

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE HOUSE BILL 2707

57th Legislature  
2002 Regular Session

Passed by the House March 12, 2002  
Yeas 97 Nays 0

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 7, 2002  
Yeas 41 Nays 0

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2707** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2707

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AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

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, 70.128.230, and 74.39A.190; adding a new section to chapter  
3 43.20A RCW; 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, or designees, and caregivers.  
26 Specialty training consists of modules on the core knowledge and skills  
27 that caregivers need to effectively and safely provide care to  
28 residents with special needs. Specialty training should be integrated  
29 into basic training wherever appropriate. Specialty training must be  
30 outcome-based, and the effectiveness of the specialty training measured  
31 by demonstrated competency in the core specialty areas through the use  
32 of a competency test. Specialty training must be completed by  
33 caregivers within one hundred twenty days of the date on which they  
34 begin to provide hands-on care to a resident having special needs or  
35 within one hundred twenty days of ((~~March~~)) September 1, 2002,  
36 whichever is later. However, if specialty training is not integrated  
37 with basic training, the specialty training must be completed within  
38 ninety days of completion of basic training. Until competency in the  
39 core specialty areas has been demonstrated, caregivers shall not

1 provide hands-on personal care to residents with special needs without  
2 direct supervision. Boarding home administrators, or their designees,  
3 must complete specialty training and demonstrate competency within one  
4 hundred twenty days of ~~((March))~~ September 1, 2002, or one hundred  
5 twenty days from the date on which the administrator or his or her  
6 designee is hired, whichever is later, if the boarding home serves one  
7 or more residents with special needs.

8 (6) Continuing education consists of ongoing delivery of  
9 information to caregivers on various topics relevant to the care  
10 setting and care needs of residents. Competency testing is not  
11 required for continuing education. Continuing education is not  
12 required ~~((during the first))~~ in the same calendar year ~~((following~~  
13 ~~completion of the))~~ in which basic ~~((training))~~ or modified basic  
14 training is successfully completed. Continuing education is required  
15 in each calendar year thereafter. If specialty training is completed,  
16 the specialty training applies toward any continuing education  
17 requirement for up to two years following the completion of the  
18 specialty training.

19 (7) Persons who successfully challenge the competency test for  
20 basic training are fully exempt from the basic training requirements of  
21 this section. Persons who successfully challenge the specialty  
22 training competency test are fully exempt from the specialty training  
23 requirements of this section.

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

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

34 (10) The ~~((community long term care training and education steering~~  
35 ~~committee established under RCW 74.39A.190))~~ department shall develop  
36 criteria for the approval of orientation, basic training, and specialty  
37 training programs.

38 (11) Boarding homes that desire to deliver facility-based training  
39 with facility designated trainers, or boarding homes that desire to

1 pool their resources to create shared training systems, must be  
2 encouraged by the department in their efforts. The ~~((community long-~~  
3 ~~term care training and education steering committee))~~ department shall  
4 develop criteria for reviewing and approving trainers and training  
5 materials that are substantially similar to or better than the  
6 materials developed by the ~~((steering committee))~~ department. The  
7 department may approve a curriculum based upon attestation by a  
8 boarding home administrator that the boarding 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 next regularly scheduled yearly inspection and  
13 investigation required under RCW 18.20.110. The department shall  
14 rescind approval of any curriculum if it determines that the curriculum  
15 does not meet these requirements.

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

20 (13) The orientation, basic training, specialty training, and  
21 continuing education requirements of this section ~~((take effect March))~~  
22 commence September 1, 2002, or one hundred twenty days from the date of  
23 employment, whichever is later, and shall be applied ((prospectively))  
24 to (a) employees hired subsequent to September 1, 2002; and (b)  
25 existing employees that on September 1, 2002, have not successfully  
26 completed the training requirements under RCW 74.39A.010 or 74.39A.020  
27 and this section. Existing employees who have not successfully  
28 completed the training requirements under RCW 74.39A.010 or 74.39A.020  
29 shall be subject to all applicable requirements of this section.  
30 However, prior to September 1, 2002, nothing in this section affects  
31 the current training requirements under RCW 74.39A.010.

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

34 The department shall publish its final basic and specialty training  
35 competencies and learning outcomes as required by chapter 121, Laws of  
36 2000 no later than June 1, 2002.

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

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

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

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

13       (2) Training must have three components: Orientation, basic  
14 training, and continuing education. All adult family home providers,  
15 resident managers, and employees, or volunteers who routinely interact  
16 with residents shall complete orientation. Caregivers shall complete  
17 orientation, basic training, and continuing education.

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

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

34       (5) For adult family homes that serve residents with special needs  
35 such as dementia, developmental disabilities, or mental illness,  
36 specialty training is required of providers and resident managers.  
37 Specialty training consists of modules on the core knowledge and skills  
38 that providers and resident managers need to effectively and safely  
39 provide care to residents with special needs. Specialty training

1 should be integrated into basic training wherever appropriate.  
2 Specialty training must be outcome-based, and the effectiveness of the  
3 specialty training measured by demonstrated competency in the core  
4 specialty areas through the use of a competency test. Specialty  
5 training must be completed by providers and resident managers before  
6 admitting and serving residents who have been determined to have  
7 special needs related to mental illness, dementia, or a developmental  
8 disability. Should a resident develop special needs while living in a  
9 home without specialty designation, the provider and resident manager  
10 have one hundred twenty days to complete specialty training.

11 (6) Continuing education consists of ongoing delivery of  
12 information to caregivers on various topics relevant to the care  
13 setting and care needs of residents. Competency testing is not  
14 required for continuing education. Continuing education is not  
15 required (~~during the first~~) in the same calendar year (~~following~~  
16 ~~completion of the~~) in which basic (~~training~~) or modified basic  
17 training is successfully completed. Continuing education is required  
18 in each calendar year thereafter. If specialty training is completed,  
19 the specialty training applies toward any continuing education  
20 requirement for up to two years following the completion of the  
21 specialty training.

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

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

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

37 (10) Adult family homes that desire to deliver facility-based  
38 training with facility designated trainers, or adult family homes that  
39 desire to pool their resources to create shared training systems, must

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

13 (11) The department shall adopt rules by ~~((March))~~ September 1,  
14 2002, for the implementation of this section ((based on the  
15 recommendations of the community long-term care training and education  
16 steering committee established in RCW 74.39A.190)).

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

28 **Sec. 4.** RCW 74.39A.190 and 2000 c 121 s 8 are each amended to read  
29 as follows:

30 (1) The secretary shall appoint a steering committee for community  
31 long-term care training and education to advise the department on the  
32 development ~~((and approval))~~ of criteria for training materials, the  
33 development of competency tests, the development of criteria for  
34 trainers, and the development of exemptions from training. The  
35 community long-term care training and education steering committee  
36 shall also review the effectiveness of the training program or  
37 programs, including the qualifications and availability of the  
38 trainers. ~~((The steering committee shall also review the~~



1 appropriateness of the adopted rules implementing this section.)) The  
2 steering committee shall advise the department on flexible and  
3 innovative learning strategies that accomplish the training goals, such  
4 as competency and outcome-based models and distance learning. The  
5 steering committee shall review and recommend the most appropriate  
6 length of time between an employee's date of first hire and the start  
7 of the employee's basic training.

8 (2) The steering committee shall, at a minimum, consist of a  
9 representative from each of the following: Each of the statewide  
10 boarding home associations, two adult family home associations, each of  
11 the statewide home care associations, the long-term care ombudsman  
12 program, the area agencies on aging, the department of health  
13 representing the nursing care quality assurance commission, and a  
14 consumer, or their nonprovider designee, from a boarding home, adult  
15 family home, home care served by an agency, and home care served by an  
16 individual provider. A majority of the members currently serving  
17 constitute a quorum.

18 (3) Nothing in this chapter shall prevent the adult family home  
19 advisory committee from enhancing training requirements for adult  
20 family providers and resident managers, regulated under chapter 18.48  
21 RCW, at the cost of those providers and resident managers.

22 (4) Establishment of the steering committee does not prohibit the  
23 department from utilizing other advisory activities that the department  
24 deems necessary for program development. However, when the department  
25 obtains input from other advisory sources, the department shall present  
26 the information to the steering committee for their review (~~and~~  
27 ~~approval~~)).

28 (5) Each member of the steering committee shall serve without  
29 compensation. Consumer representatives may be reimbursed for travel  
30 expenses as authorized in RCW 43.03.060.

31 (6) The steering committee recommendations must implement the  
32 intent of RCW 74.39A.050(14) to create training that includes skills  
33 and competencies that are transferable to nursing assistant training.

34 (7) The steering committee shall cease to exist (~~on~~) July 1,  
35 (~~2004~~) 2003.

36 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
37 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

--- END ---