

Initiative Measure No. 406

Filed

DEC 17 2007

Secretary of State

1 AN ACT Relating to long-term care services for the elderly and
2 people with disabilities; amending RCW 74.39A.009 and 74.39A.050;
3 reenacting and amending RCW 18.130.040; adding new sections to chapter
4 74.39A RCW; adding a new section to chapter 18.88A RCW; creating new
5 sections; and providing an effective date.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.39A RCW
8 to read as follows:

9 It is the intent of the people through this initiative to protect
10 the safety of and improve the quality of care to the vulnerable elderly
11 and persons with disabilities.

12 The people find and declare that current procedures to train and
13 educate long-term care workers and to protect the elderly or persons
14 with disabilities from caregivers with a criminal background are
15 insufficient. The people find and declare that long-term care workers
16 for the elderly or persons with disabilities should have a federal
17 criminal background check and a formal system of education and
18 experiential qualifications leading to a certification test.

1 The people find that the quality of long-term care services for the
2 elderly and persons with disabilities is dependent upon the competence
3 of the workers who provide those services. To assure and enhance the
4 quality of long-term care services for the elderly and persons with
5 disabilities, the people recognize the need for federal criminal
6 background checks and increased training requirements. Their
7 establishment should protect the vulnerable elderly and persons with
8 disabilities, bring about a more stabilized workforce, improve the
9 quality of long-term care services, and provide a valuable resource for
10 recruitment into long-term care services for the elderly and persons
11 with disabilities.

12 **Sec. 2.** RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Adult family home" means a home licensed under chapter 70.128
17 RCW.

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

22 (3) "Assisted living services" means services provided by a
23 boarding home that has a contract with the department under RCW
24 74.39A.010 to provide personal care services, intermittent nursing
25 services, and medication administration services, and the resident is
26 housed in a private apartment-like unit.

27 (4) "Boarding home" means a facility licensed under chapter 18.20
28 RCW.

29 (5) "Cost-effective care" means care provided in a setting of an
30 individual's choice that is necessary to promote the most appropriate
31 level of physical, mental, and psychosocial well-being consistent with
32 client choice, in an environment that is appropriate to the care and
33 safety needs of the individual, and such care cannot be provided at a
34 lower cost in any other setting. But this in no way precludes an
35 individual from choosing a different residential setting to achieve his
36 or her desired quality of life.

1 (6) "Department" means the department of social and health
2 services.

3 (7) "Direct care worker" means a paid caregiver who provides
4 direct, hands-on personal care and other assistance services to the
5 elderly or persons with disabilities requiring long-term care.
6 Personal care services include assistance with eating, bathing,
7 dressings, and other activities of daily living.

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

13 (~~(8)~~) (9) "Functionally disabled person" or "person who is
14 functionally disabled" is synonymous with chronic functionally disabled
15 and means a person who because of a recognized chronic physical or
16 mental condition or disease, including chemical dependency, is impaired
17 to the extent of being dependent upon others for direct care, support,
18 supervision, or monitoring to perform activities of daily living.
19 "Activities of daily living", in this context, means self-care
20 abilities related to personal care such as bathing, eating, using the
21 toilet, dressing, and transfer. Instrumental activities of daily
22 living may also be used to assess a person's functional abilities as
23 they are related to the mental capacity to perform activities in the
24 home and the community such as cooking, shopping, house cleaning, doing
25 laundry, working, and managing personal finances.

26 (~~(9)~~) (10) "Home and community services" means adult family
27 homes, in-home services, and other services administered or provided by
28 contract by the department directly or through contract with area
29 agencies on aging or similar services provided by facilities and
30 agencies licensed by the department.

31 (~~(10)~~) (11) "Individual provider" means a person under contract
32 with the department to provide services in the home under this chapter
33 or chapter 74.09 RCW.

34 (12) "Long-term care" is synonymous with chronic care and means
35 care and supports delivered indefinitely, intermittently, or over a
36 sustained time to persons of any age disabled by chronic mental or
37 physical illness, disease, chemical dependency, or a medical condition
38 that is permanent, not reversible or curable, or is long-lasting and

1 severely limits their mental or physical capacity for self-care. The
2 use of this definition is not intended to expand the scope of services,
3 care, or assistance by any individuals, groups, residential care
4 settings, or professions unless otherwise expressed by law.

5 ~~((+11+))~~ (13) (a) "Long-term care workers for the elderly or persons
6 with disabilities" includes all persons who are long-term care workers
7 for the elderly or persons with disabilities, including but not limited
8 to individual providers of home care services, direct care employees of
9 home care agencies, providers of home care services to persons with
10 developmental disabilities under Title 71 RCW, all direct care workers
11 in state-licensed boarding homes, assisted living facilities, and adult
12 family homes, respite care providers, community residential service
13 providers, and any other direct care worker providing home or
14 community-based services to the elderly or persons with functional
15 disabilities or developmental disabilities.

16 (b) "Long-term care workers" do not include persons employed in
17 nursing homes subject to chapter 18.51 RCW, hospitals or other acute
18 care settings, hospice agencies subject to chapter 70.127 RCW, adult
19 day care centers, and adult day health care centers.

20 ~~((+12+))~~ (14) "Nursing home" means a facility licensed under
21 chapter 18.51 RCW.

22 ~~((+13+))~~ (15) "Secretary" means the secretary of social and health
23 services.

24 ~~((+14+))~~ (16) "Training partnership" means a joint partnership or
25 trust established ~~((and maintained jointly by the office of the~~
26 ~~governor and the exclusive bargaining representative of individual~~
27 ~~providers under RCW 74.39A.270))~~ pursuant to section 302(c)(5) of the
28 Taft-Hartley Act to provide training, ~~((peer))~~ mentoring, and
29 examinations required under this chapter, and educational, ~~((career))~~
30 workforce development, or other services to ~~((individual providers))~~
31 those long-term care workers for the elderly or persons with
32 disabilities represented by an exclusive bargaining representative
33 under RCW 74.39A.270 and 74.39A.300.

34 ~~((+15+))~~ (17) "Tribally licensed boarding home" means a boarding
35 home licensed by a federally recognized Indian tribe which home
36 provides services similar to boarding homes licensed under chapter
37 18.20 RCW.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW
2 to read as follows:

3 All long-term care workers for the elderly or persons with
4 disabilities hired after January 1, 2009, shall be screened through
5 state and federal background checks in a uniform and timely manner to
6 ensure that they do not have a criminal history that would disqualify
7 them from working with vulnerable persons. These background checks
8 shall include checking against the federal bureau of investigation
9 fingerprint identification records system and against the national sex
10 offenders registry or their successor programs. The department shall
11 not pass on the cost of these criminal background checks to the workers
12 or their employers. The department shall adopt rules to implement the
13 provisions of this section.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.39A RCW
15 to read as follows:

16 (1) Effective January 1, 2009, the department shall require that
17 all persons employed as long-term care workers for the elderly or
18 persons with disabilities meet the minimum training requirements in
19 this section.

20 (2)(a) All persons employed as long-term care workers for the
21 elderly or persons with disabilities shall be required to obtain one
22 hundred fifty hours of entry-level training, as follows:

23 (i) Two hours of orientation training in the role of the caregiver
24 and the terms of employment to be completed within fourteen calendar
25 days of employment;

26 (ii) At least three hours of safety training including basic safety
27 precautions, emergency procedures, and infection control to be
28 completed within fourteen calendar days of employment;

29 (iii) One hundred forty-five hours of long-term care core
30 competencies training including but not limited to the following
31 training topics: The role of the caregiver; consumer rights and
32 confidentiality; communication and problem-solving skills; personal
33 care skills; health-related tasks training; in-home and nutritional
34 support; body systems; disease and disability training; self-care
35 training; and other training topics specific to consumer care needs.
36 Twenty-five hours of this training must be completed before the worker
37 is eligible to provide care, and the full one hundred forty-five hour

1 training requirement must be completed within one hundred eighty
2 calendar days of employment. Training required under RCW 18.20.270(5)
3 or 70.128.230(5) will count towards the eighty hours of training
4 required under this subsection.

5 (b) The department may waive some or all of the core competency
6 training described in (a)(iii) of this subsection for long-term care
7 workers for the elderly or persons with disabilities who:

8 (i) Are registered nurses, licensed practical nurses, or certified
9 nursing assistants; are medicare-certified home health aides; or hold
10 a similar health certification, license, or degree; or

11 (ii) Have at least one year of documented paid or unpaid caregiving
12 experience and pass a challenge test developed by the department.

13 (c) The requirements of this section do not apply to persons
14 already employed prior to January 1, 2009, as long-term care workers
15 for the elderly or persons with disabilities.

16 (d) Long-term care workers for the elderly or persons with
17 disabilities employed prior to January 1, 2009, must complete all
18 training requirements in effect prior to that date.

19 (3) Only training curriculum approved by the department may be used
20 to fulfill the training requirements specified in this section. The
21 department shall approve training curriculum that: (a) Has been
22 developed with input from consumer and worker representatives; (b)
23 allows for comprehensive instruction by qualified instructors on the
24 competencies and training topics in this section; and (c) encourages
25 direct participation by consumers and workers.

26 (4) The department shall adopt rules to implement the provisions of
27 this section.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.39A RCW
29 to read as follows:

30 (1) After January 1, 2009, all long-term care workers for the
31 elderly or persons with disabilities must obtain certification by the
32 department as a home care aide within one hundred eighty days of
33 employment. This requirement does not apply to persons already
34 employed as long-term care workers for the elderly or persons with
35 disabilities prior to January 1, 2009.

36 (2) The department has the authority to:

1 (a) Establish forms, procedures, and examinations necessary to
2 certify home care aides pursuant to this act;

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

5 (c) Issue a certification as a home care aide to any applicant who
6 has passed a home care aide examination;

7 (d) Maintain the official record of all applicants and persons with
8 certificates;

9 (e) Exercise disciplinary authority as authorized in chapter 18.130
10 RCW;

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

13 (3) The department shall develop a home care aide certification
14 examination to evaluate whether applicants possess the minimum skills
15 and knowledge necessary to practice competently. Only those who have
16 completed the training requirements or have had those requirements
17 waived pursuant to section 4(2) (b) of this act shall be eligible to
18 sit for this examination. The examination shall include both a skills
19 demonstration and a written or oral knowledge test. Examinations shall
20 be limited to the purpose of determining whether the applicant
21 possesses the minimum skills and knowledge necessary to practice
22 competently. The examination papers, all grading of the papers, and
23 the grading of skills demonstration shall be preserved for a period of
24 not less than one year. All examinations shall be conducted under fair
25 and wholly impartial methods. The certification exam shall be
26 administered and evaluated by the department or by contractor to the
27 department that is neither an employer of long-term care workers for
28 the elderly or persons with disabilities or private contractors
29 providing training services under this act.

30 (4) With input from consumer and worker representatives, the
31 department shall adopt rules by January 1, 2009, that establish the
32 procedures and examinations necessary to carry into effect the
33 provisions of this chapter.

34 (5) The department shall adopt rules to implement the provisions of
35 this section.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.39A RCW
37 to read as follows:

1 (1) The department shall deny payment to any individual provider of
2 home care services who does not complete the training requirements or
3 obtain certification as a home care aide within the time limit
4 specified in this chapter.

5 (2) By January 1, 2009, the department shall adopt rules to enforce
6 the training and certification requirements of this chapter for all
7 long-term care workers for the elderly or persons with disabilities.
8 The enforcement may be accomplished by licensure actions or by
9 contract, and may include other enforcement measures deemed appropriate
10 by the department.

11 (3) Chapter 34.05 RCW applies to department actions under
12 subsection (2) of this section, except that orders of the department
13 imposing license or certificate suspension or conditions for
14 continuation of a license or certificate are effective immediately upon
15 notice and shall continue in effect pending any hearing.

16 **Sec. 7.** RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read
17 as follows:

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

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

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

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

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

35 (5) Monitoring should be outcome based and responsive to consumer
36 complaints and based on a clear set of health, quality of care, and

1 safety standards that are easily understandable and have been made
2 available to providers, residents, and other interested parties.

3 (6) Prompt and specific enforcement remedies shall also be
4 implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160,
5 chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have
6 delivered care or failed to deliver care resulting in problems that are
7 serious, recurring, or uncorrected, or that create a hazard that is
8 causing or likely to cause death or serious harm to one or more
9 residents. These enforcement remedies may also include, when
10 appropriate, reasonable conditions on a contract or license. In the
11 selection of remedies, the safety, health, and well-being of residents
12 shall be of paramount importance.

13 (7) (~~To the extent funding is available, all long term care staff~~
14 ~~directly responsible for the care, supervision, or treatment of~~
15 ~~vulnerable persons should be screened through background checks in a~~
16 ~~uniform and timely manner to ensure that they do not have a criminal~~
17 ~~history that would disqualify them from working with vulnerable~~
18 ~~persons. Whenever a state conviction record check is required by state~~
19 ~~law, persons may be employed or engaged as volunteers or independent~~
20 ~~contractors on a conditional basis according to law and rules adopted~~
21 ~~by the department.)) All long-term care staff directly responsible for
22 the care, supervision, or treatment of vulnerable persons shall be
23 screened through background checks in a uniform and timely manner to
24 ensure that they do not have a criminal history that would disqualify
25 them from working with vulnerable persons.~~

26 (8) No provider or staff, or prospective provider or staff, with a
27 stipulated finding of fact, conclusion of law, an agreed order, or
28 finding of fact, conclusion of law, or final order issued by a
29 disciplining authority, a court of law, or entered into a state
30 registry finding him or her guilty of abuse, neglect, exploitation, or
31 abandonment of a minor or a vulnerable adult as defined in chapter
32 74.34 RCW shall be employed in the care of and have unsupervised access
33 to vulnerable adults.

34 (9) The department shall establish, by rule, a state registry which
35 contains identifying information about (~~personal~~) certified home care
36 aides identified under this chapter who have substantiated findings of
37 abuse, neglect, financial exploitation, or abandonment of a vulnerable
38 adult as defined in RCW 74.34.020. The rule must include disclosure,

1 disposition of findings, notification, findings of fact, appeal rights,
2 and fair hearing requirements. The department shall disclose, upon
3 request, substantiated findings of abuse, neglect, financial
4 exploitation, or abandonment to any person so requesting this
5 information.

6 ~~(10) ((The department shall by rule develop training requirements~~
7 ~~for individual providers and home care agency providers. Effective~~
8 ~~March 1, 2002, individual providers and home care agency providers must~~
9 ~~satisfactorily complete department approved orientation, basic~~
10 ~~training, and continuing education within the time period specified by~~
11 ~~the department in rule. The department shall adopt rules by March 1,~~
12 ~~2002, for the implementation of this section based on the~~
13 ~~recommendations of the community long term care training and education~~
14 ~~steering committee established in RCW 74.39A.190. The department shall~~
15 ~~deny payment to an individual provider or a home care provider who does~~
16 ~~not complete the training requirements within the time limit specified~~
17 ~~by the department by rule.~~

18 ~~(11))~~ In an effort to improve access to training and education and
19 reduce costs, especially for rural communities, the coordinated system
20 of long-term care training and education must include the use of
21 innovative types of learning strategies such as internet resources,
22 videotapes; and distance learning using satellite technology
23 coordinated through community colleges or other entities, as defined by
24 the department.

25 ~~((12) The department shall create an approval system by March 1,~~
26 ~~2002, for those seeking to conduct department approved training. In~~
27 ~~the rule making process, the department shall adopt rules based on the~~
28 ~~recommendations of the community long term care training and education~~
29 ~~steering committee established in RCW 74.39A.190.~~

30 ~~(13))~~ (11) The department shall establish, by rule, ~~((training,))~~
31 background checks ~~((7))~~ and other quality assurance requirements for
32 personal aides who provide in-home services funded by medicaid personal
33 care as described in RCW 74.09.520, community options program entry
34 system waiver services as described in RCW 74.39A.030, or chore
35 services as described in RCW 74.39A.110 that are equivalent to
36 requirements for individual providers.

37 ~~((14))~~ (12) Under existing funds the department shall establish

1 internally a quality improvement standards committee to monitor the
2 development of standards and to suggest modifications.

3 ~~((15) Within existing funds, the department shall design, develop,
4 and implement a long term care training program that is flexible,
5 relevant, and qualifies towards the requirements for a nursing
6 assistant certificate as established under chapter 18.88A RCW. This
7 subsection does not require completion of the nursing assistant
8 certificate training program by providers or their staff. The long
9 term care teaching curriculum must consist of a fundamental module, or
10 modules, and a range of other available relevant training modules that
11 provide the caregiver with appropriate options that assist in meeting
12 the resident's care needs. Some of the training modules may include,
13 but are not limited to, specific training on the special care needs of
14 persons with developmental disabilities, dementia, mental illness, and
15 the care needs of the elderly. No less than one training module must
16 be dedicated to workplace violence prevention. The nursing care
17 quality assurance commission shall work together with the department to
18 develop the curriculum modules. The nursing care quality assurance
19 commission shall direct the nursing assistant training programs to
20 accept some or all of the skills and competencies from the curriculum
21 modules towards meeting the requirements for a nursing assistant
22 certificate as defined in chapter 18.88A RCW. A process may be
23 developed to test persons completing modules from a caregiver's class
24 to verify that they have the transferable skills and competencies for
25 entry into a nursing assistant training program. The department may
26 review whether facilities can develop their own related long term care
27 training programs. The department may develop a review process for
28 determining what previous experience and training may be used to waive
29 some or all of the mandatory training. The department of social and
30 health services and the nursing care quality assurance commission shall
31 work together to develop an implementation plan by December 12, 1998.))~~

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 18.88A RCW
33 to read as follows:

34 By January 1, 2009, the department shall develop in consultation
35 with the nursing care quality assurance commission and consumer and
36 worker representatives rules permitting reciprocity to the maximum

1 extent possible under federal law between home care aide certification
2 and nursing assistant certification.

3 **Sec. 9.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and
4 2007 c 70 s 11 are each reenacted and amended to read as follows:

5 (1) This chapter applies only to the secretary and the boards and
6 commissions having jurisdiction in relation to the professions licensed
7 under the chapters specified in this section. This chapter does not
8 apply to any business or profession not licensed under the chapters
9 specified in this section.

10 (2)(a) The secretary has authority under this chapter in relation
11 to the following professions:

12 (i) Dispensing opticians licensed and designated apprentices under
13 chapter 18.34 RCW;

14 (ii) Naturopaths licensed under chapter 18.36A RCW;

15 (iii) Midwives licensed under chapter 18.50 RCW;

16 (iv) Ocularists licensed under chapter 18.55 RCW;

17 (v) Massage operators and businesses licensed under chapter 18.108
18 RCW;

19 (vi) Dental hygienists licensed under chapter 18.29 RCW;

20 (vii) Acupuncturists licensed under chapter 18.06 RCW;

21 (viii) Radiologic technologists certified and X-ray technicians
22 registered under chapter 18.84 RCW;

23 (ix) Respiratory care practitioners licensed under chapter 18.89
24 RCW;

25 (x) Persons registered under chapter 18.19 RCW;

26 (xi) Persons licensed as mental health counselors, marriage and
27 family therapists, and social workers under chapter 18.225 RCW;

28 (xii) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

30 (xiii) Nursing assistants registered or certified under chapter
31 18.88A RCW;

32 (xiv) Health care assistants certified under chapter 18.135 RCW;

33 (xv) Dietitians and nutritionists certified under chapter 18.138
34 RCW;

35 (xvi) Chemical dependency professionals certified under chapter
36 18.205 RCW;

- 1 (xvii) Sex offender treatment providers and certified affiliate sex
2 offender treatment providers certified under chapter 18.155 RCW;
- 3 (xviii) Persons licensed and certified under chapter 18.73 RCW or
4 RCW 18.71.205;
- 5 (xix) Denturists licensed under chapter 18.30 RCW;
- 6 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 7 (xxi) Surgical technologists registered under chapter 18.215 RCW;
- 8 (xxii) Recreational therapists;
- 9 (xxiii) Home care aides certified under section 8 of this act;
- 10 (xxiv) Animal massage practitioners certified under chapter 18.240
11 RCW; and
- 12 (~~(xxiv)~~) (xxv) Athletic trainers licensed under chapter 18.250
13 RCW.
- 14 (b) The boards and commissions having authority under this chapter
15 are as follows:
- 16 (i) The podiatric medical board as established in chapter 18.22
17 RCW;
- 18 (ii) The chiropractic quality assurance commission as established
19 in chapter 18.25 RCW;
- 20 (iii) The dental quality assurance commission as established in
21 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
22 licenses and registrations issued under chapter 18.260 RCW;
- 23 (iv) The board of hearing and speech as established in chapter
24 18.35 RCW;
- 25 (v) The board of examiners for nursing home administrators as
26 established in chapter 18.52 RCW;
- 27 (vi) The optometry board as established in chapter 18.54 RCW
28 governing licenses issued under chapter 18.53 RCW;
- 29 (vii) The board of osteopathic medicine and surgery as established
30 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
31 18.57A RCW;
- 32 (viii) The board of pharmacy as established in chapter 18.64 RCW
33 governing licenses issued under chapters 18.64 and 18.64A RCW;
- 34 (ix) The medical quality assurance commission as established in
35 chapter 18.71 RCW governing licenses and registrations issued under
36 chapters 18.71 and 18.71A RCW;
- 37 (x) The board of physical therapy as established in chapter 18.74
38 RCW;

1 (xi) The board of occupational therapy practice as established in
2 chapter 18.59 RCW;

3 (xii) The nursing care quality assurance commission as established
4 in chapter 18.79 RCW governing licenses and registrations issued under
5 that chapter;

6 (xiii) The examining board of psychology and its disciplinary
7 committee as established in chapter 18.83 RCW; and

8 (xiv) The veterinary board of governors as established in chapter
9 18.92 RCW.

10 (3) In addition to the authority to discipline license holders, the
11 disciplining authority has the authority to grant or deny licenses
12 based on the conditions and criteria established in this chapter and
13 the chapters specified in subsection (2) of this section. This chapter
14 also governs any investigation, hearing, or proceeding relating to
15 denial of licensure or issuance of a license conditioned on the
16 applicant's compliance with an order entered pursuant to RCW 18.130.160
17 by the disciplining authority.

18 (4) All disciplining authorities shall adopt procedures to ensure
19 substantially consistent application of this chapter, the Uniform
20 Disciplinary Act, among the disciplining authorities listed in
21 subsection (2) of this section.

22 NEW SECTION. **Sec. 10.** The provisions of this act are to be
23 liberally construed to effectuate the intent, policies, and purposes of
24 this act.

25 NEW SECTION. **Sec. 11.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 12.** This act may be known and cited as the
30 better background checks and improved training for long-term care
31 workers for the elderly and persons with disabilities initiative of
32 2007.

1 NEW SECTION. **Sec. 13.** Section 9 of this act takes effect July 1,
2 2008.

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