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HCAOA June 2022 Public Policy Report

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Legislative Landscape

The 2022 Election Campaign season has started 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 will be quite a bit of turn-over in the legislature next year and changes in the health care committees, especially with Rep. Eileen Cody retiring. She was the longest running House member, a nurse, and the Chair of the House Health Care Committee for many years. She was a strong advocate for home care and will be greatly missed!



It is fairly quiet in Olympia as state agencies are gearing up for rulemaking from bills and budget provisos that passed this last session. Short sessions typically do not address major or controversial changes to state law, but this year was an exception, with nursing unions and their partners in the Legislature attempting to pass strict hospital staffing mandates, criminal justice reforms and new funding for health care, homelessness, and the environment. State agencies will be figuring out over the interim how to spend that money and implement the two new apprenticeship bills. Agencies are also putting together their financial [Decision Packages](#) to submit to the Governor for his budget that will be introduced in early December before the session starts for 2023.

As you may remember, this year's Supplemental Budget included nearly \$50 million for health care workforce development, including certified nursing assistants, creating more slots in nursing programs, investing in simulation training equipment, providing grants to nurses who supervise students, offering loan repayment for nurse educators and expediting the nurse licensing process. This will take at least a year or more to really start rolling out into our communities to build the pipeline for more certified nursing assistants and nurses into the workforce, but it's a good start!

WA state hospitals 'remarkably strained' by COVID-19 community spread: A June 6, 2022, article in The Olympian newspaper reports that our WA State Hospital Association officials warned Monday that facilities are heading toward the bad old days COVID-19 cases peaking and there is high spread in the community again straining our hospital capacities. Read more at: <https://www.theolympian.com/news/coronavirus/article262204287.html#storylink=cpy>

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

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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](#).

Department of Health (DOH)

COVID -19 Guidance: DOH has consolidated all healthcare guidance into [one document](#). This applies to home care agencies and their long-term care workers as well as other types of health care. They hope this will make it easier to maintain consistency with the recommendations as well as make it easier to find the appropriate recommendations. Guidance was updated to clarify language and to maintain consistency. Three substantive changes in recommendations are:

- Healthcare workers should wear eye protection for all patient encounters when working in areas with [substantial to high community transmission](#). (pg. 42)
- Nursing home residents who are not up to date with COVID-19 vaccines should be placed in quarantine on returning to the nursing home if out of the nursing home for more than 24 hours. No recommendation for quarantine of residents in non-nursing home LTCFs on admission or returning to the facility following a visit in the community.(pg. 56)
- The Risk Assessment is not included in the DOH guidelines. Facilities do not need to complete a risk assessment with residents who wish to go on community visits.

Please see [Interim recommendations for SARS-CoV-2 Infection Prevention and Control in Healthcare Settings](#). Feel free to reach out to HAI-COVID@doh.wa.gov with any questions.

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. We are at a point in the pandemic where we are seeing less stress on the health care system and more stability overall due to increased testing and access to a vaccine. Because of this, it's time to begin thinking about whether there are waivers that were put in place through a Governor proclamation to support health care's response to COVID-19 that are no longer needed. 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.

I met with Christie Spice, Assistant Director of Health Quality Assurance Systems, the division that has oversight of In-Home Services agencies, to discuss how to ramp down after the state of emergency ends for our In-Home Services patients. The department has come up with a list of all the emergency rules that impact in-home services agencies so we know specifically what will be

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ending when the state of emergency is officially declared over. If you have any specific concerns, please let me know ASAP. I have narrowed down the ones that impact home care.

Governor Proclamations

[20-32.11 COVID-19: Department of Health – Health Care Workers](#)

- Allowed Secretary of Health to extend license renewal periods
- Suspended continuing education and training requirements for certain professions
- Waived certain medical assistant supervision requirements and restrictions on working
- Altered delegation agreement requirements (physician assistants, nursing assistants)
- Waived restrictions on practice of retired active licensees for certain professions
- Waived rules that restrict the practice of health care provider volunteers

Actions Taken

Since the first proclamations were issued several policy actions have occurred to decrease the reliance on waivers. Examples of these actions include:

Legislation

- [ESHB 1120](#) allowed DSHS and DOH to set alternative time frames for nursing assistant and home care aide training and certification – [emergency rules](#) in place

Secretary Waiver

- [WSR 20-10-061](#) Washington State Department of Health Guidance and Exemptions from Certain In-Person and On-Site Requirements for Home Care, Home Health, and Hospice Agencies and Washington State Patrol Fingerprint Background Checks

Emergency Rules

- [WAC 246-980-030, 040, 065](#) Home Care Aide training and certification timelines. DSHS also has emergency rules reflecting the same adjusted date of hire/timeline for training and certifications. These emergency rules are authorized by ESHB 1120 and as such will be withdrawn when not needed.
- [WAC 246-841-405](#) - Nursing Assistants training flexibility including volunteer experience

Permanent Rules

- [WAC 246-980-010](#) definitions to redefine “date of hire” according to ESHB 1120.
- [Chapter 246-841 WAC](#) – Chapter update incorporating emergency rules for Nursing Assistants

DOH will share your input with the Governor’s office to plan the exit from COVID-19 health care waivers. Please subscribe for email or text alerts based on your topic preference at [Washington State Department of Health \(govdelivery.com\)](#).

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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. I did get clarification from the Nursing Commission that certified nursing assistants will be required to take this training as well as home care aides who have CE requirements. 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 between 2-6 hours of training every 4 years but have not settled on the exact number yet. If you have questions or comments, please contact: healthequityimplementation@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_dYNOpgEZTVqsB5ZC0MvMig

Labor and Industries (L & I)

L&I filed a Preproposal Statement of Inquiry (CR-101) on May 13, 2021: ([WSR 21-11-051](#)) and initiated the permanent rulemaking process for rules related to infectious diseases, to include when there is an outbreak subject to a public health emergency under a national or state declared

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state of emergency. This emergency rule supersedes [WSR 22-01-047](#) filed on December 7, 2021. Expiration date: August 4, 2022 [CR-103 Emergency Adoption](#), [Adoption Language](#)

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 a various committees to make sure that they continue to include a hospice and palliative care representative on the collaborative.