

FINAL BILL REPORT

ESHB 2314

C 164 L 12
Synopsis as Enacted

Brief Description: Concerning long-term care workers.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Cody and Green).

House Committee on Health Care & Wellness
Senate Committee on Health & Long-Term Care

Background:

Long-term Care Worker.

Long-term care workers provide care to elderly and disabled clients, many of whom are eligible for publicly funded services through the Department of Social and Health Services' (DSHS) Aging and Disabilities Services Administration. These workers provide their clients personal care assistance with various tasks such as bathing, eating, toileting, dressing, ambulating, meal preparation, and household chores.

Initiative 1163 (I-1163), approved by the voters in November 2011, modifies the law governing background checks, training, and home care aide certification for long-term care workers by reinstating dates originally enacted in 2009. This resulted in making many of these requirements effective on January 1, 2011, instead of January 1, 2014.

The initiative's changes apply to all long-term care workers as defined by law on April 1, 2011, except that long-term care workers employed as community residential service providers are covered beginning January 1, 2016.

Delegation of Nursing Care Tasks.

Registered nurses may delegate nursing care tasks that are within the nurse's scope of practice to other individuals where the nurse finds it to be in the patient's best interest. Before delegating a nursing care task, the registered nurse must determine the competency of the person to perform the delegated task and evaluate the appropriateness of the delegation. The registered nurse must supervise the person performing the delegated task.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Nursing care tasks requiring substantial skill or the administration of medications generally may not be delegated unless the delegation is to a registered or certified nursing assistant working in a community-based or in-home care setting. Nursing assistants receiving delegation of nursing care tasks must first complete the required core nurse delegation training and, if administering insulin, must complete specialized diabetes nurse delegation training.

Performance Audits of Long-term Care In-home Care Program.

The State Auditor is required, under I-1163, to conduct biannual performance audits of the long-term in-home care program, beginning by January 7, 2013.

Summary:

Training and Certification Requirements for Long-term Care Workers.

The requirements in I-1163 related to enhanced training and home care aide certification begin on January 7, 2012 (instead of January 1, 2011). Long-term care workers are allowed 120 days after hire or after the bill's effective date, whichever is later, to meet the new training requirements and 150 days after these dates to become certified.

The permanent exemption from certification for supported living providers is clarified by applying the exemption to long-term care workers employed by community residential service businesses. The exemption from enhanced training, continuing education, peer mentoring, and advanced training for these businesses' long-term care workers is clarified by adding, in each relevant provision, that the exemption is until January 1, 2016.

The Department of Health must, by January 1, 2013, adopt a rule establishing a scope of practice for certified home care aides and long-term care workers. The requirement for long-term care workers to be certified does not prohibit other credentialed health care professionals or long-term care workers exempt from certification from providing services as long-term care workers.

Provisions are added that govern the delegation of nursing care tasks to certified home care aides. Certified home care aides wishing to perform a nurse delegated task must successfully complete the nurse delegation training required for nursing assistants.

Any exceptions to an adult family home's duty to ensure that a qualified caregiver is on site will be specified in DSHS rules.

Background Checks for Long-term Care Workers.

Several provisions addressing background check requirements for long-term care workers are consolidated, and the starting date of January 7, 2012, is provided for all related provisions. Long-term care workers are required to meet the enhanced background check requirement as a condition of being certified as a home care aide. The exemption from enhanced background checks for long-term care workers employed by community residential service businesses is clarified by adding that the exemption is until January 1, 2016.

Definitions.

A definition is added for "community residential service businesses." These are businesses (1) that are certified by, and contracting with, the DSHS to provide certain services to individuals with developmental disabilities, and (2) in which all of the business's long-term care workers are subject to training requirements for providing the services to individuals with developmental disabilities. All the statutory and regulatory training requirements for long-term care workers providing these services must be reflected in rules adopted by the DSHS by September 1, 2012.

Performance Audits of Long-term In-home Care Program.

The State Auditor's performance audits of the long-term in-home care program are required biennially, instead of biannually.

Votes on Final Passage:

House	94	4	
Senate	45	2	(Senate amended)
House	95	0	(House concurred)

Effective: March 29, 2012