

SENATE BILL REPORT

ESSB 5700

As Passed Senate, February 12, 2018

Title: An act relating to training long-term care providers on the needs of the LGBTQ population.

Brief Description: Requiring training for long-term care providers on the needs of the LGBTQ population.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Ranker, Rivers, Liias, Pedersen, Darneille, Chase and Kuderer).

Brief History:

Committee Activity: Health & Long Term Care: 1/11/18, 1/16/18 [DPS, DNP].

Floor Activity:

Passed Senate: 2/12/18, 29-18.

Brief Summary of Engrossed First Substitute Bill

- Requires long-term care workers and long-term care providers be trained on the needs of the LGBTQ population.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5700 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Conway, Keiser, Mullet and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Rivers, Ranking Member; Bailey and Becker.

Staff: LeighBeth Merrick (786-7445)

Background: Long-term care workers are individuals that provide paid personal care services for older adults or people with disabilities. This includes:

- individual providers of home care services;
- direct care workers employed by home care agencies;

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.

- providers of home care services to persons with developmental disabilities;
- all direct care workers in state-licensed assisted living facilities and adult family homes;
- respite care providers;
- direct care workers employed by community residential service businesses; and
- any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

Long-term care workers do not include employees of nursing homes, hospitals, acute care settings, residential habilitation centers, hospice agencies, adult day care centers, and adult day health centers. Also excluded are individuals who are not paid by the state or any private agency or facility licensed by the state to provide personal care service.

Long-term care workers are required to complete 12 hours of continuing education training in advanced topics every year. Unless the long-term care worker voluntarily decides to be certified as a home care aide, the following are exempt from this requirement:

- individual providers caring for only their biological, step, or adoptive child or parent;
- individual providers who only provide respite services and work less than 300 hours per calendar year;
- individual providers who provide 20 hours or less of care for one person per calendar month;
- registered nurses; and
- licensed practical nurses

The Department of Social and Health Services (DSHS) administers the licenses for adult family homes, assisted living facilities, and nursing homes. Facilities must renew their licenses annually.

Summary of Engrossed First Substitute Bill: After December 31, 2019, long-term care workers are required to complete training on the needs of the LGBTQ population by their next continuing education due date. The training is one-time and is not required to be taken again until DSHS approves changes to the curriculum. DSHS will establish the training requirements in rule.

All adult family home owners and administrators, assisted living facility owners and administrators, and nursing home owners and administrators are required to complete a training on the needs of the LGBTQ population. Facility owners that work on-site of the facility less than two days per license year are not required to complete the training. For facilities that have existing licenses, the training must be completed by the facility's next license renewal date after December 31, 2019. For facilities that become licensed after the bill's effective date, the training must be completed by their first license renewal date. The training is one-time and is not required to be taken again until DSHS approves changes to the curriculum.

Appropriation: None.

Fiscal Note: Requested on January 4, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute: PRO: There is research that reports high levels of discrimination against LGBTQ older adults occurs in nursing homes and employees are seeking training opportunities to better serve the LGBTQ population. The training this bill requires would raise the professionalism of the long-term care workforce. Studies have shown that when LGBTQ older adults feel threatened they revert back to being in the closet and do not seek the medical care they need, which results in them using higher cost care settings or dying alone. Long-term care providers and employees are interested in training opportunities that help them serve their diverse set of clients.

OTHER: The intent to train long-term care providers on the needs of the LGBTQ population is supported. However, there are questions and concerns about how the training would be implemented. Could the training be integrated with the Nursing Commission? Is it necessary to train owners of facilities when many of them are out of state and not involved in providing direct care? For adult family homes and assisted living, is it necessary for all workers to be trained?

Persons Testifying: PRO: Senator Kevin Ranker, Prime Sponsor; Patricia McIntyre, Tacoma Older LGBT & Generations Aging with Pride; Demas Nesterenko, SEIU775; Brad Banks, Washington Home Care Coalition.

OTHER: Jeff Gombosky, Washington Health Care Association; John Ficker, Adult Family Home Council.

Persons Signed In To Testify But Not Testifying: No one.