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HCAOA-WA October 2022 Public Policy Report

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Legislative Landscape

Fall is such a lovely time of the year... And now is when my thoughts turn towards the November 8th election with ballots set to start arriving in mailboxes soon! It's going to be a very interesting mid-term election this year that will determine the direction for the country and our state for another two years. There are lots of controversial issues from the economy to recent Supreme Court decisions. Please vote!



Workforce shortages continue to haunt the health care sector after the pandemic and hospitals are struggling to survive the huge influx of patients, some are still COVID related, but many are filling up with delayed patient care during the pandemic. We still struggle with how to get patients who are ready to discharge out of hospitals and into skilled nursing facilities or their home with a lack of caregivers and providers.

End of COVID-19 Emergency Orders and State of Emergency by October 31: On Sept. 8, Gov. Jay Inslee announced the upcoming rescission of all remaining COVID-19 emergency proclamations and state of emergency by **Oct. 31**. Nearly three-quarters of the governor's 85 COVID-19 emergency orders have already been lifted, and an additional [13 health care related orders will end Oct. 27](#). The remaining 10 orders are to be lifted on Oct. 31, including the underlying state of emergency. [See the announcement here](#). Vaccination requirements for health care and education workers will end, but employers will continue to be able to require them if they choose. Inslee has already announced that COVID-19 vaccination will remain a condition of employment for most Washington state agencies. Masking for health care providers will still be required as ordered by Dr Shah, Secretary of Health at DOH.

2023 Legislative Session: I am gearing up for the next Legislative Session and have started setting up meetings with key legislators on the Health Care and Fiscal Committees to review our legislative agenda...which is still a work in progress. Our legislative agenda evolves as we find out new issues in agency decision packages and hear of legislation that is being proposed as well as early in session as new bills are introduced that we either support or have concerns around.

WA State Revenue and Forecast Council Report (ERFC): Revenue projections for Washington state's current two-year budget period increased by about \$43 million more than projected at the state's last quarterly update, but a series of factors, including slowing home sales due to high interest rates, led officials to lower the forecast for the next budget cycle. Updated numbers released Wednesday by the ERFC show that projected revenue collections for the 2021-2023 budget slightly exceed what had been forecast in June. But the council lowered the forecast for the next two-year budget cycle that ends in mid-2025 by \$495 million.

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Sen. Christine Rolfes, a Democrat on the council who is the chief budget writer in the Senate, said that lawmakers will approach their work on the next two-year budget next year with caution, and would focus on ensuring it is sustainable. I listened to Senator Rolfes Chair the Senate Ways and Means Committee hearing on Tuesday and they were cautiously optimistic...but saw some dark clouds on the horizon with high inflation and interest rates. Washington state is still gaining in jobs. The economy in Washington state has a big impact on our ability to gain rates increase for home care, home health, private duty nursing and hospice providers.

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. SSB 5693 does not require home care and home health agencies to complete this survey. Participation is voluntary but highly encouraged by DOH.

Rational: Home care and home health agencies that contract with DSHS or DDA to serve Medicaid clients may see future rate adjustments based on the survey information we receive to better ensure rates meet the care needs for Washington’s seniors and people with disabilities. DOH is requesting your assistance in completing the below linked financial survey:

<https://fortress.wa.gov/doh/opinio/s?s=HomeHealthFinancial2022>. Please click on the link and complete/submit the survey by October 28, 2022.

DOH 2023 Preliminary Legislative and Budget Decision Packages: Here are areas of interest for In-Home Services Providers:

Uniform Facilities Framework *\$1.6 million GFS*

DOH has established a standard framework for facilities enforcement and is now expanding it to in-home services and other health care facilities.

Development of Statewide Medical Reserve Corps *\$0.9 million GFS*

DOH is requesting the creation of a State Medical Reserve Corps that can organize, train, equip, and mobilize volunteers in support of public health and healthcare needs.

Home Care Aids and Agency Affiliated Counselors *\$8.2 million GFS*

DOH is carrying negative fund balances in the home care aide (\$6.2 million of deficit) and agency affiliated counselor regulatory programs. Achieving cost recovery through fees alone risks driving workers out of professions already experiencing worker shortages, worsening access to care. DOH

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is requesting funding to offset the deficit in each program while seeking fee increases to cover operating expenses and required reserves to ensure the programs are self-sustaining.

Establish a Statewide Medical Logistics Center *\$14.5 million GFS*

During the COVID-19 pandemic, the health care system experienced dire supply chain shortages for personal protective equipment (PPE). DOH is requesting ongoing funding to operate and maintain a leased warehouse that now holds 7.5 million high-quality masks and a 60-day supply of inventory that support the health care response to disasters and emergencies.

DOH and DSHS Home Care Aides Stakeholder Engagement Session: This meeting was held on September 28th and had over 100 people in attendance. Essentially, they are trying to get home care aides certified by the required dates in law. The pandemic delayed certification and the agencies are still struggling to get testing done in a timely manner with the states Prometric testing company. The meeting was recorded so please let me know if you would like a copy of this very informationally rich meeting.



Sept_28_2022_Presentation_in_PDF.pdf

- Permanent Date of Hire rule change
- Emergency rules/end of Governor's waivers

DOH Health Equity Rules: The virtual rules hearing was September 29, 2022. There were no additional comments, but we do not know what was submitted in writing. This rulemaking is for the “model rules” that will be used as a template for other boards and commissions as well as the “secretary professions” such as home care aides. By January 1, 2024, health care professions that are subject to continuing education requirements must adopt rules requiring licensees to complete health equity continuing education training at least once every four years. The proposed rules require completion of two hours of health equity continuing education every four years for all health professionals credentialed under RCW 18.130.040 with a continuing education requirement.

Nursing Care Quality Assurance Commission (NCQAC)

End of COVID-19 Emergency Orders and State of Emergency by October 31: On Sept. 8, Gov. Jay Inslee announced the upcoming rescission of all remaining COVID-19 emergency proclamations and state of emergency by October. 31. Requirements for initial application and renewal of nurse licensure will continue in accordance with pre-pandemic requirements *unless* they are currently covered by the nursing commission’s emergency rules or have been updated by permanent rule work. For a full list of rule changes, please see the nursing commission’s [infographic](#). For more information, please email NCQAC.Rules@doh.wa.gov.

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NCQAC Consistent Standards of Practice Subcommittee Agenda: Advisory Opinion for Nursing Delegation to Nursing Assistants and Home Care Aids

The next **Consistent Standards of Practice Subcommittee meeting** will be:

October 7, 2022

12:00 - 1:00 p.m.

Via Teams (online)

You can review the agenda and get instructions on how to attend on the [meeting agenda \(PDF\)](#).

Nursing Assistant mass testing continues through Fall 2022: Mass testing is still going on for all nursing assistants who need the state skills exam. **These tests are open to all nursing assistants**, not only those working in nursing homes. 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 more information please email: nac.exam@doh.wa.gov

Skills Test dates available for Fall 2022:

- **Big Bend Community College**, Moses Lake, WA
 - November 7, 14, 21
 - December 6, 13
- **Edmonds Community College**, Edmonds, WA
 - October 3, 5, 10, 12, 19, 24, 26
- **Olympic College**, Bremerton, WA
 - October 22, 29
 - November 5, 19
 - December 10, 17
- **South Puget Sound Community College**, Olympia, WA
 - October 15, 29
 - November 5
 - December 3
- **Walla Walla Community College**, Walla Walla, WA
 - November 11, 22
 - December 13

Department of Labor and Industries (L & I)

L&I proposes 4.8 percent increase in workers' comp rates for 2023: L&I workers' compensation insurance covers about 2.6 million workers and about 187,000 employers in

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Washington. They are proposing a 4.8 percent increase in the average price employers and workers pay for workers' compensation insurance next year. If adopted, the increase would mean employers and workers would jointly pay an additional \$61 a year, on average, for each full-time employee within a business.

Employers and workers pay into the workers' compensation system to help cover the cost of providing wage and disability benefits for injured workers, as well as medical treatment of workplace injuries and illnesses. Workers will continue to pay on average about a quarter of the premium, a similar percentage to that paid in 2022.

General wage inflation and increasing medical costs all make it more expensive to provide this workplace safety net. As workers' wages go up, the cost of insuring them goes up as well, since much of the benefits directly paid to workers are tied to how much they are getting paid.

Public hearings are scheduled for 10 a.m. on Oct. 26 and Oct. 27 to take input on the rate proposal before a final decision is made. To support social distancing, the public hearings will be held virtually. Final rates will be adopted on Nov. 30 and go into effect Jan. 1, 2023.

2023 rates hearings at 10 a.m., Oct. 26 and Oct. 27

Join Zoom Meeting at: <https://lni-wa-gov.zoom.us/j/4283482697> Meeting ID: 428 348 2697

Joining by phone: +12532158782 US (Tacoma) Meeting ID: 428 348 2697

People are encouraged to submit comments in writing to: Jo Anne Attwood, administrative regulations analyst, P.O. Box 41448, Olympia, WA 98504-4148; or email JoAnne.Attwood@Lni.wa.gov. All comments must be received by 5 p.m. on Oct. 28. More information about the proposal is available at www.Lni.wa.gov/2023Rates.

Fall 2022 WA Health Sentinel Network: Starting Monday, September 26th, please take approximately 20 minutes to respond, depending upon the complexity of your organization, at www.wa.sentinelnetwork.org/join. Examples of questions and topics:

- What are your current workforce experiences and concerns?
- What are examples of policy changes that would be beneficial for your organization?
- What health workforce challenges are you facing now compared to six months ago?

- General level of preparedness of applicants and new hires
- Specific skills and knowledge preparedness of applicants and new hires
- New behavioral health education approaches and occupations
- Use of distance education in behavioral health workforce development

Policymakers are paying attention to your input: The WA Health Workforce Sentinel Network is funded by the Legislature, and it's clear that policymakers are paying attention to this tool. For

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example, the information provided by you helped the state craft regulatory changes to respond to the COVID-19 pandemic and invest in promising workforce pathways. As the pandemic continues, let policymakers know what workforce challenges you are facing now.

See what other Sentinels are saying on the [findings dashboard](#), in [policy briefs](#), and [COVID-19 findings](#) pages. **Questions?** Email healthworkforce@wasentinelnetwork.org or call (206) 543-9797.