of a paid fire department, shall make the inspection with
4 the chief of the Washington state patrol, through the director of fire
5 protection, or his or her deputy, and they shall jointly approve the
6 premises before a full license can be issued.

7 **Sec. 7.** RCW 18.20.190 and 1998 c 272 s 15 are each amended to read
8 as follows:

9 (1) The department of social and health services is authorized to
10 take one or more of the actions listed in subsection (2) of this
11 section in any case in which the department finds that a boarding home
12 provider has:

13 (a) Failed or refused to comply with the requirements of this
14 chapter or the rules adopted under this chapter;

15 (b) Operated a boarding home without a license or under a revoked
16 license;

17 (c) Knowingly, or with reason to know, made a false statement of
18 material fact on his or her application for license or any data
19 attached thereto, or in any matter under investigation by the
20 department; or

21 (d) Willfully prevented or interfered with any inspection or
22 investigation by the department.

23 (2) When authorized by subsection (1) of this section, the
24 department may take one or more of the following actions:

25 (a) Refuse to issue a license;

26 (b) Impose reasonable conditions on a license, such as correction
27 within a specified time, training, and limits on the type of clients
28 the provider may admit or serve;

29 (c) Impose civil penalties of not more than one hundred dollars per
30 day per violation;

31 (d) Suspend, revoke, or refuse to renew a license; or

32 (e) Suspend admissions to the boarding home by imposing stop
33 placement.

34 (3) When the department orders stop placement, the facility shall
35 not admit any new resident until the stop placement order is
36 terminated. The department may approve readmission of a resident to
37 the facility from a hospital or nursing home during the stop placement.
38 The department shall terminate the stop placement when: (a) The

1 violations necessitating the stop placement have been corrected; and
2 (b) the provider exhibits the capacity to maintain adequate care and
3 service.

4 (4) RCW 43.20A.205 governs notice of a license denial, revocation,
5 suspension, or modification. Chapter 34.05 RCW applies to department
6 actions under this section, except that orders of the department
7 imposing license suspension, stop placement, or conditions for
8 continuation of a license are effective immediately upon notice and
9 shall continue pending any hearing.

10 NEW SECTION. Sec. 8. A new section is added to chapter 18.20 RCW
11 to read as follows:

12 (1) In an effort to ensure a cooperative process among the
13 department, boarding home provider representatives, and resident and
14 family representatives on matters pertaining to the boarding home
15 program, the secretary, or his or her designee, shall designate an
16 advisory board. The advisory board must include representatives of the
17 state-wide boarding home associations, the state long-term care
18 ombudsman program, the state-wide resident council program, consumers,
19 and family representatives. Depending on the topic to be discussed,
20 the department may invite other representatives in addition to the
21 named members of the advisory board. The secretary, or his or her
22 designee, shall periodically, but not less than quarterly, convene a
23 meeting of the advisory board to encourage open dialogue on matters
24 affecting the boarding home program. It is, minimally, expected that
25 the department will discuss with the advisory board the department's
26 inspection, enforcement, and quality improvement activities, in
27 addition to seeking their comments and recommendations on matters
28 described under subsection (2) of this section.

29 (2) The secretary, or his or her designee, shall seek comments and
30 recommendations from the advisory board prior to the adoption of rules
31 and standards, implementation of boarding home provider programs, or
32 development of methods and rates of payment.

33 (3) For the purpose of implementing this section, "department"
34 means either the department of health or the department of social and
35 health services, depending on which department has the licensing
36 authority under this chapter.

1 **Sec. 9.** 1998 c 272 s 24 (uncodified) is amended to read as
2 follows:

3 (1) Section(~~(s)~~) 13 (~~((through 16))~~) of this act expires July 1,
4 2000(~~(, unless reauthorized by the legislature)~~).

5 (2) Section 17 of this act expires December 12, 1999.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.20 RCW
7 to read as follows:

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

10 (a) "Caregiver" includes any person who provides residents with
11 hands-on personal care on behalf of a boarding home, except volunteers
12 who are directly supervised.

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

17 (2) Training must have the following components: Orientation,
18 basic training, specialty training as appropriate, and continuing
19 education. All boarding home employees or volunteers who routinely
20 interact with residents shall complete orientation. Boarding home
21 administrators, or their designees, and caregivers shall complete
22 orientation, basic training, specialty training as appropriate, and
23 continuing education.

24 (3) Orientation consists of introductory information on residents'
25 rights, communication skills, fire and life safety, and universal
26 precautions. Orientation must be provided at the facility by
27 appropriate boarding home staff to all boarding home employees before
28 the employees have routine interaction with residents.

29 (4) Basic training consists of modules on the core knowledge and
30 skills that caregivers need to learn and understand to effectively and
31 safely provide care to residents. Basic training must be outcome-
32 based, and the effectiveness of the basic training must be measured by
33 demonstrated competency in the core areas through the use of a
34 competency test. Basic training must be completed by caregivers within
35 one hundred twenty days of the date on which they begin to provide
36 hands-on care or within one hundred twenty days of March 1, 2002,
37 whichever is later. Until competency in the core areas has been
38 demonstrated, caregivers shall not provide hands-on personal care to

1 residents without direct supervision. Boarding home administrators, or
2 their designees, must complete basic training and demonstrate
3 competency within one hundred twenty days of employment or within one
4 hundred twenty days of March 1, 2002, whichever is later.

5 (5) For boarding homes that serve residents with special needs such
6 as dementia, developmental disabilities, or mental illness, specialty
7 training is required of administrators, or designees, and caregivers.
8 Specialty training consists of modules on the core knowledge and skills
9 that caregivers need to effectively and safely provide care to
10 residents with special needs. Specialty training should be integrated
11 into basic training wherever appropriate. Specialty training must be
12 outcome-based, and the effectiveness of the specialty training measured
13 by demonstrated competency in the core specialty areas through the use
14 of a competency test. Specialty training must be completed by
15 caregivers within one hundred twenty days of the date on which they
16 begin to provide hands-on care to a resident having special needs or
17 within one hundred twenty days of March 1, 2002, whichever is later.
18 However, if specialty training is not integrated with basic training,
19 the specialty training must be completed within ninety days of
20 completion of basic training. Until competency in the core specialty
21 areas has been demonstrated, caregivers shall not provide hands-on
22 personal care to residents with special needs without direct
23 supervision. Boarding home administrators, or their designees, must
24 complete specialty training and demonstrate competency within one
25 hundred twenty days of March 1, 2002, if the boarding home serves one
26 or more residents with special needs.

27 (6) Continuing education consists of ongoing delivery of
28 information to caregivers on various topics relevant to the care
29 setting and care needs of residents. Competency testing is not
30 required for continuing education. Continuing education is not
31 required during the first year following completion of the basic
32 training. If specialty training is completed, the specialty training
33 applies toward any continuing education requirement for up to two years
34 following the completion of the specialty training.

35 (7) Persons who successfully challenge the competency test for
36 basic training are fully exempt from the basic training requirements of
37 this section. Persons who successfully challenge the specialty
38 training competency test are fully exempt from the specialty training
39 requirements of this section.

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

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

11 (10) The community long-term care training and education steering
12 committee established under section 11 of this act shall develop
13 criteria for the approval of orientation, basic training, and specialty
14 training programs.

15 (11) Boarding homes that desire to deliver facility-based training
16 with facility designated trainers, or boarding homes that desire to
17 pool their resources to create shared training systems, must be
18 encouraged by the department in their efforts. The community long-term
19 care training and education steering committee shall develop criteria
20 for reviewing and approving trainers and training materials that are
21 substantially similar to or better than the materials developed by the
22 steering committee.

23 (12) The department shall adopt rules by March 1, 2002, for the
24 implementation of this section based on the recommendations of the
25 community long-term care training and education steering committee
26 established in section 11 of this act.

27 (13) The orientation, basic training, specialty training, and
28 continuing education requirements of this section take effect March 1,
29 2002, and shall be applied prospectively. However, nothing in this
30 section affects the current training requirements under RCW 74.39A.010.

31 NEW SECTION. **Sec. 11.** A new section is added to chapter 74.39A
32 RCW to read as follows:

33 (1) The secretary shall appoint a steering committee for community
34 long-term care training and education to advise the department on the
35 development and approval of criteria for training materials, the
36 development of competency tests, the development of criteria for
37 trainers, and the development of exemptions from training. The
38 community long-term care training and education steering committee

1 shall also review the effectiveness of the training program or
2 programs, including the qualifications and availability of the
3 trainers. The steering committee shall also review the appropriateness
4 of the adopted rules implementing this section. The steering committee
5 shall advise the department on flexible and innovative learning
6 strategies that accomplish the training goals, such as competency and
7 outcome-based models and distance learning. The steering committee
8 shall review and recommend the most appropriate length of time between
9 an employee's date of first hire and the start of the employee's basic
10 training.

11 (2) The steering committee shall, at a minimum, consist of a
12 representative from each of the following: Each of the state-wide
13 boarding home associations, two adult family home associations, each of
14 the state-wide home care associations, the long-term care ombudsman
15 program, the area agencies on aging, the department of health
16 representing the nursing care quality assurance commission, and a
17 consumer, or their nonprovider designee, from a boarding home, adult
18 family home, home care served by an agency, and home care served by an
19 individual provider. A majority of the members currently serving
20 constitute a quorum.

21 (3) Nothing in this chapter shall prevent the adult family home
22 advisory committee from enhancing training requirements for adult
23 family providers and resident managers, regulated under chapter 18.48
24 RCW, at the cost of those providers and resident managers.

25 (4) Establishment of the steering committee does not prohibit the
26 department from utilizing other advisory activities that the department
27 deems necessary for program development. However, when the department
28 obtains input from other advisory sources, the department shall present
29 the information to the steering committee for review and approval.

30 (5) Each member of the steering committee shall serve without
31 compensation. Consumer representatives may be reimbursed for travel
32 expenses as authorized in RCW 43.03.060.

33 (6) The steering committee recommendations must implement the
34 intent of RCW 74.39A.050(14) to create training that includes skills
35 and competencies that are transferable to nursing assistant training.

36 (7) The steering committee shall cease to exist on July 1, 2004.

37 NEW SECTION. **Sec. 12.** A new section is added to chapter 74.39A
38 RCW to read as follows:

1 All training curricula and material, except competency testing
2 material, developed by the department and used in part or in whole to
3 improve provider and caregiver knowledge and skill are in the public
4 domain and are subject to public disclosure under chapter 42.17 RCW.
5 Any training curricula and material developed by a private entity and
6 used under contract or by agreement with the department are also
7 considered part of the public domain and shall be shared subject to any
8 copyright restrictions. It is the department's responsibility when
9 making training materials available to the public, to identify which
10 material has copyright or other legal restrictions on its use, and
11 which does not. Any proprietary curricula and material developed by a
12 private entity for training purposes in facilities licensed under
13 chapter 18.20 or 70.128 RCW or individual providers and home care
14 agency providers under this chapter and approved for training by the
15 department are not part of the public domain.

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

18 (1) RCW 18.20.060 (Actions against license) and 1991 c 3 s 35, 1989
19 c 175 s 60, 1985 c 213 s 5, & 1957 c 253 s 6; and

20 (2) RCW 18.20.100 (Enforcement by local authorities--Authorization)
21 and 1979 c 141 s 26 & 1957 c 253 s 10.

22 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2000."

23 **ESHB 2380** - S COMM AMD

24 By Committee on Health & Long-Term Care

25 ADOPTED 3/1/00

26 On page 1, line 1 of the title, after "homes;" strike the remainder
27 of the title and insert "amending RCW 18.20.020, 18.20.040, 18.20.050,
28 18.20.110, 18.20.120, 18.20.130, and 18.20.190; amending 1998 c 272 s
29 24 (uncodified); adding new sections to chapter 18.20 RCW; adding new
30 sections to chapter 74.39A RCW; repealing RCW 18.20.060 and 18.20.100;
31 and providing an effective date."

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