Legislative Landscape

The 2022 Election Campaign season is in full swing and our primary in WA State is on August 2, with ballots mailed out on July 15th. The General Election is on November 8th. There is talk about a “red wave” with voters who are frustrated with government in general and upset about gas prices and inflation, which our government does not really control, but we will soon see if this is real or not! Here is an interesting article in the Olympian this morning: Who’s funding GOP in key districts? Here are some of the donors | The Olympian

On June 22 The Olympian newspaper reported that “Revenue projections for Washington state increased by about $1.46 billion more than expected through the current two-year budget period. Updated numbers released Wednesday by the Economic and Revenue Forecast Council show that projected revenue collections for the 2021-2023 budget exceed what had been forecast in February. And projections for the next two-year budget cycle that ends in mid-2025 increased by about $632 million. Revenues for the current budget cycle that ends mid-2023 are now projected to be nearly $63.2 billion. And projected revenues for the next two-year budget cycle that starts July 1, 2023, are projected to be almost $66 billion. This bodes well for our Medicaid Home Care agencies budget negotiations for the next biennial budget!

According to the Olympian newspaper, WA state hospitals remain over capacity for non-COVID reasons | The Olympian. Washington hospital officials on Monday sounded the alarm again about the state’s ever-shrinking bed capacity for patients, blamed not entirely on the COVID-19 pandemic but rather problems that have plagued the system for most of the year. Lack of staff, both in hospitals and at skilled nursing facilities, and a growing number of difficult-to-discharge patients are leaving hospitals in a constant state of overcapacity with too few beds for acute care, according to Washington State Hospital Association leaders and various hospital representatives who spoke to reporters Monday. The same problems were addressed at length at the association’s briefings in December and January. Since that time, the problems have only increased, officials say.

The Washington State Hospital Association told reporters that they are calling for more temporary, rapid response teams much like used by the state earlier in the pandemic for understaffed care facilities that could help clear some of the backlog, along with other measures. The teams in the past were contracted by the Department of Social and Health Services, hiring from temporary nursing agencies using $1.3 million in CARES Act funding. Read more at: https://www.theolympian.com/news/state/washington/article263582318.html#storylink=cpy
Health Care Authority (HCA)

Extension of the Public Health Emergency: HCA learned from the Department of Health and Human Services (HHS) that the current COVID-19 public health emergency (PHE) has been extended through October 13, 2022. According to HHS’ letter to the Governors, the PHE may be extended in 90-day increments and HHS will provide states with 60 days’ notice prior to termination. HCA will continue to share updates as new information becomes available, and communicate to clients, partners, and stakeholders before any eligibility changes take place.

Department of Social and Health Services (DSHS)

New Rules in WA Allow More Time to Train Long-term Care Workers: The pandemic has delayed training and certification requirements for LTC workers and DSHS is trying to get it back on track again. DSHS has filed new rules to respond to the backlog of long-term care workers needing training and/or testing for certification caused by the COVID-19 pandemic.

These new rules will allow additional time for long-term care workers to be trained and certified. Workers are also credited with continuing education hours for on-the-job training during the COVID-19 emergency, and deadlines for completing continuing education are also extended. The Permanent Rule Making adds two new sections in 388-71 WAC and 388-112A WAC. To access the rule language, please click [here](https://us02web.zoom.us/j/84380295291?pwd=RMbHIxRYTD0DqXOkypEgAVH5kw2fH.1).

Community Health & Health Care Roundtable: July 22, 2022, 11:00 a.m. – 12:30 a.m.
Discussion

- As we work to implement WA Cares and conduct outreach, what do you want us to know about the populations you serve?
- What support can we give you to help inform your staff and/or members about the program? Can we give you materials? Would you be interested in a presentation for your staff or a webinar for your members?
- How and when would you like to engage with us to get updates and provide feedback?
- If we hold regular roundtable sessions like this, would you be interested in attending and what can we do to make them useful for you?

Location: Via Zoom

https://us02web.zoom.us/j/84380295291?pwd=RMbHIxRYTD0DqXOkypEgAVH5kw2fH.1
Meeting ID: 843 8029 5291
Passcode: 022793
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Aging and Long Term Supports Administration (ALTSA) Assistant Secretary

Announcement: Message from Bea Rector: “As many of you know, I have been serving as Interim Assistant Secretary of the Aging and Long-Term Support Administration since the end of April. I have sincerely appreciated supporting Washington in this role, and I am incredibly honored to announce that I will continue to serve in this capacity. I have been appointed ALTSA’s Assistant Secretary by DSHS Secretary Jilma Meneses, effective August 1.

For more than 30 years, I have dedicated my career to understanding and improving long-term services and supports in Washington. I truly believe in the work we do and the positive impact our strong partnerships have across our state. Together we have created programs, reached challenging objectives and truly transformed lives by working with each other for the populations who need our services and supports…..”

Bea Rector is great to work with and has a strong understanding of the role of home care, especially through the Home and Community Services program at DSHS. I look forward to her leadership in this position. She is very accessible and can help troubleshoot issues for us when needed!

Feds Extends American Rescue Plan Spending Deadline for States to Expand Medicaid HCBS: On Friday, June 3, the U.S. Department of Health and Human Services (HHS), through the Centers for Medicare & Medicaid Services (CMS), is notifying states that they now have an additional year — through March 31, 2025 — to use funding made available by the American Rescue Plan (ARP) to enhance, expand, and strengthen home- and community-based services (HCBS) for people with Medicaid who need long-term services and supports.

Department of Health (DOH)

Home Care Aides stakeholder meeting: DOH and the DSHS will be jointly hosting a virtual Home Care Aides stakeholder meeting on Wednesday July 27, 10 – 11:30am. They did not provide information on the topic!

Join on your computer or mobile app: Click here to join the meeting

Or join by entering a meeting ID
Meeting ID: 246 510 378 99
Passcode: 56by5r
Winding Down State COVID-19 related Emergency Rules/Waivers: DOH is gathering input on how best to unwind waivers that were established by Governor Proclamation to support the health care system’s response to the COVID-19 pandemic. There is no timeframe established for ending the COVID-19 waivers or the state of emergency. The information you provide will help the department and the Governor’s office understand the current landscape and plan for the future.

DOH Health Equity Rules: DOH is holding a series of rules workshops to implement 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 listen and engage with individuals who have lived experience of health inequities and racism, as well as providers, advocacy groups, and associations. At this time, they are considering 2 hours of training every 4 years but different rulemaking authorities can make it more, but not less. If you have questions or comments, please contact: healthequityimplementation@doh.wa.gov. Here is the latest draft of the rules:

[PDF]

Basic Caregiver Training Emergency Rule Refiled: The Nursing Care Quality Assurance Commission (NCQAC) is amending specific training requirements for:

- Register Nurse (RN)
- Nursing Assistant Registered (NAR)
- Home Care Aide (HCA)

These changes became effective immediately on July 12, 2022 when filed as WSR 22-15-020. NCQAC is refiling these emergency rules to allow a registered nurse delegator to delegate nursing tasks to a NAR or HCA without verifying that the NAR or HCA has completed basic caregiver training. NCQAC is adopting emergency language to remove the requirement that a NAR must show proof of completion of the caregiver training before performing any delegated nursing task.

The Department of Social and Health Services (DSHS) provides basic caregiver training for NARs and HCAs. DSHS wasn't able to provide basic caregiver training due to COVID-19. Emergency rule provisions, first adopted in April 2020, allowed NARs and HCAs to perform delegated tasks without the training.

DSHS filed rules effective July 1, 2022 as WSR 22-12-081 to outline dates by which HCAs must complete basic caregiver training based on hire and rehire dates. These dates may extend through
September 30, 2023, or within 120 days after the end of the COVID-19 training waivers established by the governor. This emergency rule will be refiled every 120 days until DSHS resumes its standard training schedule. For more information, please contact: Shad Bell, Assistant Director of Operations, NCQAC, DOH, NCQAC.Rules@doh.wa.gov

**Nursing Care Quality Assurance Commission (NCQAC)**

**LPN Apprenticeship Pilot Steering Committee Meeting:** 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 last meeting was on May 20, 2022. This project is sponsored by the NCQAC and DOH. They are starting out with a pilot project in skilled nursing facilities (SNF).

**Nurse Licensure Fees CR-102 Proposal:** DOH filed a CR-102, Proposed Rule as WSR 22-10-104, for WAC 246-840-990, Fees and Renewal Cycle. DOH in consultation with the Nursing Care Quality Assurance Commission (NCQAC) is proposing fee increases for registered nurses (RNs), licensed practical nurses (LPNs), and advanced registered nurse practitioners (ARNPs). This fee does not impact certified nursing assistants at this time, but they are under review for fees with the department.

Some home care agencies who are also home health agencies hire nurses or work with nurses through the Nurse Delegation. The NCQAC is doing rulemaking with increased licensure fees up to 20% for LPNs and RNs. This will help to hire new employees to process licenses that got very backed up during the pandemic and was taking up to 6-7 weeks to process.

The proposed fee change is necessary to cover the cost of a database solution to replace an outdated licensing system, for staffing to continue nurse license processing within legislated timelines, and staffing to address an increased workload associated with nursing assistants and the long-term care crisis. Submit written comments by June 13, 2022 to DOH online rules comment webpage. Attend an online rules hearing on June 13, 2022, at 2:00 p.m. Register in advance for the rules hearing: https://us02web.zoom.us/webinar/register/WN_dYNOpgEZTVqbsB5ZC0MvMig

**Ongoing Public Policy Meetings**

**WA State Senior Citizens Lobby:** I attend the monthly meetings where they are now reviewing bills that impact seniors in the state legislature. Bill Moss, Assistant Secretary of DSHS/ALTSA is retiring and Bea Rector has been giving an update on what is happening with policy at DSHS. This group has been a great advocate for home care initiatives.

**Dementia Action Collaborative:** There was new legislation that passed in 2022 to continue the efforts of the DAC and update the state Dementia Plan. They will be changing around people who are currently Governor Appointments to the committee. I have been participating in the states Dementia Collaborative for several years but am not sure if I will make the cut. I will continue working on the committees to make sure that they continue to include a hospice and palliative care.