

April 4, 2022

HCAOA-WA April 2022 Public Policy Report

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Legislative Landscape

The last day of the “short-session” of the WA State Legislature was on March 10th, 2022. Legislators approved 303 bills during the 60-day session. The action then turns to the governor's office where he has 20 days to sign or veto legislation. Last week he wrapped up signing several dozen bills, including events with communities and legislators.



The 2022 Legislative Campaign season has officially begun as I have started receiving calls from legislators for donations! Half of the Senate (minus a few who are moving on) and all of the House of Representatives are up for election this year. Some Representatives have also decided not to run again or are trying to capture a vacant Senate seat. This will make for some interesting state politics over the summer...I'm sure you will hear a lot about crime and climate change! Even though HCAOA-WA does not have a Political Action Committee (PAC), I would encourage you to support legislators who support home care in your districts. Political campaigns are expensive and it's great to help people stay in power who support the home care industry!

Supplemental Budget Provisos in Signed Budget Bill:

Governor Inslee signed the \$64 billion Supplemental Budget Bill ([SB 5693](#) relating to fiscal matters) on March 30th. I was watching closely to make sure that the budget provisos that we supported during our In-Home Services Days made it over the finish line and did not get vetoed. I am happy to report that everything we advocated for was in the final signed budget bill! The new budget makes big investments in health care, homelessness, public schools, and transportation. [5 major things the Washington Legislature approved in 2022 | Crosscut](#)

As a reminder, WA State has a two-year biennial budget and 2022 was the second year where they use the Supplemental Budget to amend the larger Operating budget that was passed in 2021. The budget contains additional funding for LTC workforce shortages and nursing as well as the budget proviso requests that we worked on over the session

Palliative Care Benefit for Medicaid, PEBB, SEBB Rulemaking: We were successful working with WSHPCO and HCAW in getting a budget proviso for the Medicaid Palliative Care Benefit Rulemaking, including PEBB & SEBB (public and school employees) at the Health Care Authority. HCAOA-WA has been very involved in Palliative Care efforts in WA State as there is an essential role for home care support and participated in creating the [Palliative Care Roadmap](#) which is now going for another reprinting at DOH as it's been quite popular! Free copies are still available through DOH. Here is the language in the proviso:

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(94) \$250,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the Health Care Authority (authority) to design a standardized payment methodology for a palliative care benefit for the state Medicaid program and the employee and retiree benefits programs. The authority may contract with a third party to design the palliative care model and complete the work required in this subsection.

We were also successful in getting the budget provisos we advocated for in our In-Home Services Days meetings with state legislators. We had 50 virtual meetings this year and were very effective!!

Private Duty Nursing and Home Health Rate Increases: Effective January 1, 2023.

- (97) \$640,000 of the GF-S appropriation for FY 2023 and \$655,000 of the GF-F appropriation are provided solely for a 20 percent rate increase, effective January 1, 2023, for in-home private duty nursing agencies.
- (98) \$180,000 of the GF-S appropriation for FY 2023 and \$187,000 of the GF-F appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for private duty nursing in medically intensive children's group home settings.
- (99) \$140,000 of the GF-S appropriation for fiscal year 2023 and \$266,000 of the GF-F appropriation are provided solely for a 10 percent rate increase, effective January 1, 2023, for home health services.

Health Care Workforce over \$50 million investment

Funding to add 220 nursing slots in 2023 and 270 thereafter, will include:

- Slots at existing programs at UW and community colleges
- New BSN program at Eastern WA University
- RN-to-BSN and MSN programs at Western WA University
- Grants for simulation labs
- Graduate nursing student loan repayment for nurse educators
- 10 DOH Nursing Commission FTEs to expedite nurse license processing (7 days or less)

Funding for Recommendations from the LTC Workforce Steering Committee: The association has been participating in this committee since 2019. \$761,000 of the GF-S appropriation for FY 2023 is provided solely for the WA Nursing Commission to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

Medicaid Home Care Agencies:

(cc) \$123,000 of the GF-S appropriation for FY 2023 and \$156,000 of the GF-F appropriation are provided solely for wages and benefits of home care agency workers who provide direct care.

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(ii) \$6,028,000 of the GF-S appropriation for FY 2023 and \$7,669,000 of the GF-F appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775NW.

HCAOA-WA Bills Supported that have been signed by the Governor: I will be tracking the implementation of these bills over the interim and keep the policy committee and board updated on their efforts!

SHB 1646 Continuing the work of the dementia action collaborative. The bill codifies the Dementia Action Collaborative to assess the current and future impact of Alzheimer's disease and other dementias on Washington residents and to update the Washington State Alzheimer's Plan. Home care has been represented on the collaborative for many years.

SB 5764- Concerning Apprenticeships and Higher Education: (Randall)

SB 5892- Establishing pilot projects for high school student nursing assistant-certified programs to address the nursing workforce shortage and promote nursing careers in rural hospitals. (Brown)

HB 2007 - Establishing a nurse educator loan repayment program under the Washington health corps. (Slatter)

SB 5600- Concerning the sustainability and expansion of state registered apprenticeship programs. (Keiser)

Department of Health (DOH)

Patient Safety Improvement Task Force: A task force formed by DOH has recommended taking faster action on sexual misconduct cases against health care professionals, this was due to an article in the Seattle Times in November revealed delays in disciplining providers for sexual misconduct. The most disciplinary actions were taken against massage therapists and nursing assistants, followed by doctors. The number of complaints of all types against licensed providers more than doubled from 2009 to 2019, as the number of licensed health care professionals increased by 45%, to nearly 500,000. Here is a link to the March 31, 2022 article:

[WA task force recommends faster action on sexual misconduct involving health care professionals | The Seattle Times](#)

ESSB 5229 DOH Health Equity Rules Workshop 3 of 3 – The third ESSB 5229 Health Equity Rules Workshop Date and Time is: **Monday, April 4th, 2022: 1PM – 3PM PST**

DOH is holding a series of rules workshops to implement Engrossed Substitute Senate Bill (ESSB) 5229. In 2021, state legislators passed ESSB 5229 directing DOH to make rules for health professionals to take health equity continuing education. They previously held listening sessions to

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listen and engage with individuals who have lived experience of health inequities and racism, as well as providers, advocacy groups, and associations. They have been integrating what we learned from those listening sessions into our workshops. If you have questions or comments, please contact: healthequityimplementation@doh.wa.gov.

Zoom Link:

<https://us02web.zoom.us/j/88657929022?pwd=VTlPdUpLajI1SHBkenZnaEJ6U3dWUT09>

Meeting ID: 886 5792 9022, Passcode: 167288

Phone: +1 253 215 8782 US (Tacoma), Meeting ID: 886 5792 9022, Passcode: 167288

In-Home Care Settings Medication Assistance Emergency Rules (CR-103E): This rulemaking reinstates a practice that was removed in prior rulemaking The Pharmacy Quality Assurance Commission (commission) and DOH are filing jointly to reinstate medication assistance rules as permitted under chapter 69.41 RCW. This adopted emergency rule will extend WSR 21-23-098 filed on November 17, 2021. This rule establishes criteria for medication assistance in community-based and in-home care settings in accordance with chapter 69.41 RCW. The definition for medication assistance provided in RCW 69.41.010(15) states: "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication filed as [WSR# 22-07-063](#). This impacts WACs 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728 Medication assistance.

DOH COVID-19 Guidance: Updated DOH guidance documents: [Mask Guidance During COVID-19](#) has been updated to align with changes to the [Secretary of Health's mask order](#). This guidance includes information on health care settings and masking requirements.

In-Home Services Rules: DOH plans to update the In-Home Services Rules. No date set yet.

DOH In-Home Services Orientation Class – Information and Registration Process

Important Update: Due to COVID-19 guidelines and restrictions, our in-person orientation classes have been canceled. Classes will now be offered via Webinar until further notice – see revised schedule below.

[WAC 246-335-320\(1\)](#) requires anyone wanting to apply for an in-home services license to first complete an orientation class. The purpose of the class is to provide prospective applicants an overview of the state licensing process, explain the differences between home care, home health, and hospice service categories, and describe department expectations of licensees providing care to vulnerable people.

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The orientation class is not required for current licensees adding a new service category, renewing a license, or change of ownership applications. Initial in-home services applications submitted without an orientation class certificate of completion will not be processed. Classes are webinar-based, about 3 hours, and free of charge.

Class starts promptly at 8:30 a.m. and goes until 12:30 p.m. You're encouraged to arrive early to find an open parking spot as our facility is quite busy at this time of the morning.

Class Schedule for 2022

- April 06, 2022
- May 11, 2022
- June 08, 2022

Webinar class registration process: [Register here for the orientation class.](#)

Department of Social and Health Services (DSHS)

Emergency CR-103 filed for Fingerprinting Requirement: DSHS was granted rule making authority in [Substitute House Bill 1120](#) and is therefore proposing emergency rules to reinstate the fingerprinting requirement for providers that was temporarily suspended by the governor's proclamation due to the Public Health Emergency. To read the filing notice and rules, click [here](#).

DSHS and DOH Stakeholder Workgroups on SHB 1218: [SHB 1218](#) addresses the quality of life, health, and safety of long-term care residents during a state of emergency.. This workgroup recently started back up again to draft guidelines in response to public health emergencies which have major impacts on long-term care facilities and homes. In the meeting we reviewed the SHB 1218 Workgroup Process & Progress to Date.

LTC Worker Training Program Flexibility Rulemaking initiated: The department is planning to amend WACs [388-112A-0010](#) and [388-112A-0300](#) to establish rules that allow for remote skills training which provides for more flexibility in training our long-term care workforce in remote areas. To read the preproposal click [here](#). If you are interested in participating in this rule making process, please contact Angel Sullivan at angel.sullivan@dshs.wa.gov.

Nursing Care Quality Assurance Commission (NCQAC)

LPN Apprenticeship and LTC Nursing Workforce: This group is an extension of the multiple years of work on the LTC Workforce Steering Committee. I am an official member of this workgroup and will continue to offer ideas from our association membership. The LTC Workforce Development Steering Committee submitted [The LTC Workforce Development Final Report - June 2021 \(PDF\)](#) to the legislature in June 2021. The report includes legislative recommendations for continued work to support the needs of long-term care. Senator Randall's Apprentice bill, [SSB 5764](#) will be the vehicle this session to move the apprentice for LTC workers forward!

Ongoing Public Policy Meetings

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[WA State Senior Citizens Lobby](#)

[Dementia Action Collaborative](#)