Legislative Landscape

The mid-term elections are on November 8th. We will have a better understanding of the legislative landscape after that. Both the state and national elections will have an impact on our health care system and what priorities they will focus on. My December report will have summary of various races and the outcome of the election split between Democrats and Republicans in the state legislature.

The 2023 Legislative Session starts January 9th and goes for 105-days this year. This is the “long-session” of the legislature where they develop the 2-year Operating Budget for the state. We are unsure at this time whether the state revenue forecast will be positive or not. They will base the budget on the forecast that comes out in early March 2023 and it’s a race to the finish line to complete the budget by the end of session in mid-April. I have around 15 meetings set up with key state legislators on the health care committees over the next two months, prior to session starting, to discuss our HCAOA-WA Legislative Priorities for 2023, which are:

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)

The DSHS/Aging and LTC Support Administration (ALTSA) filed Emergency Rules: Emergency Rules are only allowed under certain circumstances in RCW 34.05.350, such as:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
Provisional Hire-Pending FBI Background Check Results Rule: The department needs an emergency WAC prior to the end of the Governor’s Proclamation since it reduces future capacity issues by decreasing the backlog of providers who need to complete fingerprinting. Additionally, this allows the department to complete permanent rules with the emergency rule in place. The department filed a preproposal under WSR 22-07-064 and a CR 102 proposal under WSR 22-20-088. These rules are already adopted. Please click on links below to see the actual WAC Language. To view this rule please click on WSR 22-22-043.

LTC Workers hired or rehired during the COVID-19 Public Health Emergency Rule: Are required to complete certain training and certification requirements within specific deadlines. Interested persons have reported that the number of LTCWs in Cohort #1 that still needs training and certification far exceeds the number that can be trained by the current deadline. This will result in LTCW’s failing to complete the requirements in time and create risk to clients being able to access qualified workers for provision of their personal care services. To prevent this, the department is extending the training and certification deadlines to those of Cohort #2 which has far fewer workers in need of training. The new WAC answers the questions below;

WAC 388-71-0876 When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including required specialty training? and 388-112A-0081 When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including required specialty training? To view this rule please click on WSR 22-22-025.

DOH and DSHS Home Care Aides Stakeholder Engagement Session: on Monday November 7, 1:00 – 2:30pm. Below is the agenda:

- Application
- Training & Certification Exam
- Administrative Rules
  - Continuing Education
  - Training
  - Certification
- Discussion
  - Proposed Date of Hire Language
  - Training Expiration
- Questions
- Next Meeting

To allow for sufficient time to discuss the draft WAC language on date of hire and the current two-year expiration for training, certification exam pass rates will be presented at the next meeting on November 30th. The November 7th presentation will be sent out no later than the morning of November 7th. At the request of those who attended the last meeting, the October 27th presentation is attached. It is a very good summary of the process so far!
Join on your computer or mobile app: [Click here to join the meeting](#) Meeting ID: 215 597 241 64 Passcode: Zxfffw

Or call in: [+1 564-999-2000,,541097480#](#) Olympia, Conference ID: 541 097 480#

**Department of Health (DOH)**

**SEIU Study to Increase Taxes on Home Care to Gain higher Federal Reimbursements:**
**Background & Purpose:** [SSB 5693 of 2022](#) requires DOH to conduct a financial survey of home care and home health agencies for future tax assessment purposes. Survey information will be de-identified and ultimately shared with DSHS and SEIU 775. DSHS and SEIU 775 will utilize the survey data to approach state and federal agencies to request additional fiscal supports for the in-home industry. We will see if this survey makes it into legislation next session!

**DOH Home Care Aide Program has a new Executive Director:** On October 16, Melissa Green (pronounced Ma – Lisa) joined the DOH’s Office of Health Professions (OHP) as their new Executive Director for Operations. In her new role, Melissa will direct the day-to-day operations in OHP, serve as the Executive Director for the Home Care Aide profession, support our continuous process improvement projects, identify and incorporate diversity, equity and inclusion efforts into our work, and coordinate the legislative and rules processes for the office.

**Interim Recommendations for SARS-CoV-2 Infection Prevention and Control in Healthcare Settings 2022** (Updated from DOH) This guidance became effective on 10/31/22. (The updates now align with updated CDC Guidance.*) [https://doh.wa.gov/sites/default/files/2022-06/420-391-SARS-CoV-2-InfectionPreventionControlHealthcareSettings.pdf?uid=635fe3e51bc64](#)

*Source Control and Setting Specific Guidelines do NOT align with updated CDC guidelines. These include settings such as Group Homes, ALFs and other Residential Setting.

i. Eye protection is required for all patient encounters when community transmission levels are HIGH. if you are NOT going to use eye protection in your facility, you will need to ensure that your county's transmission rate is substantial or below for at least 14 days. (DOH recommends checking community transmission levels weekly: [https://covid.cdc.gov/covid-data-tracker/#county-view?list_select_state=Washington&data-type=Risk](#))

ii. An N-95 mask must be worn during AGPs when community transmission levels are high. WA DOH list of AGPs is on page 18 of the updated Interim Recommendations
iii. Routine testing (by facilities) is now up to the discretion of the facility. This includes staff screening testing. However, if a facility does have a positive test, facility should still conduct contact tracing, identify exposures, and test staff and residents that have been potentially exposed.

iv. Anyone who comes into a health care facility must use “source control” (i.e. wear a mask.)

v. Any facility licensed by the DOH is considered a healthcare facility.

vi. Visitors in healthcare facilities are required to wear masks. Facilities have been asked to contact their ombudsman or RCS if the visitor will not comply with wearing a mask. DOH staff stated: “You may let the visitor enter but work with your ombudsman and RCS to address safety concerns.”

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

**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

With assistance from the Nursing Care Quality Assurance Commission (NCQAC), the Department of Health (DOH), Leading Age Washington and Washington Health Care Association (WHCA), the Department of Social and Health Services (department) applied for a statewide 1135 waiver request due to widespread barriers identified for the nurse aide (NA) training and certification program in Washington state. On September 29, 2022, CMS approved the statewide waiver valid until March 29, 2023 (180 days), or until the end of the public health emergency (PHE), whichever comes first. It is important to understand that despite having more time to complete this requirement, facilities need to continue moving rapidly towards the goal of achieving certification for all NARs that exceed the 4-month requirement as the PHE may end before March 29, 2023.

**Nursing Assistants Rules Workshops:** NCQAC filed a CR-101 on February 8, 2021, under WSR 21-05-021 for Chapter 246-841 and Chapter 246-842, Nursing Assistants. The commission is amending nursing assistant standards to eliminate duplication, update competencies, and revise program requirements. Chapter 246-842 is proposed for repeal because it duplicates rules and will not be covered during the workshops. A draft of Chapter 246-841 is attached for your review.

**Draft Chapter 246-841**

Seven public rules workshops will be held to cover specific Washington Administrative Code (WAC) sections at each meeting.

To Join workshops, click https://us02web.zoom.us/j/6555701680 the day & time of meeting.
November 4, 2022

- **Tuesday, October 18, 2022, 1–3 p.m.**
  o WAC 246-841-400 thru 407: Standards of Practice and Competencies, Care Settings, Delegation, Medication Assistant Certification Endorsement (MACE)

- **Thursday, November 10, 2022, 1-3 p.m.**
  o WAC 246-841-409 thru 427: Types of Programs, Purpose or Review of Programs, Requirements for Approval, Initial Approval, Full Approval, Approval on Effective Date of Rules

- **Friday, December 2, 2022, 1-3 p.m.**
  o WAC 246-841-430, 450, 455, 460, 463: Program Directors and Instructors, Physical and Electronic Resources, Administrative Procedures, Competency Evaluation and Pass Rates, Application Requirements for Certification

- **Thursday, December 29, 2022, 1-3 p.m.**
  o WAC 246-841-440: Common Curriculum

- **Friday, January 13, 2023, 1-3 p.m.**
  o 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.**
  o WAC 246-841-586 thru 595: Medication Assistant Certification Endorsement (MACE) Programs
  o WAC 246-841-530 thru 585: Alternative Programs

- **Friday, February 10, 2023, 1-3 p.m.**
  o WAC 246-841-600, 720, 990, 991: Violations, Mandatory Reporting, Fees and Renewal Cycle, Expired Credential

**Department of Labor and Industries (L & I)**

Keeping workers safe from COVID-19 doesn’t end with lifting of Washington emergency orders: Coronavirus remains a workplace hazard and employers must continue taking precautions to prevent the spread of the virus. 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](https://www.doh.wa.gov/HealthInformation/COVID19/WorkerExposures.htm).
- 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](https://www.lni.wa.gov/).
Ongoing Public Policy Meetings

**WA State Senior Citizens Lobby:** I will be attended their Fall conference in October.

**Dementia Action Collaborative:** I have been selected to continue to participate in the states Dementia Collaborative and will continue working on a various committees to make sure that they continue to include hospice and palliative care services in the collaborative’s discussions.

**WA State Telemedicine Collaborative:** I participate in these meetings to follow issues closely related to providing telemedicine services in the home.