
HOUSE BILL 1125

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Hurst and Dahlquist

Read first time 01/16/13. Referred to Committee on Public Safety.

1 AN ACT Relating to adult family homes; amending RCW 9.94A.843 and
2 70.128.230; adding a new section to chapter 9.94A RCW; and adding a new
3 section to chapter 70.128 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW
6 to read as follows:

7 (1)(a) If it appears that a person required to register as a sex
8 offender under RCW 9A.44.130 may be seeking residence within an adult
9 family home upon release from total confinement, the agency with
10 jurisdiction over the person must notify the department of social and
11 health services' aging and disability services administration three
12 months before the anticipated release from total confinement.

13 (b) The agency must inform the department of social and health
14 services' aging and disability services administration of the person's
15 name, identifying factors, anticipated future residence, and offense
16 history.

17 (2) The department of social and health services' aging and
18 disability services administration must relay the information provided
19 to it to all providers licensed to operate an adult family home and if

1 a person required to register as a sex offender is admitted to an adult
2 family home, require the adult family home provider to notify every
3 resident, residents' representative, and, when possible, an interested
4 family member for each resident of the information described in
5 subsection (1)(b) of this section.

6 (3) The agency with jurisdiction, its employees, and officials, and
7 the department of social and health services, its employees, and
8 officials are immune from liability for any good-faith conduct under
9 this section, including the release of information.

10 (4) For the purposes of this section, "agency with jurisdiction"
11 means an agency with the authority to direct the release of a person
12 serving a sentence of a term of confinement and includes the department
13 of corrections, the indeterminate sentence review board, eastern and
14 western state hospitals, and the department of social and health
15 services.

16 **Sec. 2.** RCW 9.94A.843 and 1990 c 3 s 123 are each amended to read
17 as follows:

18 The department, its employees, and officials, shall be immune from
19 liability for release of information regarding sex offenders that
20 complies with RCW 4.24.550 or section 1(1) of this act.

21 **Sec. 3.** RCW 70.128.230 and 2012 c 164 s 705 are each amended to
22 read as follows:

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

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

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

33 (2) Training must have three components: Orientation, basic
34 training, and continuing education. All adult family home providers,
35 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. Until competency in the core areas has been
16 demonstrated, caregivers shall not provide hands-on personal care to
17 residents without indirect supervision.

18 (5) For adult family homes that serve residents with special needs
19 such as dementia, developmental disabilities, or mental illness,
20 specialty training is required of providers and resident managers.

21 (a) Specialty training consists of modules on the core knowledge
22 and skills that providers and resident managers need to effectively and
23 safely provide care to residents with special needs. Specialty
24 training should be integrated into basic training wherever appropriate.
25 Specialty training must be outcome-based, and the effectiveness of the
26 specialty training measured by demonstrated competency in the core
27 specialty areas through the use of a competency test.

28 (b) Specialty training must be completed by providers and resident
29 managers before admitting and serving residents who have been
30 determined to have special needs related to mental illness, dementia,
31 or a developmental disability. Should a resident develop special needs
32 while living in a home without specialty designation, the provider and
33 resident manager have one hundred twenty days to complete specialty
34 training.

35 (6) For adult family homes that serve residents who are registered
36 sex offenders, specialty training is required of providers and resident
37 managers.

1 (a) Specialty training consists of modules on the core knowledge
2 and skills that providers and resident managers need to effectively and
3 safely provide care to residents, given the special needs of residents
4 who are registered sex offenders. The specialty training must include,
5 at a minimum, modules on pathology, triggers, and response tactics.
6 Specialty training must be outcome-based, and the effectiveness of the
7 specialty training measured by demonstrated competency in the core
8 specialty areas through the use of a competency test.

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

16 (7) Continuing education consists of ongoing delivery of
17 information to caregivers on various topics relevant to the care
18 setting and care needs of residents. Competency testing is not
19 required for continuing education. Continuing education is not
20 required in the same calendar year in which basic or modified basic
21 training is successfully completed. Continuing education is required
22 in each calendar year thereafter. If specialty training is completed,
23 the specialty training applies toward any continuing education
24 requirement for up to two years following the completion of the
25 specialty training.

26 ~~((+7))~~ (8) Persons who successfully challenge the competency test
27 for basic training are fully exempt from the basic training
28 requirements of this section. Persons who successfully challenge the
29 specialty training competency test are fully exempt from the specialty
30 training requirements of this section.

31 ~~((+8))~~ (9) Licensed persons who perform the tasks for which they
32 are licensed are fully or partially exempt from the training
33 requirements of this section, as specified by the department in rule.

34 ~~((+9))~~ (10) In an effort to improve access to training and
35 education and reduce costs, especially for rural communities, the
36 coordinated system of long-term care training and education must
37 include the use of innovative types of learning strategies such as

1 internet resources, videotapes, and distance learning using satellite
2 technology coordinated through community colleges, private
3 associations, or other entities, as defined by the department.

4 ~~((+10+))~~ (11) Adult family homes that desire to deliver facility-
5 based training with facility designated trainers, or adult family homes
6 that desire to pool their resources to create shared training systems,
7 must be encouraged by the department in their efforts. The department
8 shall develop criteria for reviewing and approving trainers and
9 training materials. The department may approve a curriculum based upon
10 attestation by an adult family home administrator that the adult family
11 home's training curriculum addresses basic and specialty training
12 competencies identified by the department, and shall review a
13 curriculum to verify that it meets these requirements. The department
14 may conduct the review as part of the next regularly scheduled
15 inspection authorized under RCW 70.128.070. The department shall
16 rescind approval of any curriculum if it determines that the curriculum
17 does not meet these requirements.

18 ~~((+11+))~~ (12) The department shall adopt rules by September 1,
19 2002, for the implementation of this section.

20 ~~((+12+))~~ (13)(a) Except as provided in (b) of this subsection, the
21 orientation, basic training, specialty training, and continuing
22 education requirements of this section commence September 1, 2002, and
23 shall be applied to (i) employees hired subsequent to September 1,
24 2002; or (ii) existing employees that on September 1, 2002, have not
25 successfully completed the training requirements under RCW 70.128.120
26 or 70.128.130 and this section. Existing employees who have not
27 successfully completed the training requirements under RCW 70.128.120
28 or 70.128.130 shall be subject to all applicable requirements of this
29 section.

30 (b) Beginning January 7, 2012, long-term care workers, as defined
31 in RCW 74.39A.009, employed by an adult family home are also subject to
32 the training requirements under RCW 74.39A.074.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.128 RCW
34 to read as follows:

35 (1) The department must adopt rules and standards to provide
36 enhanced payments to a provider for each resident in an adult family
37 home under its operation who is a registered sex offender and who is a

1 medicaid resident. The payments must be calculated to compensate the
2 providers for any extraordinary expenses due to the presence of sex
3 offenders in the adult family home.

4 (2) For the purposes of this section, "extraordinary expenses"
5 includes, but is not limited to, any demonstrated increase in liability
6 insurance costs due to the presence of a registered sex offender in the
7 adult family home and the costs of specialty training required under
8 RCW 70.128.230(6).

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