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**SUBSTITUTE HOUSE BILL 2707**

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**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Health Care (originally sponsored by Representatives Edwards, Skinner, Cody and Schual-Berke)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to long-term caregiver training; amending RCW  
2 18.20.270 and 70.128.230; adding a new section to chapter 43.20A RCW;  
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 18.20.270 and 2000 c 121 s 2 are each amended to read  
6 as follows:

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

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

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

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

1 administrators, or their designees, and caregivers shall complete  
2 orientation, basic training, specialty training as appropriate, and  
3 continuing education.

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

9 (4) Basic training consists of modules on the core knowledge and  
10 skills that caregivers need to learn and understand to effectively and  
11 safely provide care to residents. Basic training must be outcome-  
12 based, and the effectiveness of the basic training must be measured by  
13 demonstrated competency in the core areas through the use of a  
14 competency test. Basic training must be completed by caregivers within  
15 one hundred twenty days of the date on which they begin to provide  
16 hands-on care or within one hundred twenty days of ~~((March))~~ September  
17 1, 2002, whichever is later. Until competency in the core areas has  
18 been demonstrated, caregivers shall not provide hands-on personal care  
19 to residents without direct supervision. Boarding home administrators,  
20 or their designees, must complete basic training and demonstrate  
21 competency within one hundred twenty days of employment or within one  
22 hundred twenty days of ~~((March))~~ September 1, 2002, whichever is later.

23 (5) For boarding homes that serve residents with special needs such  
24 as dementia, developmental disabilities, or mental illness, specialty  
25 training is required of administrators~~((7))~~ or designees~~((7—and~~  
26 ~~earegivers))~~. Specialty training for administrators or designees  
27 consists of modules on the core knowledge and skills that caregivers  
28 need to effectively and safely provide care to residents with special  
29 needs. ~~((Specialty training should be integrated into basic training~~  
30 ~~wherever appropriate.))~~ Specialty training for administrators or  
31 designees must be outcome-based, and the effectiveness of the specialty  
32 training measured by demonstrated competency in the core specialty  
33 areas through the use of a competency test. Boarding home  
34 administrators or their designees must complete specialty training and  
35 demonstrate competency within one hundred twenty days of September 1,  
36 2002, or one hundred twenty days from the date on which the  
37 administrator or their designee is hired, whichever is later, if the  
38 boarding home serves one or more residents with special needs.

1        (6) The boarding home administrator, or designee, who has  
2 demonstrated competency in specialty training must ensure specialty  
3 training of caregivers. Specialty training should be integrated into  
4 basic training wherever appropriate. Specialty training must be  
5 completed by caregivers within one hundred twenty days of the date on  
6 which they begin to provide hands-on care to a resident having special  
7 needs or within one hundred twenty days of ~~((March))~~ September 1, 2002,  
8 whichever is later. However, if specialty training is not integrated  
9 with basic training, the specialty training must be completed within  
10 ninety days of completion of basic training. Until ~~((competency in the~~  
11 ~~core))~~ specialty ~~((areas))~~ training has been ~~((demonstrated))~~  
12 completed, caregivers shall not provide hands-on personal care to  
13 residents with special needs without direct supervision. ~~((Boarding~~  
14 ~~home administrators, or their designees, must complete specialty~~  
15 ~~training and demonstrate competency within one hundred twenty days of~~  
16 ~~March 1, 2002, if the boarding home serves one or more residents with~~  
17 ~~special needs.~~

18        ~~((6))~~ (7) Continuing education consists of ongoing delivery of  
19 information to caregivers on various topics relevant to the care  
20 setting and care needs of residents. Competency testing is not  
21 required for continuing education. Continuing education is not  
22 required during the first year following completion of the basic  
23 training. If specialty training is completed, the specialty training  
24 applies toward any continuing education requirement for up to two years  
25 following the completion of the specialty training.

26        ~~((7))~~ (8) Persons who successfully challenge the competency test  
27 for basic training are fully exempt from the basic training  
28 requirements of this section. Persons who successfully challenge the  
29 specialty training competency test are fully exempt from the specialty  
30 training requirements of this section.

31        ~~((8))~~ (9) Licensed persons who perform the tasks for which they  
32 are licensed are fully or partially exempt from the training  
33 requirements of this section, as specified by the department in rule.

34        ~~((9))~~ (10) In an effort to improve access to training and  
35 education and reduce costs, especially for rural communities, the  
36 coordinated system of long-term care training and education must  
37 include the use of innovative types of learning strategies such as  
38 internet resources, videotapes, and distance learning using satellite

1 technology coordinated through community colleges or other entities, as  
2 defined by the department.

3 ~~((10))~~ (11) The community long-term care training and education  
4 steering committee established under RCW 74.39A.190 shall develop  
5 criteria for the approval of orientation, basic training, and specialty  
6 training programs.

7 ~~((11))~~ (12) Boarding homes that desire to deliver facility-based  
8 training with facility designated trainers, or boarding homes that  
9 desire to pool their resources to create shared training systems, must  
10 be encouraged by the department in their efforts. The community long-  
11 term care training and education steering committee shall develop  
12 criteria for reviewing and approving trainers and training materials  
13 that are substantially similar to or better than the materials  
14 developed by the steering committee. The department may approve a  
15 curriculum based upon attestation by a boarding home administrator that  
16 the boarding home's training curriculum addresses basic and specialty  
17 training competencies identified by the department, and shall review a  
18 curriculum to verify that it meets these requirements. The department  
19 may conduct the review as part of the regularly scheduled yearly  
20 inspection and investigation required under RCW 18.20.110. The  
21 department may rescind approval of any curriculum if it determines that  
22 the curriculum does not meet these requirements.

23 ~~((12))~~ (13) The department shall adopt rules by ~~((March))~~  
24 September 1, 2002, for the implementation of this section based on the  
25 recommendations of the community long-term care training and education  
26 steering committee established in RCW 74.39A.190.

27 ~~((13))~~ (14) The orientation, basic training, specialty training,  
28 and continuing education requirements of this section ~~((take effect~~  
29 ~~March))~~ commence September 1, 2002, or six months from the date on  
30 which the department publishes its final basic and specialty training  
31 materials, whichever is later, and shall be applied ((prospectively))  
32 to (a) employees hired subsequent to September 1, 2002; and (b)  
33 existing employees that on September 1, 2002, have not successfully  
34 completed the training requirements under RCW 74.39A.010, and this  
35 section. Existing employees who have not successfully completed the  
36 training requirements under RCW 74.39A.010, 74.39A.020, and this  
37 section shall be subject to all applicable requirements of this  
38 section. However, nothing in this section affects the current training  
39 requirements under RCW 74.39A.010.

1        NEW SECTION.    **Sec. 2.** A new section is added to chapter 43.20A RCW  
2 to read as follows:

3        The department shall publish its final basic and specialty training  
4 competencies and learning outcomes as required by chapter 121, Laws of  
5 2000 no later than June 1, 2002.

6        **Sec. 3.** RCW 70.128.230 and 2000 c 121 s 3 are each amended to read  
7 as follows:

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

10        (a) "Caregiver" includes all adult family home resident managers  
11 and any person who provides residents with hands-on personal care on  
12 behalf of an adult family home, except volunteers who are directly  
13 supervised.

14        (b) "Indirect supervision" means oversight by a person who has  
15 demonstrated competency in the core areas or has been fully exempted  
16 from the training requirements pursuant to this section and is quickly  
17 and easily available to the caregiver, but not necessarily on-site.

18        (2) Training must have three components: Orientation, basic  
19 training, and continuing education. All adult family home providers,  
20 resident managers, and employees, or volunteers who routinely interact  
21 with residents shall complete orientation. Caregivers shall complete  
22 orientation, basic training, and continuing education.

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

28        (4) Basic training consists of modules on the core knowledge and  
29 skills that caregivers need to learn and understand to effectively and  
30 safely provide care to residents. Basic training must be outcome-  
31 based, and the effectiveness of the basic training must be measured by  
32 demonstrated competency in the core areas through the use of a  
33 competency test. Basic training must be completed by caregivers within  
34 one hundred twenty days of the date on which they begin to provide  
35 hands-on care or within one hundred twenty days of (~~March~~) September  
36 1, 2002, whichever is later. Until competency in the core areas has  
37 been demonstrated, caregivers shall not provide hands-on personal care  
38 to residents without indirect supervision.

1 (5) For adult family homes that serve residents with special needs  
2 such as dementia, developmental disabilities, or mental illness,  
3 specialty training is required of providers and resident managers.  
4 Specialty training consists of modules on the core knowledge and skills  
5 that providers and resident managers need to effectively and safely  
6 provide care to residents with special needs. Specialty training  
7 should be integrated into basic training wherever appropriate.  
8 Specialty training must be outcome-based, and the effectiveness of the  
9 specialty training measured by demonstrated competency in the core  
10 specialty areas through the use of a competency test. Specialty  
11 training must be completed by providers and resident managers before  
12 admitting and serving residents who have been determined to have  
13 special needs related to mental illness, dementia, or a developmental  
14 disability. Should a resident develop special needs while living in a  
15 home without specialty designation, the provider and resident manager  
16 have one hundred twenty days to complete specialty training.

17 (6) Continuing education consists of ongoing delivery of  
18 information to caregivers on various topics relevant to the care  
19 setting and care needs of residents. Competency testing is not  
20 required for continuing education. Continuing education is not  
21 required during the first year following completion of the basic  
22 training. If specialty training is completed, the specialty training  
23 applies toward any continuing education requirement for up to two years  
24 following the completion of the specialty training.

25 (7) Persons who successfully challenge the competency test for  
26 basic training are fully exempt from the basic training requirements of  
27 this section. Persons who successfully challenge the specialty  
28 training competency test are fully exempt from the specialty training  
29 requirements of this section.

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

33 (9) In an effort to improve access to training and education and  
34 reduce costs, especially for rural communities, the coordinated system  
35 of long-term care training and education must include the use of  
36 innovative types of learning strategies such as internet resources,  
37 videotapes, and distance learning using satellite technology  
38 coordinated through community colleges, private associations, or other  
39 entities, as defined by the department.

1 (10) Adult family homes that desire to deliver facility-based  
2 training with facility designated trainers, or adult family homes that  
3 desire to pool their resources to create shared training systems, must  
4 be encouraged by the department in their efforts. The community long-  
5 term care training and education steering committee shall develop  
6 criteria for reviewing and approving trainers and training materials.  
7 The department may approve a curriculum based upon attestation by an  
8 adult family home administrator that the adult family home's training  
9 curriculum addresses basic and specialty training competencies  
10 identified by the department, and shall review a curriculum to verify  
11 that it meets these requirements. The department may conduct the  
12 review as part of the inspection authorized under RCW 70.128.070. The  
13 department may rescind approval of any curriculum if it determines that  
14 the curriculum does not meet these requirements.

15 (11) The department shall adopt rules by (~~March~~) September 1,  
16 2002, for the implementation of this section based on the  
17 recommendations of the community long-term care training and education  
18 steering committee established in RCW 74.39A.190.

19 (12) The orientation, basic training, specialty training, and  
20 continuing education requirements of this section (~~take effect March~~)  
21 commence September 1, 2002, and shall be applied (~~prospectively~~) to  
22 (a) employees hired subsequent to September 1, 2002; or (b) existing  
23 employees that on September 1, 2002, have not successfully completed  
24 the training requirements under RCW 70.128.120, 70.128.130, and this  
25 section. Existing employees who have not successfully completed the  
26 training requirements under RCW 70.128.120 and this section shall be  
27 subject to all applicable requirements of this section. However,  
28 nothing in this section affects the current training requirements under  
29 RCW 70.128.120 and 70.128.130.

30 NEW SECTION. Sec. 4. This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately.

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