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ENGROSSED SUBSTITUTE SENATE BILL 5700

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State of Washington

65th Legislature

2018 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Ranker, Rivers, Llias, Pedersen, Darneille, Chase, and Kuderer)

READ FIRST TIME 01/17/18.

1 AN ACT Relating to training long-term care providers on the needs  
2 of the LGBTQ population; amending RCW 74.39A.341; adding a new  
3 section to chapter 70.128 RCW; adding a new section to chapter 18.20  
4 RCW; and adding a new section to chapter 18.51 RCW.

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

6 **Sec. 1.** RCW 74.39A.341 and 2015 c 152 s 3 are each amended to  
7 read as follows:

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

11 (2) Of the twelve hours of continuing education training required  
12 by subsection (1) of this section, time must be allocated, as  
13 established by the department in rule, to provide cultural competency  
14 training on issues relating to the LGBTQ population as follows:

15 (a) Long-term care workers who are licensed on or after the  
16 effective date of this section must complete the one-time training by  
17 their next continuing education due date after December 31, 2019;

18 (b) After completing the one-time training, long-term care  
19 workers are not required to take the one-time training again until  
20 the department approves changes to the curriculum. If there are  
21 approved changes in the curriculum based upon revised department

1 competencies, all long-term care workers must take the new curriculum  
2 as set forth in the Washington Administrative Code.

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

6 ~~((3))~~ (4) Unless voluntarily certified as a home care aide  
7 under chapter 18.88B RCW, subsection (1) of this section does not  
8 apply to:

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

11 (b) Registered nurses and licensed practical nurses licensed  
12 under chapter 18.79 RCW;

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

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

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

20 ~~((4))~~ (5) Only training curriculum approved by the department  
21 may be used to fulfill the training requirements specified in this  
22 section. The department shall only approve training curriculum that:

23 (a) Has been developed with input from consumer and worker  
24 representatives; ~~((and))~~

25 (b) Requires comprehensive instruction by qualified instructors;  
26 and

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

31 ~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be  
32 compensated for training time required by this section.

33 ~~((6))~~ (7) The department of health shall adopt rules to  
34 implement subsection (1) of this section.

35 ~~((7))~~ (8) The department shall adopt rules to implement  
36 subsections (2) and (3) of this section.

37 NEW SECTION. Sec. 2. A new section is added to chapter 70.128  
38 RCW to read as follows:

1 (1) Adult family home owners and resident managers must complete  
2 a one-time department-approved cultural competency training relating  
3 to the lesbian, gay, bisexual, transgender, questioning (LGBTQ)  
4 population. The department must approve the training curriculum,  
5 program, and instructors required by this section, and develop a form  
6 home owners and resident managers may use for self-reporting  
7 completion of this requirement.

8 (2) The training required by this section must be completed as  
9 follows:

10 (a) Adult family home owners and resident managers of adult  
11 family homes that are licensed on the effective date of this section  
12 must complete the one-time training by the facility's next license  
13 renewal after December 31, 2019;

14 (b) Adult family home owners and resident managers of adult  
15 family homes that are licensed after the effective date of this  
16 section must complete the training by the time of the facility's  
17 first license renewal;

18 (c) Adult family home owners who work on-site of the facility  
19 less than two days per license year are not required to complete the  
20 training;

21 (d) After completing the one-time training, adult family home  
22 owners and resident managers are not required to take the training  
23 again until the department approves changes to the learning  
24 objectives as established in the Washington Administrative Code. If  
25 there are approved changes to the learning objectives, adult family  
26 home owners, resident managers, and all long-term care workers, must  
27 take a new training as set forth in the Washington Administrative  
28 Code.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.20  
30 RCW to read as follows:

31 (1) Assisted living facility owners and administrators must  
32 complete a one-time department-approved cultural competency training  
33 relating to the lesbian, gay, bisexual, transgender, questioning  
34 (LGBTQ) population. The department must approve the training  
35 curriculum, program, and instructors required by this section, and  
36 develop a form facility owners and administrators may use for self-  
37 reporting completion of this requirement.

38 (2) The training required by this section must be completed as  
39 follows:

1 (a) Owners and administrators of assisted living facilities that  
2 are licensed on the effective date of this section must complete the  
3 one-time training by the time of the facility's next license renewal  
4 after December 31, 2019;

5 (b) Owners and administrators of assisted living facilities that  
6 become licensed after the effective date of this section must  
7 complete the training by the time of the facility's first license  
8 renewal;

9 (c) Assisted living facility owners who work on-site of the  
10 facility less than two days per license year are not required to  
11 complete the training;

12 (d) After completing the one-time training, assisted living  
13 facility owners and administrators are not required to take the  
14 training again until the department approves changes to the learning  
15 objectives as established in the Washington Administrative Code. If  
16 there are approved changes to the learning objectives, assisted  
17 living facility owners, administrators, and all long-term care  
18 workers, must take a new training as set forth in the Washington  
19 Administrative Code.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.51  
21 RCW to read as follows:

22 (1) Nursing home owners and administrators must complete a one-  
23 time department-approved cultural competency training relating to the  
24 lesbian, gay, bisexual, transgender, questioning (LGBTQ) population.  
25 The department must approve the training curriculum, program, and  
26 instructors required by this section, and develop a form home owners  
27 and administrators may use for self-reporting completion of this  
28 requirement.

29 (2) The training required by this section must be completed as  
30 follows:

31 (a) Owners and administrators of nursing homes that are licensed  
32 on the effective date of this section must complete the one-time  
33 training by the time of the facility's next license renewal after  
34 December 31, 2019;

35 (b) Owners and administrators of nursing homes that become  
36 licensed after the effective date of this section must complete the  
37 training by the time of the facility's first license renewal;

1 (c) Nursing home owners who work on-site of the facility less  
2 than two days per license year are not required to complete the  
3 training;

4 (d) After completing the one-time training, nursing home owners  
5 and administrators are not required to take the training again until  
6 the department approves changes to the learning objectives as  
7 established in the Washington Administrative Code. If there are  
8 approved changes to the learning objectives, all nursing home owners,  
9 administrators, and all long-term care workers, must take a new  
10 training as set forth in the Washington Administrative Code.

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