

**ESSB 5700** - H COMM AMD

By Committee on Health Care & Wellness

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.88A  
4 RCW to read as follows:

5 Beginning December 31, 2020, the secretary shall require any  
6 applicant for certification under RCW 18.88A.085 or 18.88A.087 to  
7 have completed inclusiveness and cultural competency training on  
8 issues relating to the lesbian, gay, bisexual, transgender,  
9 questioning (LGBTQ) population, based upon a curriculum approved by  
10 the commission, before issuing a certification.

11 **Sec. 2.** RCW 74.39A.074 and 2017 c 216 s 1 are each amended to  
12 read as follows:

13 (1)(a) Except for long-term care workers exempt from  
14 certification under RCW 18.88B.041(1)(a), all persons hired as  
15 long-term care workers must meet the minimum training requirements in  
16 this section within one hundred twenty calendar days after the date  
17 of being hired.

18 (b) Except as provided in RCW 74.39A.076, the minimum training  
19 requirement is seventy-five hours of entry-level training approved by  
20 the department. A long-term care worker must successfully complete  
21 five of these seventy-five hours before being eligible to provide  
22 care.

23 (c) Training required by (d) of this subsection applies toward  
24 the training required under RCW 18.20.270 or 70.128.230 or any  
25 statutory or regulatory training requirements for long-term care  
26 workers employed by community residential service businesses.

27 (d) The seventy-five hours of entry-level training required shall  
28 be as follows:

29 (i) Before a long-term care worker is eligible to provide care,  
30 he or she must complete:

1 (A) Two hours of orientation training regarding his or her role  
2 as caregiver and the applicable terms of employment; and

3 (B) Three hours of safety training, including basic safety  
4 precautions, emergency procedures, and infection control; and

5 (ii) Seventy hours of long-term care basic training, including  
6 training related to:

7 (A) Core competencies; ~~((and))~~

8 (B) Population specific competencies, including identification of  
9 individuals with potential hearing loss and how to seek assistance if  
10 hearing loss is suspected; and

11 (C) Beginning December 31, 2020, inclusiveness and cultural  
12 competency training on issues relating to the lesbian, gay, bisexual,  
13 transgender, questioning (LGBTQ) population.

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

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

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

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

23 (4) The department shall adopt rules to implement this section.

24 **Sec. 3.** RCW 74.39A.341 and 2015 c 152 s 3 are each amended to  
25 read as follows:

26 (1) All long-term care workers shall complete twelve hours of  
27 continuing education training in advanced training topics each year.  
28 ~~((This requirement applies beginning July 1, 2012.))~~

29 (2) Of the twelve hours of continuing education training required  
30 by subsection (1) of this section, time must be allocated, as  
31 established by the department in rule, to provide inclusiveness and  
32 cultural competency training on issues relating to the lesbian, gay,  
33 bisexual, transgender, questioning (LGBTQ) population as follows:

34 (a) Long-term care workers, including certified nursing  
35 assistants who meet the definition of a long-term care worker, who  
36 completed their certification or training requirements before  
37 December 31, 2020, must complete the one-time training by their next  
38 continuing education due date after December 31, 2020;

1 (b) Long-term care workers, whether they completed the  
2 inclusiveness and cultural competency training on issues related to  
3 the LGBTQ population pursuant to section 1 of this act, long-term  
4 care basic training, or as continuing education training under this  
5 subsection (2), are not required to take the one-time training again  
6 until the department approves changes to the curriculum. If there are  
7 approved changes in the curriculum based upon revised department  
8 competencies, all long-term care workers must take the new curriculum  
9 as set forth in rule.

10 (3) Completion of continuing education as required in this  
11 section is a prerequisite to maintaining home care aide certification  
12 under chapter 18.88B RCW.

13 ~~((3))~~ (4) Unless voluntarily certified as a home care aide  
14 under chapter 18.88B RCW, subsection (1) of this section does not  
15 apply to:

16 (a) An individual provider caring only for his or her biological,  
17 step, or adoptive child;

18 (b) Registered nurses and licensed practical nurses licensed  
19 under chapter 18.79 RCW;

20 ~~(c) ((Before January 1, 2016, a long-term care worker employed by~~  
21 ~~a community residential service business;~~

22 ~~(d))~~ A person working as an individual provider who provides  
23 twenty hours or less of care for one person in any calendar month; or

24 ~~((e))~~ (d) A person working as an individual provider who only  
25 provides respite services and works less than three hundred hours in  
26 any calendar year.

27 ~~((4))~~ (5) Only training curriculum approved by the department  
28 may be used to fulfill the training requirements specified in this  
29 section. The department shall only approve training curriculum that:

30 (a) Has been developed with input from consumer and worker  
31 representatives; ~~((and))~~

32 (b) Requires comprehensive instruction by qualified instructors;  
33 and

34 (c) For the one-time training described in subsection (2) of this  
35 section, contributes to an evidence and outcome-based approach, and  
36 meets the training's learning objectives that will be defined in  
37 rule.

38 ~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be  
39 compensated for training time required by this section.

1       (~~(6)~~) (7) The department of health shall adopt rules to  
2 implement subsection (1) of this section.

3       (~~(7)~~) (8) The department shall adopt rules to implement  
4 subsections (2) and (3) of this section.

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

7       (1) Adult family home providers and resident managers must  
8 complete a one-time department-approved inclusiveness and cultural  
9 competency training relating to the lesbian, gay, bisexual,  
10 transgender, questioning (LGBTQ) population. The department must  
11 approve the training curriculum, program, and instructors required by  
12 this section, and develop a form that adult family home providers and  
13 resident managers may use for self-reporting completion of this  
14 requirement.

15       (2) The training required by this section must be completed as  
16 follows:

17       (a) Adult family home providers and resident managers of adult  
18 family homes that are licensed on the effective date of this section  
19 must complete the one-time training by the facility's next license  
20 renewal after December 31, 2020;

21       (b) Adult family home providers and resident managers of adult  
22 family homes that are licensed after the effective date of this  
23 section must complete the training by the time of the facility's  
24 first license renewal;

25       (c) Adult family home providers who work on-site of the facility  
26 less than two days per license year are not required to complete the  
27 training;

28       (d) After completing the one-time training, adult family home  
29 providers and resident managers are not required to take the training  
30 again until the department approves changes to the learning  
31 objectives as established in rule. If there are approved changes to  
32 the learning objectives, adult family home providers and resident  
33 managers must take a new training as set forth in rule.

34       (3) By July 1, 2019, adult family home providers must have  
35 written inclusiveness and cultural competency policies related to the  
36 LGBTQ population. The policies shall be made available in writing to  
37 residents and prospective residents, as well as their  
38 representatives, to the same extent that disclosure forms are made  
39 available under RCW 70.128.280. Adult family home providers must make

1 the policies available to the department upon request. Adult family  
2 home providers must post the policies in accordance with department  
3 guidelines. The department shall adopt guidance for adult family home  
4 providers that contains elements that must be addressed in  
5 inclusiveness and cultural competency policies and instructions for  
6 posting the policy.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.20  
8 RCW to read as follows:

9 (1) Assisted living facility licensees or administrators must  
10 complete a one-time department-approved inclusiveness and cultural  
11 competency training relating to the lesbian, gay, bisexual,  
12 transgender, questioning (LGBTQ) population. The department must  
13 approve the training curriculum, program, and instructors required by  
14 this section, and develop a form that facility licensees or  
15 administrators may use for self-reporting completion of this  
16 requirement.

17 (2) The training required by this section must be completed as  
18 follows:

19 (a) Licensees or administrators of assisted living facilities  
20 that are licensed on the effective date of this section must complete  
21 the one-time training by the time of the facility's next license  
22 renewal after December 31, 2020;

23 (b) Licensees or administrators of assisted living facilities  
24 that become licensed after the effective date of this section must  
25 complete the training by the time of the facility's first license  
26 renewal;

27 (c) After completing the one-time training, assisted living  
28 facility licensees or administrators are not required to take the  
29 training again until the department approves changes to the learning  
30 objectives as established in rule. If there are approved changes to  
31 the learning objectives, assisted living facility licensees or  
32 administrators must take a new training as set forth in rule.

33 (3) By July 1, 2019, assisted living facility licensees must have  
34 written inclusiveness and cultural competency policies related to the  
35 LGBTQ population. The policies shall be made available in writing to  
36 residents and prospective residents, as well as their  
37 representatives, to the same extent that disclosure forms are made  
38 available under RCW 18.20.300. Assisted living facility licensees  
39 must make the policies available to the department upon request.

1 Assisted living facility licensees must post the policies in  
2 accordance with department guidelines. The department shall adopt  
3 guidance for assisted living facility licensees that contains  
4 elements that must be addressed in inclusiveness and cultural  
5 competency policies and instructions for posting the policy.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.51  
7 RCW to read as follows:

8 (1) Nursing home licensees or administrators must complete a one-  
9 time department-approved inclusiveness and cultural competency  
10 training relating to the lesbian, gay, bisexual, transgender,  
11 questioning (LGBTQ) population. The department must approve the  
12 training curriculum, program, and instructors required by this  
13 section, and develop a form that nursing home licensees or  
14 administrators may use for self-reporting completion of this  
15 requirement.

16 (2) The training required by this section must be completed as  
17 follows:

18 (a) Licensees or administrators of nursing homes that are  
19 licensed on the effective date of this section must complete the one-  
20 time training by the time of the facility's next license renewal  
21 after December 31, 2020;

22 (b) Licensees or administrators of nursing homes that become  
23 licensed after the effective date of this section must complete the  
24 training by the time of the facility's first license renewal;

25 (c) After completing the one-time training, nursing home  
26 licensees or administrators are not required to take the training  
27 again until the department approves changes to the learning  
28 objectives as established in rule. If there are approved changes to  
29 the learning objectives, all nursing home licensees or administrators  
30 must take a new training as set forth in rule.

31 (3) By July 1, 2019, nursing home licensees must have written  
32 inclusiveness and cultural competency policies related to the LGBTQ  
33 population. The policies shall be made available in writing to  
34 residents and prospective residents, as well as their  
35 representatives, according to department guidance. Nursing home  
36 licensees must make the policies available to the department upon  
37 request. Nursing home licensees must post the policies in accordance  
38 with department guidelines. The department shall adopt guidance for  
39 nursing home licensees that contains elements that must be addressed

1 in inclusiveness and cultural competency policies and instructions  
2 for posting the policy and making it available."

3 Correct the title.

EFFECT: Requires that, beginning December 31, 2020, inclusiveness and cultural competency training related to the lesbian, gay, bisexual, transgender, questioning (LGBTQ) population be a part of the basic training requirements for long-term care workers and a condition of certification for nursing assistants. Requires that long-term care workers and certified nursing assistants who complete their certification or training prior to December 31, 2020, complete the training requirement as a one-time continuing education requirement.

Changes the application of the training requirement from assisted living facility "owners" and nursing home "owners" to "licensees" of either type of facility. Changes the application of the training requirement from adult family home "owners" to adult family home "providers."

Extends the date for the training requirement to become effective from December 31, 2019, to December 31, 2020.

Requires adult family homes, assisted living facilities, and nursing homes to have written inclusiveness and cultural competency policies related to the LGBTQ population by July 1, 2019. Requires that the policies be made available to residents and prospective residents, as well as their representatives. Requires the policies to be posted according to the Department of Social and Health Services (DSHS) guidelines. Directs DSHS to adopt guidance related to the elements that must be addressed in the policies and instructions for posting the policies.

Makes nonsubstantive changes to clarify terminology and eliminate redundant references to long-term care worker training requirements and changes phrasing related to rules.

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