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HOUSE BILL 2788

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State of Washington                      55th Legislature                      1998 Regular Session

By Representatives Backlund, Cody, Dyer and Kenney

Read first time 01/20/98. Referred to Committee on Health Care.

1            AN ACT Relating to nursing assistant training; and amending RCW  
2 74.39A.050.

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

4            **Sec. 1.** RCW 74.39A.050 and 1997 c 392 s 209 are each amended to  
5 read as follows:

6            The department's system of quality improvement for long-term care  
7 services shall use the following principles, consistent with applicable  
8 federal laws and regulations:

9            (1) The system shall be client-centered and promote privacy,  
10 independence, dignity, choice, and a home or home-like environment for  
11 consumers consistent with chapter 392, Laws of 1997.

12            (2) The goal of the system is continuous quality improvement with  
13 the focus on consumer satisfaction and outcomes for consumers. This  
14 includes that when conducting licensing inspections, the department  
15 shall interview an appropriate percentage of residents, family members,  
16 resident managers, and advocates in addition to interviewing providers  
17 and staff.

1 (3) Providers should be supported in their efforts to improve  
2 quality and address identified problems initially through training,  
3 consultation, technical assistance, and case management.

4 (4) The emphasis should be on problem prevention both in monitoring  
5 and in screening potential providers of service.

6 (5) Monitoring should be outcome based and responsive to consumer  
7 complaints and a clear set of health, quality of care, and safety  
8 standards that are easily understandable and have been made available  
9 to providers.

10 (6) Prompt and specific enforcement remedies shall also be  
11 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,  
12 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have  
13 delivered care or failed to deliver care resulting in problems that are  
14 serious, recurring, or uncorrected, or that create a hazard that is  
15 causing or likely to cause death or serious harm to one or more  
16 residents. These enforcement remedies may also include, when  
17 appropriate, reasonable conditions on a contract or license. In the  
18 selection of remedies, the safety, health, and well-being of residents  
19 shall be of paramount importance.

20 (7) To the extent funding is available, all long-term care staff  
21 directly responsible for the care, supervision, or treatment of  
22 vulnerable persons should be screened through background checks in a  
23 uniform and timely manner to ensure that they do not have a criminal  
24 history that would disqualify them from working with vulnerable  
25 persons. Whenever a state conviction record check is required by state  
26 law, persons may be employed or engaged as volunteers or independent  
27 contractors on a conditional basis according to law and rules adopted  
28 by the department.

29 (8) No provider or staff, or prospective provider or staff, with a  
30 stipulated finding of fact, conclusion of law, an agreed order, or  
31 finding of fact, conclusion of law, or final order issued by a  
32 disciplining authority, a court of law, or entered into a state  
33 registry finding him or her guilty of abuse, neglect, exploitation, or  
34 abandonment of a minor or a vulnerable adult as defined in chapter  
35 74.34 RCW shall be employed in the care of and have unsupervised access  
36 to vulnerable adults.

37 (9) Under existing funds the department shall establish internally  
38 a quality improvement standards committee to monitor the development of  
39 standards and to suggest modifications.

1 (10) Within existing funds, the department shall design, develop,  
2 and implement a long-term care training program that is flexible,  
3 relevant, and qualifies towards the requirements for a nursing  
4 assistant certificate as established under chapter 18.88A RCW. This  
5 subsection does not require completion of the nursing assistant  
6 certificate training program by providers or their staff. The long-  
7 term care teaching curriculum must consist of a fundamental module, or  
8 modules, and a range of other available relevant training modules that  
9 provide the caregiver with appropriate options that assist in meeting  
10 the resident's care needs. Some of the training modules may include,  
11 but are not limited to, specific training on the special care needs of  
12 persons with developmental disabilities, dementia, mental illness, and  
13 the care needs of the elderly. No less than one training module must  
14 be dedicated to workplace violence prevention. The nursing care  
15 quality assurance commission shall work together with the department to  
16 develop the curriculum modules (~~and~~). The nursing care quality  
17 assurance commission shall direct the nursing assistant training  
18 programs to accept some or all of the skills and competencies from the  
19 curriculum modules (~~hour for hour~~) towards meeting the requirements  
20 for a nursing assistant certificate as defined in chapter 18.88A RCW.  
21 A process may be developed to test persons completing modules from a  
22 caregiver's class to verify that they have the transferable skills and  
23 competencies for entry into a nursing assistant training program. The  
24 department may review whether facilities can develop their own related  
25 long-term care training programs. The department may develop a review  
26 process for determining what previous experience and training may be  
27 used to waive some or all of the mandatory training. The department of  
28 social and health services and the nursing care quality assurance  
29 commission shall work together to develop an implementation plan by  
30 December 12, 1998.

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