

FINAL BILL REPORT

E2SHB 2284

C 361 L 07

Synopsis as Enacted

Brief Description: Addressing the training of and collective bargaining over the training of care providers.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt).

House Committee on Commerce & Labor

House Committee on Appropriations

Senate Committee on Labor, Commerce, Research & Development

Background:

Task Force.

The 2005 Legislature established an eight-member Joint Legislative and Executive Task Force on Long-Term Care Financing and Chronic Care Management (Task Force) to make recommendations related to: the composition of a long term care system adequate to meet needs; efficient models that will effectively sustain the funding of long-term care; laws and regulations that should be revised and/or eliminated to reduce or contain costs; the feasibility of private options that will enable individuals to pay for long-term care; options that support the needs of rural communities; and disability prevention interventions and chronic care management strategies that can reduce the need for long-term care. The Task Force issued its recommendations on January 1, 2007, and is required to issue its final report no later than June 30, 2007.

Training.

Individual providers and agency home care workers provide long-term care services to elderly and disabled clients who are eligible for publicly-funded services through the Department of Social and Health Services' (DSHS) Aging and Adult Services and Developmental Disabilities programs. These workers provide the DSHS' clients with personal care assistance with various tasks such as toileting, bathing, dressing, ambulating, meal preparation, and household chores.

Individual providers and agency home care workers must meet certain training requirements set forth in statute and in rules adopted by the DSHS. These training requirements include the following:

- an orientation which provides basic introductory information appropriate to the in-home setting and the population served;

- basic training as to the core knowledge and skills needed to provide personal care services effectively and safely; and
- continuing education designed to increase and keep current a person's knowledge and skills.

Collective Bargaining.

Wages, benefits, and working conditions for individual providers are determined solely through collective bargaining. The Governor must submit, as part of the proposed biennial or supplemental operating budget submitted to the Legislature, a request for funds necessary to implement the compensation and fringe benefits provisions of a collective bargaining agreement or binding interest arbitration award. The Legislature must approve or reject the submission of the request for funds as a whole.

Vendor payment rates for agency home care workers are established in the biennial operating budget. A formula established by the DSHS converts the cost of compensation increases negotiated and funded for individual providers into an hourly amount that is added to vendor rates for agency home care providers.

Summary:

Task Force and Workgroup.

The Joint Legislative and Executive Task Force on Long-Term Care Financing and Chronic Care Management (Task Force) is required to establish a fifteen-member Home and Community Long-Term Care Workforce Development Workgroup (Workgroup). The Workgroup is co-chaired by the Chair of the Task Force and the Executive Director of the Home Care Quality Authority.

The Workgroup is required to evaluate current training requirements for long-term care workers. It is also required to make recommendations related to: the appropriate number of basic training hours; the content of basic training curricula; and the development of criteria associated with certification of new long-term care workers.

The Workgroup is required to report its findings and recommendations to the Task Force, the Governor, and appropriate legislative committees by December 1, 2007. The Task Force is required to include the Workgroup's findings and recommendations in the Task Force's final report. The deadline for the Task Force's final report is extended from June 30, 2007, to December 30, 2007.

Training.

Long-term care workers must be offered on-the-job training or peer mentorship for at least one hour per week in the first 90 days of work from a long-term care worker who has completed 12 hours of mentor training and is mentoring no more than 10 other workers. This requirement applies to long-term care workers who begin work on or after January 1, 2010.

Long-term care workers must complete 12 hours of continuing education training in advanced training topics each year. This requirement applies beginning January 1, 2010.

The Department of Social and Health Services (DSHS) must offer sufficient opportunities for long-term care workers to accumulate 65 hours of training within a reasonable time period. The DSHS may not require long-term care workers to obtain such training. This requirement to offer advanced training applies beginning January 1, 2010.

For individual providers represented by an exclusive bargaining representative, certain training and peer mentoring must be provided by a training partnership beginning January 1, 2010. The exclusive bargaining representative designates the training partnership. "Training partnership" is defined as a partnership or trust established and maintained jointly by the Office of the Governor and the exclusive bargaining representative of the individual providers to provide training and certain other services to individual providers.

Collective Bargaining.

At the request of the exclusive bargaining representative of individual providers, the Governor must engage in collective bargaining with the bargaining representative over employer contributions to the training partnership. The employer contributions are for the costs of certain training and peer mentoring and other training intended to promote career development.

Other.

Other provisions address the formula used to establish parity for individual providers and adult family home care providers and certification as a nursing assistant.

The act is to be liberally construed.

The short title of the act is the "Establishing Quality in Long-Term Care Services Act."

Votes on Final Passage:

House	93	4
Senate	45	2

Effective: July 22, 2007
May 8, 2007 (Section 1)
March 1, 2008 (Sections 7 and 8)