

December 5, 2022

HCAOA-WA December 2022 Public Policy Report

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Legislative Landscape

Thank goodness the elections are over and Democracy won! Since a picture is worth a 1,000 words, I have included a snapshot provided by the Seattle Times on the outcome of the elections in Washington State.

The political leadership of the House and Senate has not changed for the 2023 legislative session. What is about to change is the makeup of the important committees such as House and Senate Health Care that health care providers find most of the bills that impact them are in. There will be a new Chair of the House Health Care Committee which will be decided over the upcoming legislative days. Predictions are that it will be Rep Marcus Riccelli from Spokane area, a long-time member of the committee and Senator Annette Cleveland will remain Chair of Senate Health Care.

The Legislative Assembly Days began November 30-December 2, 2022. I have been meeting virtually with legislators in preparation for session for over a month and had in-person meetings during the assembly days for a change! There were work sessions scheduled in both the House and Senate Health Care Committees, the Aging and Disability Committee and the Fiscal Committees where they will discuss the state of the economy and budget revenue projections.

I listened to the Joint Legislative Executive Committee on Planning for Aging and Disability Issues on 11/29/2022 and found this presentation very interesting and informative:

HCA - Long-term Care Workforce & Economic Trends & Conditions PPT

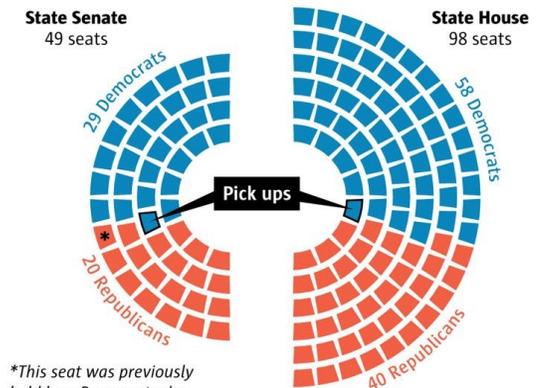
If you want a link to the entire committee presentation on the Impact of Medicaid rate methodologies on workforce in long-term care settings, go to:

<https://app.leg.wa.gov/committeeschedules/Home/Documents/30190?//18048>

Session starts on January 9th, 2023 and lasts for 105-days. This is the long session of the state legislature where they prepare the 2-year operating, capitol, and transportation budget. They are working on setting up a virtual legislative session that will be a mixture of in-person and virtual meetings which has been a great side effect of the pandemic making it easier to testify. The Irv Newhouse Building is being torn down, so Republican Senators will be moved to modular buildings in a parking lot on campus.

Democrats cement control over Washington state Legislature

Democrats picked up one state Senate seat and are on track to pick up one state House seat in the Nov. 8 election. They're poised to enter the next legislative session in January with a 29-20 majority in the Senate and a 58-40 edge in the House.



*This seat was previously held by a Democrat who caucused with Republicans for years.

Source: Washington Secretary of State, Seattle Times analysis

FIONA MARTIN / THE SEATTLE TIMES

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The [WA State Revenue Forecast Council](#) has announced that there was \$157 million increase over earlier projections so the state is still in pretty good shape for now. Budget decisions will be made around the end of February or early March when the next budget forecast comes out and they know how much money they have to spend! There are some big bills coming due for education and other pressing needs that will have to be addressed next session, so there will not as much money available as there was last year.

2023 In-Home Services Day: is being planned for February 1, 2023. I want to do a survey to see how many people would come to Olympia and attend in person vs a virtual meeting. I have reserved Conference Rooms ABC in the Cherberg Building for our morning orientation thanks to Senator Cleveland. We have the room from 7:00 am until 11:00 am. I am still torn between doing a virtual or in-person so we will see how the survey turns out! During the session bills will be added to our agenda. Here are our initial talking points:

Address Workforce Shortages for Home Care Aides and Certified Nursing Assistants: Testing and certification for certified nursing assistants (CNA) and home care aides (HCA) has been very inconsistent creating huge backups in WA State. We need a plan to enable students to get tested and certified, quickly, and efficiently, to get them into our long-term care settings, including home care.

Support DOH Proposal to Eliminate Debt for Home Care Aides in O2G Fund...Concerns with Certification Fee Increases: Home care aides are some of the lowest paid jobs in health care. Although we support eliminating over \$6 million in debt to the home care aide program, we would like the legislature to explore ways to assist these workers to gain certification without increasing their fees as it will be an additional barrier to entry into the health care system.

Department of Social and Health Services (DSHS)

DSHS and DOH hosted a virtual Home Care Aides stakeholder engagement session on November 30, 2022. Attached is the PowerPoint presentation in PDF. Below is the agenda. Department leadership is currently reviewing concerns raised by community partners and the proposed date of hire rule change will not be presented as planned at the November 30th meeting. More to come on this issue. [Nov 30 2022 Presentation.pdf](#)

- Application
- Training & Certification Exam
- Administrative Rules
 - Continuing Education
 - Training
 - Certification
- Certification Exam Pass Rates
- Discussion
 - Training Expiration

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Department of Health (DOH)

Home Care Aide Fee Increase Hearing: State law RCW 43.70.250 requires that the cost of regulating each profession be paid for by that profession's credential fees. Based on the home care aides financial forecast, DOH is considering a fee increase to bring the profession's fund balance into the recommended range. Please see this: [Home Care Aide Cost Driver.pdf](#)

DOH held a stakeholder meeting considering raising home care aide fees from \$85 to \$100 on December 1, 2022. A decision will not be made until sometime in 2023. During the meeting, DOH staff explained how fees are set and was available for questions. HCAOA-WA has expressed concerns to DOH and to legislators about potential fee increases and the barrier it poses to entry into the health care system and submitted testimony at this public hearing. Here are the comments that we submitted at the public hearing:



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Nursing Care Quality Assurance Commission (NCQAC)

Meeting with Kathy Moisio: Sharla Bode, Julie Ferguson and I met with NCQAC staff, Kathy Moisio who has been working with the LTC Steering Committee for the past 4 years. We expressed our concerns about the problems with testing for certified nursing assistants and the long delays. Although they have set up the mass testing sites below, many CNA's have not been able to get their skills testing in a timely manner. Kathy is talking about setting up virtual evaluations that may help the backlog, but also talked about how the federal laws regarding CNAs need to change and be more like RN testing. We will be talking more about this with Paula Meyers who runs the nursing commission. I told Kathy that legislators would like to help resolve this issue and to help us find solutions to this problem for next session!

Nursing Assistant Mass Testing Continues through Fall 2022: Mass testing is still going on for all nursing assistants who need the state skills exam. You can register for one of the skills exams listed below on the [Credentia](#) website. These dates are visible as Regional Test Sites on the Credentia website - you don't need to use codes to find them. If space is available, then the dates will appear. Once they are full, they will no longer appear. For information: nac.exam@doh.wa.gov

Nursing Assistants Rules Workshops: These rules are implementing the work of the LTC Committee that Julie Ferguson and I have participated on for many years. NCQAC filed a CR-101 on February 8, 2021, under [WSR 21-05-021](#) for Chapter 246-841 and Chapter 246-842, Nursing Assistants. A draft of Chapter 246-841 is attached for your review.

Draft Chapter 246-841

To Join workshops, click <https://us02web.zoom.us/j/6555701680> the day & time of meeting.

- **Thursday, December 29, 2022, 1-3 p.m.**
 - WAC 246-841-440: Common Curriculum
- **Friday, January 13, 2023, 1-3 p.m.**
 - WAC 246-841-465 thru 490: Complaints, Investigations, Corrective Action Designations, Withdrawal of Approval, Appeals, Closure, Re-Application
- **Friday, January 27, 2023, 1-3 p.m.**
 - WAC 246-841-586 thru 595: Medication Assistant Certification Endorsement (MACE) Programs
 - WAC 246-841-530 thru 585: Alternative Programs
- **Friday, February 10, 2023, 1-3 p.m.**
 - WAC 246-841-600, 720, 990, 991: Violations, Mandatory Reporting, Fees and Renewal Cycle, Expired Credential

Department of Labor and Industries (L & I)

Job posting requirements for Employers: L & I has released an [administrative policy](#) to provide guidance on the Equal Pay and Opportunities Act ([RCW 49.58](#)). The law prohibits pay discrimination based on gender and promotes fairness among workers by addressing business practices that contribute to income disparities among genders. Employees and job applicants have rights under this law.

The administrative policy also addresses job posting requirements for employers brought about by the passage of Engrossed Substitute Senate Bill 5761. **Effective Jan. 1, employers with 15 or more employees must provide a wage scale or salary range, plus information on benefits and other compensation in their job postings.**

The policy also provides guidance on the department’s existing interpretations of the act. To provide more information about the law, the Employment Standards program is holding webinars. Employers can sign up for a session on the [Workshops and Training Center web page](#). In the event title dropdown menu, look for “Equal Pay and Opportunities Act (Webinar)” to find the webinars. The schedule for the "Job Posting Transparency" webinars is:

- Dec. 15 at 2 p.m., Jan. 12 at 9 a.m., Feb. 9 at 2 p.m.

Topics to be covered include what constitutes a job posting, what information must be included in a job posting, what constitutes a wage scale or salary range as well as benefits and other compensation. You can also learn about the free consultations the program offers employers.

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Employers who would like in-depth education on the Equal Pay and Opportunities Act can [request a consultation](#) with the EPOA team. A consultation is an educational opportunity and provides an informed assessment of possible risks specific to you as an employer as well as proposes resolutions to assist with future compliance with the law. As part of the consultation, L&I conducts a comprehensive review of your employment policies and practices to assess potential risks. Employers can also request a consultation about a specific concern. For more information, contact [L&I's Equal Pay agents](#) or 360-902-6625.

Keeping workers safe from COVID-19 doesn't end with lifting of Washington emergency orders: Still, coronavirus remains a workplace hazard and employers must continue taking precautions to prevent the spread of the virus. Among the general safety requirements and guidance still in place:

- Every employer must assess their specific workplace for COVID-19 hazards and take steps to prevent employee exposure based on that assessment.
- Workers who have tested positive for COVID-19 should be kept out of the workplace for at least five days per [Washington State Department of Health guidance](#).
- Healthcare workers and others providing care to or working near someone known or suspected to have COVID-19 should wear appropriate, fit-tested, and NIOSH-approved respirators.

Complete Washington State Department of Labor & Industries' (L&I) [requirements and guidance are available online](#).