

ESHB 2693 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 03/06/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

4 (a) An underlying premise of Washington's long-term care system is  
5 the value of consumer choice across a full continuum of care with the  
6 right to accessible, quality care;

7 (b) An appropriately trained and motivated long-term care workforce  
8 contributes to the quality of long-term care services;

9 (c) The level and content of basic training should be focused upon  
10 the client with respect to client care needs, health status, choice,  
11 and flexibility;

12 (d) There is a need for increased workforce diversity throughout  
13 the long-term care system;

14 (e) Long-term care worker training should acknowledge cultural  
15 diversity and strive to achieve a greater understanding of the  
16 relationships between culture and health;

17 (f) The long-term care workforce has diverse work-life expectations  
18 such as career advancement and quality job performance;

19 (g) The long-term care workforce has variable learning styles, and  
20 can benefit from flexibility in training settings, modalities,  
21 accessibility, and methods;

22 (h) Long-term care training should prepare workers and caregivers  
23 to perform in as many long-term care settings as possible with economic  
24 security and safety, but also should accommodate the interests of those  
25 workers who intend to care exclusively for their family members;

26 (i) The care and support provided by unpaid long-term caregivers  
27 should not be disrupted, but enhanced and stabilized by any changes to  
28 long-term care training and credentialing; and

29 (j) The long-term care workforce should be increased and enhanced

1 to meet current and future needs. New policies and requirements should  
2 not result in decreasing the available workforce or the services  
3 available to consumers.

4 (2) The legislature intends to establish long-term care worker  
5 training standards that are consistent with the findings of subsection  
6 (1) of this section and to establish a credentialing program that will  
7 allow for career advancement in the long-term care work force.

8 **Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read  
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter.

12 (1) "Adult family home" means a home licensed under chapter 70.128  
13 RCW.

14 (2) "Adult residential care" means services provided by a boarding  
15 home that is licensed under chapter 18.20 RCW and that has a contract  
16 with the department under RCW 74.39A.020 to provide personal care  
17 services.

18 (3) "Assisted living services" means services provided by a  
19 boarding home that has a contract with the department under RCW  
20 74.39A.010 to provide personal care services, intermittent nursing  
21 services, and medication administration services, and the resident is  
22 housed in a private apartment-like unit.

23 (4) "Boarding home" means a facility licensed under chapter 18.20  
24 RCW.

25 (5) "Cost-effective care" means care provided in a setting of an  
26 individual's choice that is necessary to promote the most appropriate  
27 level of physical, mental, and psychosocial well-being consistent with  
28 client choice, in an environment that is appropriate to the care and  
29 safety needs of the individual, and such care cannot be provided at a  
30 lower cost in any other setting. But this in no way precludes an  
31 individual from choosing a different residential setting to achieve his  
32 or her desired quality of life.

33 (6) "Department" means the department of social and health  
34 services.

35 (7) "Enhanced adult residential care" means services provided by a  
36 boarding home that is licensed under chapter 18.20 RCW and that has a

1 contract with the department under RCW 74.39A.010 to provide personal  
2 care services, intermittent nursing services, and medication  
3 administration services.

4 (8) "Functionally disabled person" or "person who is functionally  
5 disabled" is synonymous with chronic functionally disabled and means a  
6 person who because of a recognized chronic physical or mental condition  
7 or disease, including chemical dependency, is impaired to the extent of  
8 being dependent upon others for direct care, support, supervision, or  
9 monitoring to perform activities of daily living. "Activities of daily  
10 living", in this context, means self-care abilities related to personal  
11 care such as bathing, eating, using the toilet, dressing, and transfer.  
12 Instrumental activities of daily living may also be used to assess a  
13 person's functional abilities as they are related to the mental  
14 capacity to perform activities in the home and the community such as  
15 cooking, shopping, house cleaning, doing laundry, working, and managing  
16 personal finances.

17 (9) "Home and community services" means adult family homes, in-home  
18 services, and other services administered or provided by contract by  
19 the department directly or through contract with area agencies on aging  
20 or similar services provided by facilities and agencies licensed by the  
21 department.

22 (10) "Long-term care" is synonymous with chronic care and means  
23 care and supports delivered indefinitely, intermittently, or over a  
24 sustained time to persons of any age disabled by chronic mental or  
25 physical illness, disease, chemical dependency, or a medical condition  
26 that is permanent, not reversible or curable, or is long-lasting and  
27 severely limits their mental or physical capacity for self-care. The  
28 use of this definition is not intended to expand the scope of services,  
29 care, or assistance by any individuals, groups, residential care  
30 settings, or professions unless otherwise expressed by law.

31 (11)(a) "Long-term care workers" includes all persons who are  
32 (~~long term care workers for the elderly or~~) paid to provide personal  
33 care services to persons with functional disabilities, including but  
34 not limited to individual providers of home care services, direct care  
35 employees of home care agencies, providers of home care services to  
36 persons with developmental disabilities under Title 71 RCW, all direct  
37 care workers in state-licensed boarding homes, assisted living  
38 facilities, and adult family homes, respite care providers, community

1 residential service providers, and any other direct care worker  
2 providing home or community-based services to ~~((the elderly or))~~  
3 persons with functional disabilities or developmental disabilities.

4 (b) "Long-term care workers" do not include persons employed in  
5 nursing homes subject to chapter 18.51 RCW, hospitals or other acute  
6 care settings, hospice agencies subject to chapter 70.127 RCW, adult  
7 day care centers, and adult day health care centers.

8 (12) "Nursing home" means a facility licensed under chapter 18.51  
9 RCW.

10 (13) "Personal care services" means physical or verbal assistance  
11 with activities of daily living and instrumental activities of daily  
12 living provided because of a person's functional limitations.

13 (14) "Secretary" means the secretary of social and health services.

14 ~~((14))~~ (15) "Training partnership" means a joint partnership or  
15 trust established and maintained jointly by the office of the governor  
16 and the exclusive bargaining representative of individual providers  
17 under RCW 74.39A.270 to provide training~~((r))~~ and peer mentoring~~((r and~~  
18 ~~examinations))~~ required under this chapter, and educational, career  
19 development, or other related services to individual providers.

20 ~~((15))~~ (16) "Tribally licensed boarding home" means a boarding  
21 home licensed by a federally recognized Indian tribe which home  
22 provides services similar to boarding homes licensed under chapter  
23 18.20 RCW.

24 NEW SECTION. Sec. 3. A new section is added to chapter 74.39A RCW  
25 to read as follows:

26 (1)(a) This section establishes the basic training requirements for  
27 long-term care workers initially contracted or employed on or after  
28 January 1, 2010. Except as provided otherwise in this section, these  
29 long-term care workers must complete:

30 (i) Worker orientation under (b)(i) of this subsection before the  
31 worker has routine interaction with the person or persons the worker  
32 will be caring for; and

33 (ii) The remaining hours of basic training required in this section  
34 within one hundred twenty days after the date of the long-term care  
35 worker's initial contracting or employment as a long-term care worker  
36 unless the department, for good cause, extends the time period by up to  
37 sixty days.

1 (b) Basic training:

2 (i) Consists of thirty-five hours of classroom training on a set of  
3 modules covering the core knowledge and competencies that caregivers  
4 need to learn and understand to meet the needs of and to provide care  
5 effectively and safely to persons with functional disabilities. Basic  
6 training must include a worker orientation consisting of introductory  
7 information on residents' rights, communication skills, fire and life  
8 safety, and universal precautions; and

9 (ii) Must be outcome-based, and the effectiveness of the training  
10 must be measured through the use of a competency test.

11 (2) Training standards and the delivery system for basic training  
12 must be relevant to the varied needs of persons served by long-term  
13 care workers and be sufficient to ensure that long-term care workers  
14 have the skills and knowledge necessary to provide high quality,  
15 appropriate care in a manner that respects the preferences of each  
16 person served. In an effort to improve the quality of training,  
17 increase access to training, and reduce costs, especially for rural  
18 communities, the classroom training provided in a coordinated system of  
19 long-term care training and education should include:

20 (a) The use of innovative learning strategies such as internet  
21 resources, videotapes, and distance learning using satellite technology  
22 coordinated through community colleges or other entities, as defined by  
23 the department; and

24 (b) The use of varied adult learner strategies, such as  
25 opportunities to practice or demonstrate skills, role playing, and  
26 group discussions.

27 (3) As specified in this section, the following persons are fully  
28 or partially exempt from the basic training requirements of this  
29 section:

30 (a) As specified by the department in rule, registered nurses,  
31 licensed practical nurses, certified nursing assistants, medicare  
32 certified home health aides, or persons who hold a similar health  
33 certification or license. However, these persons must complete worker  
34 orientation training as described in subsection (1)(b)(i) of this  
35 section;

36 (b) Persons who successfully challenge the competency test for  
37 basic training. Such persons shall be deemed to have completed the

1 relevant hours of basic training. However, these persons must complete  
2 worker orientation training as described in subsection (1)(b)(i) of  
3 this section;

4 (c) Long-term care workers employed by supportive living providers  
5 regulated under chapter 388-101 WAC who are subject to the training  
6 required in WAC 388-101-1680;

7 (d) Biological, step, or adoptive parents who are the individual  
8 provider for only their son or daughter who is developmentally disabled  
9 or functionally disabled, and persons who provide respite care on an  
10 intermittent basis to such son or daughter of a biological, step, or  
11 adoptive parent who is either an individual provider or an unpaid  
12 caregiver. However, these workers must complete: (i) Six hours of  
13 training relevant to the needs of adults with developmental  
14 disabilities and related functional disabilities, as appropriate; and  
15 (ii) safety training, which may be completed using distance learning or  
16 other alternative methods of training. As used in this subsection,  
17 "intermittent basis" means care provided exclusively to one individual  
18 for not more than an average of twenty-four hours per month; and

19 (e) Long-term care workers who were initially contracted or  
20 employed as long-term care workers before January 1, 2010. However,  
21 these long-term care workers must complete all training requirements in  
22 effect before that date.

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

25 (1)(a) The department shall develop qualification requirements for  
26 trainers and criteria for the approval of basic training programs under  
27 section 3 of this act. Only training curricula approved by the  
28 department may be used to fulfill the requirements of section 3 of this  
29 act.

30 (b)(i) The department shall develop criteria for reviewing and  
31 approving trainers and training materials that are substantially  
32 similar to or better than the materials developed by the department.  
33 The department may approve a curriculum based upon attestation by a  
34 boarding home administrator, an adult family home provider or resident  
35 manager, a home care agency administrator, or the administrator of the  
36 training partnership designated in RCW 74.39A.360 that the facility's,  
37 agency's, or training partnership's training curriculum addresses

1 required training competencies identified by the department, and shall  
2 review a curriculum to verify that it meets these requirements. The  
3 department, or the department of health, as applicable, may conduct the  
4 review as part of the regularly scheduled inspection and investigation  
5 required under RCW 18.20.110, 70.128.090, or 70.127.100. The  
6 department shall rescind approval of any curriculum if it determines  
7 that the curriculum does not meet these requirements.

8 (ii) A facility, agency, or the training partnership with an  
9 approved curriculum must provide reports as required by the department  
10 on the long-term care workers who began training and those who  
11 completed training, and verifying that all long-term care workers  
12 required to do so have complied with all training requirements.

13 (c) Boarding homes, adult family homes, home care agencies, or  
14 other entities employing long-term care workers that desire to deliver  
15 facility or agency-based required basic training with facility or  
16 agency designated trainers, or facilities and agencies that desire to  
17 pool their resources to create shared training systems, must be  
18 encouraged by the department in their efforts.

19 (d) The department shall consult with the state board for community  
20 and technical colleges, the superintendent of public instruction, and  
21 the training partnership to ensure, to the extent possible, that long-  
22 term care worker training programs approved by the department assist  
23 with opportunities to articulate to relevant degree or skills programs  
24 offered in community colleges, vocational-technical institutes, skill  
25 centers, and secondary schools, as defined in chapter 28B.50 RCW.

26 (2) The department shall adopt rules by September 1, 2009,  
27 necessary to implement the training provisions of section 3 of this  
28 act. The department shall also adopt rules to implement peer mentorship  
29 under RCW 74.39A.330, advanced training under RCW 74.39A.350, and  
30 on-the-job training provided by the worker's employer, and may adopt  
31 rules for specialty endorsements. In developing rules, the  
32 department shall consult with the department of health, the nursing  
33 care quality assurance commission, adult family home providers,  
34 boarding home providers, in-home personal care providers, affected  
35 labor organizations, community and technical colleges, and long-term  
36 care consumers and other interested organizations.

1       **Sec. 5.** RCW 74.39A.340 and 2007 c 361 s 4 are each amended to  
2 read as follows:

3       (1) Except as provided in subsection (2) of this section,  
4 beginning January 1, 2010, long-term care workers shall complete  
5 twelve hours of continuing education training in advanced training  
6 topics each year. ((This requirement applies beginning on January 1,  
7 2010.))

8       (2) This section does not apply to persons described in section  
9 3(3)(d) of this act. However, this subsection does not prohibit  
10 requiring continuing education for such persons who elect to become  
11 registered or certified under chapter 18.-- RCW (the chapter created  
12 in section 33 of this act).

13       **Sec. 6.** RCW 74.39A.360 and 2007 c 361 s 6 are each amended to  
14 read as follows:

15       (1) Beginning January 1, 2010, for individual providers  
16 represented by an exclusive bargaining representative under RCW  
17 74.39A.270, all training and peer mentoring required under this  
18 chapter shall be provided by a training partnership. Contributions  
19 to the partnership pursuant to a collective bargaining agreement  
20 negotiated under this chapter shall be made beginning July 1, 2009.  
21 The training partnership shall provide reports as required by the  
22 department on the individual providers who began training and those  
23 who completed training, and verifying that all individual providers  
24 required to do so have complied with all training requirements. The  
25 exclusive bargaining representative shall designate the training  
26 partnership.

27       (2) The training partnership shall offer persons who are acting  
28 as unpaid informal caregivers for family members or friends the  
29 opportunity to attend training offered through the partnership at no  
30 cost to the individual caregiver or the state. Attendance  
31 opportunities may be limited to the extent that:

32       (a) There is fixed maximum seating or participation capacity for  
33 a training module that satisfies long-term care worker basic training  
34 or continuing education requirements under this chapter; and

35       (b) The maximum capacity for a particular training module is  
36 fully reserved twenty-four hours in advance of the scheduled date and  
37 time of the module.



1        NEW SECTION.    **Sec. 7.**    (1) The legislature finds that:

2            (a) It is in the public interest to promote quality long-term  
3 care services through registration for long-term care workers; and

4            (b) An additional level of credentialing for those long-term care  
5 workers who seek to increase their skills and knowledge or enter a  
6 health care professional career track will increase, stabilize, and  
7 enhance the long-term care workforce and further promote quality  
8 long- term care services.

9            (2) The legislature, therefore, intends to provide opportunities  
10 to increase skills and knowledge or to pursue a career track through  
11 certification and specialty endorsements, and potential articulation  
12 from long-term care worker certification to other health care  
13 credentialing or degrees.

14        NEW SECTION.    **Sec. 8.**    The definitions in this section apply  
15 throughout this chapter unless the context clearly requires  
16 otherwise.

17            (1) "Department" means the department of health.

18            (2) "Secretary" means the secretary of health.

19            (3) "Long-term care worker" has the same meaning as in RCW  
20 74.39A.009.    There are two levels of credentialed long-term care  
21 workers:

22            (a) "Registered long-term care worker" is an individual  
23 registered under this chapter; and

24            (b) "Certified long-term care worker" is an individual certified  
25 under this chapter.

26            (4) "Individual provider" has the same meaning as in RCW  
27 74.39A.240.

28            (5) "Personal care services" has the same meaning as in RCW  
29 74.39A.009.

30            (6) "Approved training program" means a program of not less than  
31 eighty-five hours of training that is approved by the secretary in  
32 consultation with the department of social and health services, the  
33 state board for community and technical colleges, and the  
34 superintendent of public instruction.    The department shall ensure,  
35 to the extent possible, that long-term care worker training programs  
36 approved by the department assist with opportunities to articulate to  
37 relevant degree or skill programs offered in community colleges,

1 vocational-technical institutes, skill centers, and secondary schools  
2 as defined in chapter 28B.50 RCW. A training program approved under  
3 this section may include, but is not limited to, the following  
4 elements:

5 (a) Basic training under section 3 of this act, which is a  
6 required element of an approved training program. For purposes of  
7 this subsection, a person who successfully challenges the competency  
8 test for basic training shall be deemed to have completed the  
9 relevant hours of basic training other than worker orientation  
10 training;

11 (b) Hours that individual providers spend with peer mentors under  
12 RCW 74.39A.330;

13 (c) Advanced training offered under RCW 74.39A.350;

14 (d) Up to ten hours spent being trained by the person to whom a  
15 worker is providing care regarding the person's caregiving  
16 preferences and needs;

17 (e) On-the-job training provided by the worker's employer,  
18 including specialty training required under RCW 18.20.270(5) and  
19 70.128.230(5);

20 (f) Structured training in population or setting specific  
21 competencies that allow long-term care workers to acquire  
22 competencies unique to the persons they will be serving or the care  
23 setting in which they will be working;

24 (g) Attendance at relevant conferences sponsored by national or  
25 state professional associations, governmental agencies, or  
26 institutions of higher education; and

27 (h) Other structured or documented training approved by the  
28 secretary. For the purposes of this subsection, "documented  
29 training" means a written training program that describes the subject  
30 covered by the training, the methods by which the training is  
31 conducted, and the qualifications of the instructor.

32 (7) "Certification examination" means the measurement of an  
33 individual's knowledge and skills as related to safe, competent  
34 performance as a long-term care worker.

35 NEW SECTION. **Sec. 9.** (1)(a) Registration under this chapter  
36 commences January 1, 2010. If the department determines that  
37 administrative capacities essential to implementation of long-term

1 care worker registration under this chapter will not be fully  
2 functional by January 1, 2010, the department may defer the  
3 implementation date to no later than July 1, 2010.

4 (b) Except as provided otherwise in this chapter, long-term care  
5 workers contracted or employed on or after January 1, 2010, must  
6 register within one hundred twenty days after the date of the long-  
7 term care worker's initial contracting or employment as a long-term  
8 care worker, except that workers initially contracted or employed  
9 before January 1, 2010, must register within one hundred twenty days  
10 after January 1, 2010. However, the department, for good cause, may  
11 extend the one hundred twenty day time period by up to sixty days.

12 (2) Beginning January 1, 2012, long-term care workers may elect  
13 to be certified, with or without a specialty endorsement under  
14 section 14 of this act.

15 NEW SECTION. **Sec. 10.** (1) A registered or certified long-term  
16 care worker may provide direct, hands-on personal care services to  
17 persons with functional disabilities requiring long-term care  
18 services.

19 (2) No person may practice or, by use of any title or  
20 description, represent himself or herself as:

21 (a) A registered long-term care worker without being registered  
22 pursuant to this chapter; or

23 (b) A certified long-term care worker without applying for  
24 certification, meeting the qualifications, and being certified  
25 pursuant to this chapter.

26 NEW SECTION. **Sec. 11.** In addition to any other authority  
27 provided by law, the secretary has the authority to:

28 (1) Set all certification, registration, and renewal fees in  
29 accordance with RCW 43.70.250 and to collect and deposit all such  
30 fees in the health professions account established under RCW  
31 43.70.320;

32 (2) Establish forms, procedures, and examinations necessary to  
33 administer this chapter;

34 (3) Hire clerical, administrative, and investigative staff as  
35 needed to implement this chapter;

1 (4) Issue a registration to any applicant who has met the  
2 requirements for registration;

3 (5) Issue a certificate to any applicant who has met the  
4 education, training, and conduct requirements for certification;

5 (6) Maintain the official record for the department of all  
6 applicants and persons with registrations and certificates;

7 (7) Exercise disciplinary authority as authorized in chapter  
8 18.130 RCW;

9 (8) Deny registration to any applicant who fails to meet  
10 requirement for registration; and

11 (9) Deny certification to applicants who do not meet the  
12 education, training, competency evaluation, and conduct requirements  
13 for certification.

14 NEW SECTION. **Sec. 12.** The secretary shall issue a registration  
15 to any applicant who:

16 (1) Pays any applicable fees;

17 (2) Submits, on forms provided by the secretary, the applicant's  
18 name, address, and other information as determined by the secretary;  
19 and

20 (3) Establishes, to the secretary's satisfaction, that:

21 (a) The applicant has successfully completed the basic training  
22 required under section 3 of this act. For purposes of this  
23 subsection, a person who successfully challenges the competency test  
24 for basic training shall be deemed to have completed the relevant  
25 hours of basic training other than worker orientation training;

26 (b) The applicant has completed any required background check;  
27 and

28 (c) There are no grounds for denial of registration or issuance  
29 of a conditional registration under this chapter or chapter 18.130  
30 RCW.

31 NEW SECTION. **Sec. 13.** (1) The secretary shall issue a  
32 certificate to any applicant who:

33 (a) Pays any applicable fees;

34 (b) Submits, on forms provided by the secretary, the applicant's  
35 name, address, and other information as determined by the secretary;

36 (c) Establishes to the secretary's satisfaction that:

1 (i) The applicant has successfully completed an approved training  
2 program;

3 (ii) The applicant has successfully completed a certification  
4 examination;

5 (iii) The applicant has completed any required background check;  
6 and

7 (iv) There exist no grounds for denial of certification under  
8 chapter 18.130 RCW.

9 (2) The date and location of examinations shall be established by  
10 the secretary. Applicants who have been found by the secretary to  
11 meet the requirements for certification shall be scheduled for the  
12 next examination following the filing of the application. The  
13 secretary shall establish by rule the examination application  
14 deadline.

15 (3) The examination must include both a skills demonstration and  
16 a written or oral knowledge test. Examinations shall be limited to  
17 the purpose of determining whether the applicant possesses the  
18 minimum skill and knowledge necessary to practice competently.

19 (4) The examination papers, all grading of the papers, and the  
20 grading of skills demonstration shall be preserved for a period of  
21 not less than one year after the secretary has made and published the  
22 decisions. All examinations shall be conducted under fair and wholly  
23 impartial methods.

24 (5) Any applicant failing to make the required grade in the first  
25 examination may take up to three subsequent examinations as the  
26 applicant desires upon prepaying a fee determined by the secretary  
27 under RCW 43.70.250 for each subsequent examination. Upon failing  
28 four examinations, the secretary may invalidate the original  
29 application and require such remedial education before the person may  
30 take future examinations.

31 (6) The certification examination must be administered and  
32 evaluated by the department or by a contractor to the department that  
33 is neither an employer of long-term care workers, a private  
34 contractor providing training services under this chapter or section  
35 3 of this act, or the training partnership defined in RCW 74.39A.009.

36 NEW SECTION. **Sec. 14.** (1) A long-term care worker certified  
37 under this chapter may apply for a specialty endorsement in the

1 specialty areas identified by the secretary in consultation with the  
2 department of social and health services. The secretary shall issue  
3 an endorsement to an applicant who:

4 (a) Completes the hours of training and practical experience  
5 required in rules adopted by the secretary for the relevant specialty  
6 endorsement;

7 (b) Pays any applicable fee; and

8 (c) Submits any other information as determined by the secretary.

9 (2) A certified long-term care worker who has been granted a  
10 specialty endorsement under this section may include the specialty in  
11 his or her title, as permitted under rules adopted by the secretary.

12 NEW SECTION. **Sec. 15.** An applicant holding a credential in  
13 another state may be certified in this state without examination if  
14 the secretary determines that the other state's credentialing  
15 standards for long-term care workers are substantially equivalent to  
16 the standards in this state.

17 NEW SECTION. **Sec. 16.** (1) Registrations and certifications  
18 shall be renewed according to administrative procedures,  
19 administrative requirements, and fees determined by the secretary  
20 under RCW 43.70.250 and 43.70.280.

21 (2) Completion of continuing education as required in RCW  
22 74.39A.340 is a prerequisite to renewing a registration or  
23 certification under this chapter.

24 NEW SECTION. **Sec. 17.** (1) This chapter does not apply to:

25 (a) Registered nurses, licensed practical nurses, certified  
26 nursing assistants, medicare certified home health aides, or other  
27 persons who hold a similar health credential, as determined by the  
28 secretary, or persons with special education training and an  
29 endorsement granted by the superintendent of public instruction that  
30 is recognized by the secretary as appropriate to specified personal  
31 care services circumstances;

32 (b) Biological, step, or adoptive parents who are the individual  
33 provider for only their son or daughter who is developmentally  
34 disabled or functionally disabled, and persons who provide respite  
35 care on an intermittent basis to such son or daughter of a

1 biological, step, or adoptive parent who is either an individual  
2 provider or an unpaid caregiver. As used in this subsection,  
3 "intermittent basis" means the same as the definition in section  
4 3(3)(d) of this act.

5 (2) Nothing in this chapter may be construed to prohibit or  
6 restrict:

7 (a) The practice by an individual licensed, certified, or  
8 registered under the laws of this state and performing services  
9 within their authorized scope of practice;

10 (b) The practice by an individual employed by the government of  
11 the United States while engaged in the performance of duties  
12 prescribed by the laws of the United States;

13 (c) The practice by a person who is a regular student in an  
14 educational program approved by the secretary, and whose performance  
15 of services is pursuant to a regular course of instruction or  
16 assignments from an instructor and under the general supervision of  
17 the instructor;

18 (d) A registered or certified long-term care worker from  
19 accepting direction from a person who is self-directing his or her  
20 care; or

21 (e) A long-term care worker exempt under subsection (1) of this  
22 section from applying for registration or certification, subject to  
23 meeting the requirements for such application.

24 NEW SECTION. **Sec. 18.** (1) The uniform disciplinary act, chapter  
25 18.130 RCW, governs unregistered or uncertified practice, issuance of  
26 certificates and registrations, and the discipline of persons  
27 registered or with certificates under this chapter. The secretary  
28 shall be the disciplinary authority under this chapter.

29 (2)(a) The secretary may take action to immediately suspend the  
30 registration or certification of a long-term care worker upon finding  
31 that conduct of the long-term care worker has caused or presents an  
32 imminent threat of harm to a functionally disabled person in his or  
33 her care.

34 (b) If the secretary imposes suspension or conditions for  
35 continuation of a registration or certification, the suspension or  
36 conditions for continuation are effective immediately upon notice and  
37 shall continue in effect pending the outcome of any hearing.

1        NEW SECTION.    **Sec. 19.**    (1) The department shall adopt rules by  
2    September 1, 2009, necessary to implement the registration provisions  
3    of this chapter.    In developing rules, the department shall consult  
4    with the department of social and health services, the nursing care  
5    quality assurance commission, adult family home providers, boarding  
6    home providers, in-home personal care providers, the training  
7    partnership defined in RCW 74.39A.009, affected labor organizations,  
8    community and technical colleges, and long-term care consumers and  
9    other interested organizations.

10        (2)(a) The department shall also consult with these parties on a  
11    plan to implement the voluntary certification program under this  
12    chapter by January 1, 2012, in a cost-effective manner considering  
13    the following:

14        (i) The certification program should assist a long-term care  
15    worker to enter, if desired, a career path to other health care or  
16    allied health professions, including articulation, to the maximum  
17    extent possible under federal law, from long-term care worker  
18    certification to nursing assistant certification under chapter 18.88A  
19    RCW;

20        (ii) The department should consider the relative merits of  
21    certification and/or specialty endorsement examinations and of  
22    practical work experience for certification and/or specialty  
23    endorsements.    If recommendations are made for practical work  
24    experience requirements, the department's plan should include  
25    recommendations on the hours and type of practical work experience  
26    that would be appropriate for the credential sought.

27        (b) The department shall report on the certification plan to the  
28    appropriate committees of the legislature by December 1, 2009.

29        **Sec. 20.**    RCW 18.130.040 and 2007 c 269 s 17 and 2007 c 70 s 11  
30    are each reenacted and amended to read as follows:

31        (1) This chapter applies only to the secretary and the boards and  
32    commissions having jurisdiction in relation to the professions  
33    licensed under the chapters specified in this section.    This chapter  
34    does not apply to any business or profession not licensed under the  
35    chapters specified in this section.

36        (2)(a) The secretary has authority under this chapter in relation  
37    to the following professions:



1 (i) Dispensing opticians licensed and designated apprentices  
2 under chapter 18.34 RCW;  
3 (ii) Naturopaths licensed under chapter 18.36A RCW;  
4 (iii) Midwives licensed under chapter 18.50 RCW;  
5 (iv) Ocularists licensed under chapter 18.55 RCW;  
6 (v) Massage operators and businesses licensed under chapter  
7 18.108 RCW;  
8 (vi) Dental hygienists licensed under chapter 18.29 RCW;  
9 (vii) Acupuncturists licensed under chapter 18.06 RCW;  
10 (viii) Radiologic technologists certified and X-ray technicians  
11 registered under chapter 18.84 RCW;  
12 (ix) Respiratory care practitioners licensed under chapter 18.89  
13 RCW;  
14 (x) Persons registered under chapter 18.19 RCW;  
15 (xi) Persons licensed as mental health counselors, marriage and  
16 family therapists, and social workers under chapter 18.225 RCW;  
17 (xii) Persons registered as nursing pool operators under chapter  
18 18.52C RCW;  
19 (xiii) Nursing assistants registered or certified under chapter  
20 18.88A RCW;  
21 (xiv) Health care assistants certified under chapter 18.135 RCW;  
22 (xv) Dietitians and nutritionists certified under chapter 18.138  
23 RCW;  
24 (xvi) Chemical dependency professionals certified under chapter  
25 18.205 RCW;  
26 (xvii) Sex offender treatment providers and certified affiliate  
27 sex offender treatment providers certified under chapter 18.155 RCW;  
28 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
29 RCW 18.71.205;  
30 (xix) Denturists licensed under chapter 18.30 RCW;  
31 (xx) Orthotists and prosthetists licensed under chapter 18.200  
32 RCW;  
33 (xxi) Surgical technologists registered under chapter 18.215 RCW;  
34 (xxii) Recreational therapists; (~~and~~)  
35 (xxiii) Animal massage practitioners certified under chapter  
36 18.240 RCW; and  
37 (xxiv) Long-term care workers registered or certified under

1 chapter 18.-- RCW (the new chapter created in section 33 of this  
2 act).

3 (b) The boards and commissions having authority under this  
4 chapter are as follows:

5 (i) The podiatric medical board as established in chapter 18.22  
6 RCW;

7 (ii) The chiropractic quality assurance commission as established  
8 in chapter 18.25 RCW;

9 (iii) The dental quality assurance commission as established in  
10 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW  
11 and licenses and registrations issued under chapter 18.260 RCW;

12 (iv) The board of hearing and speech as established in chapter  
13 18.35 RCW;

14 (v) The board of examiners for nursing home administrators as  
15 established in chapter 18.52 RCW;

16 (vi) The optometry board as established in chapter 18.54 RCW  
17 governing licenses issued under chapter 18.53 RCW;

18 (vii) The board of osteopathic medicine and surgery as  
19 established in chapter 18.57 RCW governing licenses issued under  
20 chapters 18.57 and 18.57A RCW;

21 (viii) The board of pharmacy as established in chapter 18.64 RCW  
22 governing licenses issued under chapters 18.64 and 18.64A RCW;

23 (ix) The medical quality assurance commission as established in  
24 chapter 18.71 RCW governing licenses and registrations issued under  
25 chapters 18.71 and 18.71A RCW;

26 (x) The board of physical therapy as established in chapter 18.74  
27 RCW;

28 (xi) The board of occupational therapy practice as established in  
29 chapter 18.59 RCW;

30 (xii) The nursing care quality assurance commission as  
31 established in chapter 18.79 RCW governing licenses and registrations  
32 issued under that chapter;

33 (xiii) The examining board of psychology and its disciplinary  
34 committee as established in chapter 18.83 RCW; and

35 (xiv) The veterinary board of governors as established in chapter  
36 18.92 RCW.

37 (3) In addition to the authority to discipline license holders,  
38 the disciplining authority has the authority to grant or deny

1 licenses based on the conditions and criteria established in this  
2 chapter and the chapters specified in subsection (2) of this section.  
3 This chapter also governs any investigation, hearing, or  
4 proceeding relating to denial of licensure or issuance of a license  
5 conditioned on the applicant's compliance with an order entered  
6 pursuant to RCW 18.130.160 by the disciplining authority.

7 (4) All disciplining authorities shall adopt procedures to ensure  
8 substantially consistent application of this chapter, the Uniform  
9 Disciplinary Act, among the disciplining authorities listed in  
10 subsection (2) of this section.

11 **Sec. 21.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13,  
12 and 2007 c 70 s 11 are each reenacted and amended to read as follows:

13 (1) This chapter applies only to the secretary and the boards and  
14 commissions having jurisdiction in relation to the professions  
15 licensed under the chapters specified in this section. This chapter  
16 does not apply to any business or profession not licensed under the  
17 chapters specified in this section.

18 (2)(a) The secretary has authority under this chapter in relation  
19 to the following professions:

20 (i) Dispensing opticians licensed and designated apprentices  
21 under chapter 18.34 RCW;

22 (ii) Naturopaths licensed under chapter 18.36A RCW;

23 (iii) Midwives licensed under chapter 18.50 RCW;

24 (iv) Ocularists licensed under chapter 18.55 RCW;

25 (v) Massage operators and businesses licensed under chapter  
26 18.108 RCW;

27 (vi) Dental hygienists licensed under chapter 18.29 RCW;

28 (vii) Acupuncturists licensed under chapter 18.06 RCW;

29 (viii) Radiologic technologists certified and X-ray technicians  
30 registered under chapter 18.84 RCW;

31 (ix) Respiratory care practitioners licensed under chapter 18.89  
32 RCW;

33 (x) Persons registered under chapter 18.19 RCW;

34 (xi) Persons licensed as mental health counselors, marriage and  
35 family therapists, and social workers under chapter 18.225 RCW;

36 (xii) Persons registered as nursing pool operators under chapter  
37 18.52C RCW;

1 (xiii) Nursing assistants registered or certified under chapter  
2 18.88A RCW;

3 (xiv) Health care assistants certified under chapter 18.135 RCW;

4 (xv) Dietitians and nutritionists certified under chapter 18.138  
5 RCW;

6 (xvi) Chemical dependency professionals certified under chapter  
7 18.205 RCW;

8 (xvii) Sex offender treatment providers and certified affiliate  
9 sex offender treatment providers certified under chapter 18.155 RCW;

10 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
11 RCW 18.71.205;

12 (xix) Denturists licensed under chapter 18.30 RCW;

13 (xx) Orthotists and prosthetists licensed under chapter 18.200  
14 RCW;

15 (xxi) Surgical technologists registered under chapter 18.215 RCW;

16 (xxii) Recreational therapists;

17 (xxiii) Animal massage practitioners certified under chapter  
18 18.240 RCW; (~~and~~)

19 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and

20 (xxv) Long-term care workers registered or certified under  
21 chapter 18.-- RCW (the new chapter created in section 33 of this  
22 act).

23 (b) The boards and commissions having authority under this  
24 chapter are as follows:

25 (i) The podiatric medical board as established in chapter 18.22  
26 RCW;

27 (ii) The chiropractic quality assurance commission as established  
28 in chapter 18.25 RCW;

29 (iii) The dental quality assurance commission as established in  
30 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW  
31 and licenses and registrations issued under chapter 18.260 RCW;

32 (iv) The board of hearing and speech as established in chapter  
33 18.35 RCW;

34 (v) The board of examiners for nursing home administrators as  
35 established in chapter 18.52 RCW;

36 (vi) The optometry board as established in chapter 18.54 RCW  
37 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as  
2 established in chapter 18.57 RCW governing licenses issued under  
3 chapters 18.57 and 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW  
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in  
7 chapter 18.71 RCW governing licenses and registrations issued under  
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74  
10 RCW;

11 (xi) The board of occupational therapy practice as established in  
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as  
14 established in chapter 18.79 RCW governing licenses and registrations  
15 issued under that chapter;

16 (xiii) The examining board of psychology and its disciplinary  
17 committee as established in chapter 18.83 RCW; and

18 (xiv) The veterinary board of governors as established in chapter  
19 18.92 RCW.

20 (3) In addition to the authority to discipline license holders,  
21 the disciplining authority has the authority to grant or deny  
22 licenses based on the conditions and criteria established in this  
23 chapter and the chapters specified in subsection (2) of this section.  
24 This chapter also governs any investigation, hearing, or  
25 proceeding relating to denial of licensure or issuance of a license  
26 conditioned on the applicant's compliance with an order entered  
27 pursuant to RCW 18.130.160 by the disciplining authority.

28 (4) All disciplining authorities shall adopt procedures to ensure  
29 substantially consistent application of this chapter, the Uniform  
30 Disciplinary Act, among the disciplining authorities listed in  
31 subsection (2) of this section.

32 **Sec. 22.** RCW 74.39A.240 and 2002 c 3 s 3 are each amended to  
33 read as follows:

34 The definitions in this section apply throughout RCW 74.39A.030  
35 and 74.39A.095 and 74.39A.220 through 74.39A.300, sections 3 and 23  
36 of this act, 41.56.026, 70.127.041, and 74.09.740 unless the context  
37 clearly requires otherwise.

1 (1) "Authority" means the home care quality authority.

2 (2) "Board" means the board created under RCW 74.39A.230.

3 (3) "Consumer" means a person to whom an individual provider  
4 provides any such services.

5 (4) "Individual provider" means a person, including a personal  
6 aide, who has contracted with the department to provide personal care  
7 or respite care services to (~~(functionally disabled persons))~~ persons  
8 with functional disabilities under the medicaid personal care,  
9 community options program entry system, chore services program, or  
10 respite care program, or to provide respite care or residential  
11 services and support to persons with developmental disabilities under  
12 chapter 71A.12 RCW, or to provide respite care as defined in RCW  
13 74.13.270.

14 NEW SECTION. Sec. 23. A new section is added to chapter 74.39A  
15 RCW to read as follows:

16 (1) The department shall deny payment to any individual provider  
17 of home care services who does not complete the training requirements  
18 of section 3 of this act or obtain registration as a long-term care  
19 worker as specified in chapter 18.-- RCW (the new chapter created in  
20 section 33 of this act).

21 (2) The department may terminate the contract of any individual  
22 provider of home care services, or take any other enforcement measure  
23 deemed appropriate by the department if the individual provider's  
24 registration or certification is revoked under chapter 18.-- RCW (the  
25 new chapter created in section 33 of this act).

26 (3) The department may take action to immediately terminate the  
27 contract of an individual provider of home care services upon finding  
28 that conduct of the individual provider has caused or presents an  
29 imminent threat of harm to a functionally disabled person in their  
30 care.

31 (4) The department shall take appropriate enforcement action  
32 related to the contract or licensure of a provider of home and  
33 community-based services, other than an individual provider, who  
34 knowingly employs a long-term care worker who has failed to complete  
35 the training requirements of section 3 of this act or obtain  
36 registration as a long-term care worker as specified in chapter 18.--  
37 RCW (the new chapter created in section 33 of this act).

1 (5) Chapter 34.05 RCW shall govern department actions under this  
2 section.

3 **Sec. 24.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to  
4 read as follows:

5 The department's system of quality improvement for long-term care  
6 services shall use the following principles, consistent with  
7 applicable federal laws and regulations:

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

11 (2) The goal of the system is continuous quality improvement with  
12 the focus on consumer satisfaction and outcomes for consumers. This  
13 includes that when conducting licensing or contract inspections, the  
14 department shall interview an appropriate percentage of residents,  
15 family members, resident case managers, and advocates in addition to  
16 interviewing providers and staff.

17 (3) Providers should be supported in their efforts to improve  
18 quality and address identified problems initially through training,  
19 consultation, technical assistance, and case management.

20 (4) The emphasis should be on problem prevention both in  
21 monitoring and in screening potential providers of service.

22 (5) Monitoring should be outcome based and responsive to consumer  
23 complaints and based on a clear set of health, quality of care, and  
24 safety standards that are easily understandable and have been made  
25 available to providers, residents, and other interested parties.

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

36 (7) To the extent funding is available, all long-term care staff  
37 directly responsible for the care, supervision, or treatment of

1 vulnerable persons should be screened through background checks in a  
2 uniform and timely manner to ensure that they do not have a criminal  
3 history that would disqualify them from working with vulnerable  
4 persons. Whenever a state conviction record check is required by  
5 state law, persons may be employed or engaged as volunteers or  
6 independent contractors on a conditional basis according to law and  
7 rules adopted by the department.

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

16 (9) The department shall establish, by rule, a state registry  
17 which contains identifying information about personal care aides  
18 identified under this chapter who have substantiated findings of  
19 abuse, neglect, financial exploitation, or abandonment of a  
20 vulnerable adult as defined in RCW 74.34.020. The rule must include  
21 disclosure, disposition of findings, notification, findings of fact,  
22 appeal rights, and fair hearing requirements. The department shall  
23 disclose, upon request, substantiated findings of abuse, neglect,  
24 financial exploitation, or abandonment to any person so requesting  
25 this information.

26 ~~(10) ((The department shall by rule develop training requirements~~  
27 ~~for individual providers and home care agency providers. Effective~~  
28 ~~March 1, 2002, individual providers and home care agency providers~~  
29 ~~must satisfactorily complete department approved orientation, basic~~  
30 ~~training, and continuing education within the time period specified~~  
31 ~~by the department in rule. The department shall adopt rules by March~~  
32 ~~1, 2002, for the implementation of this section based on the~~  
33 ~~recommendations of the community long term care training and~~  
34 ~~education steering committee established in RCW 74.39A.190. The~~  
35 ~~department shall deny payment to an individual provider or a home~~  
36 ~~care provider who does not complete the training requirements within~~  
37 ~~the time limit specified by the department by rule.~~



1 ~~(11) In an effort to improve access to training and education and~~  
2 ~~reduce costs, especially for rural communities, the coordinated~~  
3 ~~system of long term care training and education must include the use~~  
4 ~~of innovative types of learning strategies such as internet~~  
5 ~~resources, videotapes, and distance learning using satellite~~  
6 ~~technology coordinated through community colleges or other entities,~~  
7 ~~as defined by the department.~~

8 ~~(12) The department shall create an approval system by March 1,~~  
9 ~~2002, for those seeking to conduct department approved training. In~~  
10 ~~the rule making process, the department shall adopt rules based on~~  
11 ~~the recommendations of the community long term care training and~~  
12 ~~education steering committee established in RCW 74.39A.190.~~

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

20 ~~((14))~~ (11) Under existing funds the department shall establish  
21 internally a quality improvement standards committee to monitor the  
22 development of standards and to suggest modifications.

23 ~~((15) Within existing funds, the department shall design,~~  
24 ~~develop, and implement a long term care training program that is~~  
25 ~~flexible, relevant, and qualifies towards the requirements for a~~  
26 ~~nursing assistant certificate as established under chapter 18.88A~~  
27 ~~RCW. This subsection does not require completion of the nursing~~  
28 ~~assistant certificate training program by providers or their staff.~~  
29 ~~The long term care teaching curriculum must consist of a fundamental~~  
30 ~~module, or modules, and a range of other available relevant training~~  
31 ~~modules that provide the caregiver with appropriate options that~~  
32 ~~assist in meeting the resident's care needs. Some of the training~~  
33 ~~modules may include, but are not limited to, specific training on the~~  
34 ~~special care needs of persons with developmental disabilities,~~  
35 ~~dementia, mental illness, and the care needs of the elderly. No less~~  
36 ~~than one training module must be dedicated to workplace violence~~  
37 ~~prevention. The nursing care quality assurance commission shall work~~  
38 ~~together with the department to develop the curriculum modules. The~~

1 nursing care quality assurance commission shall direct the nursing  
2 assistant training programs to accept some or all of the skills and  
3 competencies from the curriculum modules towards meeting the  
4 requirements for a nursing assistant certificate as defined in  
5 chapter 18.88A RCW. A process may be developed to test persons  
6 completing modules from a caregiver's class to verify that they have  
7 the transferable skills and competencies for entry into a nursing  
8 assistant training program. The department may review whether  
9 facilities can develop their own related long term care training  
10 programs. The department may develop a review process for  
11 determining what previous experience and training may be used to  
12 waive some or all of the mandatory training. The department of  
13 social and health services and the nursing care quality assurance  
14 commission shall work together to develop an implementation plan by  
15 December 12, 1998.)

16 **Sec. 25.** RCW 70.127.100 and 2000 c 175 s 9 are each amended to  
17 read as follows:

18 Upon receipt of an application under RCW 70.127.080 for a license  
19 and the license fee, the department shall issue a license if the  
20 applicant meets the requirements established under this chapter. A  
21 license issued under this chapter shall not be transferred or  
22 assigned without thirty days prior notice to the department and the  
23 department's approval. A license, unless suspended or revoked, is  
24 effective for a period of two years, however an initial license is  
25 only effective for twelve months. The department shall conduct a  
26 survey within each licensure period, and may conduct a licensure  
27 survey after ownership transfer, to assure compliance with this  
28 chapter and the rules adopted under this chapter and under section 3  
29 of this act, and to enforce section 23(4) of this act.

30 **Sec. 26.** RCW 18.20.110 and 2004 c 144 s 3 are each amended to  
31 read as follows:

32 (1) The department shall make or cause to be made, at least every  
33 eighteen months with an annual average of fifteen months, an  
34 inspection and investigation of all boarding homes. However, the  
35 department may delay an inspection to twenty-four months if the  
36 boarding home has had three consecutive inspections with no written

1 notice of violations and has received no written notice of violations  
2 resulting from complaint investigation during that same time period.  
3 The department may at anytime make an unannounced inspection of a  
4 licensed home to assure that the licensee is in compliance with this  
5 chapter and the rules adopted under this chapter and section 3 of  
6 this act, and to enforce section 23(4) of this act. Every inspection  
7 shall focus primarily on actual or potential resident outcomes, and  
8 may include an inspection of every part of the premises and an  
9 examination of all records, methods of administration, the general  
10 and special dietary, and the stores and methods of supply; however,  
11 the department shall not have access to financial records or to other  
12 records or reports described in RCW 18.20.390. Financial records of  
13 the boarding home may be examined when the department has reasonable  
14 cause to believe that a financial obligation related to resident care  
15 or services will not be met, such as a complaint that staff wages or  
16 utility costs have not been paid, or when necessary for the  
17 department to investigate alleged financial exploitation of a  
18 resident.

19 (2) Following such an inspection or inspections, written notice  
20 of any violation of this law or the rules adopted hereunder shall be  
21 given to the applicant or licensee and the department.

22 (3) The department may prescribe by rule that any licensee or  
23 applicant desiring to make specified types of alterations or  
24 additions to its facilities or to construct new facilities shall,  
25 before commencing such alteration, addition, or new construction,  
26 submit plans and specifications therefor to the agencies responsible  
27 for plan reviews for preliminary inspection and approval or  
28 recommendations with respect to compliance with the rules and  
29 standards herein authorized.

30 **Sec. 27.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to  
31 read as follows:

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

34 (a) "Caregiver" includes any (~~person~~) long-term care worker who  
35 provides residents with hands-on personal care on behalf of a  
36 boarding home, except volunteers who are directly supervised.

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

5 (c) "Long-term care worker" has the same meaning as defined in  
6 RCW 74.39A.009(11).

7 (2) Training must have the following components: Orientation,  
8 basic training, specialty training as appropriate, and continuing  
9 education. All boarding home employees or volunteers who routinely  
10 interact with residents shall complete orientation. Boarding home  
11 administrators, or their designees, and caregivers shall complete  
12 orientation, basic training, specialty training as appropriate, and  
13 continuing education. Training of caregivers employed by boarding  
14 homes is governed by chapter 74.39A RCW. Any caregiver who has  
15 satisfied the training and competency testing requirements of section  
16 3 of this act or the continuing education requirements of RCW  
17 74.39A.340 shall be deemed to have satisfied, as applicable, the  
18 orientation, basic training, and continuing education requirements of  
19 this section.

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

25 (4) Basic training consists of modules on the core knowledge and  
26 skills that caregivers need to learn and understand to effectively  
27 and safely provide care to residents. Basic training must be  
28 outcome-based, and the effectiveness of the basic training must be  
29 measured by demonstrated competency in the core areas through the use  
30 of a competency test. ~~((Basic training must be completed by~~  
31 ~~caregivers within one hundred twenty days of the date on which they~~  
32 ~~begin to provide hands-on care or within one hundred twenty days of~~  
33 ~~September 1, 2002, whichever is later.)) Until ~~((competency in the~~  
34 ~~core areas has been demonstrated, caregivers))~~ a caregiver provides  
35 verification that he or she has met the basic training requirements  
36 under section 3 of this act, a caregiver shall not provide hands-on  
37 personal care to residents without direct supervision. Boarding home  
38 administrators, or their designees, must complete basic training and~~

1 demonstrate competency within one hundred twenty days of employment  
2 or within one hundred twenty days of September 1, 2002, whichever is  
3 later.

4 (5)(a) For boarding homes that serve residents with special needs  
5 such as dementia, developmental disabilities, or mental illness,  
6 specialty training is required of administrators, or designees, and  
7 caregivers. Specialty training consists of modules on the core  
8 knowledge and skills that caregivers need to effectively and safely  
9 provide care to residents with special needs. Specialty training  
10 should be integrated into basic training wherever appropriate.  
11 Specialty training must be outcome-based, and the effectiveness of  
12 the specialty training measured by demonstrated competency in the  
13 core specialty areas through the use of a competency test.

14 (b) Specialty training must be completed by caregivers within one  
15 hundred twenty days of the date on which they begin to provide hands-  
16 on care to a resident having special needs or within one hundred  
17 twenty days of September 1, 2002, whichever is later. However, if  
18 specialty training is not integrated with basic training, the  
19 specialty training must be completed within ninety days of completion  
20 of basic training. Until competency in the core specialty areas has  
21 been demonstrated, caregivers shall not provide hands-on personal  
22 care to residents with special needs without direct supervision. If  
23 training received by a caregiver under section 3 of this act involves  
24 core knowledge and skills to effectively and safely provide care to  
25 residents of the boarding home with special needs, the hours of  
26 training received by the caregiver shall apply toward meeting the  
27 specialty training requirements under this section. Boarding home  
28 administrators, or their designees, must complete specialty training  
29 and demonstrate competency within one hundred twenty days of  
30 September 1, 2002, or one hundred twenty days from the date on which  
31 the administrator or his or her designee is hired, whichever is  
32 later, if the boarding home serves one or more residents with special  
33 needs.

34 ~~((6) Continuing education consists of ongoing delivery of~~  
35 ~~information to caregivers on various topics relevant to the care~~  
36 ~~setting and care needs of residents. Competency testing is not~~  
37 ~~required for continuing education. Continuing education is not~~  
38 ~~required in the same calendar year in which basic or modified basic~~

1 ~~training is successfully completed. Continuing education is required~~  
2 ~~in each calendar year thereafter.)) (c) If specialty training is~~  
3 completed, the specialty training applies toward any continuing  
4 education requirement for up to two years following the completion of  
5 the specialty training.

6 ~~((7))~~ (6) Persons who successfully challenge the competency  
7 test for basic training are fully exempt from the basic training  
8 requirements of this section. Persons who successfully challenge the  
9 specialty training competency test are fully exempt from the  
10 specialty training requirements of this section.

11 ~~((8))~~ (7) Licensed persons who perform the tasks for which they  
12 are licensed are fully or partially exempt from the training  
13 requirements of this section, as specified by the department in rule.

14 ~~((9))~~ (8) In an effort to improve access to training and  
15 education and reduce costs, especially for rural communities, the  
16 coordinated system of long-term care training and education must  
17 include the use of innovative types of learning strategies such as  
18 internet resources, videotapes, and distance learning using satellite  
19 technology coordinated through community colleges or other entities,  
20 as defined by the department.

21 ~~((10))~~ (9) The department shall develop criteria for the  
22 approval of orientation, basic training, and specialty training  
23 programs.

24 ~~((11) Boarding homes that desire to deliver facility based~~  
25 ~~training with facility designated trainers, or boarding homes that~~  
26 ~~desire to pool their resources to create shared training systems,~~  
27 ~~must be encouraged by the department in their efforts. The~~  
28 ~~department shall develop criteria for reviewing and approving~~  
29 ~~trainers and training materials that are substantially similar to or~~  
30 ~~better than the materials developed by the department. The~~  
31 ~~department may approve a curriculum based upon attestation by a~~  
32 ~~boarding home administrator that the boarding home's training~~  
33 ~~curriculum addresses basic and specialty training competencies~~  
34 ~~identified by the department, and shall review a curriculum to verify~~  
35 ~~that it meets these requirements. The department may conduct the~~  
36 ~~review as part of the next regularly scheduled yearly inspection and~~  
37 ~~investigation required under RCW 18.20.110. The department shall~~

1 ~~revoke approval of any curriculum if it determines that the~~  
2 ~~curriculum does not meet these requirements.~~

3 ~~(12) The department shall adopt rules by September 1, 2002, for~~  
4 ~~the implementation of this section.~~

5 ~~(13))~~ (10) The orientation, basic training, specialty training,  
6 and continuing education requirements of this section commence  
7 September 1, 2002, or one hundred twenty days from the date of  
8 employment, whichever is later, and shall be applied to (a) employees  
9 hired subsequent to September 1, 2002; and (b) existing employees  
10 that on September 1, 2002, have not successfully completed the  
11 training requirements under RCW 74.39A.010 or 74.39A.020 and this  
12 section. Existing employees who have not successfully completed the  
13 training requirements under RCW 74.39A.010 or 74.39A.020 shall be  
14 subject to all applicable requirements of this section. ~~((However,~~  
15 ~~prior to September 1, 2002, nothing in this section affects the~~  
16 ~~current training requirements under RCW 74.39A.010.))~~

17 **Sec. 28.** RCW 70.128.090 and 2001 c 319 s 7 are each amended to  
18 read as follows:

19 (1) During inspections of an adult family home, the department  
20 shall have access and authority to examine areas and articles in the  
21 home used to provide care or support to residents, including  
22 residents' records, accounts, and the physical premises, including  
23 the buildings, grounds, and equipment. The personal records of the  
24 provider are not subject to department inspection nor is the separate  
25 bedroom of the provider, not used in direct care of a client, subject  
26 to review. The department may inspect all rooms during the initial  
27 licensing of the home. However, during a complaint investigation,  
28 the department shall have access to the entire premises and all  
29 pertinent records when necessary to conduct official business. The  
30 department also shall have the authority to interview the provider  
31 and residents of an adult family home.

32 (2) Whenever an inspection is conducted, the department shall  
33 prepare a written report that summarizes all information obtained  
34 during the inspection, and if the home is in violation of this  
35 chapter or the rules adopted under this chapter or under section 3 of  
36 this act, or the department is enforcing section 23(4) of this act,  
37 serve a copy of the inspection report upon the provider at the same

1 time as a notice of violation. This notice shall be mailed to the  
2 provider within ten working days of the completion of the inspection  
3 process. If the home is not in violation of this chapter, a copy of  
4 the inspection report shall be mailed to the provider within ten  
5 calendar days of the inspection of the home. All inspection reports  
6 shall be made available to the public at the department during  
7 business hours.

8 (3) The provider shall develop corrective measures for any  
9 violations found by the department's inspection. The department  
10 shall upon request provide consultation and technical assistance to  
11 assist the provider in developing effective corrective measures. The  
12 department shall include a statement of the provider's corrective  
13 measures in the department's inspection report.

14 NEW SECTION. **Sec. 29.** A new section is added to chapter 70.128  
15 RCW to read as follows:

16 (1) Adult family homes may participate in a voluntary adult  
17 family home certification program through the University of  
18 Washington geriatric education center. In addition to the minimum  
19 qualifications required under RCW 70.128.120, individuals  
20 participating in the voluntary adult family home certification  
21 program must complete fifty-two hours of class requirements as  
22 established by the University of Washington geriatric education  
23 center. Subjects covered by the class requirements must include:  
24 Specific age-related physical or mental health conditions that can be  
25 prevented, postponed, or alleviated by a health promotion  
26 intervention, how to establish health promotion programs in  
27 residential settings and communities, preventing falls, addressing  
28 health issues of aging families, and issues and health concerns of  
29 ethnic older adults and those with developmental disabilities.

30 (2) Individuals completing the requirements of RCW 70.128.120 and  
31 the voluntary adult family home certification program shall be issued  
32 a certified adult family home license by the department.

33 (3) The department shall adopt rules implementing this section.

34 **Sec. 30.** RCW 70.128.120 and 2006 c 249 s 1 are each amended to  
35 read as follows:

36 Each adult family home provider and each resident manager shall



1 have the following minimum qualifications, except that only providers  
2 are required to meet the provisions of subsection (10) of this  
3 section:

4 (1) Twenty-one years of age or older;

5 (2) For those applying after September 1, 2001, to be licensed as  
6 providers, and for resident managers whose employment begins after  
7 September 1, 2001, a United States high school diploma or general  
8 educational development (GED) certificate or any English or  
9 translated government documentation of the following:

10 (a) Successful completion of government-approved public or  
11 private school education in a foreign country that includes an annual  
12 average of one thousand hours of instruction over twelve years or no  
13 less than twelve thousand hours of instruction;

14 (b) A foreign college, foreign university, or United States  
15 community college two-year diploma;

16 (c) Admission to, or completion of coursework at, a foreign  
17 university or college for which credit was granted;

18 (d) Admission to, or completion of coursework at, a United States  
19 college or university for which credits were awarded;

20 (e) Admission to, or completion of postgraduate coursework at, a  
21 United States college or university for which credits were awarded;  
22 or

23 (f) Successful passage of the United States board examination for  
24 registered nursing, or any professional medical occupation for which  
25 college or university education preparation was required;

26 (3) Good moral and responsible character and reputation;

27 (4) Literacy in the English language(( $\tau$ )). However, a person not  
28 literate in the English language may meet the requirements of this  
29 subsection by assuring that there is a person on staff and available  
30 who is able to communicate or make provisions for communicating with  
31 the resident in his or her primary language and capable of  
32 understanding and speaking English well enough to be able to respond  
33 appropriately to emergency situations and be able to read and  
34 understand resident care plans;

35 (5) Management and administrative ability to carry out the  
36 requirements of this chapter;

37 (6) Satisfactory completion of department-approved basic training  
38 and continuing education training as specified by the department in

1 rule, based on recommendations of the community long-term care  
2 training and education steering committee and working in  
3 collaboration with providers, consumers, caregivers, advocates,  
4 family members, educators, and other interested parties in the rule-  
5 making process;

6 (7) Satisfactory completion of department-approved, or  
7 equivalent, special care training before a provider may provide  
8 special care services to a resident;

9 (8) Not been convicted of any crime listed in RCW 43.43.830 and  
10 43.43.842;

11 (9) For those applying after September 1, 2001, to be licensed as  
12 providers, and for resident managers whose employment begins after  
13 September 1, 2001, at least three hundred twenty hours of successful,  
14 direct caregiving experience obtained after age eighteen to  
15 vulnerable adults in a licensed or contracted setting prior to  
16 operating or managing an adult family home; and

17 (10) Prior to being granted a license, providers applying after  
18 January 1, 2007, must complete a department-approved forty-eight hour  
19 adult family home administration and business planning class. The  
20 department shall promote and prioritize bilingual capabilities within  
21 available resources and when materials are available for this  
22 purpose.

23 **Sec. 31.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to  
24 read as follows:

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

27 (a) "Caregiver" includes all adult family home resident managers  
28 and any (~~person~~) long-term care worker who provides residents with  
29 hands-on personal care on behalf of an adult family home, except  
30 volunteers who are directly supervised.

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

36 (c) "Long-term care worker" has the same meaning as defined in  
37 RCW 74.39A.009(11).

1 (2) Training must have three components: Orientation, basic  
2 training, and continuing education. All adult family home providers,  
3 resident managers, and employees, or volunteers who routinely  
4 interact with residents shall complete orientation. Caregivers shall  
5 complete orientation, basic training, and continuing education.  
6 Training of caregivers employed by adult family homes is governed by  
7 chapter 74.39A RCW. Any caregiver who has satisfied the training and  
8 competency testing requirements of section 3 of this act or the  
9 continuing education requirements of RCW 74.39A.340 shall be deemed  
10 to have satisfied, as applicable, the orientation, basic training,  
11 and continuing education requirements of this section.

12 (3) Orientation consists of introductory information on  
13 residents' rights, communication skills, fire and life safety, and  
14 universal precautions. Orientation must be provided at the facility  
15 by appropriate adult family home staff to all adult family home  
16 employees before the employees have routine interaction with  
17 residents.

18 (4) Basic training consists of modules on the core knowledge and  
19 skills that caregivers need to learn and understand to effectively  
20 and safely provide care to residents. Basic training must be  
21 outcome-based, and the effectiveness of the basic training must be  
22 measured by demonstrated competency in the core areas through the use  
23 of a competency test. ~~((Basic training must be completed by~~  
24 ~~caregivers within one hundred twenty days of the date on which they~~  
25 ~~begin to provide hands on care or within one hundred twenty days of~~  
26 ~~September 1, 2002, whichever is later.))~~ Until ~~((competency in the~~  
27 ~~core areas has been demonstrated, caregivers))~~ a caregiver provides  
28 verification that he or she has satisfied the basic training  
29 requirements under section 3 of this act, a caregiver shall not  
30 provide hands-on personal care to residents without indirect  
31 supervision.

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

1 appropriate. Specialty training must be outcome-based, and the  
2 effectiveness of the specialty training measured by demonstrated  
3 competency in the core specialty areas through the use of a  
4 competency test.

5 (b) Specialty training must be completed by providers and  
6 resident managers before admitting and serving residents who have  
7 been determined to have special needs related to mental illness,  
8 dementia, or a developmental disability. Should a resident develop  
9 special needs while living in a home without specialty designation,  
10 the provider and resident manager have one hundred twenty days to  
11 complete specialty training.

12 ~~((6) Continuing education consists of ongoing delivery of~~  
13 ~~information to caregivers on various topics relevant to the care~~  
14 ~~setting and care needs of residents. Competency testing is not~~  
15 ~~required for continuing education. Continuing education is not~~  
16 ~~required in the same calendar year in which basic or modified basic~~  
17 ~~training is successfully completed. Continuing education is required~~  
18 ~~in each calendar year thereafter.)) If training received by a  
19 caregiver under section 3 of this act involves core knowledge and  
20 skills to effectively and safely provide care to residents of the  
21 adult family home with special needs, the hours of training received  
22 by the caregiver shall apply toward meeting the specialty training  
23 requirements under this section.~~

24 (c) If specialty training is completed, the specialty training  
25 applies toward any continuing education requirement for up to two  
26 years following the completion of the specialty training.

27 ~~((7))~~ (6) Persons who successfully challenge the competency  
28 test for basic training are fully exempt from the basic training  
29 requirements of this section. Persons who successfully challenge the  
30 specialty training competency test are fully exempt from the  
31 specialty training requirements of this section.

32 ~~((8))~~ (7) Licensed persons who perform the tasks for which they  
33 are licensed are fully or partially exempt from the training  
34 requirements of this section, as specified by the department in rule.

35 ~~((9))~~ (8) In an effort to improve access to training and  
36 education and reduce costs, especially for rural communities, the  
37 coordinated system of long-term care training and education must  
38 include the use of innovative types of learning strategies such as

1 internet resources, videotapes, and distance learning using satellite  
2 technology coordinated through community colleges, private  
3 associations, or other entities, as defined by the department.

4 ~~((10) Adult family homes that desire to deliver facility based  
5 training with facility designated trainers, or adult family homes  
6 that desire to pool their resources to create shared training  
7 systems, must be encouraged by the department in their efforts. The  
8 department shall develop criteria for reviewing and approving  
9 trainers and training materials. The department may approve a  
10 curriculum based upon attestation by an adult family home  
11 administrator that the adult family home's training curriculum  
12 addresses basic and specialty training competencies identified by the  
13 department, and shall review a curriculum to verify that it meets  
14 these requirements. The department may conduct the review as part of  
15 the next regularly scheduled inspection authorized under RCW  
16 70.128.070. The department shall rescind approval of any curriculum  
17 if it determines that the curriculum does not meet these  
18 requirements.~~

19 ~~(11))~~ (9) The department shall adopt rules by September 1, 2002,  
20 for the implementation of this section.

21 ~~((12))~~ (10) The orientation, basic training, specialty  
22 training, and continuing education requirements of this section  
23 commence September 1, 2002, and shall be applied to (a) employees  
24 hired subsequent to September 1, 2002; or (b) existing employees that  
25 on September 1, 2002, have not successfully completed the training  
26 requirements under RCW 70.128.120 or 70.128.130 and this section.  
27 Existing employees who have not successfully completed the training  
28 requirements under RCW 70.128.120 or 70.128.130 shall be subject to  
29 all applicable requirements of this section. ~~((However, until  
30 September 1, 2002, nothing in this section affects the current  
31 training requirements under RCW 70.128.120 and 70.128.130.))~~

32 NEW SECTION. **Sec. 32.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 18.20.230 (Training standards review--Proposed  
35 enhancements) and 1999 c 372 s 3 & 1998 c 272 s 2; and

36 (2) RCW 70.128.210 (Training standards review--Delivery system--  
37 Issues reviewed--Report to the legislature) and 1998 c 272 s 3.

1        NEW SECTION.    **Sec. 33.** Sections 7 through 19 of this act  
2 constitute a new chapter in Title 18 RCW.

3        NEW SECTION.    **Sec. 34.** Section 20 of this act expires July 1,  
4 2008.

5        NEW SECTION.    **Sec. 35.** Section 21 of this act takes effect July  
6 1, 2008.

7        NEW SECTION.    **Sec. 36.** If specific funding for the purposes of  
8 this act, referencing this act by bill or chapter number, is not  
9 provided by June 30, 2008, in the omnibus appropriations act, this  
10 act is null and void."

**ESHB 2693** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 03/06/2008**

11        On page 1, line 2 of the title, after "workers;" strike the  
12 remainder of the title and insert "amending RCW 74.39A.009,  
13 74.39A.340, 74.39A.360, 74.39A.240, 74.39A.050, 70.127.100,  
14 18.20.110, 18.20.270, 70.128.090, 70.128.120, and 70.128.230;  
15 reenacting and amending RCW 18.130.040 and 18.130.040; adding new  
16 sections to chapter 74.39A RCW; adding a new section to chapter  
17 70.128 RCW; adding a new chapter to Title 18 RCW; creating new  
18 sections; repealing RCW 18.20.230 and 70.128.210; providing an  
19 effective date; and providing an expiration date."

EFFECT:        Makes two technical changes to the Senate Health and  
Long-Term Care Committee adopted striking amendment: (1) Corrects  
section references; and (2) provides direction to DSHS on rule making  
for on-the-job training, peer mentoring, and advanced training. For  
reference, the Senate Health and Long-Term Care Committee adopted

striking amendment made one change to ESHB 2693; it removed the requirement for two extra hours of administrative continuing education for Adult Family Home providers.

--- END ---