
ENGROSSED SUBSTITUTE HOUSE BILL 2693

State of Washington

60th Legislature

2008 Regular Session

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

READ FIRST TIME 02/12/08.

1 AN ACT Relating to required basic training and certification of
2 long-term care workers; amending RCW 74.39A.009, 74.39A.340,
3 74.39A.360, 74.39A.240, 74.39A.050, 70.127.100, 18.20.110, 18.20.270,
4 70.128.090, 70.128.120, and 70.128.230; reenacting and amending RCW
5 18.130.040 and 18.130.040; adding new sections to chapter 74.39A RCW;
6 adding a new section to chapter 70.128 RCW; adding a new chapter to
7 Title 18 RCW; creating new sections; repealing RCW 18.20.230 and
8 70.128.210; providing an effective date; and providing an expiration
9 date.

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

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

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

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

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

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

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

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

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

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

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

18 (j) The long-term care workforce should be increased and enhanced
19 to meet current and future needs. New policies and requirements should
20 not result in decreasing the available workforce or the services
21 available to consumers.

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

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

28 Unless the context clearly requires otherwise, the definitions in
29 this section apply throughout this chapter.

30 (1) "Adult family home" means a home licensed under chapter 70.128
31 RCW.

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

36 (3) "Assisted living services" means services provided by a
37 boarding home that has a contract with the department under RCW

1 74.39A.010 to provide personal care services, intermittent nursing
2 services, and medication administration services, and the resident is
3 housed in a private apartment-like unit.

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

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

14 (6) "Department" means the department of social and health
15 services.

16 (7) "Enhanced adult residential care" means services provided by a
17 boarding home that is licensed under chapter 18.20 RCW and that has a
18 contract with the department under RCW 74.39A.010 to provide personal
19 care services, intermittent nursing services, and medication
20 administration services.

21 (8) "Functionally disabled person" or "person who is functionally
22 disabled" is synonymous with chronic functionally disabled and means a
23 person who because of a recognized chronic physical or mental condition
24 or disease, including chemical dependency, is impaired to the extent of
25 being dependent upon others for direct care, support, supervision, or
26 monitoring to perform activities of daily living. "Activities of daily
27 living", in this context, means self-care abilities related to personal
28 care such as bathing, eating, using the toilet, dressing, and transfer.
29 Instrumental activities of daily living may also be used to assess a
30 person's functional abilities as they are related to the mental
31 capacity to perform activities in the home and the community such as
32 cooking, shopping, house cleaning, doing laundry, working, and managing
33 personal finances.

34 (9) "Home and community services" means adult family homes, in-home
35 services, and other services administered or provided by contract by
36 the department directly or through contract with area agencies on aging
37 or similar services provided by facilities and agencies licensed by the
38 department.

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

10 (11)(a) "Long-term care workers" includes all persons who are
11 (~~long term care workers for the elderly or~~) paid to provide personal
12 care services to persons with functional disabilities, including but
13 not limited to individual providers of home care services, direct care
14 employees of home care agencies, providers of home care services to
15 persons with developmental disabilities under Title 71 RCW, all direct
16 care workers in state-licensed boarding homes, assisted living
17 facilities, and adult family homes, respite care providers, community
18 residential service providers, and any other direct care worker
19 providing home or community-based services to (~~the elderly or~~)
20 persons with functional disabilities or developmental disabilities.

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

25 (12) "Nursing home" means a facility licensed under chapter 18.51
26 RCW.

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

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

31 (~~(14)~~) (15) "Training partnership" means a joint partnership or
32 trust established and maintained jointly by the office of the governor
33 and the exclusive bargaining representative of individual providers
34 under RCW 74.39A.270 to provide training(~~(7)~~) and peer mentoring(~~(7 and~~
35 ~~examinations)~~) required under this chapter, and educational, career
36 development, or other related services to individual providers.

37 (~~(15)~~) (16) "Tribally licensed boarding home" means a boarding

1 home licensed by a federally recognized Indian tribe which home
2 provides services similar to boarding homes licensed under chapter
3 18.20 RCW.

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

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

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

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

18 (b) Basic training:

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

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

28 (2) Training standards and the delivery system for basic training
29 must be relevant to the varied needs of persons served by long-term
30 care workers and be sufficient to ensure that long-term care workers
31 have the skills and knowledge necessary to provide high quality,
32 appropriate care in a manner that respects the preferences of each
33 person served. In an effort to improve the quality of training,
34 increase access to training, and reduce costs, especially for rural
35 communities, the classroom training provided in a coordinated system of
36 long-term care training and education should include:

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

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

8 (3) As specified in this section, the following persons are fully
9 or partially exempt from the basic training requirements of this
10 section:

11 (a) As specified by the department in rule, registered nurses,
12 licensed practical nurses, certified nursing assistants, medicare
13 certified home health aides, or persons who hold a similar health
14 certification or license. However, these persons must complete worker
15 orientation training as described in subsection (1)(b)(i) of this
16 section;

17 (b) Persons who successfully challenge the competency test for
18 basic training. Such persons shall be deemed to have completed the
19 relevant hours of basic training. However, these persons must complete
20 worker orientation training as described in subsection (1)(b)(i) of
21 this section;

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

25 (d) Biological, step, or adoptive parents who are the individual
26 provider for only their son or daughter who is developmentally disabled
27 or functionally disabled, and persons who provide respite care on an
28 intermittent basis to such son or daughter of a biological, step, or
29 adoptive parent who is either an individual provider or an unpaid
30 caregiver. However, these workers must complete: (i) Six hours of
31 training relevant to the needs of adults with developmental
32 disabilities and related functional disabilities, as appropriate; and
33 (ii) safety training, which may be completed using distance learning or
34 other alternative methods of training. As used in this subsection,
35 "intermittent basis" means care provided exclusively to one individual
36 for not more than an average of twenty-four hours per month; and

37 (e) Long-term care workers who were initially contracted or

1 employed as long-term care workers before January 1, 2010. However,
2 these long-term care workers must complete all training requirements in
3 effect before that date.

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

6 (1)(a) The department shall develop qualification requirements for
7 trainers and criteria for the approval of basic training programs under
8 section 3 of this act. Only training curricula approved by the
9 department may be used to fulfill the requirements of section 3 of this
10 act.

11 (b)(i) The department shall develop criteria for reviewing and
12 approving trainers and training materials that are substantially
13 similar to or better than the materials developed by the department.
14 The department may approve a curriculum based upon attestation by a
15 boarding home administrator, an adult family home provider or resident
16 manager, a home care agency administrator, or the administrator of the
17 training partnership designated in RCW 74.39A.360 that the facility's,
18 agency's, or training partnership's training curriculum addresses
19 required training competencies identified by the department, and shall
20 review a curriculum to verify that it meets these requirements. The
21 department, or the department of health, as applicable, may conduct the
22 review as part of the regularly scheduled inspection and investigation
23 required under RCW 18.20.110, 70.128.090, or 70.127.100. The
24 department shall rescind approval of any curriculum if it determines
25 that the curriculum does not meet these requirements.

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

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

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

8 (2) The department shall adopt rules by September 1, 2009,
9 necessary to implement the training provisions of section 3 of this
10 act. In developing rules, the department shall consult with the
11 department of health, the nursing care quality assurance commission,
12 adult family home providers, boarding home providers, in-home personal
13 care providers, affected labor organizations, community and technical
14 colleges, and long-term care consumers and other interested
15 organizations.

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

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

22 (2) This section does not apply to persons described in section
23 3(3)(d) of this act. However, this subsection does not prohibit
24 requiring continuing education for such persons who elect to become
25 registered or certified under chapter 18.-- RCW (the chapter created in
26 section 31 of this act).

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

29 (1) Beginning January 1, 2010, for individual providers represented
30 by an exclusive bargaining representative under RCW 74.39A.270, all
31 training and peer mentoring required under this chapter shall be
32 provided by a training partnership. Contributions to the partnership
33 pursuant to a collective bargaining agreement negotiated under this
34 chapter shall be made beginning July 1, 2009. The training partnership
35 shall provide reports as required by the department on the individual
36 providers who began training and those who completed training, and

1 verifying that all individual providers required to do so have complied
2 with all training requirements. The exclusive bargaining
3 representative shall designate the training partnership.

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

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

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

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

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

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

23 (2) The legislature, therefore, intends to provide opportunities to
24 increase skills and knowledge or to pursue a career track through
25 certification and specialty endorsements, and potential articulation
26 from long-term care worker certification to other health care
27 credentialing or degrees.

28 NEW SECTION. Sec. 8. The definitions in this section apply
29 throughout this chapter unless the context clearly requires otherwise.

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

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

32 (3) "Long-term care worker" has the same meaning as in RCW
33 74.39A.009. There are two levels of credentialed long-term care
34 workers:

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

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

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

5 (5) "Personal care services" has the same meaning as in RCW
6 74.39A.009.

7 (6) "Approved training program" means a program of not less than
8 eighty-five hours of training that is approved by the secretary in
9 consultation with the department of social and health services, the
10 state board for community and technical colleges, and the
11 superintendent of public instruction. The department shall ensure, to
12 the extent possible, that long-term care worker training programs
13 approved by the department assist with opportunities to articulate to
14 relevant degree or skill programs offered in community colleges,
15 vocational-technical institutes, skill centers, and secondary schools
16 as defined in chapter 28B.50 RCW. A training program approved under
17 this section may include, but is not limited to, the following
18 elements:

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

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

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

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

30 (e) On-the-job training provided by the worker's employer,
31 including specialty training required under RCW 18.20.270(5) and
32 70.128.230(5);

33 (f) Structured training in population or setting specific
34 competencies that allow long-term care workers to acquire competencies
35 unique to the persons they will be serving or the care setting in which
36 they will be working;

37 (g) Attendance at relevant conferences sponsored by national or

1 state professional associations, governmental agencies, or institutions
2 of higher education; and

3 (h) Other structured or documented training approved by the
4 secretary. For the purposes of this subsection, "documented training"
5 means a written training program that describes the subject covered by
6 the training, the methods by which the training is conducted, and the
7 qualifications of the instructor.

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

11 NEW SECTION. **Sec. 9.** (1)(a) Registration under this chapter
12 commences January 1, 2010. If the department determines that
13 administrative capacities essential to implementation of long-term care
14 worker registration under this chapter will not be fully functional by
15 January 1, 2010, the department may defer the implementation date to no
16 later than July 1, 2010.

17 (b) Except as provided otherwise in this chapter, long-term care
18 workers contracted or employed on or after January 1, 2010, must
19 register within one hundred twenty days after the date of the long-term
20 care worker's initial contracting or employment as a long-term care
21 worker, except that workers initially contracted or employed before
22 January 1, 2010, must register within one hundred twenty days after
23 January 1, 2010. However, the department, for good cause, may extend
24 the one hundred twenty day time period by up to sixty days.

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

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

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

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

35 (b) A certified long-term care worker without applying for

1 certification, meeting the qualifications, and being certified pursuant
2 to this chapter.

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

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

8 (2) Establish forms, procedures, and examinations necessary to
9 administer this chapter;

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

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

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

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

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

20 (8) Deny registration to any applicant who fails to meet
21 requirement for registration; and

22 (9) Deny certification to applicants who do not meet the education,
23 training, competency evaluation, and conduct requirements for
24 certification.

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

27 (1) Pays any applicable fees;

28 (2) Submits, on forms provided by the secretary, the applicant's
29 name, address, and other information as determined by the secretary;
30 and

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

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

- 1 (b) The applicant has completed any required background check; and
- 2 (c) There are no grounds for denial of registration or issuance of
- 3 a conditional registration under this chapter or chapter 18.130 RCW.

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

- 6 (a) Pays any applicable fees;
- 7 (b) Submits, on forms provided by the secretary, the applicant's
- 8 name, address, and other information as determined by the secretary;
- 9 (c) Establishes to the secretary's satisfaction that:
 - 10 (i) The applicant has successfully completed an approved training
 - 11 program;
 - 12 (ii) The applicant has successfully completed a certification
 - 13 examination;
 - 14 (iii) The applicant has completed any required background check;
 - 15 and
 - 16 (iv) There exist no grounds for denial of certification under
 - 17 chapter 18.130 RCW.

18 (2) The date and location of examinations shall be established by
19 the secretary. Applicants who have been found by the secretary to meet
20 the requirements for certification shall be scheduled for the next
21 examination following the filing of the application. The secretary
22 shall establish by rule the examination application deadline.

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

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

32 (5) Any applicant failing to make the required grade in the first
33 examination may take up to three subsequent examinations as the
34 applicant desires upon prepaying a fee determined by the secretary
35 under RCW 43.70.250 for each subsequent examination. Upon failing four
36 examinations, the secretary may invalidate the original application and

1 require such remedial education before the person may take future
2 examinations.

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

8 NEW SECTION. Sec. 14. (1) A long-term care worker certified under
9 this chapter may apply for a specialty endorsement in the specialty
10 areas identified by the secretary in consultation with the department
11 of social and health services. The secretary shall issue an
12 endorsement to an applicant who:

13 (a) Completes the hours of training and practical experience
14 required in rules adopted by the secretary for the relevant specialty
15 endorsement;

16 (b) Pays any applicable fee; and

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

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

21 NEW SECTION. Sec. 15. An applicant holding a credential in
22 another state may be certified in this state without examination if the
23 secretary determines that the other state's credentialing standards for
24 long-term care workers are substantially equivalent to the standards in
25 this state.

26 NEW SECTION. Sec. 16. (1) Registrations and certifications shall
27 be renewed according to administrative procedures, administrative
28 requirements, and fees determined by the secretary under RCW 43.70.250
29 and 43.70.280.

30 (2) Completion of continuing education as required in RCW
31 74.39A.340 is a prerequisite to renewing a registration or
32 certification under this chapter.

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

1 (a) Registered nurses, licensed practical nurses, certified nursing
2 assistants, medicare certified home health aides, or other persons who
3 hold a similar health credential, as determined by the secretary, or
4 persons with special education training and an endorsement granted by
5 the superintendent of public instruction that is recognized by the
6 secretary as appropriate to specified personal care services
7 circumstances;

8 (b) Biological, step, or adoptive parents who are the individual
9 provider for only their son or daughter who is developmentally disabled
10 or functionally disabled, and persons who provide respite care on an
11 intermittent basis to such son or daughter of a biological, step, or
12 adoptive parent who is either an individual provider or an unpaid
13 caregiver. As used in this subsection, "intermittent basis" means the
14 same as the definition in section 3(3)(d) of this act.

15 (2) Nothing in this chapter may be construed to prohibit or
16 restrict:

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

20 (b) The practice by an individual employed by the government of the
21 United States while engaged in the performance of duties prescribed by
22 the laws of the United States;

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

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

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

32 NEW SECTION. **Sec. 18.** (1) The uniform disciplinary act, chapter
33 18.130 RCW, governs unregistered or uncertified practice, issuance of
34 certificates and registrations, and the discipline of persons
35 registered or with certificates under this chapter. The secretary
36 shall be the disciplinary authority under this chapter.

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

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

10 NEW SECTION. **Sec. 19.** (1) The department shall adopt rules by
11 September 1, 2009, necessary to implement the registration provisions
12 of this chapter. In developing rules, the department shall consult
13 with the department of social and health services, the nursing care
14 quality assurance commission, adult family home providers, boarding
15 home providers, in-home personal care providers, the training
16 partnership defined in RCW 74.39A.009, affected labor organizations,
17 community and technical colleges, and long-term care consumers and
18 other interested organizations.

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

23 (i) The certification program should assist a long-term care worker
24 to enter, if desired, a career path to other health care or allied
25 health professions, including articulation, to the maximum extent
26 possible under federal law, from long-term care worker certification to
27 nursing assistant certification under chapter 18.88A RCW;

28 (ii) The department should consider the relative merits of
29 certification and/or specialty endorsement examinations and of
30 practical work experience for certification and/or specialty
31 endorsements. If recommendations are made for practical work
32 experience requirements, the department's plan should include
33 recommendations on the hours and type of practical work experience that
34 would be appropriate for the credential sought.

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

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

3 (1) This chapter applies only to the secretary and the boards and
4 commissions having jurisdiction in relation to the professions licensed
5 under the chapters specified in this section. This chapter does not
6 apply to any business or profession not licensed under the chapters
7 specified in this section.

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

10 (i) Dispensing opticians licensed and designated apprentices under
11 chapter 18.34 RCW;

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

13 (iii) Midwives licensed under chapter 18.50 RCW;

14 (iv) Ocularists licensed under chapter 18.55 RCW;

15 (v) Massage operators and businesses licensed under chapter 18.108
16 RCW;

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

18 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

21 (ix) Respiratory care practitioners licensed under chapter 18.89
22 RCW;

23 (x) Persons registered under chapter 18.19 RCW;

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

26 (xii) Persons registered as nursing pool operators under chapter
27 18.52C RCW;

28 (xiii) Nursing assistants registered or certified under chapter
29 18.88A RCW;

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

31 (xv) Dietitians and nutritionists certified under chapter 18.138
32 RCW;

33 (xvi) Chemical dependency professionals certified under chapter
34 18.205 RCW;

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

37 (xviii) Persons licensed and certified under chapter 18.73 RCW or
38 RCW 18.71.205;

1 (xix) Denturists licensed under chapter 18.30 RCW;
2 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
3 (xxi) Surgical technologists registered under chapter 18.215 RCW;
4 (xxii) Recreational therapists; (~~and~~)
5 (xxiii) Animal massage practitioners certified under chapter 18.240
6 RCW; and
7 (xxiv) Long-term care workers registered or certified under chapter
8 18.-- RCW (the new chapter created in section 31 of this act).

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

11 (i) The podiatric medical board as established in chapter 18.22
12 RCW;

13 (ii) The chiropractic quality assurance commission as established
14 in chapter 18.25 RCW;

15 (iii) The dental quality assurance commission as established in
16 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
17 licenses and registrations issued under chapter 18.260 RCW;

18 (iv) The board of hearing and speech as established in chapter
19 18.35 RCW;

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

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

24 (vii) The board of osteopathic medicine and surgery as established
25 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
26 18.57A RCW;

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

29 (ix) The medical quality assurance commission as established in
30 chapter 18.71 RCW governing licenses and registrations issued under
31 chapters 18.71 and 18.71A RCW;

32 (x) The board of physical therapy as established in chapter 18.74
33 RCW;

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

36 (xii) The nursing care quality assurance commission as established
37 in chapter 18.79 RCW governing licenses and registrations issued under
38 that chapter;

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

3 (xiv) The veterinary board of governors as established in chapter
4 18.92 RCW.

5 (3) In addition to the authority to discipline license holders, the
6 disciplining authority has the authority to grant or deny licenses
7 based on the conditions and criteria established in this chapter and
8 the chapters specified in subsection (2) of this section. This chapter
9 also governs any investigation, hearing, or proceeding relating to
10 denial of licensure or issuance of a license conditioned on the
11 applicant's compliance with an order entered pursuant to RCW 18.130.160
12 by the disciplining authority.

13 (4) All disciplining authorities shall adopt procedures to ensure
14 substantially consistent application of this chapter, the Uniform
15 Disciplinary Act, among the disciplining authorities listed in
16 subsection (2) of this section.

17 **Sec. 21.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and
18 2007 c 70 s 11 are each reenacted and amended to read as follows:

19 (1) This chapter applies only to the secretary and the boards and
20 commissions having jurisdiction in relation to the professions licensed
21 under the chapters specified in this section. This chapter does not
22 apply to any business or profession not licensed under the chapters
23 specified in this section.

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

26 (i) Dispensing opticians licensed and designated apprentices under
27 chapter 18.34 RCW;

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

29 (iii) Midwives licensed under chapter 18.50 RCW;

30 (iv) Ocularists licensed under chapter 18.55 RCW;

31 (v) Massage operators and businesses licensed under chapter 18.108
32 RCW;

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

34 (vii) Acupuncturists licensed under chapter 18.06 RCW;

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

1 (ix) Respiratory care practitioners licensed under chapter 18.89
2 RCW;

3 (x) Persons registered under chapter 18.19 RCW;

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

6 (xii) Persons registered as nursing pool operators under chapter
7 18.52C RCW;

8 (xiii) Nursing assistants registered or certified under chapter
9 18.88A RCW;

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

11 (xv) Dietitians and nutritionists certified under chapter 18.138
12 RCW;

13 (xvi) Chemical dependency professionals certified under chapter
14 18.205 RCW;

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

17 (xviii) Persons licensed and certified under chapter 18.73 RCW or
18 RCW 18.71.205;

19 (xix) Denturists licensed under chapter 18.30 RCW;

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

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

22 (xxii) Recreational therapists;

23 (xxiii) Animal massage practitioners certified under chapter 18.240
24 RCW; (~~and~~)

25 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
26 (xxv) Long-term care workers registered or certified under chapter
27 18.-- RCW (the new chapter created in section 31 of this act).

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

30 (i) The podiatric medical board as established in chapter 18.22
31 RCW;

32 (ii) The chiropractic quality assurance commission as established
33 in chapter 18.25 RCW;

34 (iii) The dental quality assurance commission as established in
35 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
36 licenses and registrations issued under chapter 18.260 RCW;

37 (iv) The board of hearing and speech as established in chapter
38 18.35 RCW;

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

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

5 (vii) The board of osteopathic medicine and surgery as established
6 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
7 18.57A RCW;

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

10 (ix) The medical quality assurance commission as established in
11 chapter 18.71 RCW governing licenses and registrations issued under
12 chapters 18.71 and 18.71A RCW;

13 (x) The board of physical therapy as established in chapter 18.74
14 RCW;

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

17 (xii) The nursing care quality assurance commission as established
18 in chapter 18.79 RCW governing licenses and registrations issued under
19 that chapter;

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

22 (xiv) The veterinary board of governors as established in chapter
23 18.92 RCW.

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

32 (4) All disciplining authorities shall adopt procedures to ensure
33 substantially consistent application of this chapter, the Uniform
34 Disciplinary Act, among the disciplining authorities listed in
35 subsection (2) of this section.

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

1 The definitions in this section apply throughout RCW 74.39A.030 and
2 74.39A.095 and 74.39A.220 through 74.39A.300, sections 3 and 23 of this
3 act, 41.56.026, 70.127.041, and 74.09.740 unless the context clearly
4 requires otherwise.

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

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

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

9 (4) "Individual provider" means a person, including a personal
10 aide, who has contracted with the department to provide personal care
11 or respite care services to (~~functionally disabled persons~~) persons
12 with functional disabilities under the medicaid personal care,
13 community options program entry system, chore services program, or
14 respite care program, or to provide respite care or residential
15 services and support to persons with developmental disabilities under
16 chapter 71A.12 RCW, or to provide respite care as defined in RCW
17 74.13.270.

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

20 (1) The department shall deny payment to any individual provider of
21 home care services who does not complete the training requirements of
22 section 3 of this act or obtain registration as a long-term care worker
23 as specified in chapter 18.-- RCW (the new chapter created in section
24 31 of this act).

25 (2) The department may terminate the contract of any individual
26 provider of home care services, or take any other enforcement measure
27 deemed appropriate by the department if the individual provider's
28 registration or certification is revoked under chapter 18.-- RCW (the
29 new chapter created in section 31 of this act).

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

35 (4) The department shall take appropriate enforcement action
36 related to the contract or licensure of a provider of home and
37 community-based services, other than an individual provider, who

1 knowingly employs a long-term care worker who has failed to complete
2 the training requirements of section 3 of this act or obtain
3 registration as a long-term care worker as specified in chapter 18.--
4 RCW (the new chapter created in section 31 of this act).

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

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

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

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

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

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

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

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

30 (6) Prompt and specific enforcement remedies shall also be
31 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,
32 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have
33 delivered care or failed to deliver care resulting in problems that are
34 serious, recurring, or uncorrected, or that create a hazard that is
35 causing or likely to cause death or serious harm to one or more
36 residents. These enforcement remedies may also include, when

1 appropriate, reasonable conditions on a contract or license. In the
2 selection of remedies, the safety, health, and well-being of residents
3 shall be of paramount importance.

4 (7) To the extent funding is available, all long-term care staff
5 directly responsible for the care, supervision, or treatment of
6 vulnerable persons should be screened through background checks in a
7 uniform and timely manner to ensure that they do not have a criminal
8 history that would disqualify them from working with vulnerable
9 persons. Whenever a state conviction record check is required by state
10 law, persons may be employed or engaged as volunteers or independent
11 contractors on a conditional basis according to law and rules adopted
12 by the department.

13 (8) No provider or staff, or prospective provider or staff, with a
14 stipulated finding of fact, conclusion of law, an agreed order, or
15 finding of fact, conclusion of law, or final order issued by a
16 disciplining authority, a court of law, or entered into a state
17 registry finding him or her guilty of abuse, neglect, exploitation, or
18 abandonment of a minor or a vulnerable adult as defined in chapter
19 74.34 RCW shall be employed in the care of and have unsupervised access
20 to vulnerable adults.

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

30 ~~(10) ((The department shall by rule develop training requirements~~
31 ~~for individual providers and home care agency providers. Effective~~
32 ~~March 1, 2002, individual providers and home care agency providers must~~
33 ~~satisfactorily complete department approved orientation, basic~~
34 ~~training, and continuing education within the time period specified by~~
35 ~~the department in rule. The department shall adopt rules by March 1,~~
36 ~~2002, for the implementation of this section based on the~~
37 ~~recommendations of the community long term care training and education~~
38 ~~steering committee established in RCW 74.39A.190. The department shall~~

1 ~~deny payment to an individual provider or a home care provider who does~~
2 ~~not complete the training requirements within the time limit specified~~
3 ~~by the department by rule.~~

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

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

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

23 ~~((14))~~ (11) Under existing funds the department shall establish
24 internally a quality improvement standards committee to monitor the
25 development of standards and to suggest modifications.

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

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

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

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

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

33 (1) The department shall make or cause to be made, at least every
34 eighteen months with an annual average of fifteen months, an inspection
35 and investigation of all boarding homes. However, the department may
36 delay an inspection to twenty-four months if the boarding home has had

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

19 (2) Following such an inspection or inspections, written notice of
20 any violation of this law or the rules adopted hereunder shall be given
21 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 additions
24 to its facilities or to construct new facilities shall, before
25 commencing such alteration, addition, or new construction, submit plans
26 and specifications therefor to the agencies responsible for plan
27 reviews for preliminary inspection and approval or recommendations with
28 respect to compliance with the rules and standards herein authorized.

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

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

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

36 (b) "Direct supervision" means oversight by a person who has

1 demonstrated competency in the core areas or has been fully exempted
2 from the training requirements pursuant to this section, is on the
3 premises, and is quickly and easily available to the caregiver.

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

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

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

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

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

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

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

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

1 completed, the specialty training applies toward any continuing
2 education requirement for up to two years following the completion of
3 the specialty training.

4 ~~((+7))~~ (6) Persons who successfully challenge the competency test
5 for basic training are fully exempt from the basic training
6 requirements of this section. Persons who successfully challenge the
7 specialty training competency test are fully exempt from the specialty
8 training requirements of this section.

9 ~~((+8))~~ (7) Licensed persons who perform the tasks for which they
10 are licensed are fully or partially exempt from the training
11 requirements of this section, as specified by the department in rule.

12 ~~((+9))~~ (8) In an effort to improve access to training and
13 education and reduce costs, especially for rural communities, the
14 coordinated system of long-term care training and education must
15 include the use of innovative types of learning strategies such as
16 internet resources, videotapes, and distance learning using satellite
17 technology coordinated through community colleges or other entities, as
18 defined by the department.

19 ~~((+10))~~ (9) The department shall develop criteria for the approval
20 of orientation, basic training, and specialty training programs.

21 ~~((+11))~~ ~~Boarding homes that desire to deliver facility based~~
22 ~~training with facility designated trainers, or boarding homes that~~
23 ~~desire to pool their resources to create shared training systems, must~~
24 ~~be encouraged by the department in their efforts. The department shall~~
25 ~~develop criteria for reviewing and approving trainers and training~~
26 ~~materials that are substantially similar to or better than the~~
27 ~~materials developed by the department. The department may approve a~~
28 ~~curriculum based upon attestation by a boarding home administrator that~~
29 ~~the boarding home's training curriculum addresses basic and specialty~~
30 ~~training competencies identified by the department, and shall review a~~
31 ~~curriculum to verify that it meets these requirements. The department~~
32 ~~may conduct the review as part of the next regularly scheduled yearly~~
33 ~~inspection and investigation required under RCW 18.20.110. The~~
34 ~~department shall rescind approval of any curriculum if it determines~~
35 ~~that the curriculum does not meet these requirements.~~

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

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

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

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

28 (2) Whenever an inspection is conducted, the department shall
29 prepare a written report that summarizes all information obtained
30 during the inspection, and if the home is in violation of this chapter
31 or the rules adopted under this chapter or under section 3 of this act,
32 or the department is enforcing section 23(4) of this act, serve a copy
33 of the inspection report upon the provider at the same time as a notice
34 of violation. This notice shall be mailed to the provider within ten
35 working days of the completion of the inspection process. If the home
36 is not in violation of this chapter, a copy of the inspection report

1 shall be mailed to the provider within ten calendar days of the
2 inspection of the home. All inspection reports shall be made available
3 to the public at the department during business hours.

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

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

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

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

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

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

32 Each adult family home provider and each resident manager shall
33 have the following minimum qualifications, except that only providers
34 are required to meet the provisions of subsection (10) of this section:

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

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

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

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

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

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

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

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

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

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

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

32 (6) Satisfactory completion of department-approved basic training
33 and continuing education training as specified by the department in
34 rule, based on recommendations of the community long-term care training
35 and education steering committee and working in collaboration with
36 providers, consumers, caregivers, advocates, family members, educators,
37 and other interested parties in the rule-making process;

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

4 (8) Not been convicted of any crime listed in RCW 43.43.830 and
5 43.43.842;

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

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

18 (11) Following licensure, completion annually of two hours of
19 administrative continuing education administered by the department in
20 collaboration with the adult family home advisory committee and taught
21 by adult family home association providers with five or more years of
22 experience, or by another entity as determined by the department. For
23 the purpose of this subsection, "adult family home association" means
24 an organized group of adult family home providers with a proven history
25 of advocacy of at least five years with a sustained membership of at
26 least one hundred members as approved by the department. Internet
27 access and bilingual training materials shall be promoted and
28 prioritized when available and appropriate. The department shall
29 ensure balanced participation by the appointment of stakeholders
30 equally between adult family home providers and consumers to the adult
31 family home advisory committee.

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

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

36 (a) "Caregiver" includes all adult family home resident managers

1 and any ((person)) long-term care worker who provides residents with
2 hands-on personal care on behalf of an adult family home, except
3 volunteers who are directly supervised.

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

8 (c) "Long-term care worker" has the same meaning as defined in RCW
9 74.39A.009(11).

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

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

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

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

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

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

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

33 (~~(7))~~ (6) Persons who successfully challenge the competency test
34 for basic training are fully exempt from the basic training
35 requirements of this section. Persons who successfully challenge the
36 specialty training competency test are fully exempt from the specialty
37 training requirements of this section.

1 ~~((8))~~ (7) Licensed persons who perform the tasks for which they
2 are licensed are fully or partially exempt from the training
3 requirements of this section, as specified by the department in rule.

4 ~~((9))~~ (8) In an effort to improve access to training and
5 education and reduce costs, especially for rural communities, the
6 coordinated system of long-term care training and education must
7 include the use of innovative types of learning strategies such as
8 internet resources, videotapes, and distance learning using satellite
9 technology coordinated through community colleges, private
10 associations, or other entities, as defined by the department.

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

25 ~~((11))~~ (9) The department shall adopt rules by September 1, 2002,
26 for the implementation of this section.

27 ~~((12))~~ (10) The orientation, basic training, specialty training,
28 and continuing education requirements of this section commence
29 September 1, 2002, and shall be applied to (a) employees hired
30 subsequent to September 1, 2002; or (b) existing employees that on
31 September 1, 2002, have not successfully completed the training
32 requirements under RCW 70.128.120 or 70.128.130 and this section.
33 Existing employees who have not successfully completed the training
34 requirements under RCW 70.128.120 or 70.128.130 shall be subject to all
35 applicable requirements of this section. ~~((However, until September 1,
36 2002, nothing in this section affects the current training requirements
37 under RCW 70.128.120 and 70.128.130.))~~

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

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

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

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

9 NEW SECTION. **Sec. 34.** Section 20 of this act expires July 1,
10 2008.

11 NEW SECTION. **Sec. 35.** Section 21 of this act takes effect July 1,
12 2008.

13 NEW SECTION. **Sec. 36.** If specific funding for the purposes of
14 this act, referencing this act by bill or chapter number, is not
15 provided by June 30, 2008, in the omnibus appropriations act, this act
16 is null and void.

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