

ANALYSIS OF HOUSE BILL 2636

Changing provisions on long-term care training.

SPONSORS: Representatives Schual-Berke and Conway.

BACKGROUND: In recent years the number of elderly and disabled people living in adult family homes and boarding homes has grown significantly. There are 10,000 residents living in 2,100 adult family homes, 23,600 people living in 493 boarding homes, and 20,700 clients served by state funded in-home care services.

It is generally recognized that as a result of moving some nursing home eligible residents into adult family homes, boarding homes, and other community based settings early patient discharge from hospitals, reduction in medicare funding for home health programs, and the general aging of the population, residents in adult family homes and in-home care settings may be more acutely ill and may have more serious health care needs than in the past. Further, people with dementia and other medical problems are living in community residential facilities instead of going as often to nursing homes.

Current law does not mandate that care givers in boarding homes have any training beyond basic first aid, CPR, and HIV infection control, unless the facility is a contracted provider with the Department of Social and Health Services. Caregivers in contracted boarding home settings and adult family homes must have the 22 hour Fundamentals-of-Care training course completed within 120 days of their employment. Caregivers in the in-home setting who are compensated with public funds must receive the DSHS Fundamentals-of Care-Training.

The final report of the Joint Executive and Legislative Long-Term Care Task Force addressed many important issues that affect the long term care system, including caregiver education and training. An advisory committee (Issue D team) to the task force comprised of representatives from across the long-term care spectrum analyzed the training issues and produced a report with specific recommendation for improving the caregiver education and training process. This group used the recommendations made by the nursing commission and agencies' report required by the Legislature in 1998 (SSB 6544) as a template for the Task Force issue team D to begin its deliberations.

SUMMARY: The requirement for caregiver basic training is expanded to include administrators and staff in all boarding homes, which includes licenced only boarding homes not just those who contract with the state. All care giving staff and administrators of adult family homes, and boarding homes, are required to complete an orientation before beginning employment.

A steering committee is created to develop criteria relating to training, curricula, qualifications of trainers, competency testing, and to provide necessary oversight of the training curriculum and materials until July 1, 2004.

The department must develop rules for a basic training curriculum for adult family homes, boarding homes, and in-home services based on recommendations of the steering committee. Based on the recommendations of the steering committee, the department must also develop specialty training modules for all administrators and staff who provide care to people with dementia, mental illness, and developmental disabilities and create an approval system for those entities that will conduct department approved training. Clarifies that the individual provider and home care agency providers must complete department approved orientation, basic training and continuing training as defined by rule. It establishes that the rules implementing the training program be completed by March 1, 2002.

Summary and Analysis of Striking Amendment to HB 2636

HB 2636, requested by the Department of Social and Health Services, authorizes the development of an enhanced training system. The department's bill outlines the basic concepts found in the Issue D team report in skeletal form, but leaves the bulk of the work to the rule making process. The striking amendment more thoroughly incorporates the key recommendations of the Issue D report.

The striking amendment is discussed in detail below. There are five major changes to current law with respect to education and training:

1. Required training should be done in all settings regardless of payor. This means that all licensed boarding homes will have the required training. Facility based training is encouraged, following approval of curricula and trainers;
 2. An upfront orientation component is added, providing caregivers with information on resident rights, fire and life safety issues, communication skills and universal precautions before caregivers begin providing hands on care.
 3. Training will be outcome based, and caregivers will not provide unsupervised care until they have demonstrated competency in the core topic areas identified by the steering committee.
 4. Specialty training, where appropriate, will be required if possible, and delivered in an integrated manner with core training topics.
- . A steering committee is established to provide recommendations to the department regarding training content testing and trainee qualifications. The steering committee will also provide training program evaluation and recommendations to the department. The steering committee will sunset on July 1, 2004.

The enhanced training system contemplated by HB 2636 and the striking amendment would require training in three phases: orientation, basics training, and continuing education. In addition, and where appropriate, specialty training for those that care for residents with special needs should be integrated into the basic training. The orientation must be completed by all employees having significant interaction with residents before working with residents.

Basic training and specialty training must be completed by administrators, or their designees, and hands on caregivers within 120 days of employment or the commencement of providing hands on care after rules implementing this bill have been adopted whichever comes later. If required specialty training is not integrated into the basic training, then required specialty training must be completed within 90 days of completion of basic training. The training will be measured by a competency test in the core topic areas and caregivers will not work unsupervised until competency has been demonstrated.

Continuing education is an ongoing process of providing caregivers with information on topics relevant to

care settings and care needs of residents.

Certain licensed persons who perform their licensed functions will be fully or partially exempt from training requirements. In addition, those who successfully challenge the competency test are also exempt from the training requirements.

The use of innovative learning mediums such as the internet, video, and satellite technology are encouraged. Facility based training with facility based trainers is encouraged to facilitate access and reduce costs.

Finally, the training requirements shall apply prospectively and the department is to adopt rules consistent with this act by March 1, 2002.