

2SSB 5672 - H COMM AMD  
By Committee on Appropriations

ADOPTED AS AMENDED 04/17/2019

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.128  
4 RCW to read as follows:

5 (1) Subject to the availability of amounts appropriated for this  
6 specific purpose, the developmental disabilities administration  
7 within the department shall work with stakeholders to design and  
8 implement services for individuals living in adult family homes who  
9 have a primary need of care related to a developmental or  
10 intellectual disability. These services must be enhancements or in  
11 addition to services currently available, and designed to meet the  
12 specific provisions related to the assessment, environment,  
13 regulations, provision of care, and training requirements. These  
14 services must be enhancements or in addition to services currently  
15 available, and designed to support an intentional environment to  
16 improve resident quality of life, promote resident safety, including  
17 protecting safety in relationships between residents, increase  
18 resident length of stay, clarify regulations, streamline training  
19 requirements, reduce the need for institutional settings, and attract  
20 more adult family home providers to develop such highly needed  
21 resources. The recommendations for these services must be completed  
22 by June 1, 2020, for consideration and implementation in the  
23 2021-2023 biennium.

24 (2) Subject to the availability of amounts appropriated for this  
25 specific purpose, the aging and long-term support administration  
26 within the department shall work with stakeholders to design and  
27 implement proposed services for individuals living in adult family  
28 homes that are dedicated solely to the care of individuals with  
29 dementia, including Alzheimer's disease. These services must be  
30 enhancements or in addition to services currently available, and  
31 designed to include specific provisions related to the assessment,  
32 environment, regulations, provision of care, and training

1 requirements. These services must be designed to support an  
2 intentional environment to improve resident quality of life, promote  
3 resident safety, including protecting safety in relationships between  
4 residents, increase resident length of stay, clarify regulations,  
5 streamline training requirements, reduce the need for institutional  
6 settings, and attract more adult family home providers to develop  
7 such highly needed resources. The recommendations for these services  
8 must be completed by June 1, 2020, for consideration and  
9 implementation in the 2021-2023 biennium.

10 **Sec. 2.** RCW 70.128.010 and 2007 c 184 s 7 are each amended to  
11 read as follows:

12 Unless the context clearly requires otherwise, the definitions in  
13 this section apply throughout this chapter.

14 (1) "Adult family home" means a residential home in which a  
15 person or persons provide personal care, special care, room, and  
16 board to more than one but not more than six adults who are not  
17 related by blood or marriage to the person or persons providing the  
18 services.

19 (2) "Provider" means any person who is licensed under this  
20 chapter to operate an adult family home. For the purposes of this  
21 section, "person" means any individual, partnership, corporation,  
22 association, or limited liability company.

23 (3) "Department" means the department of social and health  
24 services.

25 (4) "Resident" means an adult in need of personal or special care  
26 in an adult family home who is not related to the provider.

27 (5) "Adults" means persons who have attained the age of eighteen  
28 years.

29 (6) "Home" means an adult family home.

30 (7) "Imminent danger" means serious physical harm to or death of  
31 a resident has occurred, or there is a serious threat to resident  
32 life, health, or safety.

33 (8) "Special care" means care beyond personal care as defined by  
34 the department, in rule.

35 (9) "Capacity" means the maximum number of persons in need of  
36 personal or special care permitted in an adult family home at a given  
37 time. This number shall include related children or adults in the  
38 home and who received special care.

1 (10) "Resident manager" means a person employed or designated by  
2 the provider to manage the adult family home.

3 (11) "Adult family home licensee" means a provider as defined in  
4 this section who does not receive payments from the medicaid and  
5 state-funded long-term care programs.

6 (12) "Adult family home training network" means a nonprofit  
7 organization established by the exclusive bargaining representative  
8 of adult family homes designated under RCW 41.56.029 with the  
9 capacity to provide training, workforce development, and other  
10 services to adult family homes.

11 NEW SECTION. Sec. 3. A new section is added to chapter 70.128  
12 RCW to read as follows:

13 If the department has any contracts for personal care services  
14 with any adult family home represented by an exclusive bargaining  
15 representative:

16 (1) Effective July 1, 2020, training required under this chapter  
17 for adult family homes must be available through an adult family home  
18 training network.

19 (2) The exclusive bargaining representative shall designate the  
20 adult family home training network.

21 (3) The parties to the collective bargaining agreement must  
22 negotiate a memorandum of understanding to provide for contributions  
23 to the adult family home training network. Contributions to the adult  
24 family home training network must begin no sooner than January 1,  
25 2020. Contributions to the adult family home training network for  
26 fiscal year 2021 must be limited to no more than the amount  
27 appropriated for training in the 2019-2021 collective bargaining  
28 agreement.

29 (4) Contributions must be provided to the adult family home  
30 training network through a vendor contract executed by the  
31 department.

32 (5) The adult family home training network shall provide reports  
33 as required by the department verifying that providers have complied  
34 with all training requirements.

35 NEW SECTION. Sec. 4. A new section is added to chapter 70.128  
36 RCW to read as follows:

1 (1) By December 1, 2020, the department shall report to the  
2 appropriate committees of the legislature on the status of the adult  
3 family home training network.

4 (2) This section expires July 1, 2021.

5 **Sec. 5.** RCW 70.128.230 and 2013 c 259 s 5 are each amended to  
6 read as follows:

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

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

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

18 (2) Training must have three components: Orientation, basic  
19 training, and continuing education. All adult family home providers,  
20 resident managers, and employees, or volunteers who routinely  
21 interact with residents shall complete orientation. Caregivers shall  
22 complete orientation, basic training, and continuing education.

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

29 (4) Basic training consists of modules on the core knowledge and  
30 skills that caregivers need to learn and understand to effectively  
31 and safely provide care to residents. Basic training must be outcome-  
32 based, and the effectiveness of the basic training must be measured  
33 by demonstrated competency in the core areas through the use of a  
34 competency test. Basic training must be completed by caregivers  
35 within one hundred twenty days of the date on which they begin to  
36 provide hands-on care. Until competency in the core areas has been  
37 demonstrated, caregivers shall not provide hands-on personal care to  
38 residents without direct supervision.

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

5 (a) Specialty training consists of modules on the core knowledge  
6 and skills that providers and resident managers need to effectively  
7 and safely provide care to residents with special needs. Specialty  
8 training should be integrated into basic training wherever  
9 appropriate. Specialty training must be outcome-based, and the  
10 effectiveness of the specialty training measured by demonstrated  
11 competency in the core specialty areas through the use of a  
12 competency test.

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

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

30 (7) Persons who successfully (~~challenge~~) complete the  
31 competency challenge test for basic training are fully exempt from  
32 the basic training requirements of this section. Persons who  
33 successfully (~~challenge~~) complete the specialty training competency  
34 challenge test are fully exempt from the specialty training  
35 requirements of this section.

36 (8) (a) Registered nurses and licensed practical nurses licensed  
37 under chapter 18.79 RCW are exempt from any continuing education  
38 requirement established under this section.

39 (b) The department may adopt rules that would exempt licensed  
40 persons from all or part of the training requirements under this

1 chapter, if they are (i) performing the tasks for which they are  
2 licensed and (ii) subject to chapter 18.130 RCW.

3 (9) In an effort to improve access to training and education and  
4 reduce costs, especially for rural communities, the (~~coordinated~~  
5 ~~system of long-term care training and education~~) adult family home  
6 training network must include the use of innovative types of learning  
7 strategies such as internet resources, videotapes, and distance  
8 learning using satellite technology coordinated through community  
9 colleges, private associations, or other entities, as defined by the  
10 department.

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

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

28 (12)(a) Except as provided in (b) of this subsection, the  
29 orientation, basic training, specialty training, and continuing  
30 education requirements of this section commence September 1, 2002,  
31 and shall be applied to (i) employees hired subsequent to September  
32 1, 2002; or (ii) existing employees that on September 1, 2002, have  
33 not successfully completed the training requirements under RCW  
34 70.128.120 or 70.128.130 and this section. Existing employees who  
35 have not successfully completed the training requirements under RCW  
36 70.128.120 or 70.128.130 shall be subject to all applicable  
37 requirements of this section.

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

4 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
5 this act, referencing this act by bill or chapter number, is not  
6 provided by June 30, 2019, in the omnibus appropriations act, this  
7 act is null and void."

8 Correct the title.

EFFECT: Specifies that the adult family home training network must be a nonprofit organization, and not a joint partnership or trust.

Specifies that services developed for individuals in adult family homes with dementia or a developmental or intellectual disability must be enhancements in addition to services currently available.

Requires parties to the collective bargaining agreement for adult family homes to negotiate a memorandum of understanding for contributions to the adult family home training network.

Delays the commencement of contributions to the training network until January 1, 2020, or later.

Limits contributions to the training network for fiscal year 2021 to the amount appropriated for training in the 2019-2021 collective bargaining agreement.

Requires that contributions to the training network must be provided through a vendor contract with the DSHS.

Delays the availability of training provided through the training network until July 1, 2020.

Removes specific topics in the DSHS report due by December 1, 2020.

Makes the bill null and void unless funding is provided in the omnibus appropriations act by June 30, 2019.

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