

SENATE BILL REPORT

ESHB 1548

As of Second Reading

Title: An act relating to implementation of long-term care worker requirements regarding background checks and training.

Brief Description: Concerning the implementation of long-term care worker requirements regarding background checks and training.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hunter, Darneille and Kenney; by request of Department of Social and Health Services).

Brief History: Passed House: 5/24/11, 83-13.

Committee Activity:

Staff: Megan Atkinson (786-7446) and Rhoda Donkin (786-7465)

Background: Long-term care workers refers to persons who provide personal care to elderly and individuals with disabilities. The personal care tasks are frequently referred to as activities of daily living and include activities such as eating, bathing, toileting, self-medicating, and dressing.

Long-term care workers can be employed in a community-based facility (for example, adult family homes and boarding homes), can be directly employed by the individual needing care, or can be contracted by a home care agency to provide care for an individual or several individuals. In many instances, long-term care workers are related to their client and sometimes reside together. Depending on the specific provider-to-client relationship, long-term care workers may also be referred to as individual providers and agency providers, or sometimes by the collective term home care worker or home care provider.

Publicly funded programs operated by the Department of Social and Health Services (DSHS) – Aging and Disability Services Administration (ADSA) authorize hours of personal care for clients based on an assessment of individual need. ADSA clients can receive authorization for personal care assistance through the Medicaid Personal Care (MPC) Program and can also receive authorization for personal care assistance as part of a Medicaid waiver program such as the Community Options Program Entry System or Basic Waivers.

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.

Several sections of current law address the training, employment, collective bargaining, and working conditions for long-term care workers. In addition, Initiative 1029 approved in the November 2008 general election, specified certain background check, training, and certification mandates for all long-term care workers.

Pursuant to the Initiative, individual providers are compensated at their hourly wage rate for the time they spend in training and the state funds the tuition for the provider to attend training. The agency parity statute requires that homecare agency providers receive parity in compensation and training contributions with individual providers, thus agency providers are also compensated for their training time, and their tuition to attend training is paid. The Legislature has chosen to also fund wage replacement and tuition for residential providers impacted by the increased training requirements of Initiative 1029.

Most of the provisions of Initiative 1029 were originally scheduled to go into effect January 1, 2010; however, the 2009 Legislature changed the Initiative's implementation dates and the first component to go into effect is the requirement for additional basic training which took effect January 1, 2011.

Summary of Bill: The effective dates for various long-term care worker training, background checks, and certification are changed. The table below details the changes.

Item	Current Effective Date	Proposed Effective Date
Basic Training	January 1, 2011	January 1, 2014
Continuing Education	July 1, 2011	July 1, 2014
Peer Mentoring ¹	July 1, 2011	January 1, 2014
Advanced Training	January 1, 2012	January 1, 2014
Background Checks	January 1, 2012	January 1, 2014
Certification	January 1, 2011	January 1, 2014

Certain credentialed health care providers (such as registered nurses and certified nursing assistants) are exempt from the basic training requirements of I-1029. The act also exempts these individuals from the continuing education requirements.

¹The requirement to offer peer mentoring was not a component of Initiative 1029 rather it was part of Chapter 361, Laws of 2007 (E2SHB 2284).

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.