
HOUSE BILL 1426

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By Representatives Edmonds, Skinner, Cody, Pflug, Dunn, Schual-Berke, Boldt, Kagi, Kenney, Campbell, Conway and Marine

Read first time 01/25/2001. Referred to Committee on Health Care.

1 AN ACT Relating to the establishment of a quality improvement
2 program for boarding homes; amending RCW 18.20.115, 18.20.120, and
3 74.39A.050; and declaring an emergency.

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

5 **Sec. 1.** RCW 18.20.115 and 1997 c 392 s 213 are each amended to
6 read as follows:

7 The (~~department's system of quality improvement for long-term care~~
8 ~~services shall use~~) department shall develop and, upon request, make
9 available to boarding homes a quality improvement consultation program
10 using the following principles(~~(, consistent with applicable federal~~
11 ~~laws and regulations))):~~

12 (1) The system shall be resident-centered and promote privacy,
13 independence, dignity, choice, and a home or home-like environment for
14 residents consistent with chapter 70.129 RCW.

15 (2) The goal of the system is continuous quality improvement with
16 the focus on resident satisfaction and outcomes for residents, as
17 identified by the licensee. The quality improvement consultation
18 program shall be made available to boarding homes on a voluntary basis
19 and to the extent that funding is appropriated by the legislature.

1 Based on requests for the services of the quality improvement
2 consultation program, the department may establish a process for
3 prioritizing service availability. ((This includes that when
4 conducting licensing inspections, the department shall interview an
5 appropriate percentage of residents, family members, and advocates in
6 addition to interviewing appropriate staff.))

7 (3) ((Facilities)) Boarding homes should be supported in their
8 efforts to improve quality and address ((identified)) problems
9 identified by the licensee initially through training, consultation,
10 and technical assistance. At a minimum, the department shall, at the
11 request of the boarding home, conduct on-site visits, telephone
12 consultations, boarding home compliance self-study guides, and regional
13 trainings for boarding home staff.

14 (4) To facilitate collaboration and trust between the boarding
15 homes and the department's quality improvement consultation program
16 staff, the consultation program staff shall not also serve as
17 department licensors and are, therefore, prohibited from conducting
18 inspections, complaint or licensing, or participating in any
19 enforcement related activities. Any records or information gained as
20 a result of their work under the quality improvement consultation
21 program shall not be disclosed to or shared with department licensing
22 or complaint investigation staff. ((+4)) The emphasis should be on
23 problem prevention ((both in monitoring and in screening potential
24 providers of service)).

25 (5) ((Monitoring should be outcome based and responsive to resident
26 complaints and a clear set of health, quality of care, and safety
27 standards that are easily understandable and have been made available
28 to facilities.

29 (6) ~~Prompt and specific enforcement remedies shall also be~~
30 ~~implemented without delay, consistent with RCW 18.20.190, for~~
31 ~~facilities found to have delivered care or failed to deliver care~~
32 ~~resulting in problems that are serious, recurring, or uncorrected, or~~
33 ~~that create a hazard that is causing or likely to cause death or~~
34 ~~serious harm to one or more residents. These enforcement remedies may~~
35 ~~also include, when appropriate, reasonable conditions on a license. In~~
36 ~~the selection of remedies, the safety, health, and well being of~~
37 ~~residents shall be of paramount importance.~~

38 (7) ~~To the extent funding is available, the licensee,~~
39 ~~administrator, and their staff should be screened through background~~

1 checks in a uniform and timely manner to ensure that they do not have
2 a criminal history that would disqualify them from working with
3 vulnerable adults. Employees may be provisionally hired pending the
4 results of the background check if they have been given three positive
5 references.

6 (8)) The department shall promote the development of a training
7 system that is practical and relevant to the needs of residents and
8 staff. To improve access to training, especially for rural
9 communities, the training system may include, but is not limited to,
10 the use of satellite technology distance learning that is coordinated
11 through community colleges or other appropriate organizations.

12 ((9) No licensee, administrator, or staff, or prospective
13 licensee, administrator, or staff, with a stipulated finding of fact,
14 conclusion of law, and agreed order, or finding of fact, conclusion of
15 law, or final order issued by a disciplining authority, a court of law,
16 or entered into the state registry finding him or her guilty of abuse,
17 neglect, exploitation, or abandonment of a minor or a vulnerable adult
18 as defined in chapter 74.34 RCW shall be employed in the care of and
19 have unsupervised access to vulnerable adults.))

20 **Sec. 2.** RCW 18.20.120 and 2000 c 47 s 5 are each amended to read
21 as follows:

22 All information received by the department through filed reports,
23 inspections, or as otherwise authorized under this chapter shall not be
24 disclosed publicly in any manner as to identify individuals or boarding
25 homes, except at the specific request of a member of the public and
26 disclosure is consistent with RCW 42.17.260(1); except that, any
27 information held by the department that was obtained as a direct result
28 of its quality improvement consultation program, under RCW 18.20.115,
29 shall not be disclosed under RCW 42.17.260.

30 **Sec. 3.** RCW 74.39A.050 and 2000 c 121 s 10 are each amended to
31 read as follows:

32 (1) The department's system of quality improvement for long-term
33 care services, excluding boarding homes licensed under chapter 18.20
34 RCW, shall use the following principles, consistent with applicable
35 federal laws and regulations:

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

4 (~~(2)~~) (b) The goal of the system is continuous quality
5 improvement with the focus on consumer satisfaction and outcomes for
6 consumers. This includes that when conducting licensing inspections,
7 the department shall interview an appropriate percentage of residents,
8 family members, resident managers, and advocates in addition to
9 interviewing providers and staff.

10 (~~(3)~~) (c) Providers should be supported in their efforts to
11 improve quality and address identified problems initially through
12 training, consultation, technical assistance, and case management.

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

15 (~~(5)~~) (e) Monitoring should be outcome based and responsive to
16 consumer complaints and a clear set of health, quality of care, and
17 safety standards that are easily understandable and have been made
18 available to providers.

19 (~~(6)~~) (f) Prompt and specific enforcement remedies shall also be
20 implemented without delay, pursuant to (~~RCW 74.39A.080,~~) RCW
21 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers
22 found to have delivered care or failed to deliver care resulting in
23 problems that are serious, recurring, or uncorrected, or that create a
24 hazard that is causing or likely to cause death or serious harm to one
25 or more residents. These enforcement remedies may also include, when
26 appropriate, reasonable conditions on a contract or license. In the
27 selection of remedies, the safety, health, and well-being of residents
28 shall be of paramount importance.

29 (~~(7)~~) (g) To the extent funding is available, all long-term care
30 staff directly responsible for the care, supervision, or treatment of
31 vulnerable persons should be screened through background checks in a
32 uniform and timely manner to ensure that they do not have a criminal
33 history that would disqualify them from working with vulnerable
34 persons. Whenever a state conviction record check is required by state
35 law, persons may be employed or engaged as volunteers or independent
36 contractors on a conditional basis according to law and rules adopted
37 by the department.

38 (~~(8)~~) (h) No provider or staff, or prospective provider or staff,
39 with a stipulated finding of fact, conclusion of law, an agreed order,

1 or finding of fact, conclusion of law, or final order issued by a
2 disciplining authority, a court of law, or entered into a state
3 registry finding him or her guilty of abuse, neglect, exploitation, or
4 abandonment of a minor or a vulnerable adult as defined in chapter
5 74.34 RCW shall be employed in the care of and have unsupervised access
6 to vulnerable adults.

7 ~~((9))~~ (2) The department shall establish, by rule, a state
8 registry which contains identifying information about personal care
9 aides identified under this chapter who have substantiated findings of
10 abuse, neglect, financial exploitation, or abandonment of a vulnerable
11 adult as defined in RCW 74.34.020. The rule must include disclosure,
12 disposition of findings, notification, findings of fact, appeal rights,
13 and fair hearing requirements. The department shall disclose, upon
14 request, substantiated findings of abuse, neglect, financial
15 exploitation, or abandonment to any person so requesting this
16 information.

17 ~~((10))~~ (3) The department shall by rule develop training
18 requirements for individual providers and home care agency providers.
19 Effective March 1, 2002, individual providers and home care agency
20 providers must satisfactorily complete department-approved orientation,
21 basic training, and continuing education within the time period
22 specified by the department in rule. The department shall adopt rules
23 by March 1, 2002, for the implementation of this section based on the
24 recommendations of the community long-term care training and education
25 steering committee established in RCW 74.39A.190. The department shall
26 deny payment to an individual provider or a home care provider who does
27 not complete the training requirements within the time limit specified
28 by the department by rule.

29 ~~((11))~~ (4) In an effort to improve access to training and
30 education and reduce costs, especially for rural communities, the
31 coordinated system of long-term care training and education must
32 include the use of innovative types of learning strategies such as
33 internet resources, videotapes, and distance learning using satellite
34 technology coordinated through community colleges or other entities, as
35 defined by the department.

36 ~~((12))~~ (5) The department shall create an approval system by
37 March 1, 2002, for those seeking to conduct department-approved
38 training. In the rule-making process, the department shall adopt rules

1 based on the recommendations of the community long-term care training
2 and education steering committee established in RCW 74.39A.190.

3 ~~((13))~~ (6) The department shall establish, by rule, training,
4 background checks, and other quality assurance requirements for
5 personal aides who provide in-home services funded by medicaid personal
6 care as described in RCW 74.09.520, community options program entry
7 system waiver services as described in RCW 74.39A.030, or chore
8 services as described in RCW 74.39A.110 that are equivalent to
9 requirements for individual providers.

10 ~~((14))~~ (7) Under existing funds the department shall establish
11 internally a quality improvement standards committee to monitor the
12 development of standards and to suggest modifications.

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

1 health services and the nursing care quality assurance commission shall
2 work together to develop an implementation plan by December 12, 1998.

3 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

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