

2 **2SSB 6544** - H COMM AMD **NOT ADOPTED 3-5-98**

3 By Committee on Health Care

4

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that many residents  
8 of long-term care facilities and recipients of in-home personal care  
9 services are exceptionally vulnerable and their health and well-being  
10 are heavily dependent on their caregivers. The legislature further  
11 finds that the quality of staff in long-term care facilities is often  
12 the key to good care. The need for well-trained staff and well-managed  
13 facilities is growing as the state's population ages and the acuity of  
14 the health care problems of residents increases. In order to better  
15 protect and care for residents, the legislature directs that the  
16 minimum training standards be reviewed for management and caregiving  
17 staff serving residents with special needs, such as mental illness,  
18 dementia, or a developmental disability, that management and caregiving  
19 staff receive appropriate training, and that the training delivery  
20 system be improved.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.20 RCW  
22 to read as follows:

23 (1) The department of social and health services shall review, in  
24 coordination with the department of health, the nursing care quality  
25 assurance commission, adult family home providers, boarding home  
26 providers, in-home personal care providers, and long-term care  
27 consumers and advocates, training standards for administrators and  
28 resident caregiving staff. The departments and the commission shall  
29 submit to the appropriate committees of the house of representatives  
30 and the senate by December 1, 1998, specific recommendations on  
31 training standards and the delivery system, including necessary  
32 statutory changes and funding requirements. Any proposed enhancements  
33 shall be consistent with this section, shall take into account and not  
34 duplicate other training requirements applicable to boarding homes and  
35 staff, and shall be developed with the input of boarding home and

1 resident representatives, health care professionals, and other vested  
2 interest groups. Training standards and the delivery system shall be  
3 relevant to the needs of residents served by the boarding home and  
4 recipients of long-term in-home personal care services and shall be  
5 sufficient to ensure that administrators and caregiving staff have the  
6 skills and knowledge necessary to provide high quality, appropriate  
7 care.

8 (2) The recommendations on training standards and the delivery  
9 system developed under subsection (1) of this section shall be based on  
10 a review and consideration of the following: Quality of care;  
11 availability of training; affordability, including the training costs  
12 incurred by the department of social and health services and private  
13 providers; portability of existing training requirements; competency  
14 testing; practical and clinical course work; methods of delivery of  
15 training; standards for management and caregiving staff training; and  
16 necessary enhancements for special needs populations and resident  
17 rights training. Residents with special needs include, but are not  
18 limited to, residents with a diagnosis of mental illness, dementia, or  
19 developmental disability.

20 (3) The department of social and health services shall report to  
21 the appropriate committees of the house of representatives and the  
22 senate by December 1, 1998, on the cost of implementing the proposed  
23 training standards for state-funded residents, and on the extent to  
24 which that cost is covered by existing state payment rates.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.128 RCW  
26 to read as follows:

27 (1) The department of social and health services shall review, in  
28 coordination with the department of health, the nursing care quality  
29 assurance commission, adult family home providers, boarding home  
30 providers, in-home personal care providers, and long-term care  
31 consumers and advocates, training standards for providers, resident  
32 managers, and resident caregiving staff. The departments and the  
33 commission shall submit to the appropriate committees of the house of  
34 representatives and the senate by December 1, 1998, specific  
35 recommendations on training standards and the delivery system,  
36 including necessary statutory changes and funding requirements. Any  
37 proposed enhancements shall be consistent with this section, shall take  
38 into account and not duplicate other training requirements applicable

1 to adult family homes and staff, and shall be developed with the input  
2 of adult family home and resident representatives, health care  
3 professionals, and other vested interest groups. Training standards  
4 and the delivery system shall be relevant to the needs of residents  
5 served by the adult family home and recipients of long-term in-home  
6 personal care services and shall be sufficient to ensure that  
7 providers, resident managers, and caregiving staff have the skills and  
8 knowledge necessary to provide high quality, appropriate care.

9 (2) The recommendations on training standards and the delivery  
10 system developed under subsection (1) of this section shall be based on  
11 a review and consideration of the following: Quality of care;  
12 availability of training; affordability, including the training costs  
13 incurred by the department of social and health services and private  
14 providers; portability of existing training requirements; competency  
15 testing; practical and clinical course work; methods of delivery of  
16 training; standards for management; uniform caregiving staff training;  
17 necessary enhancements for special needs populations; and resident  
18 rights training. Residents with special needs include, but are not  
19 limited to, residents with a diagnosis of mental illness, dementia, or  
20 developmental disability. Development of training recommendations for  
21 developmental disabilities services shall be coordinated with the study  
22 requirements in section 5 of this act.

23 (3) The department of social and health services shall report to  
24 the appropriate committees of the house of representatives and the  
25 senate by December 1, 1998, on the cost of implementing the proposed  
26 training standards for state-funded residents, and on the extent to  
27 which that cost is covered by existing state payment rates.

28 **Sec. 4.** RCW 70.129.030 and 1997 c 386 s 31 are each amended to  
29 read as follows:

30 (1) The facility must inform the resident both orally and in  
31 writing in a language that the resident understands of his or her  
32 rights and all rules and regulations governing resident conduct and  
33 responsibilities during the stay in the facility. The notification  
34 must be made prior to or upon admission. Receipt of the information  
35 must be acknowledged in writing.

36 (2) The resident or his or her legal representative has the right:

1 (a) Upon an oral or written request, to access all records  
2 pertaining to himself or herself including clinical records within  
3 twenty-four hours; and

4 (b) After receipt of his or her records for inspection, to purchase  
5 at a cost not to exceed the community standard photocopies of the  
6 records or portions of them upon request and two working days' advance  
7 notice to the facility.

8 (3) The facility shall only admit or retain individuals whose needs  
9 it can safely and appropriately serve in the facility with appropriate  
10 available staff and through the provision of reasonable accommodations  
11 required by state or federal law. Except in cases of genuine  
12 emergency, the facility shall not admit an individual before obtaining  
13 a thorough assessment of the resident's needs and preferences. The  
14 assessment shall contain, unless unavailable despite the best efforts  
15 of the facility, the resident applicant, and other interested parties,  
16 the following minimum information: Recent medical history; necessary  
17 and contraindicated medications; a licensed medical or other health  
18 professional's diagnosis, unless the individual objects for religious  
19 reasons; significant known behaviors or symptoms that may cause concern  
20 or require special care; mental illness, except where protected by  
21 confidentiality laws; level of personal care needs; activities and  
22 service preferences; and preferences regarding other issues important  
23 to the resident applicant, such as food and daily routine.

24 (4) The facility must inform each resident in writing in a language  
25 the resident or his or her representative understands before(~~(, or at~~  
26 the time of)) admission, and at least once every twenty-four months  
27 thereafter of: (a) Services, items, and activities customarily  
28 available in the facility or arranged for by the facility as permitted  
29 by the facility's license; (b) charges for those services, items, and  
30 activities including charges for services, items, and activities not  
31 covered by the facility's per diem rate or applicable public benefit  
32 programs; and (c) the rules of facility operations required under RCW  
33 70.129.140(2). Each resident and his or her representative must be  
34 informed in writing in advance of changes in the availability or the  
35 charges for services, items, or activities, or of changes in the  
36 facility's rules. Except in emergencies, thirty days' advance notice  
37 must be given prior to the change. However, for facilities licensed  
38 for six or fewer residents, if there has been a substantial and  
39 continuing change in the resident's condition necessitating

1 substantially greater or lesser services, items, or activities, then  
2 the charges for those services, items, or activities may be changed  
3 upon fourteen days' advance written notice.

4 ~~((4))~~ (5) The facility must furnish a written description of  
5 residents rights that includes:

6 (a) A description of the manner of protecting personal funds, under  
7 RCW 70.129.040;

8 (b) A posting of names, addresses, and telephone numbers of the  
9 state survey and certification agency, the state licensure office, the  
10 state ombudsmen program, and the protection and advocacy systems; and

11 (c) A statement that the resident may file a complaint with the  
12 appropriate state licensing agency concerning alleged resident abuse,  
13 neglect, and misappropriation of resident property in the facility.

14 ~~((5))~~ (6) Notification of changes.

15 (a) A facility must immediately consult with the resident's  
16 physician, and if known, make reasonable efforts to notify the  
17 resident's legal representative or an interested family member when  
18 there is:

19 (i) An accident involving the resident which requires or has the  
20 potential for requiring physician intervention;

21 (ii) A significant change in the resident's physical, mental, or  
22 psychosocial status (i.e., a deterioration in health, mental, or  
23 psychosocial status in either life-threatening conditions or clinical  
24 complications).

25 (b) The facility must promptly notify the resident or the  
26 resident's representative shall make reasonable efforts to notify an  
27 interested family member, if known, when there is:

28 (i) A change in room or roommate assignment; or

29 (ii) A decision to transfer or discharge the resident from the  
30 facility.

31 (c) The facility must record and update the address and phone  
32 number of the resident's representative or interested family member,  
33 upon receipt of notice from them.

34 NEW SECTION. **Sec. 5.** The division of developmental disabilities  
35 in the department of social and health services, in coordination with  
36 advocacy, self-advocacy, and provider organizations, shall review  
37 administrator and resident caregiver staff training standards for  
38 agency contracted supported living services, including intensive tenant

1 support, tenant support, supportive living, and in-home personal care  
2 services for children. The division and the advocates shall coordinate  
3 specialty training recommendations with the larger study group  
4 referenced in sections 2(1) and 3(1) of this act and submit specific  
5 recommendations on training standards, including necessary statutory  
6 changes and funding requirements to the appropriate committees of the  
7 house of representatives and the senate by December 1, 1998.

8 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect July 1,  
9 1998."

10 Correct the title.

--- END ---