

SENATE BILL REPORT

ESHB 2693

As Reported By Senate Committee On:
Health & Long-Term Care, February 28, 2008
Ways & Means, March 03, 2008

Title: An act relating to required basic training and certification of long-term care workers.

Brief Description: Regarding training and certification of long-term care workers.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Morrell, Darneille, Moeller, Hudgins, Eddy, Upthegrove, Campbell, McIntire, Conway, O'Brien, Simpson, Kenney, Wood and Sells).

Brief History: Passed House: 2/18/08, 95-0.

Committee Activity: Health & Long-Term Care: 2/27/08, 2/28/08 [DPA-WM].
Ways & Means: 3/3/08 [DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

Staff: Rhoda Donkin (786-7465)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Chelsea Buchanan (786-7446)

Background: Long-term care workers provide personal assistance to elderly individuals and persons with disabilities. Typical tasks include help with bathing, eating, toileting, dressing, ambulating, meals preparation and household chores. Home care workers can contract directly with the state as individual providers and work in peoples' homes or they can be employees of home care agencies, assisted living facilities, adult family homes, and other

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

community based long-term care facilities, except nursing homes, hospice agencies, and day centers.

Individual providers and agency employees who under contract with DSHS, have to complete three types of training to work with this vulnerable population. They complete orientation, basic and continuing education, each designed to provide core information and skills to meet their responsibilities safely and effectively. In general, these different levels of training add up to about 34 hours, which must be completed within 120 days of hire or DSHS can deny payment. Long-term care workers must also have ten hours of additional continuing education training annually, which increases to 12 hours in 2010.

Parents who care for a son or daughter with developmental disabilities have different training requirements. They must complete six hours of training within 180 days of contracting with the state.

New training requirements for these long-term care workers go into effect in 2010, including, for example, peer mentorship, more continuing education, and the opportunity to accumulate up to 65 hours of training.

Individual providers represented by an exclusive bargaining representative, must have all required training and peer mentoring provided by the Individual Provider Training Partnership beginning January 1, 2010. Employer contributions to the training partnership for this and other specified career development training are subject to collective bargaining at the request of the individual providers's exclusive bargaining representative.

Summary of Bill (Recommended Amendments): Beginning January 1, 2010, basic training and registration requirements are established for long-term care workers. Registration is required within 120 days of employment. Among other requirements, applicants for registration must pay the applicable fee, and successfully complete or challenge basic training. This includes 35 hours of classroom training, with instruction in such topics as safety, infection control and resident rights. DSHS must develop qualification requirements for trainers and criteria for the approval of training programs. DSHS may deny payment to a long-term care worker who does not complete basic training or obtain registration within required time limits.

Certain health care workers who also work in long-term care are exempt from these training and registration requirements. They include registered nurses, licensed practical nurses, certified nursing assistants, Medicare certified home health aides, or persons with a similar health certification or licensure. Anyone who passes the competency test is exempt from the training requirements.

Parents who care for their children with developmental disabilities are exempt from continuing education requirements that begin for other long-term care workers on January 1, 2010.

A voluntary certification for long-term care workers begins January 1, 2012. Certified long-term care workers may apply for a speciality endorsement. Certification must include approved training and other types of training such as peer mentoring and on-the job experience. Applicants must pass an examination. DOH is directed to develop a plan that articulates how certification and speciality endorsement can become a career path for long-

term care workers. DOH must provide this in a report due to the Legislature by December 1, 2009.

DOH will administer the long-term care worker credentialing program and adopt rules by September 1, 2009, to implement the registration program.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Amendments): Technical amendments were made to the amendment recommended by the Health and Long-Term Care Committee, including correcting section references and the subjects for which DSHS must write rules.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Amendments): Language was deleted that increased the number of administrative training hours required for adult family home providers.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute Bill (Health & Long-Term Care): PRO: We need to have well trained people taking care of our most vulnerable people and this bill creates a standard that will ensure that everyone has some training. It offers the initial structure for a career path for care givers. We need to honor the training that is already in place and build on that. This bill will allow private home care agencies to thrive with training standards that are reasonable and achievable. Registration is a good idea because we need to know who is out there doing this work and have them covered under the Uniform Discipline Act, like all other health professions. There is no evidence that increasing training will increase quality of care. The state already requires most of the training that is in this bill. This puts the standards in statute as requirements for registration.

OTHER: This bill doesn't go far enough. Home care workers deal with very difficult and complex situations. They need to be trained to do this work, because most of the long-term care system depends on them. The current requirements articulated in this bill are not enough to ensure that people who are working out there on their own, in unlicensed homes, are performing safely. There is going to be an explosion of people needing long-term care in the community in the future. We should be setting up a system now that prepares a workforce to deal with it. Every effort should be made to include people with disabilities in any effort to develop training standards.

Persons Testifying (Health & Long-Term Care): PRO: Representative Dawn Morrell; Susan Miller, CareForce; Deb Murphy, Washington Association of Services and Housing for the Aging; Ron Bode, Julie Ferguson, Randy Waldon, Washington Private Duty Association; Leslie Emerick, Home Care Association of Washington, Washington State Hospice & Palliative Care Organization; Gary Weeks, Washington Health Care Association.

OTHER: Nora Kelley, Linda Lee, SEIU Healthcare 775; Debbi Lohrer, SEIU; Hilke Faber, Resident Councils of Washington; Cherie Tessier, Passport 4 Change; Louise Ryan, State

Long-Term Care Ombudsman; Dennis Eagle, Washington Federation of Employees; Janet Rhode, Dan Simnioniw, Washington State Residential Care Council; Ingrid McDonald, American Association of Retired Persons; Amy E. Thomas, Save Our Homes, Washington Federation of State Employees.

Staff Summary of Public Testimony on HEA Recommended Amendments (Ways & Means): PRO: We are supportive of the bill in its current form.

OTHER: Our concerns are with the underlying policy of the bill, not the fiscal side.

Persons Testifying (Ways & Means): PRO: Julie Peterson, Washington Association of Housing and Services for the Aging; Julie Ann Ferguson, Washington Private Duty Association; Leslie Emerick, Home Care Association of Washington, Washington State Hospice and Palliative Care Organization; Gary Weeks, Washington Health Care Association.

OTHER: Nora Kelley, SEIU Healthcare 775NW.