
SUBSTITUTE HOUSE BILL 1548

State of Washington

62nd Legislature

2011 Regular Session

By House Ways & Means (originally sponsored by Representatives Hunter, Darneille, and Kenney; by request of Department of Social and Health Services)

READ FIRST TIME 04/19/11.

1 AN ACT Relating to implementation of long-term care worker
2 requirements regarding background checks and training; amending RCW
3 18.88B.020, 18.88B.030, 18.88B.040, 18.88B.050, 18.79.260, 74.39A.009,
4 74.39A.050, 74.39A.055, 74.39A.073, 74.39A.075, 74.39A.085, 18.20.270,
5 70.128.230, 74.39A.260, 74.39A.330, 74.39A.340, and 74.39A.350; adding
6 a new section to chapter 18.88B RCW; and declaring an emergency.

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

8 **Sec. 1.** RCW 18.88B.020 and 2009 c 580 s 18 are each amended to
9 read as follows:

10 (1) Effective (~~January~~) July 1, 2011, except as provided in RCW
11 18.88B.040, (~~the department of health shall require that~~) any person
12 hired as a long-term care worker (~~for the elderly or persons with~~
13 ~~disabilities~~) must be certified as a home care aide within one hundred
14 fifty calendar days (~~from~~) after the date of being hired or within
15 one hundred fifty calendar days after July 1, 2011, whichever is later.

16 (2) Except as provided in RCW 18.88B.040, certification as a home
17 care aide requires both completion of seventy-five hours of training
18 and successful completion of a certification examination pursuant to
19 RCW 74.39A.073 and 18.88B.030.

1 (3) No person may practice or, by use of any title or description,
2 represent himself or herself as a certified home care aide without
3 being certified pursuant to this chapter.

4 (4) The department of health shall adopt rules (~~by August 1,~~
5 ~~2010,~~) to implement this section.

6 **Sec. 2.** RCW 18.88B.030 and 2009 c 580 s 4 are each amended to read
7 as follows:

8 (1) Effective (~~January~~) July 1, 2011, except as provided in RCW
9 18.88B.040, (~~the department of health shall require that~~) all long-
10 term care workers must successfully complete a certification
11 examination to be certified under this chapter. Any long-term care
12 worker failing to make the required grade for the examination (~~will~~)
13 may not be certified as a home care aide.

14 (2) The department of health, in consultation with consumer and
15 worker representatives, shall develop a home care aide certification
16 examination to evaluate whether an applicant possesses the skills and
17 knowledge necessary to practice competently. Unless (~~excluded~~)
18 allowed by RCW 18.88B.040(1) (~~and (2)~~) (a) or (b), only those who
19 have completed the training requirements in RCW 74.39A.073 shall be
20 eligible to sit for this examination.

21 (3) The examination shall include both a skills demonstration and
22 a written or oral knowledge test. The examination papers, all grading
23 of the papers, and records related to the grading of skills
24 demonstration shall be preserved for a period of not less than one
25 year. The department of health shall establish rules governing the
26 number of times and under what circumstances individuals who have
27 failed the examination may sit for the examination, including whether
28 any intermediate remedial steps should be required.

29 (4) All examinations shall be conducted by fair and wholly
30 impartial methods. The certification examination shall be administered
31 and evaluated by the department of health or by a contractor to the
32 department of health that is neither an employer of long-term care
33 workers or private contractors providing training services under this
34 chapter.

35 (5) The department of health has the authority to:

36 (a) Establish forms, procedures, and examinations necessary to
37 certify home care aides pursuant to this chapter;

1 (b) Hire clerical, administrative, and investigative staff as
2 needed to implement this section;

3 (c) Issue certification as a home care aide to any applicant who
4 has successfully completed the home care aide examination;

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

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

9 (f) Deny certification to applicants who do not meet training,
10 competency examination, and conduct requirements for certification.

11 (6) The department of health shall adopt rules (~~by August 1,~~
12 ~~2010,~~) that establish the procedures, including criteria for reviewing
13 an applicant's state and federal background checks, and examinations
14 necessary to carry this section into effect.

15 **Sec. 3.** RCW 18.88B.040 and 2010 c 169 s 11 are each amended to
16 read as follows:

17 (1) The following long-term care workers are not required to meet
18 the minimum training requirements under RCW 74.39A.073 or 74.39A.075,
19 as applicable, or become a certified home care aide pursuant to this
20 chapter(~~(-~~
21 ~~+1))~~);

22 (a) Registered nurses, licensed practical nurses, certified nursing
23 assistants or persons who are in an approved training program for
24 certified nursing assistants under chapter 18.88A RCW, medicare-
25 certified home health aides, or other persons who hold a similar health
26 credential, as determined by the secretary of health, or persons with
27 special education training and an endorsement granted by the
28 superintendent of public instruction, as described in RCW 28A.300.010,
29 if the secretary of health determines that the circumstances do not
30 require certification. Individuals exempted by this subsection may
31 obtain certification as a home care aide from the department of health
32 without fulfilling the training requirements in RCW 74.39A.073 but must
33 successfully complete a certification examination pursuant to RCW
34 18.88B.030.

35 ~~((+2))~~ (b)(i) A person (~~(already employed)~~) who was initially
36 hired as a long-term care worker prior to January 1, (~~(2011))~~ 2014, and
37 who completes all of his or her training requirements in effect as of

1 the date he or she was hired, (~~is not required to obtain~~
2 ~~certification~~) except that the following long-term care workers are
3 exempt only if they were initially hired prior to January 1, 2011, and
4 they complete all of the applicable training requirements in effect as
5 of the date hired:

6 (A) Individual providers, other than individual providers who
7 provide twenty or fewer hours of care for one person in any calendar
8 month and family member providers; and

9 (B) Direct care workers employed by home care agencies.

10 (ii) Individuals exempted by (b)(i) of this subsection may obtain
11 certification as a home care aide from the department of health without
12 fulfilling the training requirements in RCW 74.39A.073 but must
13 successfully complete a certification examination pursuant to RCW
14 18.88B.030.

15 ~~((+3))~~ (2) The following long-term care workers are not required
16 to obtain certification under this chapter:

17 (a) All long-term care workers employed by (~~supported living~~
18 ~~providers are not required to obtain certification under this chapter~~)
19 a community residential service business.

20 ~~((+4) An individual)~~ (b) A family member provider (~~caring only~~
21 ~~for his or her biological, step, or adoptive child or parent is not~~
22 ~~required to obtain certification under this chapter.~~

23 ~~(5) Prior to June 30, 2014, a person hired as an individual~~
24 ~~provider who provides twenty hours or less of care for one person in~~
25 ~~any calendar month is not required to obtain certification under this~~
26 ~~chapter).~~

27 ~~((+6))~~ (3) A long-term care worker exempted by this section from
28 the training requirements contained in RCW 74.39A.073 or 74.39A.075, as
29 applicable, may not be prohibited from enrolling in training pursuant
30 to that section.

31 ~~((+7))~~ (4) The department of health shall adopt rules (~~by August~~
32 ~~1, 2010,~~) to implement this section.

33 **Sec. 4.** RCW 18.88B.050 and 2009 c 580 s 17 are each amended to
34 read as follows:

35 (1) The uniform disciplinary act, chapter 18.130 RCW, governs
36 uncertified practice, issuance of certificates, and the discipline of

1 persons with certificates under this chapter. The secretary of health
2 shall be the disciplinary authority under this chapter.

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

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

11 (4) The department of health shall take appropriate enforcement
12 action related to the licensure of a private agency or facility
13 licensed by the state, to provide personal care services, other than an
14 individual provider, who knowingly employs a long-term care worker who
15 is not a certified home care aide as required under this chapter or, if
16 exempted from certification by RCW 18.88B.040, has not completed his or
17 her required training pursuant to (~~this chapter~~) RCW 74.39A.073.

18 (5) Chapter 34.05 RCW shall govern actions by the department of
19 health under this section.

20 (6) The department of health shall adopt rules (~~by August 1,~~
21 ~~2010,~~) to implement this section.

22 NEW SECTION. Sec. 5. A new section is added to chapter 18.88B RCW
23 to read as follows:

24 (1) The legislature recognizes that nurses have been successfully
25 delegating nursing care tasks to family members and others for many
26 years. The opportunity for a nurse to delegate nursing care tasks to
27 home care aides certified under this chapter may enhance the viability
28 and quality of health care services in community-based care settings
29 and in-home care settings to allow individuals to live as independently
30 as possible with maximum safeguards.

31 (2)(a) A certified home care aide who wishes to perform a nurse
32 delegated task pursuant to RCW 18.79.260 must complete nurse delegation
33 core training under chapter 18.88A RCW before the home care aide may be
34 delegated a nursing care task by a registered nurse delegator. Before
35 administering insulin, a home care aide must also complete the
36 specialized diabetes nurse delegation training under chapter 18.88A

1 RCW. Before commencing any specific nursing care tasks authorized
2 under RCW 18.79.260, the home care aide must:

3 (i) Provide to the delegating nurse a transcript or certificate of
4 successful completion of training issued by an approved instructor or
5 approved training entity indicating the completion of basic core nurse
6 delegation training; and

7 (ii) Meet any additional training requirements mandated by the
8 nursing care quality assurance commission. Any exception to these
9 training requirements is subject to RCW 18.79.260(3)(e)(vi).

10 (b) In addition to meeting the requirements of (a) of this
11 subsection, before providing delegated nursing care tasks that involve
12 administration of insulin by injection to individuals with diabetes,
13 the home care aide must provide to the delegating nurse a transcript or
14 certificate of successful completion of training issued by an approved
15 instructor or approved training entity indicating completion of
16 specialized diabetes nurse delegation training. The training must
17 include, but is not limited to, instruction regarding diabetes,
18 insulin, sliding scale insulin orders, and proper injection procedures.

19 (3) The home care aide is accountable for his or her own individual
20 actions in the delegation process. Home care aides accurately
21 following written delegation instructions from a registered nurse are
22 immune from liability regarding the performance of the delegated
23 duties.

24 (4) Home care aides are not subject to any employer reprisal or
25 disciplinary action by the secretary for refusing to accept delegation
26 of a nursing care task based on his or her concerns about patient
27 safety issues. No provider of a community-based care setting as
28 defined in RCW 18.79.260, or in-home services agency as defined in RCW
29 70.127.010, may discriminate or retaliate in any manner against a
30 person because the person made a complaint about the nurse delegation
31 process or cooperated in the investigation of the complaint.

32 **Sec. 6.** RCW 18.79.260 and 2009 c 203 s 1 are each amended to read
33 as follows:

34 (1) A registered nurse under his or her license may perform for
35 compensation nursing care, as that term is usually understood, to
36 individuals with illnesses, injuries, or disabilities.

1 (2) A registered nurse may, at or under the general direction of a
2 licensed physician and surgeon, dentist, osteopathic physician and
3 surgeon, naturopathic physician, optometrist, podiatric physician and
4 surgeon, physician assistant, osteopathic physician assistant, or
5 advanced registered nurse practitioner acting within the scope of his
6 or her license, administer medications, treatments, tests, and
7 inoculations, whether or not the severing or penetrating of tissues is
8 involved and whether or not a degree of independent judgment and skill
9 is required. Such direction must be for acts which are within the
10 scope of registered nursing practice.

11 (3) A registered nurse may delegate tasks of nursing care to other
12 individuals where the registered nurse determines that it is in the
13 best interest of the patient.

14 (a) The delegating nurse shall:

15 (i) Determine the competency of the individual to perform the
16 tasks;

17 (ii) Evaluate the appropriateness of the delegation;

18 (iii) Supervise the actions of the person performing the delegated
19 task; and

20 (iv) Delegate only those tasks that are within the registered
21 nurse's scope of practice.

22 (b) A registered nurse, working for a home health or hospice agency
23 regulated under chapter 70.127 RCW, may delegate the application,
24 instillation, or insertion of medications to a registered or certified
25 nursing assistant under a plan of care.

26 (c) Except as authorized in (b) or (e) of this subsection, a
27 registered nurse may not delegate the administration of medications.
28 Except as authorized in (e) of this subsection, a registered nurse may
29 not delegate acts requiring substantial skill, and may not delegate
30 piercing or severing of tissues. Acts that require nursing judgment
31 shall not be delegated.

32 (d) No person may coerce a nurse into compromising patient safety
33 by requiring the nurse to delegate if the nurse determines that it is
34 inappropriate to do so. Nurses shall not be subject to any employer
35 reprisal or disciplinary action by the nursing care quality assurance
36 commission for refusing to delegate tasks or refusing to provide the
37 required training for delegation if the nurse determines delegation may
38 compromise patient safety.

1 (e) For delegation in community-based care settings or in-home care
2 settings, a registered nurse may delegate nursing care tasks only to
3 registered or certified nursing assistants or home care aides certified
4 under chapter 18.88B RCW. Simple care tasks such as blood pressure
5 monitoring, personal care service, diabetic insulin device set up,
6 verbal verification of insulin dosage for sight-impaired individuals,
7 or other tasks as defined by the nursing care quality assurance
8 commission are exempted from this requirement.

9 (i) "Community-based care settings" includes: Community
10 residential programs for people with developmental disabilities,
11 certified by the department of social and health services under chapter
12 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and
13 boarding homes licensed under chapter 18.20 RCW. Community-based care
14 settings do not include acute care or skilled nursing facilities.

15 (ii) "In-home care settings" include an individual's place of
16 temporary or permanent residence, but does not include acute care or
17 skilled nursing facilities, and does not include community-based care
18 settings as defined in (e)(i) of this subsection.

19 (iii) Delegation of nursing care tasks in community-based care
20 settings and in-home care settings is only allowed for individuals who
21 have a stable and predictable condition. "Stable and predictable
22 condition" means a situation in which the individual's clinical and
23 behavioral status is known and does not require the frequent presence
24 and evaluation of a registered nurse.

25 (iv) The determination of the appropriateness of delegation of a
26 nursing task is at the discretion of the registered nurse. Other than
27 delegation of the administration of insulin by injection for the
28 purpose of caring for individuals with diabetes, the administration of
29 medications by injection, sterile procedures, and central line
30 maintenance may never be delegated.

31 (v) When delegating insulin injections under this section, the
32 registered nurse delegator must instruct the individual regarding
33 proper injection procedures and the use of insulin, demonstrate proper
34 injection procedures, and must supervise and evaluate the individual
35 performing the delegated task weekly during the first four weeks of
36 delegation of insulin injections. If the registered nurse delegator
37 determines that the individual is competent to perform the injection

1 properly and safely, supervision and evaluation shall occur at least
2 every ninety days thereafter.

3 (vi)(A) The registered nurse shall verify that the ((nursing
4 assistant)) delegated individual has completed the required core nurse
5 delegation training required in chapter 18.88A RCW prior to authorizing
6 delegation.

7 (B) Before commencing any specific nursing tasks authorized to be
8 delegated in this section, a home care aide must be certified pursuant
9 to chapter 18.88B RCW and must comply with section 5 of this act.

10 (vii) The nurse is accountable for his or her own individual
11 actions in the delegation process. Nurses acting within the protocols
12 of their delegation authority are immune from liability for any action
13 performed in the course of their delegation duties.

14 (viii) Nursing task delegation protocols are not intended to
15 regulate the settings in which delegation may occur, but are intended
16 to ensure that nursing care services have a consistent standard of
17 practice upon which the public and the profession may rely, and to
18 safeguard the authority of the nurse to make independent professional
19 decisions regarding the delegation of a task.

20 (f) The nursing care quality assurance commission may adopt rules
21 to implement this section.

22 (4) Only a person licensed as a registered nurse may instruct
23 nurses in technical subjects pertaining to nursing.

24 (5) Only a person licensed as a registered nurse may hold herself
25 or himself out to the public or designate herself or himself as a
26 registered nurse.

27 **Sec. 7.** RCW 74.39A.009 and 2009 c 580 s 1 are each amended to read
28 as follows:

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

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

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

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

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

8 (5) "Community residential service business" means the business of
9 providing habilitation, instruction, and support to clients who have a
10 disability meeting the definition of a developmental disability as
11 defined in RCW 71A.10.020. "Community residential service business"
12 also means a business that is either licensed or certified, or both, by
13 the aging and disabilities services administration at the department of
14 social and health services to provide the services described in this
15 subsection.

16 (6) "Core competencies" means basic training topics, including but
17 not limited to, communication skills, worker self-care, problem
18 solving, maintaining dignity, consumer directed care, cultural
19 sensitivity, body mechanics, fall prevention, skin and body care, long-
20 term care worker roles and boundaries, supporting activities of daily
21 living, and food preparation and handling.

22 ((+6+)) (7) "Cost-effective care" means care provided in a setting
23 of an individual's choice that is necessary to promote the most
24 appropriate level of physical, mental, and psychosocial well-being
25 consistent with client choice, in an environment that is appropriate to
26 the care and safety needs of the individual, and such care cannot be
27 provided at a lower cost in any other setting. But this in no way
28 precludes an individual from choosing a different residential setting
29 to achieve his or her desired quality of life.

30 ((+7+)) (8) "Department" means the department of social and health
31 services.

32 ((+8+)) (9) "Developmental disability" has the same meaning as
33 defined in RCW 71A.10.020.

34 ((+9+)) (10) "Direct care worker" means a paid caregiver who
35 provides direct, hands-on personal care services to persons with
36 disabilities or the elderly requiring long-term care.

37 ((+10+)) (11) "Enhanced adult residential care" means services
38 provided by a boarding home that is licensed under chapter 18.20 RCW

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

4 ~~((+11+))~~ (12) "Family member provider" means an individual provider
5 who is caring only for his or her relative.

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

19 ~~((+12+))~~ (14) "Home and community services" means adult family
20 homes, in-home services, and other services administered or provided by
21 contract by the department directly or through contract with area
22 agencies on aging or similar services provided by facilities and
23 agencies licensed by the department.

24 ~~((+13+))~~ (15) "Home care aide" means a long-term care worker who
25 has obtained certification as a home care aide by the department of
26 health.

27 ~~((+14+))~~ (16) "Individual provider" is defined according to RCW
28 74.39A.240.

29 ~~((+15+))~~ (17) "Long-term care" is synonymous with chronic care and
30 means care and supports delivered indefinitely, intermittently, or over
31 a sustained time to persons of any age disabled by chronic mental or
32 physical illness, disease, chemical dependency, or a medical condition
33 that is permanent, not reversible or curable, or is long-lasting and
34 severely limits their mental or physical capacity for self-care. The
35 use of this definition is not intended to expand the scope of services,
36 care, or assistance by any individuals, groups, residential care
37 settings, or professions unless otherwise expressed by law.

1 (~~(16)~~) (18)(a) "Long-term care workers (~~for the elderly or~~
2 ~~persons with disabilities~~ or "long-term care workers)" includes all
3 persons who (~~are long-term care workers for~~) provide paid, hands-on
4 personal care services for the elderly or persons with disabilities,
5 including but not limited to individual providers of home care
6 services, direct care (~~employees of~~) workers employed by home care
7 agencies, providers of home care services to persons with developmental
8 disabilities under Title 71A RCW, all direct care workers in
9 state-licensed boarding homes, assisted living facilities, and adult
10 family homes, respite care providers, community residential service
11 providers, and any other direct care worker providing home or
12 community-based services to the elderly or persons with functional
13 disabilities or developmental disabilities.

14 (b) "Long-term care workers" do not include: (i) Persons employed
15 by the following facilities or agencies: Nursing homes subject to
16 chapter 18.51 RCW, hospitals or other acute care settings, residential
17 habilitation centers under chapter 71A.20 RCW, facilities certified
18 under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127
19 RCW, adult day care centers, and adult day health care centers; or (ii)
20 persons who are not paid by the state or by a private agency or
21 facility licensed by the state to provide personal care services.

22 (~~(17)~~) (19) "Nursing home" means a facility licensed under
23 chapter 18.51 RCW.

24 (~~(18)~~) (20) "Personal care services" means physical or verbal
25 assistance with activities of daily living and instrumental activities
26 of daily living provided because of a person's functional disability.

27 (~~(19)~~) (21) "Population specific competencies" means basic
28 training topics unique to the care needs of the population the long-
29 term care worker is serving, including but not limited to, mental
30 health, dementia, developmental disabilities, young adults with
31 physical disabilities, and older adults.

32 (~~(20)~~) (22) "Qualified instructor" means a registered nurse or
33 other person with specific knowledge, training, and work experience in
34 the provision of direct, hands-on personal care and other assistance
35 services to the elderly or persons with disabilities requiring
36 long-term care.

37 (~~(21)~~) (23) "Relative" means spouse or domestic partner, parent,

1 child, sibling, aunt, uncle, cousin, grandparent, grandchild,
2 grandniece, grandnephew, or such relatives when related by marriage or
3 domestic partnership.

4 (24) "Secretary" means the secretary of social and health services.
5 ~~((+22))~~ (25) "Secretary of health" means the secretary of health
6 or the secretary's designee.

7 ~~((+23))~~ (26) "Training partnership" means a joint partnership or
8 trust that includes the office of the governor and the exclusive
9 bargaining representative of individual providers under RCW 74.39A.270
10 with the capacity to provide training, peer mentoring, and workforce
11 development, or other services to individual providers.

12 ~~((+24))~~ (27) "Tribally licensed boarding home" means a boarding
13 home licensed by a federally recognized Indian tribe which home
14 provides services similar to boarding homes licensed under chapter
15 18.20 RCW.

16 **Sec. 8.** RCW 74.39A.050 and 2009 c 580 s 7 are each amended to read
17 as follows:

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

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

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

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

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

35 (5) Monitoring should be outcome based and responsive to consumer
36 complaints and based on a clear set of health, quality of care, and

1 safety standards that are easily understandable and have been made
2 available to providers, residents, and other interested parties.

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

13 (7) All long-term care workers shall be screened through background
14 checks in a uniform and timely manner to ensure that they do not have
15 a criminal history that would disqualify them from working with
16 vulnerable persons. Long-term care workers who are hired after January
17 1, (~~(2012))~~ 2014, are subject to background checks under RCW
18 74.39A.055. This information will be shared with the department of
19 health in accordance with RCW 74.39A.055 to advance the purposes of
20 chapter (~~(2, Laws of 2009))~~ 18.88B RCW.

21 (8) No provider, or its staff, or long-term care worker, or
22 prospective provider or long-term care worker, with a stipulated
23 finding of fact, conclusion of law, an agreed order, or finding of
24 fact, conclusion of law, or final order issued by a disciplining
25 authority, a court of law, or entered into a state registry finding him
26 or her guilty of abuse, neglect, exploitation, or abandonment of a
27 minor or a vulnerable adult as defined in chapter 74.34 RCW shall be
28 employed in the care of and have unsupervised access to vulnerable
29 adults.

30 (9) The department shall establish, by rule, a state registry which
31 contains identifying information about long-term care workers
32 identified under this chapter who have substantiated findings of abuse,
33 neglect, financial exploitation, or abandonment of a vulnerable adult
34 as defined in RCW 74.34.020. The rule must include disclosure,
35 disposition of findings, notification, findings of fact, appeal rights,
36 and fair hearing requirements. The department shall disclose, upon
37 request, substantiated findings of abuse, neglect, financial
38 exploitation, or abandonment to any person so requesting this

1 information. This information will also be shared with the department
2 of health to advance the purposes of chapter (~~(2, Laws of 2009)~~) 18.88B
3 RCW.

4 (10) (~~(Until December 31, 2010)~~) Except as provided in RCW
5 74.39A.073 and 74.39A.075, individual providers and home care agency
6 providers must satisfactorily complete department-approved orientation,
7 basic training, and continuing education within the time period
8 specified by the department in rule. The department shall adopt rules
9 (~~(by March 1, 2002,)~~) for the implementation of this section. The
10 department shall deny payment to an individual provider or a home care
11 provider who does not complete the training requirements within the
12 time limit specified by the department by rule.

13 (11) (~~(Until December 31, 2010)~~) Except as provided in RCW
14 74.39A.073 and 74.39A.075, in an effort to improve access to training
15 and education and reduce costs, especially for rural communities, the
16 coordinated system of long-term care training and education must
17 include the use of innovative types of learning strategies such as
18 internet resources, videotapes, and distance learning using satellite
19 technology coordinated through community colleges or other entities, as
20 defined by the department.

21 (12) The department shall create an approval system (~~(by March 1,~~
22 ~~2002,)~~) for those seeking to conduct department-approved training.

23 (13) The department shall establish, by rule, background checks and
24 other quality assurance requirements for long-term care workers who
25 provide in-home services funded by medicaid personal care as described
26 in RCW 74.09.520, community options program entry system waiver
27 services as described in RCW 74.39A.030, or chore services as described
28 in RCW 74.39A.110 that are equivalent to requirements for individual
29 providers. Long-term care workers who are hired after January 1,
30 (~~(2012)~~) 2014, are subject to background checks under RCW 74.39A.055.

31 (14) Under existing funds the department shall establish internally
32 a quality improvement standards committee to monitor the development of
33 standards and to suggest modifications.

34 (15) Within existing funds, the department shall design, develop,
35 and implement a long-term care training program that is flexible,
36 relevant, and qualifies towards the requirements for a nursing
37 assistant certificate as established under chapter 18.88A RCW. This
38 subsection does not require completion of the nursing assistant

1 certificate training program by providers or their staff. The long-
2 term care teaching curriculum must consist of a fundamental module, or
3 modules, and a range of other available relevant training modules that
4 provide the caregiver with appropriate options that assist in meeting
5 the resident's care needs. Some of the training modules may include,
6 but are not limited to, specific training on the special care needs of
7 persons with developmental disabilities, dementia, mental illness, and
8 the care needs of the elderly. No less than one training module must
9 be dedicated to workplace violence prevention. The nursing care
10 quality assurance commission shall work together with the department to
11 develop the curriculum modules. The nursing care quality assurance
12 commission shall direct the nursing assistant training programs to
13 accept some or all of the skills and competencies from the curriculum
14 modules towards meeting the requirements for a nursing assistant
15 certificate as defined in chapter 18.88A RCW. A process may be
16 developed to test persons completing modules from a caregiver's class
17 to verify that they have the transferable skills and competencies for
18 entry into a nursing assistant training program. The department may
19 review whether facilities can develop their own related long-term care
20 training programs. The department may develop a review process for
21 determining what previous experience and training may be used to waive
22 some or all of the mandatory training. The department of social and
23 health services and the nursing care quality assurance commission shall
24 work together to develop an implementation plan by December 12, 1998.

25 **Sec. 9.** RCW 74.39A.055 and 2009 c 580 s 2 are each amended to read
26 as follows:

27 (1) All long-term care workers (~~((for the elderly or persons with~~
28 ~~disabilities))~~) hired after January 1, ~~((2012))~~ 2014, shall be screened
29 through state and federal background checks in a uniform and timely
30 manner to ensure that they do not have a criminal history that would
31 disqualify them from working with vulnerable persons. These background
32 checks shall include checking against the federal bureau of
33 investigation fingerprint identification records system and against the
34 national sex offenders registry or their successor programs. The
35 department shall require these long-term care workers to submit
36 fingerprints for the purpose of investigating conviction records

1 through both the Washington state patrol and the federal bureau of
2 investigation.

3 (2) To allow the department of health to satisfy its certification
4 responsibilities under chapter 18.88B RCW, the department shall share
5 state and federal background check results with the department of
6 health. Neither department may share the federal background check
7 results with any other state agency or person.

8 (3) The department shall not pass on the cost of these criminal
9 background checks to the workers or their employers.

10 (4) The department shall adopt rules to implement the provisions of
11 this section by August 1, (~~(2010)~~) 2013.

12 **Sec. 10.** RCW 74.39A.073 and 2009 c 580 s 10 are each amended to
13 read as follows:

14 (1) Effective January 1, 2011, except as provided in RCW 18.88B.040
15 and 74.39A.075, all persons (~~(employed)~~) hired as long-term care
16 workers (~~(for the elderly or persons with disabilities)~~) must meet the
17 minimum training requirements in this section within one hundred twenty
18 calendar days (~~(of employment)~~) after the date of being hired or within
19 one hundred twenty calendar days after the effective date of this
20 section, whichever is later.

21 (2) All persons (~~(employed)~~) hired as long-term care workers must
22 obtain seventy-five hours of entry-level training approved by the
23 department. A long-term care worker must accomplish five of these
24 seventy-five hours before becoming eligible to provide care.

25 (3) Training required by subsection (4)(c) of this section (~~(will~~
26 ~~be applied towards)~~) applies toward training required under RCW
27 18.20.270 or 70.128.230 (~~(as well as)~~), but any statutory or regulatory
28 training requirements for long-term care workers employed by
29 (~~(supportive living providers)~~) a community residential service
30 business apply toward the training required by subsection (4)(c) of
31 this section.

32 (4) Only training curriculum approved by the department may be used
33 to fulfill the training requirements specified in this section. The
34 seventy-five hours of entry-level training required shall be as
35 follows:

36 (a) Before a long-term care worker is eligible to provide care, he

1 or she must complete two hours of orientation training regarding his or
2 her role as caregiver and the applicable terms of employment;

3 (b) Before a long-term care worker is eligible to provide care, he
4 or she must complete three hours of safety training, including basic
5 safety precautions, emergency procedures, and infection control; and

6 (c) All long-term care workers must complete seventy hours of
7 long-term care basic training, including training related to core
8 competencies and population specific competencies.

9 (5) The department shall only approve training curriculum that:

10 (a) Has been developed with input from consumer and worker
11 representatives; and

12 (b) Requires comprehensive instruction by qualified instructors on
13 the competencies and training topics in this section.

14 (6) Individual providers under RCW 74.39A.270 shall be compensated
15 for training time required by this section.

16 (7) The department of health shall adopt rules (~~((by August 1,~~
17 ~~2010,))~~) to implement subsections (1), (2), and (3) of this section.

18 (8) The department shall adopt rules (~~((by August 1, 2010,))~~) to
19 implement subsections (4) and (5) of this section.

20 **Sec. 11.** RCW 74.39A.075 and 2009 c 580 s 11 are each amended to
21 read as follows:

22 (1) Effective January 1, (~~(2011,))~~ 2014:

23 (a) A biological, step, or adoptive parent who is the
24 (~~individual~~) family member provider caring only for his or her
25 developmentally disabled son or daughter must receive twelve hours of
26 training relevant to the needs of adults with developmental
27 disabilities within the first one hundred twenty days of becoming an
28 individual provider.

29 ~~((2) Effective January 1, 2011, individual))~~ (b) A family member
30 provider(~~s~~), unless identified in (a) (~~and (b)~~) of this subsection,
31 who is caring only for his or her biological, step, or adoptive child
32 or parent must complete thirty-five hours of training within the first
33 one hundred twenty days of becoming an individual provider. Five of
34 the thirty-five hours must be completed before becoming eligible to
35 provide care. Two of these five hours shall be devoted to an
36 orientation training regarding an individual provider's role as
37 caregiver and the applicable terms of employment, and three hours shall

1 be devoted to safety training, including basic safety precautions,
2 emergency procedures, and infection control. (~~Individual providers~~
3 ~~subject to this requirement include:~~

4 ~~(a) An individual provider caring only for his or her biological,~~
5 ~~step, or adoptive child or parent unless covered by subsection (1) of~~
6 ~~this section; and~~

7 ~~(b) Before January 1, 2014, a person hired as an individual~~
8 ~~provider who provides twenty hours or less of care for one person in~~
9 ~~any calendar month.~~

10 ~~(3))~~ (2) Only training curriculum approved by the department may
11 be used to fulfill the training requirements specified in this section.
12 The department shall only approve training curriculum that:

13 (a) Has been developed with input from consumer and worker
14 representatives; and

15 (b) Requires comprehensive instruction by qualified instructors.

16 ~~((4))~~ (3) The department shall adopt rules by August 1, ~~((2010))~~
17 2013, to implement this section.

18 **Sec. 12.** RCW 74.39A.085 and 2009 c 580 s 14 are each amended to
19 read as follows:

20 (1) Unless the individual provider is exempt under RCW 18.88B.040,
21 the department:

22 (a) Shall deny payment to any individual provider of home care
23 services who has not been certified by the department of health as a
24 home care aide as required under chapter ((2, Laws of 2009 or, if
25 exempted from certification by RCW 18.88B.040,)) 18.88B RCW or has not
26 completed his or her required training pursuant to ((chapter 2, Laws of
27 2009)) RCW 74.39A.073 or 74.39A.075, as applicable.

28 ~~((2) The department)~~ (b) May terminate the contract of any
29 individual provider of home care services, or take any other
30 enforcement measure deemed appropriate by the department if the
31 individual provider's certification is revoked under chapter ((2, Laws
32 of 2009 or, if exempted from certification by RCW 18.88B.040,)) 18.88B
33 RCW or has not completed his or her required training pursuant to
34 ((chapter 2, Laws of 2009)) RCW 74.39A.073 or 74.39A.075, as
35 applicable.

36 ~~((3))~~ (2) The department shall take appropriate enforcement
37 action related to the contract of a private agency or facility licensed

1 by the state(~~(7)~~) to provide personal care services, other than an
2 individual provider, who knowingly employs a long-term care worker who,
3 unless exempt under RCW 18.88B.040, is not a certified home care aide
4 as required under chapter (~~(2, Laws of 2009 or, if exempted from~~
5 ~~certification by RCW 18.88B.040,~~) 18.88B RCW or has not completed his
6 or her required training pursuant to (~~(chapter 2, Laws of 2009)~~) RCW
7 74.39A.073 or 74.39A.075, as applicable.

8 (~~(+4)~~) (3) Chapter 34.05 RCW shall govern actions by the
9 department under this section.

10 (~~(+5)~~) (4) The department shall adopt rules (~~(by August 1, 2010,~~)
11 to implement this section.

12 **Sec. 13.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to read
13 as follows:

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

16 (a) "Caregiver" includes any person who provides residents with
17 hands-on personal care on behalf of a boarding home, except volunteers
18 who are directly supervised.

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

23 (2) Training must have the following components: Orientation,
24 basic training, specialty training as appropriate, and continuing
25 education. All boarding home employees or volunteers who routinely
26 interact with residents shall complete orientation. Boarding home
27 administrators, or their designees, and caregivers shall complete
28 orientation, basic training, specialty training as appropriate, and
29 continuing education.

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

35 (4) Basic training consists of modules on the core knowledge and
36 skills that caregivers need to learn and understand to effectively and
37 safely provide care to residents. Basic training must be outcome-

1 based, and the effectiveness of the basic training must be measured by
2 demonstrated competency in the core areas through the use of a
3 competency test. Basic training must be completed by caregivers within
4 one hundred twenty days of the date on which they begin to provide
5 hands-on care (~~((or within one hundred twenty days of September 1, 2002,~~
6 ~~whichever is later))~~). Until competency in the core areas has been
7 demonstrated, caregivers shall not provide hands-on personal care to
8 residents without direct supervision. Boarding home administrators, or
9 their designees, must complete basic training and demonstrate
10 competency within one hundred twenty days of employment (~~((or within one~~
11 ~~hundred twenty days of September 1, 2002, whichever is later))~~).

12 (5) For boarding homes that serve residents with special needs such
13 as dementia, developmental disabilities, or mental illness, specialty
14 training is required of administrators, or designees, and caregivers.

15 (a) Specialty training consists of modules on the core knowledge
16 and skills that caregivers need to effectively and safely provide care
17 to residents with special needs. Specialty training should be
18 integrated into basic training wherever appropriate. Specialty
19 training must be outcome-based, and the effectiveness of the specialty
20 training measured by demonstrated competency in the core specialty
21 areas through the use of a competency test.

22 (b) Specialty training must be completed by caregivers within one
23 hundred twenty days of the date on which they begin to provide hands-on
24 care to a resident having special needs (~~((or within one hundred twenty~~
25 ~~days of September 1, 2002, whichever is later))~~). However, if specialty
26 training is not integrated with basic training, the specialty training
27 must be completed within ninety days of completion of basic training.
28 Until competency in the core specialty areas has been demonstrated,
29 caregivers shall not provide hands-on personal care to residents with
30 special needs without direct supervision.

31 (c) Boarding home administrators, or their designees, must complete
32 specialty training and demonstrate competency within one hundred twenty
33 days (~~((of September 1, 2002, or one hundred twenty days))~~) from the date
34 on which the administrator or his or her designee is hired, (~~whichever~~
35 ~~is later,~~) if the boarding home serves one or more residents with
36 special needs.

37 (6) Continuing education consists of ongoing delivery of
38 information to caregivers on various topics relevant to the care

1 setting and care needs of residents. Competency testing is not
2 required for continuing education. Continuing education is not
3 required in the same calendar year in which basic or modified basic
4 training is successfully completed. Continuing education is required
5 in each calendar year thereafter. If specialty training is completed,
6 the specialty training applies toward any continuing education
7 requirement for up to two years following the completion of the
8 specialty training.

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

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

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

24 (10) The department shall develop criteria for the approval of
25 orientation, basic training, and specialty training programs.

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

1 inspection and investigation required under RCW 18.20.110. The
2 department shall rescind approval of any curriculum if it determines
3 that the curriculum does not meet these requirements.

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

6 (13)(a) Except as provided in (b) of this subsection, the
7 orientation, basic training, specialty training, and continuing
8 education requirements of this section commence September 1, 2002, or
9 one hundred twenty days from the date of employment, whichever is
10 later, and shall be applied to ((+a)) (i) employees hired subsequent
11 to September 1, 2002; and ((+b)) (ii) existing employees that on
12 September 1, 2002, have not successfully completed the training
13 requirements under RCW 74.39A.010 or 74.39A.020 and this section.
14 Existing employees who have not successfully completed the training
15 requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all
16 applicable requirements of this section. ((However, prior to September
17 1, 2002, nothing in this section affects the current training
18 requirements under RCW 74.39A.010.))

19 (b) Effective January 1, 2014, boarding home long-term care
20 workers, as defined in RCW 74.39A.009, are also subject to the training
21 requirements under RCW 74.39A.073.

22 **Sec. 14.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to
23 read as follows:

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

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

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

34 (2) Training must have three components: Orientation, basic
35 training, and continuing education. All adult family home providers,
36 resident managers, and employees, or volunteers who routinely interact

1 with residents shall complete orientation. Caregivers shall complete
2 orientation, basic training, and continuing education.

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

8 (4) Basic training consists of modules on the core knowledge and
9 skills that caregivers need to learn and understand to effectively and
10 safely provide care to residents. Basic training must be outcome-
11 based, and the effectiveness of the basic training must be measured by
12 demonstrated competency in the core areas through the use of a
13 competency test. Basic training must be completed by caregivers within
14 one hundred twenty days of the date on which they begin to provide
15 hands-on care or within one hundred twenty days of September 1, 2002,
16 whichever is later. Until competency in the core areas has been
17 demonstrated, caregivers shall not provide hands-on personal care to
18 residents without indirect supervision.

19 (5) For adult family homes that serve residents with special needs
20 such as dementia, developmental disabilities, or mental illness,
21 specialty training is required of providers and resident managers.
22 Specialty training consists of modules on the core knowledge and skills
23 that providers and resident managers need to effectively and safely
24 provide care to residents with special needs. Specialty training
25 should be integrated into basic training wherever appropriate.
26 Specialty training must be outcome-based, and the effectiveness of the
27 specialty training measured by demonstrated competency in the core
28 specialty areas through the use of a competency test. Specialty
29 training must be completed by providers and resident managers before
30 admitting and serving residents who have been determined to have
31 special needs related to mental illness, dementia, or a developmental
32 disability. Should a resident develop special needs while living in a
33 home without specialty designation, the provider and resident manager
34 have one hundred twenty days to complete specialty training.

35 (6) Continuing education consists of ongoing delivery of
36 information to caregivers on various topics relevant to the care
37 setting and care needs of residents. Competency testing is not
38 required for continuing education. Continuing education is not

1 required in the same calendar year in which basic or modified basic
2 training is successfully completed. Continuing education is required
3 in each calendar year thereafter. If specialty training is completed,
4 the specialty training applies toward any continuing education
5 requirement for up to two years following the completion of the
6 specialty training.

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

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

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

22 (10) Adult family homes that desire to deliver facility-based
23 training with facility designated trainers, or adult family homes that
24 desire to pool their resources to create shared training systems, must
25 be encouraged by the department in their efforts. The department shall
26 develop criteria for reviewing and approving trainers and training
27 materials. The department may approve a curriculum based upon
28 attestation by an adult family home administrator that the adult family
29 home's training curriculum addresses basic and specialty training
30 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
33 inspection authorized under RCW 70.128.070. The department shall
34 rescind approval of any curriculum if it determines that the curriculum
35 does not meet these requirements.

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

1 (12)(a) Except as provided in (b) of this subsection, the
2 orientation, basic training, specialty training, and continuing
3 education requirements of this section commence September 1, 2002, and
4 shall be applied to ~~((+a+))~~ (i) employees hired subsequent to September
5 1, 2002; or ~~((+b+))~~ (ii) existing employees that on September 1, 2002,
6 have not successfully completed the training requirements under RCW
7 70.128.120 or 70.128.130 and this section. Existing employees who have
8 not successfully completed the training requirements under RCW
9 70.128.120 or 70.128.130 shall be subject to all applicable
10 requirements of this section. ~~((However, until September 1, 2002,~~
11 ~~nothing in this section affects the current training requirements under~~
12 ~~RCW 70.128.120 and 70.128.130.))~~

13 (b) Effective January 1, 2014, adult family home long-term care
14 workers, as defined in RCW 74.39A.009, are also subject to the training
15 requirements under RCW 74.39A.073.

16 **Sec. 15.** RCW 74.39A.260 and 2009 c 580 s 9 are each amended to
17 read as follows:

18 The department must perform criminal background checks for
19 individual providers and prospective individual providers and ensure
20 that the authority has ready access to any long-term care abuse and
21 neglect registry used by the department. Individual providers who are
22 hired after January 1, ~~((2012))~~ 2014, are subject to background checks
23 under RCW 74.39A.055.

24 **Sec. 16.** RCW 74.39A.330 and 2009 c 478 s 1 are each amended to
25 read as follows:

26 Long-term care workers shall be offered on-the-job training or peer
27 mentorship for at least one hour per week in the first ninety days of
28 work from a long-term care worker who has completed at least twelve
29 hours of mentor training and is mentoring no more than ten other
30 workers at any given time. This requirement applies to long-term care
31 workers who begin work on or after ~~((July 1, 2011))~~ January 1, 2014.

32 **Sec. 17.** RCW 74.39A.340 and 2009 c 580 s 12 are each amended to
33 read as follows:

34 (1) ~~((The department of health shall ensure that))~~ All long-term
35 care workers required or choosing to maintain home care aide

1 certification under chapter 18.88B RCW shall, as a prerequisite to
2 maintaining that certification, complete twelve hours of continuing
3 education training in advanced training topics each year. This
4 requirement applies beginning on July 1, ~~((2011))~~ 2014.

5 ~~(2) ((Completion of continuing education as required in this~~
6 ~~section is a prerequisite to maintaining home care aide certification~~
7 ~~under chapter 2, Laws of 2009.~~

8 ~~(3) Unless voluntarily certified as a home care aide under chapter~~
9 ~~2, Laws of 2009, subsection (1) of this section does not apply to:~~

10 ~~(a) An individual provider caring only for his or her biological,~~
11 ~~step, or adoptive child; and~~

12 ~~(b) Before June 30, 2014, a person hired as an individual provider~~
13 ~~who provides twenty hours or less of care for one person in any~~
14 ~~calendar month.~~

15 ~~(4))~~ Only training curriculum approved by the department may be
16 used to fulfill the training requirements specified in this section.
17 The department shall only approve training curriculum that:

18 (a) Has been developed with input from consumer and worker
19 representatives; and

20 (b) Requires comprehensive instruction by qualified instructors.

21 ~~((+5))~~ (3) Individual providers under RCW 74.39A.270 shall be
22 compensated for training time required by this section.

23 ~~((+6))~~ (4) The department of health shall adopt rules by August 1,
24 ~~((2010))~~ 2013, to implement subsection ~~((s))~~ (1) ~~((, (2), and (3)))~~ of
25 this section.

26 ~~((+7))~~ (5) The department shall adopt rules by August 1, ~~((2010))~~
27 2013, to implement subsection ~~((+4))~~ (2) of this section.

28 **Sec. 18.** RCW 74.39A.350 and 2009 c 580 s 13 are each amended to
29 read as follows:

30 (1) The department shall offer, directly or through contract,
31 training opportunities sufficient for a long-term care worker to
32 accumulate seventy hours of training within a reasonable time period.
33 For individual providers represented by an exclusive bargaining
34 representative under RCW 74.39A.270, the training opportunities shall
35 be offered through the training partnership established under RCW
36 74.39A.360.

1 (2) Training topics offered under this section shall include, but
2 are not limited to: Client rights; personal care; mental illness;
3 dementia; developmental disabilities; depression; medication
4 assistance; advanced communication skills; positive client behavior
5 support; developing or improving client-centered activities; dealing
6 with wandering or aggressive client behaviors; medical conditions;
7 nurse delegation core training; peer mentor training; and advocacy for
8 quality care training.

9 (3) The department may not require long-term care workers to obtain
10 the training described in this section. (~~This~~)

11 (4) The requirement to offer advanced training applies beginning
12 January 1, (~~(2012)~~) 2014.

13 NEW SECTION. **Sec. 19.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and takes effect
16 immediately.

--- END ---