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SENATE BILL 6079

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State of Washington

57th Legislature

2001 Regular Session

By Senators West and Oke

Read first time 02/19/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to increasing the wages of long-term nonlicensed  
2 direct care workers; adding new sections to chapter 74.39A RCW; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the quality of  
6 direct care for our state's vulnerable adults is directly related to  
7 many factors. Competitive and reasonable wages paid to those who  
8 provide direct care is one of those factors.

9 It shall be the purpose of state government to ensure that all  
10 nonlicensed direct care providers who are paid by the state, or private  
11 agencies contracting with the state, to provide direct care to  
12 vulnerable adults shall be paid an hourly salary that equals two times  
13 the minimum wage.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A RCW  
15 to read as follows:

16 Before July 1, 2005, all long-term nonlicensed direct care workers  
17 who provide direct care in the person's own home through medicaid  
18 personal care as described in RCW 74.09.520, community options program

1 entry system waiver services as described in RCW 74.39A.030, or chore  
2 services as described in RCW 74.39A.110 as an individual provider or  
3 employee of a home care agency under chapter 70.127 RCW, who are paid  
4 by the state, or through private agencies that contract with the state,  
5 to provide direct care as defined by the department in rule to  
6 vulnerable adults as defined in RCW 74.34.020 shall receive a wage that  
7 equals at least two times the minimum wage.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW  
9 to read as follows:

10 As used in sections 2 and 4 of this act:

11 (1) "Long-term nonlicensed direct care worker" means:

12 (a) A nonlicensed worker providing direct hands-on care to a  
13 medicaid client in a nursing home under chapter 18.51 RCW, boarding  
14 home under chapter 18.20 RCW, adult family home under chapter 70.128  
15 RCW, or developmental disability residential program under chapter  
16 71.12 RCW. A nonlicensed worker includes the resident owner, resident  
17 operator, or resident manager of an adult family home, group home, or  
18 boarding home licensed for less than six beds, who provides direct  
19 care; or

20 (b) A nonlicensed worker providing direct care to a person with  
21 functional disabilities in the person's own home through medicaid  
22 personal care as described in RCW 74.09.520, community options program  
23 entry system waiver services as described in RCW 74.39A.030, or chore  
24 services as described in RCW 74.39A.110 as an individual provider or  
25 employee of a home care agency under chapter 70.127 RCW.

26 (2) "Long-term nonlicensed direct care worker" does not include  
27 janitorial staff, food service staff, or any other staff working in a  
28 nursing home, group home, or boarding home facility, or an owner,  
29 operator, or manager of a nursing home.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.39A RCW  
31 to read as follows:

32 (1) The department of social and health services shall establish a  
33 wage enhancement program to enhance the wages of long-term nonlicensed  
34 direct care workers. Facilities, organizations, and agencies that  
35 employ or contract with long-term nonlicensed direct care workers may  
36 voluntarily participate in the program. Under the program, the  
37 department of social and health services shall provide participating

1 facilities, organizations, and agencies with funds to enhance the wages  
2 of long-term nonlicensed direct care workers based on the proportion of  
3 worker hours that may be reasonably apportioned to the care of medicaid  
4 clients compared to the total number of hours of care for all clients  
5 of the facility or home. Wage enhancement funds shall be available for  
6 both current workers and additional long-term nonlicensed direct care  
7 workers. Participating facilities, organizations, and agencies shall  
8 provide worker and medicaid client data as determined necessary by the  
9 department of social and health services. The department shall develop  
10 standards for determining how the wage enhancement funds are to be  
11 distributed to participating facilities, organizations, and agencies,  
12 and reporting requirements needed to determine how wage enhancement  
13 funds provided under this act shall be distributed to each long-term  
14 nonlicensed direct care worker. Facilities, organizations, and  
15 agencies participating in the wage enhancement program shall report to  
16 the department retrospectively on how the funds were distributed. All  
17 funds provided to a participating facility, organization, or agency  
18 must be used only to directly enhance the wages of long-term  
19 nonlicensed direct care workers. Participating facilities,  
20 organizations, and agencies are prohibited from arbitrarily reducing  
21 the wages of any long-term nonlicensed direct care worker on or after  
22 July 1, 2001, through July 2, 2002. Any funds received under this act  
23 that are not expended for the purposes of this act must be returned to  
24 the department.

25 (a) On July 1, 2001, participating facilities, organizations, and  
26 agencies shall increase by fifty cents per hour, plus an amount equal  
27 to mandatory federal and state payroll taxes, the wages paid to each  
28 long-term nonlicensed direct care worker employed or contracted with by  
29 the facility, organization, or agency.

30 (b) On July 1, 2002, participating facilities, organizations, and  
31 agencies shall increase the wages paid to all long-term nonlicensed  
32 direct care workers by an average amount of one dollar per hour, plus  
33 an amount equal to mandatory federal and state payroll taxes.  
34 Participating facilities, organizations, and agencies shall determine  
35 the amount of the wage enhancement for each eligible long-term  
36 nonlicensed direct care worker in accordance with wage increase  
37 criteria guidelines adopted by each participating facility,  
38 organization, or agency. The wage increase criteria guidelines must  
39 include consideration of tenure, shift, and technical performance of

1 duties, unless otherwise established by contract or bargaining  
2 agreement and consistent with existing state and federal law.

3 (c) On July 1, 2005, participating facilities, organizations, and  
4 agencies shall increase the wages paid to all long-term nonlicensed  
5 direct care workers to an amount that equals at least two times the  
6 minimum wage per hour, plus an amount equal to mandatory federal and  
7 state payroll taxes. Participating facilities, organizations, and  
8 agencies shall determine the amount of the wage enhancement for each  
9 eligible long-term nonlicensed direct care worker in accordance with  
10 wage increase criteria guidelines adopted by each participating  
11 facility, organization, or agency. The wage increase criteria  
12 guidelines must include consideration of tenure, shift, and technical  
13 performance of duties, unless otherwise established by contract or  
14 bargaining agreement and consistent with existing state and federal  
15 law.

16 (2) The department shall determine the wage increase amount for  
17 persons working in the individual provider program. The department  
18 shall distribute the funding for the July 1, 2002, wage increase so  
19 that each participating employer receives an amount equal to the cost  
20 of providing a wage increase of one dollar per hour to each long-term  
21 nonlicensed direct care worker, plus an amount equal to mandatory  
22 federal and state payroll taxes.

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