

1 years have resulted in duplicated provisions, ambiguities, and other
2 technical errors. The legislature intends to make corrections and
3 clarify provisions governing services by long-term care workers.

4 **II. DEFINITIONS**

5 **Sec. 201.** RCW 18.88B.010 and 2009 c 2 s 17 are each amended to
6 read as follows:

7 The definitions in (~~RCW 74.39A.009~~) this section apply throughout
8 this chapter unless the context clearly requires otherwise.

9 (1) "Community residential service business" has the same meaning
10 as defined in RCW 74.39A.009.

11 (2) "Department" means the department of health.

12 (3) "Home care aide" means a person certified under this chapter.

13 (4) "Personal care services" has the same meaning as defined in RCW
14 74.39A.009.

15 (5) "Secretary" means the secretary of the department of health.

16 (6) "Long-term care worker" has the same meaning as defined in RCW
17 74.39A.009.

18 **Sec. 202.** RCW 74.39A.009 and 2009 c 580 s 1 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Adult family home" means a home licensed under chapter 70.128
23 RCW.

24 (2) "Adult residential care" means services provided by a boarding
25 home that is licensed under chapter 18.20 RCW and that has a contract
26 with the department under RCW 74.39A.020 to provide personal care
27 services.

28 (3) "Assisted living services" means services provided by a
29 boarding home that has a contract with the department under RCW
30 74.39A.010 to provide personal care services, intermittent nursing
31 services, and medication administration services, and the resident is
32 housed in a private apartment-like unit.

33 (4) "Boarding home" means a facility licensed under chapter 18.20
34 RCW.

35 (5) "Community residential service business" means a business that:

1 (a) Is licensed or certified by the department of social and health
2 services to provide to individuals who have a developmental disability
3 as defined in RCW 71A.10.020(4):

4 (i) Group home services;

5 (ii) Group training home services;

6 (iii) Supported living services; or

7 (iv) Voluntary placement services provided in a licensed staff
8 residential facility for children; and

9 (b) Has a contract with the division of developmental disabilities
10 to provide the services identified in (a) of this subsection.

11 (6) "Core competencies" means basic training topics, including but
12 not limited to, communication skills, worker self-care, problem
13 solving, maintaining dignity, consumer directed care, cultural
14 sensitivity, body mechanics, fall prevention, skin and body care, long-
15 term care worker roles and boundaries, supporting activities of daily
16 living, and food preparation and handling.

17 ~~((+6+))~~ (7) "Cost-effective care" means care provided in a setting
18 of an individual's choice that is necessary to promote the most
19 appropriate level of physical, mental, and psychosocial well-being
20 consistent with client choice, in an environment that is appropriate to
21 the care and safety needs of the individual, and such care cannot be
22 provided at a lower cost in any other setting. But this in no way
23 precludes an individual from choosing a different residential setting
24 to achieve his or her desired quality of life.

25 ~~((+7+))~~ (8) "Department" means the department of social and health
26 services.

27 ~~((+8+))~~ (9) "Developmental disability" has the same meaning as
28 defined in RCW 71A.10.020.

29 ~~((+9+))~~ (10) "Direct care worker" means a paid caregiver who
30 provides direct, hands-on personal care services to persons with
31 disabilities or the elderly requiring long-term care.

32 ~~((+10+))~~ (11) "Enhanced adult residential care" means services
33 provided by a boarding home that is licensed under chapter 18.20 RCW
34 and that has a contract with the department under RCW 74.39A.010 to
35 provide personal care services, intermittent nursing services, and
36 medication administration services.

37 ~~((+11+))~~ (12) "Functionally disabled person" or "person who is
38 functionally disabled" is synonymous with chronic functionally disabled

1 and means a person who because of a recognized chronic physical or
2 mental condition or disease, or developmental disability, including
3 chemical dependency, is impaired to the extent of being dependent upon
4 others for direct care, support, supervision, or monitoring to perform
5 activities of daily living. "Activities of daily living", in this
6 context, means self-care abilities related to personal care such as
7 bathing, eating, using the toilet, dressing, and transfer.
8 Instrumental activities of daily living may also be used to assess a
9 person's functional abilities as they are related to the mental
10 capacity to perform activities in the home and the community such as
11 cooking, shopping, house cleaning, doing laundry, working, and managing
12 personal finances.

13 ((+12+)) (13) "Home and community-based services" means adult
14 family homes, in-home services, and other services administered or
15 provided by contract by the department directly or through contract
16 with area agencies on aging or similar services provided by facilities
17 and agencies licensed by the department.

18 ((+13+)) (14) "Home care aide" means a long-term care worker who
19 has obtained certification as a home care aide by the department of
20 health.

21 ((+14+)) (15) "Individual provider" (~~is defined according to RCW~~
22 ~~74.39A.240~~) means a person, including a personal aide, who has
23 contracted with the department to provide personal care or respite care
24 services to functionally disabled persons under the medicaid personal
25 care, community options program entry system, chore services program,
26 or respite care program, or to provide respite care or residential
27 services and support to persons with developmental disabilities under
28 chapter 71A.12 RCW, or to provide respite care as defined in RCW
29 74.13.270.

30 ((+15+)) (16) "Long-term care" is synonymous with chronic care and
31 means care and supports delivered indefinitely, intermittently, or over
32 a sustained time to persons of any age disabled by chronic mental or
33 physical illness, disease, chemical dependency, or a medical condition
34 that is permanent, not reversible or curable, or is long-lasting and
35 severely limits their mental or physical capacity for self-care. The
36 use of this definition is not intended to expand the scope of services,
37 care, or assistance by any individuals, groups, residential care
38 settings, or professions unless otherwise expressed by law.

1 ~~((+16+))~~ (17)(a) "Long-term care workers ~~((for the elderly or~~
2 ~~persons with disabilities" or "long-term care workers))~~" include~~((s))~~
3 all persons who ~~((are long-term care workers))~~ provide paid, hands-on
4 personal care services for the elderly or persons with disabilities,
5 including but not limited to individual providers of home care
6 services, direct care ~~((employees of))~~ workers employed by home care
7 agencies, providers of home care services to persons with developmental
8 disabilities under Title 71A RCW, all direct care workers in
9 state-licensed boarding homes, assisted living facilities, and adult
10 family homes, respite care providers, direct care workers employed by
11 community residential service ~~((providers))~~ businesses, and any other
12 direct care worker providing home or community-based services to the
13 elderly or persons with functional disabilities or developmental
14 disabilities.

15 (b) "Long-term care workers" do not include: (i) Persons employed
16 by the following facilities or agencies: Nursing homes subject to
17 chapter 18.51 RCW, hospitals or other acute care settings, residential
18 habilitation centers under chapter 71A.20 RCW, facilities certified
19 under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127
20 RCW, adult day care centers, and adult day health care centers; or (ii)
21 persons who are not paid by the state or by a private agency or
22 facility licensed by the state to provide personal care services.

23 ~~((+17+))~~ (18) "Nursing home" means a facility licensed under
24 chapter 18.51 RCW.

25 ~~((+18+))~~ (19) "Personal care services" means physical or verbal
26 assistance with activities of daily living and instrumental activities
27 of daily living provided because of a person's functional disability.

28 ~~((+19+))~~ (20) "Population specific competencies" means basic
29 training topics unique to the care needs of the population the long-
30 term care worker is serving, including but not limited to, mental
31 health, dementia, developmental disabilities, young adults with
32 physical disabilities, and older adults.

33 ~~((+20+))~~ (21) "Qualified instructor" means a registered nurse or
34 other person with specific knowledge, training, and work experience in
35 the provision of direct, hands-on personal care and other assistance
36 services to the elderly or persons with disabilities requiring
37 long-term care.

1 or which is specifically authorized under this state's laws; or (ii)
2 who is exempt from certification under RCW 18.88B.041 from providing
3 home care services.

4 (3) The department ~~((of health))~~ shall adopt rules ~~((by August 1,~~
5 ~~2010,))~~ to implement this section.

6 **Sec. 302.** RCW 18.88B.041 and 2012 c 1 s 105 (Initiative Measure
7 No. 1163) are each amended to read as follows:

8 (1) The following long-term care workers are not required to become
9 a certified home care aide pursuant to this chapter~~((-~~

10 ~~(1))~~);

11 (a)(i)(A) Registered nurses, licensed practical nurses, certified
12 nursing assistants or persons who are in an approved training program
13 for certified nursing assistants under chapter 18.88A RCW, medicare-
14 certified home health aides, or other persons who hold a similar health
15 credential, as determined by the secretary ~~((of health)),~~ or persons
16 with special education training and an endorsement granted by the
17 superintendent of public instruction, as described in RCW 28A.300.010,
18 if the secretary ~~((of health))~~ determines that the circumstances do not
19 require certification. ~~((Individuals exempted by this subsection may~~
20 ~~obtain certification as a home care aide from the department of health~~
21 ~~without fulfilling the training requirements in RCW 74.39A.073 but must~~
22 ~~successfully complete a certification examination pursuant to RCW~~
23 ~~18.88B.030.~~

24 ~~(2))~~ (B) A person ~~((already employed))~~ who was initially hired
25 as a long-term care worker prior to January ~~((1, 2011))~~ 7, 2012, and
26 who completes all of his or her training requirements in effect as of the
27 date he or she was hired~~((, is not required to obtain certification)).~~

28 (ii) Individuals exempted by (a)(i) of this subsection may obtain
29 certification as a home care aide ~~((from the department of health))~~
30 without fulfilling the training requirements in RCW ~~((74.39A.073))~~
31 74.39A.074(1)(d)(ii) but must successfully complete a certification
32 examination pursuant to RCW ~~((18.88B.030))~~ 18.88B.031.

33 ~~((3))~~ All long-term care workers employed by ~~((supported living~~
34 ~~providers are not required to obtain certification under this chapter))~~
35 community residential service businesses.

36 ~~((4))~~ (c) An individual provider caring only for his or her

1 biological, step, or adoptive child or parent (~~is not required to~~
2 ~~obtain certification under this chapter~~)).

3 ((+5)) (d) Prior to (~~June 30~~) July 1, 2014, a person hired as an
4 individual provider who provides twenty hours or less of care for one
5 person in any calendar month (~~is not required to obtain certification~~
6 ~~under this chapter~~)).

7 ((+6)) (2) A long-term care worker exempted from certification by
8 this section (~~from the training requirements contained in RCW~~
9 ~~74.39A.073~~) may not be prohibited from enrolling in training pursuant
10 to (~~that section~~) RCW 74.39A.074.

11 ((+7)) (3) The department (~~of health~~) shall adopt rules (~~by~~
12 ~~August 1, 2010,~~) to implement this section.

13 NEW SECTION. Sec. 303. A new section is added to chapter 18.88B
14 RCW to read as follows:

15 (1) The department has the authority to:

16 (a) Establish forms, procedures, and examinations necessary to
17 certify home care aides pursuant to this chapter;

18 (b) Hire clerical, administrative, and investigative staff as
19 needed to implement this section;

20 (c) Issue certification as a home care aide to any applicant who
21 has successfully completed the home care aide examination, and renew
22 such certificates;

23 (d) Maintain the official record of all applicants and persons with
24 certificates;

25 (e) Exercise disciplinary authority as authorized in chapter 18.130
26 RCW; and

27 (f) Deny certification to applicants who do not meet training,
28 competency examination, and conduct requirements, including background
29 checks, for certification.

30 (2) The department shall adopt rules that establish the procedures,
31 including criteria for reviewing an applicant's state and federal
32 background checks, and examinations necessary to implement this
33 section.

34 Sec. 304. RCW 18.88B.031 and 2012 c 1 s 104 (Initiative Measure
35 No. 1163) are each amended to read as follows:

36 (1) (~~Effective January 1, 2011,~~) Except as provided in RCW

1 (~~(18.88B.040)~~) 18.88B.041 and subject to the other requirements of this
2 chapter, (~~(the department of health shall require that all)~~) to be
3 certified as a home care aide, a long-term care worker(~~(s)~~) must
4 successfully complete the training required under RCW
5 74.39A.074(1)(d)(ii) and a certification examination. Any long-term
6 care worker failing to make the required grade for the examination
7 (~~(will)~~) may not be certified as a home care aide.

8 (2) The department (~~(of health)~~), in consultation with consumer and
9 worker representatives, shall develop a home care aide certification
10 examination to evaluate whether an applicant possesses the skills and
11 knowledge necessary to practice competently. (~~(Unless excluded)~~)
12 Except as provided by RCW (~~(18.88B.040 (1) and (2))~~)
13 18.88B.041(1)(a)(ii), only those who have completed the training
14 requirements in RCW (~~(74.39A.073)~~) 74.39A.074(1) shall be eligible to
15 sit for this examination.

16 (3) The examination shall include both a skills demonstration and
17 a written or oral knowledge test. The examination papers, all grading
18 of the papers, and records related to the grading of skills
19 demonstration shall be preserved for a period of not less than one
20 year. The department (~~(of health)~~) shall establish rules governing the
21 number of times and under what circumstances individuals who have
22 failed the examination may sit for the examination, including whether
23 any intermediate remedial steps should be required.

24 (4) All examinations shall be conducted by fair and wholly
25 impartial methods. The certification examination shall be administered
26 and evaluated by the department (~~(of health)~~) or by a contractor to the
27 department (~~(of health)~~) that is neither an employer of long-term care
28 workers or a private contractor(~~(s)~~) providing training services under
29 this chapter.

30 (5) (~~(The department of health has the authority to:~~

31 ~~(a) Establish forms, procedures, and examinations necessary to~~
32 ~~certify home care aides pursuant to this chapter;~~

33 ~~(b) Hire clerical, administrative, and investigative staff as~~
34 ~~needed to implement this section;~~

35 ~~(c) Issue certification as a home care aide to any applicant who~~
36 ~~has successfully completed the home care aide examination;~~

37 ~~(d) Maintain the official record of all applicants and persons with~~
38 ~~certificates;~~

1 ~~(e) Exercise disciplinary authority as authorized in chapter 18.130~~
2 ~~RCW; and~~

3 ~~(f) Deny certification to applicants who do not meet training,~~
4 ~~competency examination, and conduct requirements for certification.~~

5 ~~(6)) The department ((of health)) shall adopt rules ((by August 1,~~
6 ~~2010, that establish the procedures, including criteria for reviewing~~
7 ~~an applicant's state and federal background checks, and examinations~~
8 ~~necessary to carry this section into effect)) to implement this~~
9 ~~section.~~

10 **IV. TRAINING PROVISIONS**

11 **Sec. 401.** RCW 74.39A.074 and 2012 c 1 s 107 (Initiative Measure
12 No. 1163) are each amended to read as follows:

13 (1) ~~((Effective January 1, 2011,))~~ (a) Beginning January 7, 2012,
14 except ((as provided in RCW 18.88B.040)) for long-term care workers
15 exempt from certification under RCW 18.88B.041(1), all persons
16 ((employed)) hired as long-term care workers ((for the elderly or
17 persons with disabilities)) must meet the minimum training requirements
18 in this section within one hundred twenty calendar days ((of
19 employment)) after the date of being hired or within one hundred twenty
20 calendar days after the effective date of this section, whichever is
21 later.

22 ~~((2) All persons employed as long-term care workers must obtain))~~
23 (b) Except as provided in RCW 74.39A.076, the minimum training
24 requirement is seventy-five hours of entry-level training approved by
25 the department. A long-term care worker must ((accomplish))
26 successfully complete five of these seventy-five hours before
27 ((becoming)) being eligible to provide care.

28 ~~((3))~~ (c) Training required by (d)(ii) of this subsection
29 ((4)(c) of this section will be applied)) applies toward((s)) the
30 training required under RCW 18.20.270 or 70.128.230 ((as well as)), but
31 any statutory or regulatory training requirements for long-term care
32 workers employed by ((supportive living providers)) community
33 residential service businesses apply toward the training required in
34 (d)(ii) of this subsection.

35 ~~((4) Only training curriculum approved by the department may be~~

1 ~~used to fulfill the training requirements specified in this section.))~~

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

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

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

8 ~~((b) Before a long term care worker is eligible to provide care,~~
9 ~~he or she must complete))~~ (B) Three hours of safety training, including
10 basic safety precautions, emergency procedures, and infection control;
11 and

12 ~~((c) All long term care workers must complete))~~ (ii) Seventy hours
13 of long-term care basic training, including training related to core
14 competencies and population specific competencies.

15 ~~((5))~~ (2) Only training curriculum approved by the department may
16 be used to fulfill the training requirements specified in this section.

17 The department shall only approve training curriculum that:

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

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

22 ~~((6))~~ (3) Individual providers under RCW 74.39A.270 shall be
23 compensated for training time required by this section.

24 ~~((7) The department of health shall adopt rules by August 1, 2010,~~
25 ~~to implement subsections (1), (2), and (3) of this section.~~

26 ~~(8))~~ (4) The department shall adopt rules ~~((by August 1, 2010,))~~
27 to implement ~~((subsections (4) and (5) of))~~ this section.

28 **Sec. 402.** RCW 74.39A.076 and 2012 c 1 s 108 (Initiative Measure
29 No. 1163) are each amended to read as follows:

30 (1) ~~((Effective January 1, 2011,))~~ Beginning January 7, 2012:

31 (a) A biological, step, or adoptive parent who is the individual
32 provider only for his or her developmentally disabled son or daughter
33 must receive twelve hours of training relevant to the needs of adults
34 with developmental disabilities within the first one hundred twenty
35 days ~~((of))~~ after becoming an individual provider or within one hundred
36 twenty calendar days after the effective date of this section,
37 whichever is later.

1 (~~(2)~~ Effective January 1, 2011,) (b) Individual providers
2 identified in (~~(a)~~ and) (b)(i) and (ii) of this subsection must
3 complete thirty-five hours of training within the first one hundred
4 twenty days (~~(of)~~) after becoming an individual provider or within one
5 hundred twenty calendar days after the effective date of this section,
6 whichever is later. Five of the thirty-five hours must be completed
7 before becoming eligible to provide care. Two of these five hours
8 shall be devoted to an orientation training regarding an individual
9 provider's role as caregiver and the applicable terms of employment,
10 and three hours shall be devoted to safety training, including basic
11 safety precautions, emergency procedures, and infection control.
12 Individual providers subject to this requirement include:

13 (~~(a)~~) (i) An individual provider caring only for his or her
14 biological, step, or adoptive child or parent unless covered by (a) of
15 this subsection (~~(1) of this section~~); and

16 (~~(b)~~ Before) (ii) Until January 1, 2014, a person hired as an
17 individual provider who provides twenty hours or less of care for one
18 person in any calendar month.

19 (~~(3)~~) (2) Only training curriculum approved by the department may
20 be used to fulfill the training requirements specified in this section.
21 The department shall only approve training curriculum that:

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

24 (b) Requires comprehensive instruction by qualified instructors.

25 (~~(4)~~) (3) The department shall adopt rules (~~(by August 1, 2010,)~~)
26 to implement this section.

27 **Sec. 403.** RCW 74.39A.331 and 2012 c 1 s 111 (Initiative Measure
28 No. 1163) are each amended to read as follows:

29 Long-term care workers shall be offered on-the-job training or peer
30 mentorship for at least one hour per week in the first ninety days of
31 work from a long-term care worker who has completed at least twelve
32 hours of mentor training and is mentoring no more than ten other
33 workers at any given time. This requirement applies to long-term care
34 workers who begin work on or after July 1, (~~(2011)~~) 2012.

35 **Sec. 404.** RCW 74.39A.351 and 2012 c 1 s 113 (Initiative Measure
36 No. 1163) are each amended to read as follows:

1 (1) The department shall offer, directly or through contract,
2 training opportunities sufficient for a long-term care worker to
3 accumulate seventy hours of training within a reasonable time period.
4 For individual providers represented by an exclusive bargaining
5 representative under RCW 74.39A.270, the training opportunities shall
6 be offered through the training partnership established under RCW
7 74.39A.360.

8 (2) Training topics offered under this section shall include, but
9 are not limited to: Client rights; personal care; mental illness;
10 dementia; developmental disabilities; depression; medication
11 assistance; advanced communication skills; positive client behavior
12 support; developing or improving client-centered activities; dealing
13 with wandering or aggressive client behaviors; medical conditions;
14 nurse delegation core training; peer mentor training; and advocacy for
15 quality care training.

16 (3) The department may not require long-term care workers to obtain
17 the training described in this section. ((This))

18 (4) The requirement to offer advanced training applies beginning
19 January 1, ((2012)) 2013.

20 **Sec. 405.** RCW 74.39A.341 and 2012 c 1 s 112 (Initiative Measure
21 No. 1163) are each amended to read as follows:

22 (1) ((The department of health shall ensure that)) All long-term
23 care workers shall complete twelve hours of continuing education
24 training in advanced training topics each year. This requirement
25 applies beginning ((on)) July 1, ((2011)) 2012.

26 (2) Completion of continuing education as required in this section
27 is a prerequisite to maintaining home care aide certification under
28 chapter ((2, Laws of 2009)) 18.88B RCW.

29 (3) Unless voluntarily certified as a home care aide under chapter
30 ((2, Laws of 2009)) 18.88B RCW, subsection (1) of this section does not
31 apply to:

32 (a) An individual provider caring only for his or her biological,
33 step, or adoptive child; ((and))

34 (b) A long-term care worker employed by a community residential
35 service business;

36 (c) A person exempt under RCW 18.88B.041(1)(a)(i)(A) who maintains
37 his or her credential in good standing; or

1 (d) Before (~~June 30~~) July 1, 2014, a person hired as an
2 individual provider who provides twenty hours or less of care for one
3 person in any calendar month.

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

7 (a) Has been developed with input from consumer and worker
8 representatives; and

9 (b) Requires comprehensive instruction by qualified instructors.

10 (5) Individual providers under RCW 74.39A.270 shall be compensated
11 for training time required by this section.

12 (6) The department of health shall adopt rules (~~by August 1,~~
13 ~~2010,~~) to implement subsection(~~s~~) (1)(~~, (2), and (3)~~) of this
14 section.

15 (7) The department shall adopt rules (~~by August 1, 2010,~~) to
16 implement subsection (~~(4)~~) (2) of this section.

17 NEW SECTION. Sec. 406. A new section is added to chapter 18.88B
18 RCW to read as follows:

19 (1) The legislature recognizes that nurses have been successfully
20 delegating nursing care tasks to family members and others for many
21 years. The opportunity for a nurse to delegate nursing care tasks to
22 home care aides certified under this chapter may enhance the viability
23 and quality of health care services in community-based care settings
24 and in-home care settings to allow individuals to live as independently
25 as possible with maximum safeguards.

26 (2)(a) A certified home care aide who wishes to perform a nurse
27 delegated task pursuant to RCW 18.79.260 must complete nurse delegation
28 core training under chapter 18.88A RCW before the home care aide may be
29 delegated a nursing care task by a registered nurse delegator. Before
30 administering insulin, a home care aide must also complete the
31 specialized diabetes nurse delegation training under chapter 18.88A
32 RCW. Before commencing any specific nursing care tasks authorized
33 under RCW 18.79.260, the home care aide must:

34 (i) Provide to the delegating nurse a transcript or certificate of
35 successful completion of training issued by an approved instructor or
36 approved training entity indicating the completion of basic core nurse
37 delegation training; and

1 (ii) Meet any additional training requirements mandated by the
2 nursing care quality assurance commission. Any exception to these
3 training requirements is subject to RCW 18.79.260(3)(e)(vi).

4 (b) In addition to meeting the requirements of (a) of this
5 subsection, before providing delegated nursing care tasks that involve
6 administration of insulin by injection to individuals with diabetes,
7 the home care aide must provide to the delegating nurse a transcript or
8 certificate of successful completion of training issued by an approved
9 instructor or approved training entity indicating completion of
10 specialized diabetes nurse delegation training. The training must
11 include, but is not limited to, instruction regarding diabetes,
12 insulin, sliding scale insulin orders, and proper injection procedures.

13 (3) The home care aide is accountable for his or her own individual
14 actions in the delegation process. Home care aides accurately
15 following written delegation instructions from a registered nurse are
16 immune from liability regarding the performance of the delegated
17 duties.

18 (4) Home care aides are not subject to any employer reprisal or
19 disciplinary action by the secretary for refusing to accept delegation
20 of a nursing care task based on his or her concerns about patient
21 safety issues. No provider of a community-based care setting as
22 defined in RCW 18.79.260, or in-home services agency as defined in RCW
23 70.127.010, may discriminate or retaliate in any manner against a
24 person because the person made a complaint about the nurse delegation
25 process or cooperated in the investigation of the complaint.

26 **Sec. 407.** RCW 18.79.260 and 2009 c 203 s 1 are each amended to
27 read as follows:

28 (1) A registered nurse under his or her license may perform for
29 compensation nursing care, as that term is usually understood, to
30 individuals with illnesses, injuries, or disabilities.

31 (2) A registered nurse may, at or under the general direction of a
32 licensed physician and surgeon, dentist, osteopathic physician and
33 surgeon, naturopathic physician, optometrist, podiatric physician and
34 surgeon, physician assistant, osteopathic physician assistant, or
35 advanced registered nurse practitioner acting within the scope of his
36 or her license, administer medications, treatments, tests, and
37 inoculations, whether or not the severing or penetrating of tissues is

1 involved and whether or not a degree of independent judgment and skill
2 is required. Such direction must be for acts which are within the
3 scope of registered nursing practice.

4 (3) A registered nurse may delegate tasks of nursing care to other
5 individuals where the registered nurse determines that it is in the
6 best interest of the patient.

7 (a) The delegating nurse shall:

8 (i) Determine the competency of the individual to perform the
9 tasks;

10 (ii) Evaluate the appropriateness of the delegation;

11 (iii) Supervise the actions of the person performing the delegated
12 task; and

13 (iv) Delegate only those tasks that are within the registered
14 nurse's scope of practice.

15 (b) A registered nurse, working for a home health or hospice agency
16 regulated under chapter 70.127 RCW, may delegate the application,
17 instillation, or insertion of medications to a registered or certified
18 nursing assistant under a plan of care.

19 (c) Except as authorized in (b) or (e) of this subsection, a
20 registered nurse may not delegate the administration of medications.
21 Except as authorized in (e) of this subsection, a registered nurse may
22 not delegate acts requiring substantial skill, and may not delegate
23 piercing or severing of tissues. Acts that require nursing judgment
24 shall not be delegated.

25 (d) No person may coerce a nurse into compromising patient safety
26 by requiring the nurse to delegate if the nurse determines that it is
27 inappropriate to do so. Nurses shall not be subject to any employer
28 reprisal or disciplinary action by the nursing care quality assurance
29 commission for refusing to delegate tasks or refusing to provide the
30 required training for delegation if the nurse determines delegation may
31 compromise patient safety.

32 (e) For delegation in community-based care settings or in-home care
33 settings, a registered nurse may delegate nursing care tasks only to
34 registered or certified nursing assistants or home care aides certified
35 under chapter 18.88B RCW. Simple care tasks such as blood pressure
36 monitoring, personal care service, diabetic insulin device set up,
37 verbal verification of insulin dosage for sight-impaired individuals,

1 or other tasks as defined by the nursing care quality assurance
2 commission are exempted from this requirement.

3 (i) "Community-based care settings" includes: Community
4 residential programs for people with developmental disabilities,
5 certified by the department of social and health services under chapter
6 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and
7 boarding homes licensed under chapter 18.20 RCW. Community-based care
8 settings do not include acute care or skilled nursing facilities.

9 (ii) "In-home care settings" include an individual's place of
10 temporary or permanent residence, but does not include acute care or
11 skilled nursing facilities, and does not include community-based care
12 settings as defined in (e)(i) of this subsection.

13 (iii) Delegation of nursing care tasks in community-based care
14 settings and in-home care settings is only allowed for individuals who
15 have a stable and predictable condition. "Stable and predictable
16 condition" means a situation in which the individual's clinical and
17 behavioral status is known and does not require the frequent presence
18 and evaluation of a registered nurse.

19 (iv) The determination of the appropriateness of delegation of a
20 nursing task is at the discretion of the registered nurse. Other than
21 delegation of the administration of insulin by injection for the
22 purpose of caring for individuals with diabetes, the administration of
23 medications by injection, sterile procedures, and central line
24 maintenance may never be delegated.

25 (v) When delegating insulin injections under this section, the
26 registered nurse delegator must instruct the individual regarding
27 proper injection procedures and the use of insulin, demonstrate proper
28 injection procedures, and must supervise and evaluate the individual
29 performing the delegated task weekly during the first four weeks of
30 delegation of insulin injections. If the registered nurse delegator
31 determines that the individual is competent to perform the injection
32 properly and safely, supervision and evaluation shall occur at least
33 every ninety days thereafter.

34 (vi)(A) The registered nurse shall verify that the nursing
35 assistant or home care aide, as the case may be, has completed the
36 required core nurse delegation training required in chapter 18.88A RCW
37 prior to authorizing delegation.

1 ~~that the authority has ready access to any long-term care abuse and~~
2 ~~neglect registry used by the department. Individual providers who are~~
3 ~~hired after January 1, 2012, are subject to background checks)) under~~
4 RCW (~~(74.39A.055)~~) 74.39A.056.

5 **Sec. 503.** RCW 74.39A.056 and 2012 c 1 s 101 (Initiative Measure
6 No. 1163) are each amended to read as follows:

7 (1)(a) All long-term care workers (~~(for the elderly or persons with~~
8 ~~disabilities hired after January 1, 2012,)) shall be screened through~~
9 state and federal background checks in a uniform and timely manner to
10 (~~ensure~~) verify that they do not have a criminal history that would
11 disqualify them from working with vulnerable persons. (~~These~~) The
12 department must perform criminal background checks for individual
13 providers and prospective individual providers and make the information
14 available to any long-term care abuse and neglect registry used by the
15 department.

16 (b) For long-term care workers hired after January 7, 2012, the
17 background checks required under this section shall include checking
18 against the federal bureau of investigation fingerprint identification
19 records system and against the national sex offenders registry or their
20 successor programs. The department shall require these long-term care
21 workers to submit fingerprints for the purpose of investigating
22 conviction records through both the Washington state patrol and the
23 federal bureau of investigation. The department shall not pass on the
24 cost of these criminal background checks to the workers or their
25 employers.

26 (~~(2) To allow the department of health to satisfy its~~
27 ~~certification responsibilities under chapter 18.88B RCW,)) (c) The
28 department shall share state and federal background check results with
29 the department of health(~~(. Neither department may share the federal~~
30 ~~background check results with any other state agency or person)) in~~
31 accordance with section 501 of this act.~~

32 (~~(3) The department shall not pass on the cost of these criminal~~
33 ~~background checks to the workers or their employers.)) (2) No provider,
34 or its staff, or long-term care worker, or prospective provider or
35 long-term care worker, with a stipulated finding of fact, conclusion of
36 law, an agreed order, or finding of fact, conclusion of law, or final
37 order issued by a disciplining authority or a court of law or entered~~

1 into a state registry finding him or her guilty of abuse, neglect,
2 exploitation, or abandonment of a minor or a vulnerable adult as
3 defined in chapter 74.34 RCW shall be employed in the care of and have
4 unsupervised access to vulnerable adults.

5 (3) The department shall establish, by rule, a state registry which
6 contains identifying information about long-term care workers
7 identified under this chapter who have substantiated findings of abuse,
8 neglect, financial exploitation, or abandonment of a vulnerable adult
9 as defined in RCW 74.34.020. The rule must include disclosure,
10 disposition of findings, notification, findings of fact, appeal rights,
11 and fair hearing requirements. The department shall disclose, upon
12 request, substantiated findings of abuse, neglect, financial
13 exploitation, or abandonment to any person so requesting this
14 information. This information must also be shared with the department
15 of health to advance the purposes of chapter 18.88B RCW.

16 (4) The department shall adopt rules to implement (~~the provisions~~
17 ~~of~~) this section (~~(by August 1, 2010)~~).

18 **Sec. 504.** RCW 18.20.125 and 2011 1st sp.s. c 31 s 15 are each
19 amended to read as follows:

20 (1) Inspections must be outcome based and responsive to resident
21 complaints and based on a clear set of health, quality of care, and
22 safety standards that are easily understandable and have been made
23 available to facilities, residents, and other interested parties. This
24 includes that when conducting licensing inspections, the department
25 shall interview an appropriate percentage of residents, family members,
26 and advocates in addition to interviewing appropriate staff.

27 (2) Prompt and specific enforcement remedies shall also be
28 implemented without delay, consistent with RCW 18.20.190, for
29 facilities found to have delivered care or failed to deliver care
30 resulting in problems that are serious, recurring, or uncorrected, or
31 that create a hazard that is causing or likely to cause death or
32 serious harm to one or more residents. These enforcement remedies may
33 also include, when appropriate, reasonable conditions on a license. In
34 the selection of remedies, the safety, health, and well-being of
35 residents shall be of paramount importance.

36 (3)(a) To the extent funding is available, the licensee,
37 administrator, and their staff should be screened through background

1 checks in a uniform and timely manner to ensure that they do not have
2 a criminal history that would disqualify them from working with
3 vulnerable adults. Employees may be provisionally hired pending the
4 results of the background check if they have been given three positive
5 references.

6 (b) Long-term care workers, as defined in RCW 74.39A.009, who are
7 hired after January (~~(1, 2014)~~) 7, 2012, are subject to background
8 checks under RCW (~~(74.39A.055)~~) 74.39A.056.

9 (4) No licensee, administrator, or staff, or prospective licensee,
10 administrator, or staff, with a stipulated finding of fact, conclusion
11 of law, and agreed order, or finding of fact, conclusion of law, or
12 final order issued by a disciplining authority, a court of law, or
13 entered into the state registry finding him or her guilty of abuse,
14 neglect, exploitation, or abandonment of a minor or a vulnerable adult
15 as defined in chapter 74.34 RCW shall be employed in the care of and
16 have unsupervised access to vulnerable adults.

17 **Sec. 505.** RCW 43.20A.710 and 2011 1st sp.s. c 31 s 16 are each
18 amended to read as follows:

19 (1) The secretary shall investigate the conviction records, pending
20 charges and disciplinary board final decisions of:

21 (a) Any current employee or applicant seeking or being considered
22 for any position with the department who will or may have unsupervised
23 access to children, vulnerable adults, or individuals with mental
24 illness or developmental disabilities. This includes, but is not
25 limited to, positions conducting comprehensive assessments, financial
26 eligibility determinations, licensing and certification activities,
27 investigations, surveys, or case management; or for state positions
28 otherwise required by federal law to meet employment standards;

29 (b) Individual providers who are paid by the state and providers
30 who are paid by home care agencies to provide in-home services
31 involving unsupervised access to persons with physical, mental, or
32 developmental disabilities or mental illness, or to vulnerable adults
33 as defined in chapter 74.34 RCW, including but not limited to services
34 provided under chapter 74.39 or 74.39A RCW; and

35 (c) Individuals or businesses or organizations for the care,
36 supervision, case management, or treatment of children, persons with

1 developmental disabilities, or vulnerable adults, including but not
2 limited to services contracted for under chapter 18.20, 70.127, 70.128,
3 72.36, or 74.39A RCW or Title 71A RCW.

4 (2) The secretary shall require a fingerprint-based background
5 check through both the Washington state patrol and the federal bureau
6 of investigation as provided in RCW 43.43.837. Unless otherwise
7 authorized by law, the secretary shall use the information solely for
8 the purpose of determining the character, suitability, and competence
9 of the applicant.

10 (3) Except as provided in subsection (4) of this section, an
11 individual provider or home care agency provider who has resided in the
12 state less than three years before applying for employment involving
13 unsupervised access to a vulnerable adult as defined in chapter 74.34
14 RCW must be fingerprinted for the purpose of investigating conviction
15 records through both the Washington state patrol and the federal bureau
16 of investigation. This subsection applies only with respect to the
17 provision of in-home services funded by medicaid personal care under
18 RCW 74.09.520, community options program entry system waiver services
19 under RCW 74.39A.030, or chore services under RCW 74.39A.110. However,
20 this subsection does not supersede RCW 74.15.030(2)(b).

21 (4) Long-term care workers, as defined in RCW 74.39A.009, who are
22 hired after January (~~(1, 2014)~~) 7, 2012, are subject to background
23 checks under RCW (~~(74.39A.055)~~) 74.39A.056, except that the department
24 may require a background check at any time under RCW 43.43.837. For
25 the purposes of this subsection, "background check" includes, but is
26 not limited to, a fingerprint check submitted for the purpose of
27 investigating conviction records through both the Washington state
28 patrol and the federal bureau of investigation.

29 (5) An individual provider or home care agency provider hired to
30 provide in-home care for and having unsupervised access to a vulnerable
31 adult as defined in chapter 74.34 RCW must have no conviction for a
32 disqualifying crime under RCW 43.43.830 and 43.43.842. An individual
33 or home care agency provider must also have no conviction for a crime
34 relating to drugs as defined in RCW 43.43.830. This subsection applies
35 only with respect to the provision of in-home services funded by
36 medicaid personal care under RCW 74.09.520, community options program
37 entry system waiver services under RCW 74.39A.030, or chore services
38 under RCW 74.39A.110.

1 (6) The secretary shall provide the results of the state background
2 check on long-term care workers, including individual providers, to the
3 persons hiring them or to their legal guardians, if any, for their
4 determination of the character, suitability, and competence of the
5 applicants. If the person elects to hire or retain an individual
6 provider after receiving notice from the department that the applicant
7 has a conviction for an offense that would disqualify the applicant
8 from having unsupervised access to persons with physical, mental, or
9 developmental disabilities or mental illness, or to vulnerable adults
10 as defined in chapter 74.34 RCW, then the secretary shall deny payment
11 for any subsequent services rendered by the disqualified individual
12 provider.

13 (7) Criminal justice agencies shall provide the secretary such
14 information as they may have and that the secretary may require for
15 such purpose.

16 **Sec. 506.** RCW 43.43.837 and 2011 1st sp.s. c 31 s 17 are each
17 amended to read as follows:

18 (1) Except as provided in subsection (2) of this section, in order
19 to determine the character, competence, and suitability of any
20 applicant or service provider to have unsupervised access, the
21 secretary may require a fingerprint-based background check through both
22 the Washington state patrol and the federal bureau of investigation at
23 any time, but shall require a fingerprint-based background check when
24 the applicant or service provider has resided in the state less than
25 three consecutive years before application, and:

26 (a) Is an applicant or service provider providing services to
27 children or people with developmental disabilities under RCW 74.15.030;

28 (b) Is an individual residing in an applicant or service provider's
29 home, facility, entity, agency, or business or who is authorized by the
30 department to provide services to children or people with developmental
31 disabilities under RCW 74.15.030; or

32 (c) Is an applicant or service provider providing in-home services
33 funded by:

34 (i) Medicaid personal care under RCW 74.09.520;

35 (ii) Community options program entry system waiver services under
36 RCW 74.39A.030;

37 (iii) Chore services under RCW 74.39A.110; or

1 (iv) Other home and community long-term care programs, established
2 pursuant to chapters 74.39 and 74.39A RCW, administered by the
3 department.

4 (2) Long-term care workers, as defined in RCW 74.39A.009, who are
5 hired after January (~~(1, 2014)~~) 7, 2012, are subject to background
6 checks under RCW (~~(74.39A.055)~~) 74.39A.056.

7 (3) To satisfy the shared background check requirements provided
8 for in RCW 43.215.215 and 43.20A.710, the department of early learning
9 and the department of social and health services shall share federal
10 fingerprint-based background check results as permitted under the law.
11 The purpose of this provision is to allow both departments to fulfill
12 their joint background check responsibility of checking any individual
13 who may have unsupervised access to vulnerable adults, children, or
14 juveniles. Neither department may share the federal background check
15 results with any other state agency or person.

16 (4) The secretary shall require a fingerprint-based background
17 check through the Washington state patrol identification and criminal
18 history section and the federal bureau of investigation when the
19 department seeks to approve an applicant or service provider for a
20 foster or adoptive placement of children in accordance with federal and
21 state law.

22 (5) Any secure facility operated by the department under chapter
23 71.09 RCW shall require applicants and service providers to undergo a
24 fingerprint-based background check through the Washington state patrol
25 identification and criminal history section and the federal bureau of
26 investigation.

27 (6) Service providers and service provider applicants who are
28 required to complete a fingerprint-based background check may be hired
29 for a one hundred twenty-day provisional period as allowed under law or
30 program rules when:

31 (a) A fingerprint-based background check is pending; and

32 (b) The applicant or service provider is not disqualified based on
33 the immediate result of the background check.

34 (7) Fees charged by the Washington state patrol and the federal
35 bureau of investigation for fingerprint-based background checks shall
36 be paid by the department for applicants or service providers
37 providing:

1 (a) Services to people with a developmental disability under RCW
2 74.15.030;

3 (b) In-home services funded by medicaid personal care under RCW
4 74.09.520;

5 (c) Community options program entry system waiver services under
6 RCW 74.39A.030;

7 (d) Chore services under RCW 74.39A.110;

8 (e) Services under other home and community long-term care
9 programs, established pursuant to chapters 74.39 and 74.39A RCW,
10 administered by the department;

11 (f) Services in, or to residents of, a secure facility under RCW
12 71.09.115; and

13 (g) Foster care as required under RCW 74.15.030.

14 (8) Service providers licensed under RCW 74.15.030 must pay fees
15 charged by the Washington state patrol and the federal bureau of
16 investigation for conducting fingerprint-based background checks.

17 (9) Children's administration service providers licensed under RCW
18 74.15.030 may not pass on the cost of the background check fees to
19 their applicants unless the individual is determined to be disqualified
20 due to the background information.

21 (10) The department shall develop rules identifying the financial
22 responsibility of service providers, applicants, and the department for
23 paying the fees charged by law enforcement to roll, print, or scan
24 fingerprints-based for the purpose of a Washington state patrol or
25 federal bureau of investigation fingerprint-based background check.

26 (11) For purposes of this section, unless the context plainly
27 indicates otherwise:

28 (a) "Applicant" means a current or prospective department or
29 service provider employee, volunteer, student, intern, researcher,
30 contractor, or any other individual who will or may have unsupervised
31 access because of the nature of the work or services he or she
32 provides. "Applicant" includes but is not limited to any individual
33 who will or may have unsupervised access and is:

34 (i) Applying for a license or certification from the department;

35 (ii) Seeking a contract with the department or a service provider;

36 (iii) Applying for employment, promotion, reallocation, or
37 transfer;

1 (iv) An individual that a department client or guardian of a
2 department client chooses to hire or engage to provide services to
3 himself or herself or another vulnerable adult, juvenile, or child and
4 who might be eligible to receive payment from the department for
5 services rendered; or

6 (v) A department applicant who will or may work in a department-
7 covered position.

8 (b) "Authorized" means the department grants an applicant, home, or
9 facility permission to:

10 (i) Conduct licensing, certification, or contracting activities;

11 (ii) Have unsupervised access to vulnerable adults, juveniles, and
12 children;

13 (iii) Receive payments from a department program; or

14 (iv) Work or serve in a department-covered position.

15 (c) "Department" means the department of social and health
16 services.

17 (d) "Secretary" means the secretary of the department of social and
18 health services.

19 (e) "Secure facility" has the meaning provided in RCW 71.09.020.

20 (f) "Service provider" means entities, facilities, agencies,
21 businesses, or individuals who are licensed, certified, authorized, or
22 regulated by, receive payment from, or have contracts or agreements
23 with the department to provide services to vulnerable adults,
24 juveniles, or children. "Service provider" includes individuals whom
25 a department client or guardian of a department client may choose to
26 hire or engage to provide services to himself or herself or another
27 vulnerable adult, juvenile, or child and who might be eligible to
28 receive payment from the department for services rendered. "Service
29 provider" does not include those certified under chapter 70.96A RCW.

30 **Sec. 507.** RCW 74.39A.095 and 2011 1st sp.s. c 31 s 14 and 2011 1st
31 sp.s. c 21 s 5 are each reenacted and amended to read as follows:

32 (1) In carrying out case management responsibilities established
33 under RCW 74.39A.090 for consumers who are receiving services under the
34 medicaid personal care, community options programs entry system or
35 chore services program through an individual provider, each area agency
36 on aging shall provide oversight of the care being provided to

1 consumers receiving services under this section to the extent of
2 available funding. Case management responsibilities incorporate this
3 oversight, and include, but are not limited to:

4 (a) Verification that any individual provider has met any training
5 requirements established by the department;

6 (b) Verification of a sample of worker time sheets;

7 (c) Monitoring the consumer's plan of care to verify that it
8 adequately meets the needs of the consumer, through activities such as
9 home visits, telephone contacts, and responses to information received
10 by the area agency on aging indicating that a consumer may be
11 experiencing problems relating to his or her home care;

12 (d) Reassessing and reauthorizing services;

13 (e) Monitoring of individual provider performance; and

14 (f) Conducting criminal background checks or verifying that
15 criminal background checks have been conducted for any individual
16 provider. Individual providers who are hired after January (~~1, 2014~~)
17 7, 2012, are subject to background checks under RCW (~~74.39A.055~~)
18 74.39A.056.

19 (2) The area agency on aging case manager shall work with each
20 consumer to develop a plan of care under this section that identifies
21 and ensures coordination of health and long-term care services that
22 meet the consumer's needs. In developing the plan, they shall utilize,
23 and modify as needed, any comprehensive community service plan
24 developed by the department as provided in RCW 74.39A.040. The plan of
25 care shall include, at a minimum:

26 (a) The name and telephone number of the consumer's area agency on
27 aging case manager, and a statement as to how the case manager can be
28 contacted about any concerns related to the consumer's well-being or
29 the adequacy of care provided;

30 (b) The name and telephone numbers of the consumer's primary health
31 care provider, and other health or long-term care providers with whom
32 the consumer has frequent contacts;

33 (c) A clear description of the roles and responsibilities of the
34 area agency on aging case manager and the consumer receiving services
35 under this section;

36 (d) The duties and tasks to be performed by the area agency on
37 aging case manager and the consumer receiving services under this
38 section;

1 (e) The type of in-home services authorized, and the number of
2 hours of services to be provided;

3 (f) The terms of compensation of the individual provider;

4 (g) A statement by the individual provider that he or she has the
5 ability and willingness to carry out his or her responsibilities
6 relative to the plan of care; and

7 (h)(i) Except as provided in (h)(ii) of this subsection, a clear
8 statement indicating that a consumer receiving services under this
9 section has the right to waive any of the case management services
10 offered by the area agency on aging under this section, and a clear
11 indication of whether the consumer has, in fact, waived any of these
12 services.

13 (ii) The consumer's right to waive case management services does
14 not include the right to waive reassessment or reauthorization of
15 services, or verification that services are being provided in
16 accordance with the plan of care.

17 (3) Each area agency on aging shall retain a record of each waiver
18 of services included in a plan of care under this section.

19 (4) Each consumer has the right to direct and participate in the
20 development of their plan of care to the maximum practicable extent of
21 their abilities and desires, and to be provided with the time and
22 support necessary to facilitate that participation.

23 (5) A copy of the plan of care must be distributed to the
24 consumer's primary care provider, individual provider, and other
25 relevant providers with whom the consumer has frequent contact, as
26 authorized by the consumer.

27 (6) The consumer's plan of care shall be an attachment to the
28 contract between the department, or their designee, and the individual
29 provider.

30 (7) If the department or area agency on aging case manager finds
31 that an individual provider's inadequate performance or inability to
32 deliver quality care is jeopardizing the health, safety, or well-being
33 of a consumer receiving service under this section, the department or
34 the area agency on aging may take action to terminate the contract
35 between the department and the individual provider. If the department
36 or the area agency on aging has a reasonable, good faith belief that
37 the health, safety, or well-being of a consumer is in imminent
38 jeopardy, the department or area agency on aging may summarily suspend

1 the contract pending a fair hearing. The consumer may request a fair
2 hearing to contest the planned action of the case manager, as provided
3 in chapter 34.05 RCW. The department may by rule adopt guidelines for
4 implementing this subsection.

5 (8) The department or area agency on aging may reject a request by
6 a consumer receiving services under this section to have a family
7 member or other person serve as his or her individual provider if the
8 case manager has a reasonable, good faith belief that the family member
9 or other person will be unable to appropriately meet the care needs of
10 the consumer. The consumer may request a fair hearing to contest the
11 decision of the case manager, as provided in chapter 34.05 RCW. The
12 department may by rule adopt guidelines for implementing this
13 subsection.

14 VI. ENFORCEMENT

15 **Sec. 601.** RCW 18.88B.050 and 2011 1st sp.s. c 31 s 4 are each
16 amended to read as follows:

17 (1) The uniform disciplinary act, chapter 18.130 RCW, governs
18 uncertified practice, issuance and renewal of certificates, and the
19 discipline of persons with certificates under this chapter. The
20 secretary (~~(of health)~~) shall be the disciplinary authority under this
21 chapter.

22 (2) The secretary (~~(of health)~~) may take action to immediately
23 suspend the certification of a (~~(long-term care worker)~~) home care aide
24 upon finding that conduct of the (~~(long-term care worker)~~) home care
25 aide has caused or presents an imminent threat of harm to a
26 functionally disabled person in his or her care.

27 (3) If the secretary (~~(of health)~~) imposes suspension or conditions
28 for continuation or renewal of certification, the suspension or
29 conditions for continuation or renewal are effective immediately upon
30 notice and shall continue in effect pending the outcome of any hearing.

31 (4) The department (~~(of health)~~) shall take appropriate enforcement
32 action related to the licensure of a private agency or facility
33 licensed by the state, to provide personal care services, other than an
34 individual provider, who knowingly employs a long-term care worker who
35 is not a certified home care aide as required under this chapter or
36 whose certification is revoked or, if exempted from certification by

1 RCW (~~18.88B.040~~) 18.88B.041, who has not completed his or her
2 required training pursuant to (~~this chapter~~) RCW 74.39A.074 or rules
3 of the department of social and health services, as applicable.

4 (5) Chapter 34.05 RCW shall govern actions by the department (~~of~~
5 ~~health~~) under this section.

6 (6) The department (~~of health~~) shall adopt rules (~~by August 1,~~
7 ~~2013,~~) to implement this section.

8 **Sec. 602.** RCW 74.39A.086 and 2012 c 1 s 109 (Initiative Measure
9 No. 1163) are each amended to read as follows:

10 (1) The department:

11 (a) Shall deny payment to any individual provider of home care
12 services who has not been certified (~~by the department of health~~) as
13 a home care aide as required under chapter (~~2, Laws of 2009 or, if~~
14 ~~exempted from certification by RCW 18.88B.040,~~) 18.88B RCW or whose
15 certification is revoked or, if exempted from certification under RCW
16 18.88B.041, who has not completed his or her required training pursuant
17 to (~~chapter 2, Laws of 2009~~) RCW 74.39A.074 or rules of the
18 department of social and health services, as applicable.

19 (~~(2) The department~~) (b) May terminate the contract of any
20 individual provider of home care services, or take any other
21 enforcement measure deemed appropriate by the department if the
22 individual provider has not been certified or the individual provider's
23 certification is revoked under chapter (~~2, Laws of 2009~~) 18.88B RCW
24 or, if exempted from certification by RCW (~~18.88B.040~~) 18.88B.041,
25 the individual provider has not completed his or her required training
26 pursuant to (~~chapter 2, Laws of 2009~~) RCW 74.39A.074 or rules of the
27 department of social and health services, as applicable.

28 (~~(3)~~) (2) The department shall take appropriate enforcement
29 action related to the contract of a private agency or facility licensed
30 by the state(~~7~~) to provide personal care services, other than an
31 individual provider, who knowingly employs a long-term care worker who
32 is not a certified home care aide as required under chapter (~~2, Laws~~
33 ~~of 2009 or, if exempted from certification by RCW 18.88B.040,~~) 18.88B
34 RCW or whose certification is revoked or, if exempted from
35 certification under RCW 18.88B.041, who has not completed his or her
36 required training pursuant to (~~chapter 2, Laws of 2009~~) RCW

1 74.39A.074 or rules of the department of social and health services, as
2 applicable.

3 ((+4)) (3) Chapter 34.05 RCW shall govern actions by the
4 department under this section.

5 ((+5)) (4) The department shall adopt rules ((by August 1, 2010,))
6 to implement this section.

7 **VII. MISCELLANEOUS**

8 **Sec. 701.** RCW 74.39A.051 and 2012 c 1 s 106 (Initiative Measure
9 No. 1163) are each amended to read as follows:

10 The department's system of quality improvement for long-term care
11 services shall use the following principles, consistent with applicable
12 federal laws and regulations:

13 (1) The system shall be client-centered and promote privacy,
14 independence, dignity, choice, and a home or home-like environment for
15 consumers consistent with chapter 392, Laws of 1997.

16 (2) The goal of the system is continuous quality improvement with
17 the focus on consumer satisfaction and outcomes for consumers. This
18 includes that when conducting licensing or contract inspections, the
19 department shall interview an appropriate percentage of residents,
20 family members, resident case managers, and advocates in addition to
21 interviewing providers and staff.

22 (3) Providers should be supported in their efforts to improve
23 quality and address identified problems initially through training,
24 consultation, technical assistance, and case management.

25 (4) The emphasis should be on problem prevention both in monitoring
26 and in screening potential providers of service.

27 (5) Monitoring should be outcome based and responsive to consumer
28 complaints and based on a clear set of health, quality of care, and
29 safety standards that are easily understandable and have been made
30 available to providers, residents, and other interested parties.

31 (6) Prompt and specific enforcement remedies shall also be
32 implemented without delay, pursuant to RCW 74.39A.080(~~(, RCW)~~) or
33 70.128.160, or chapter 18.51 (~~(RCW,)~~) or (~~(chapter)~~) 74.42 RCW, for
34 providers found to have delivered care or failed to deliver care
35 resulting in problems that are serious, recurring, or uncorrected, or
36 that create a hazard that is causing or likely to cause death or

1 serious harm to one or more residents. These enforcement remedies may
2 also include, when appropriate, reasonable conditions on a contract or
3 license. In the selection of remedies, the safety, health, and well-
4 being of residents shall be of paramount importance.

5 ~~(7) ((All long term care workers shall be screened through
6 background checks in a uniform and timely manner to ensure that they do
7 not have a criminal history that would disqualify them from working
8 with vulnerable persons. Long term care workers who are hired after
9 January 1, 2012, are subject to background checks under RCW 74.39A.055.
10 This information will be shared with the department of health in
11 accordance with RCW 74.39A.055 to advance the purposes of chapter 2,
12 Laws of 2009.~~

13 ~~(8) No provider, or its staff, or long term care worker, or
14 prospective provider or long term care worker, with a stipulated
15 finding of fact, conclusion of law, an agreed order, or finding of
16 fact, conclusion of law, or final order issued by a disciplining
17 authority, a court of law, or entered into a state registry finding him
18 or her guilty of abuse, neglect, exploitation, or abandonment of a
19 minor or a vulnerable adult as defined in chapter 74.34 RCW shall be
20 employed in the care of and have unsupervised access to vulnerable
21 adults.~~

22 ~~(9) The department shall establish, by rule, a state registry which
23 contains identifying information about long term care workers
24 identified under this chapter who have substantiated findings of abuse,
25 neglect, financial exploitation, or abandonment of a vulnerable adult
26 as defined in RCW 74.34.020. The rule must include disclosure,
27 disposition of findings, notification, findings of fact, appeal rights,
28 and fair hearing requirements. The department shall disclose, upon
29 request, substantiated findings of abuse, neglect, financial
30 exploitation, or abandonment to any person so requesting this
31 information. This information will also be shared with the department
32 of health to advance the purposes of chapter 2, Laws of 2009.~~

33 ~~(10) Until December 31, 2010,)) Background checks of long-term care
34 workers must be conducted as provided in RCW 74.39A.056.~~

35 (8) Except as provided in RCW 74.39A.074 and 74.39A.076:

36 (a) Individual providers and home care agency providers must
37 satisfactorily complete department-approved orientation, basic
38 training, and continuing education within the time period specified by

1 the department in rule. The department shall adopt rules (~~by March 1,~~
2 ~~2002,~~) for the implementation of this section. The department shall
3 deny payment to an individual provider or a home care provider who does
4 not complete the training requirements within the time limit specified
5 by the department by rule.

6 (~~(11) Until December 31, 2010,~~) (b) In an effort to improve
7 access to training and education and reduce costs, especially for rural
8 communities, the coordinated system of long-term care training and
9 education must include the use of innovative types of learning
10 strategies such as internet resources, videotapes, and distance
11 learning using satellite technology coordinated through community
12 colleges or other entities, as defined by the department.

13 (~~(12)~~) (9) The department shall create an approval system (~~by~~
14 ~~March 1, 2002,~~) for those seeking to conduct department-approved
15 training.

16 (~~(13) The department shall establish, by rule, background checks~~
17 ~~and other quality assurance requirements for long term care workers who~~
18 ~~provide in home services funded by medicaid personal care as described~~
19 ~~in RCW 74.09.520, community options program entry system waiver~~
20 ~~services as described in RCW 74.39A.030, or chore services as described~~
21 ~~in RCW 74.39A.110 that are equivalent to requirements for individual~~
22 ~~providers. Long term care workers who are hired after January 1, 2012,~~
23 ~~are subject to background checks under RCW 74.39A.055.~~

24 ~~(14)~~) (10) Under existing funds the department shall establish
25 internally a quality improvement standards committee to monitor the
26 development of standards and to suggest modifications.

27 (~~(15)~~) (11) Within existing funds, the department shall design,
28 develop, and implement a long-term care training program that is
29 flexible, relevant, and qualifies towards the requirements for a
30 nursing assistant certificate as established under chapter 18.88A RCW.
31 This subsection does not require completion of the nursing assistant
32 certificate training program by providers or their staff. The long-
33 term care teaching curriculum must consist of a fundamental module, or
34 modules, and a range of other available relevant training modules that
35 provide the caregiver with appropriate options that assist in meeting
36 the resident's care needs. Some of the training modules may include,
37 but are not limited to, specific training on the special care needs of
38 persons with developmental disabilities, dementia, mental illness, and

1 the care needs of the elderly. No less than one training module must
2 be dedicated to workplace violence prevention. The nursing care
3 quality assurance commission shall work together with the department to
4 develop the curriculum modules. The nursing care quality assurance
5 commission shall direct the nursing assistant training programs to
6 accept some or all of the skills and competencies from the curriculum
7 modules towards meeting the requirements for a nursing assistant
8 certificate as defined in chapter 18.88A RCW. A process may be
9 developed to test persons completing modules from a caregiver's class
10 to verify that they have the transferable skills and competencies for
11 entry into a nursing assistant training program. The department may
12 review whether facilities can develop their own related long-term care
13 training programs. The department may develop a review process for
14 determining what previous experience and training may be used to waive
15 some or all of the mandatory training. The department of social and
16 health services and the nursing care quality assurance commission shall
17 work together to develop an implementation plan by December 12, 1998.

18 **Sec. 702.** RCW 18.20.270 and 2002 c 233 s 1 are each amended to
19 read as follows:

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

22 (a) "Caregiver" includes any person who provides residents with
23 hands-on personal care on behalf of a boarding home, except volunteers
24 who are directly supervised.

25 (b) "Direct supervision" means oversight by a person who has
26 demonstrated competency in the core areas or has been fully exempted
27 from the training requirements pursuant to this section, is on the
28 premises, and is quickly and easily available to the caregiver.

29 (2) Training must have the following components: Orientation,
30 basic training, specialty training as appropriate, and continuing
31 education. All boarding home employees or volunteers who routinely
32 interact with residents shall complete orientation. Boarding home
33 administrators, or their designees, and caregivers shall complete
34 orientation, basic training, specialty training as appropriate, and
35 continuing education.

36 (3) Orientation consists of introductory information on residents'
37 rights, communication skills, fire and life safety, and universal

1 precautions. Orientation must be provided at the facility by
2 appropriate boarding home staff to all boarding home employees before
3 the employees have routine interaction with residents.

4 (4) Basic training consists of modules on the core knowledge and
5 skills that caregivers need to learn and understand to effectively and
6 safely provide care to residents. Basic training must be outcome-
7 based, and the effectiveness of the basic training must be measured by
8 demonstrated competency in the core areas through the use of a
9 competency test. Basic training must be completed by caregivers within
10 one hundred twenty days of the date on which they begin to provide
11 hands-on care (~~((or within one hundred twenty days of September 1, 2002,~~
12 ~~whichever is later))~~). Until competency in the core areas has been
13 demonstrated, caregivers shall not provide hands-on personal care to
14 residents without direct supervision. Boarding home administrators, or
15 their designees, must complete basic training and demonstrate
16 competency within one hundred twenty days of employment (~~((or within one~~
17 ~~hundred twenty days of September 1, 2002, whichever is later))~~).

18 (5) For boarding homes that serve residents with special needs such
19 as dementia, developmental disabilities, or mental illness, specialty
20 training is required of administrators, or designees, and caregivers.

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

28 (b) Specialty training must be completed by caregivers within one
29 hundred twenty days of the date on which they begin to provide hands-on
30 care to a resident having special needs (~~((or within one hundred twenty~~
31 ~~days of September 1, 2002, whichever is later))~~). However, if specialty
32 training is not integrated with basic training, the specialty training
33 must be completed within ninety days of completion of basic training.
34 Until competency in the core specialty areas has been demonstrated,
35 caregivers shall not provide hands-on personal care to residents with
36 special needs without direct supervision.

37 (c) Boarding home administrators, or their designees, must complete
38 specialty training and demonstrate competency within one hundred twenty

1 days (~~of September 1, 2002, or one hundred twenty days~~) from the date
2 on which the administrator or his or her designee is hired, (~~whichever~~
3 ~~is later,~~) if the boarding home serves one or more residents with
4 special needs.

5 (6) Continuing education consists of ongoing delivery of
6 information to caregivers on various topics relevant to the care
7 setting and care needs of residents. Competency testing is not
8 required for continuing education. Continuing education is not
9 required in the same calendar year in which basic or modified basic
10 training is successfully completed. Continuing education is required
11 in each calendar year thereafter. If specialty training is completed,
12 the specialty training applies toward any continuing education
13 requirement for up to two years following the completion of the
14 specialty training.

15 (7) Persons who successfully challenge the competency test for
16 basic training are fully exempt from the basic training requirements of
17 this section. Persons who successfully challenge the specialty
18 training competency test are fully exempt from the specialty training
19 requirements of this section.

20 (8) Licensed persons who perform the tasks for which they are
21 licensed are fully or partially exempt from the training requirements
22 of this section, as specified by the department in rule.

23 (9) In an effort to improve access to training and education and
24 reduce costs, especially for rural communities, the coordinated system
25 of long-term care training and education must include the use of
26 innovative types of learning strategies such as internet resources,
27 videotapes, and distance learning using satellite technology
28 coordinated through community colleges or other entities, as defined by
29 the department.

30 (10) The department shall develop criteria for the approval of
31 orientation, basic training, and specialty training programs.

32 (11) Boarding homes that desire to deliver facility-based training
33 with facility designated trainers, or boarding homes that desire to
34 pool their resources to create shared training systems, must be
35 encouraged by the department in their efforts. The department shall
36 develop criteria for reviewing and approving trainers and training
37 materials that are substantially similar to or better than the
38 materials developed by the department. The department may approve a

1 curriculum based upon attestation by a boarding home administrator that
2 the boarding home's training curriculum addresses basic and specialty
3 training competencies identified by the department, and shall review a
4 curriculum to verify that it meets these requirements. The department
5 may conduct the review as part of the next regularly scheduled yearly
6 inspection and investigation required under RCW 18.20.110. The
7 department shall rescind approval of any curriculum if it determines
8 that the curriculum does not meet these requirements.

9 (12) The department shall adopt rules (~~((by September 1, 2002,))~~) for
10 the implementation of this section.

11 (13)(a) Except as provided in (b) of this subsection, the
12 orientation, basic training, specialty training, and continuing
13 education requirements of this section commence September 1, 2002, or
14 one hundred twenty days from the date of employment, whichever is
15 later, and shall be applied to ((+a)) (i) employees hired subsequent
16 to September 1, 2002; and ((-b)) (ii) existing employees that on
17 September 1, 2002, have not successfully completed the training
18 requirements under RCW 74.39A.010 or 74.39A.020 and this section.
19 Existing employees who have not successfully completed the training
20 requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all
21 applicable requirements of this section. ((However, prior to September
22 1, 2002, nothing in this section affects the current training
23 requirements under RCW 74.39A.010.))

24 (b) Beginning January 7, 2012, boarding home long-term care
25 workers, as defined in RCW 74.39A.009, are also subject to the training
26 requirements under RCW 74.39A.074.

27 **Sec. 703.** RCW 70.128.230 and 2002 c 233 s 3 are each amended to
28 read as follows:

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

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

35 (b) "Indirect supervision" means oversight by a person who has
36 demonstrated competency in the core areas or has been fully exempted

1 from the training requirements pursuant to this section and is quickly
2 and easily available to the caregiver, but not necessarily on-site.

3 (2) Training must have three components: Orientation, basic
4 training, and continuing education. All adult family home providers,
5 resident managers, and employees, or volunteers who routinely interact
6 with residents shall complete orientation. Caregivers shall complete
7 orientation, basic training, and continuing education.

8 (3) Orientation consists of introductory information on residents'
9 rights, communication skills, fire and life safety, and universal
10 precautions. Orientation must be provided at the facility by
11 appropriate adult family home staff to all adult family home employees
12 before the employees have routine interaction with residents.

13 (4) Basic training consists of modules on the core knowledge and
14 skills that caregivers need to learn and understand to effectively and
15 safely provide care to residents. Basic training must be outcome-
16 based, and the effectiveness of the basic training must be measured by
17 demonstrated competency in the core areas through the use of a
18 competency test. Basic training must be completed by caregivers within
19 one hundred twenty days of the date on which they begin to provide
20 hands-on care (~~(or within one hundred twenty days of September 1, 2002,~~
21 ~~whichever is later)~~). Until competency in the core areas has been
22 demonstrated, caregivers shall not provide hands-on personal care to
23 residents without indirect supervision.

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

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

34 (b) Specialty training must be completed by providers and resident
35 managers before admitting and serving residents who have been
36 determined to have special needs related to mental illness, dementia,
37 or a developmental disability. Should a resident develop special needs

1 while living in a home without specialty designation, the provider and
2 resident manager have one hundred twenty days to complete specialty
3 training.

4 (6) Continuing education consists of ongoing delivery of
5 information to caregivers on various topics relevant to the care
6 setting and care needs of residents. Competency testing is not
7 required for continuing education. Continuing education is not
8 required in the same calendar year in which basic or modified basic
9 training is successfully completed. Continuing education is required
10 in each calendar year thereafter. If specialty training is completed,
11 the specialty training applies toward any continuing education
12 requirement for up to two years following the completion of the
13 specialty training.

14 (7) Persons who successfully challenge the competency test for
15 basic training are fully exempt from the basic training requirements of
16 this section. Persons who successfully challenge the specialty
17 training competency test are fully exempt from the specialty training
18 requirements of this section.

19 (8) Licensed persons who perform the tasks for which they are
20 licensed are fully or partially exempt from the training requirements
21 of this section, as specified by the department in rule.

22 (9) In an effort to improve access to training and education and
23 reduce costs, especially for rural communities, the coordinated system
24 of long-term care training and education must include the use of
25 innovative types of learning strategies such as internet resources,
26 videotapes, and distance learning using satellite technology
27 coordinated through community colleges, private associations, or other
28 entities, as defined by the department.

29 (10) Adult family homes that desire to deliver facility-based
30 training with facility designated trainers, or adult family homes that
31 desire to pool their resources to create shared training systems, must
32 be encouraged by the department in their efforts. The department shall
33 develop criteria for reviewing and approving trainers and training
34 materials. The department may approve a curriculum based upon
35 attestation by an adult family home administrator that the adult family
36 home's training curriculum addresses basic and specialty training
37 competencies identified by the department, and shall review a
38 curriculum to verify that it meets these requirements. The department

1 may conduct the review as part of the next regularly scheduled
2 inspection authorized under RCW 70.128.070. The department shall
3 rescind approval of any curriculum if it determines that the curriculum
4 does not meet these requirements.

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

7 (12)(a) Except as provided in (b) of this subsection, the
8 orientation, basic training, specialty training, and continuing
9 education requirements of this section commence September 1, 2002, and
10 shall be applied to ((+a)) (i) employees hired subsequent to September
11 1, 2002; or ((+b)) (ii) existing employees that on September 1, 2002,
12 have not successfully completed the training requirements under RCW
13 70.128.120 or 70.128.130 and this section. Existing employees who have
14 not successfully completed the training requirements under RCW
15 70.128.120 or 70.128.130 shall be subject to all applicable
16 requirements of this section. ((However, until September 1, 2002,
17 nothing in this section affects the current training requirements under
18 RCW 70.128.120 and 70.128.130.))

19 (b) Beginning January 7, 2012, adult family home long-term care
20 workers, as defined in RCW 74.39A.009, are also subject to the training
21 requirements under RCW 74.39A.074.

22 **Sec. 704.** RCW 41.56.030 and 2011 1st sp.s. c 21 s 11 are each
23 amended to read as follows:

24 As used in this chapter:

25 (1) "Adult family home provider" means a provider as defined in RCW
26 70.128.010 who receives payments from the medicaid and state-funded
27 long-term care programs.

28 (2) "Bargaining representative" means any lawful organization which
29 has as one of its primary purposes the representation of employees in
30 their employment relations with employers.

31 (3) "Child care subsidy" means a payment from the state through a
32 child care subsidy program established pursuant to RCW 74.12.340 or
33 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor
34 program.

35 (4) "Collective bargaining" means the performance of the mutual
36 obligations of the public employer and the exclusive bargaining
37 representative to meet at reasonable times, to confer and negotiate in

1 good faith, and to execute a written agreement with respect to
2 grievance procedures and collective negotiations on personnel matters,
3 including wages, hours and working conditions, which may be peculiar to
4 an appropriate bargaining unit of such public employer, except that by
5 such obligation neither party shall be compelled to agree to a proposal
6 or be required to make a concession unless otherwise provided in this
7 chapter.

8 (5) "Commission" means the public employment relations commission.

9 (6) "Executive director" means the executive director of the
10 commission.

11 (7) "Family child care provider" means a person who: (a) Provides
12 regularly scheduled care for a child or children in the home of the
13 provider or in the home of the child or children for periods of less
14 than twenty-four hours or, if necessary due to the nature of the
15 parent's work, for periods equal to or greater than twenty-four hours;
16 (b) receives child care subsidies; and (c) is either licensed by the
17 state under RCW 74.15.030 or is exempt from licensing under chapter
18 74.15 RCW.

19 (8) "Individual provider" means an individual provider as defined
20 in RCW (~~(74.39A.240(4))~~) 74.39A.009 who, solely for the purposes of
21 collective bargaining, is a public employee as provided in RCW
22 74.39A.270.

23 (9) "Institution of higher education" means the University of
24 Washington, Washington State University, Central Washington University,
25 Eastern Washington University, Western Washington University, The
26 Evergreen State College, and the various state community colleges.

27 (10)(a) "Language access provider" means any independent contractor
28 who provides spoken language interpreter services for department of
29 social and health services appointments or medicaid enrollee
30 appointments, or provided these services on or after January 1, 2009,
31 and before June 10, 2010, whether paid by a broker, language access
32 agency, or the department.

33 (b) "Language access provider" does not mean an owner, manager, or
34 employee of a broker or a language access agency.

35 (11) "Public employee" means any employee of a public employer
36 except any person (a) elected by popular vote, or (b) appointed to
37 office pursuant to statute, ordinance or resolution for a specified
38 term of office as a member of a multimember board, commission, or

1 committee, whether appointed by the executive head or body of the
2 public employer, or (c) whose duties as deputy, administrative
3 assistant or secretary necessarily imply a confidential relationship to
4 (i) the executive head or body of the applicable bargaining unit, or
5 (ii) any person elected by popular vote, or (iii) any person appointed
6 to office pursuant to statute, ordinance or resolution for a specified
7 term of office as a member of a multimember board, commission, or
8 committee, whether appointed by the executive head or body of the
9 public employer, or (d) who is a court commissioner or a court
10 magistrate of superior court, district court, or a department of a
11 district court organized under chapter 3.46 RCW, or (e) who is a
12 personal assistant to a district court judge, superior court judge, or
13 court commissioner. For the purpose of (e) of this subsection, no more
14 than one assistant for each judge or commissioner may be excluded from
15 a bargaining unit.

16 (12) "Public employer" means any officer, board, commission,
17 council, or other person or body acting on behalf of any public body
18 governed by this chapter, or any subdivision of such public body. For
19 the purposes of this section, the public employer of district court or
20 superior court employees for wage-related matters is the respective
21 county legislative authority, or person or body acting on behalf of the
22 legislative authority, and the public employer for nonwage-related
23 matters is the judge or judge's designee of the respective district
24 court or superior court.

25 (13) "Uniformed personnel" means: (a) Law enforcement officers as
26 defined in RCW 41.26.030 employed by the governing body of any city or
27 town with a population of two thousand five hundred or more and law
28 enforcement officers employed by the governing body of any county with
29 a population of ten thousand or more; (b) correctional employees who
30 are uniformed and nonuniformed, commissioned and noncommissioned
31 security personnel employed in a jail as defined in RCW 70.48.020(9),
32 by a county with a population of seventy thousand or more, and who are
33 trained for and charged with the responsibility of controlling and
34 maintaining custody of inmates in the jail and safeguarding inmates
35 from other inmates; (c) general authority Washington peace officers as
36 defined in RCW 10.93.020 employed by a port district in a county with
37 a population of one million or more; (d) security forces established
38 under RCW 43.52.520; (e) firefighters as that term is defined in RCW

1 41.26.030; (f) employees of a port district in a county with a
2 population of one million or more whose duties include crash fire
3 rescue or other firefighting duties; (g) employees of fire departments
4 of public employers who dispatch exclusively either fire or emergency
5 medical services, or both; or (h) employees in the several classes of
6 advanced life support technicians, as defined in RCW 18.71.200, who are
7 employed by a public employer.

8 **Sec. 705.** 2012 c 1 s 201 (uncodified) (Initiative Measure No.
9 1163) is amended to read as follows:

10 The state auditor shall conduct performance audits of the long-term
11 in-home care program. The first audit must be completed within twelve
12 months after January 7, 2012, and must be completed on a (~~(biannual)~~)
13 biennial basis thereafter. As part of this auditing process, the state
14 shall hire five additional fraud investigators to ensure that clients
15 receiving services at taxpayers' expense are medically and financially
16 qualified to receive the services and are actually receiving the
17 services.

18 **Sec. 706.** 2012 c 1 s 303 (uncodified) (Initiative Measure No.
19 1163) is amended to read as follows:

20 Notwithstanding any action of the legislature during 2011, all
21 long-term care workers as defined under RCW 74.39A.009(16), as it
22 existed on April 1, 2011, are covered by sections 101 through 113 of
23 this act or by the corresponding original versions of the statutes, as
24 referenced in section 302 (1) through (13) on the schedules set forth
25 in those sections, as amended by chapter . . ., Laws of 2012 (this
26 act), except that long-term care workers employed as community
27 residential service (~~(providers are covered by sections 101 through 113~~
28 ~~of this act beginning January 1, 2016)~~) businesses are exempt as
29 provided in RCW 18.88B.041 and 74.39A.074.

30 NEW SECTION. **Sec. 707.** RCW 74.39A.240 (Definitions) and 2011 1st
31 sp.s. c 21 s 7 & 2002 c 3 s 3 are each repealed.

32 NEW SECTION. **Sec. 708.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

--- END ---