

September 1, 2023

## HCAOA-WA SEPTEMBER 2023 Public Policy Report

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### Legislative/Political Landscape

As the summer winds down, the drumbeat for the next legislative session starts to grow louder! I have been getting calls from the political party campaign committees for donations to help get them started for the 2024 campaign season. The Governor's race, Public Lands Commissioner, Insurance Commissioner, and the Attorney General all have races for new leadership in 2024. All House members will be up for election and half of the Senate.

There have already been some changes in the legislature! Senator Christine Rolfes, the powerful Chair of Ways and Means, was appointed as a Kitsap County Commissioner. She will be replaced by Democratic Rep. Drew Hansen of Bainbridge Island, who has been appointed to the state Senate in her place.



Leslie and Senator Patty Kuderer at Double Cup Golf Tournament with lady legislators and lobbyists.

I attended the Double Cup Golf Tournament with lady legislators and lobbyists in mid-August. It's a great relationship building event and lots of fun getting to know legislators and other lobbyist in a much less formal setting! Senator Kuderer was my golfing partner. She is running for the position of the Insurance Commissioner in 2024.

State agencies are hard at work implementing legislation from the 2023 session and are preparing their Agency Request Legislation and Budget Requests for the 2024 session. [What is Rule Making? | Washington State Department of Health](#)

### Department of Health (DOH)

On August 28<sup>th</sup>, DOH had their 2024 Legislative Session Preview on Agency Request Legislation and Budget. The projects below will be submitted for inclusion in the Governor's budget...but there is no guarantee that they will make it into the Governor's budget, which will be released around December 19<sup>th</sup>. Here are the requests that impact home care:

#### ***HELMS Project Continuation (\$ to be determined)***

DOH is requesting additional one-time spending authority to extend the Health Care Enforcement and Licensing Management System (HELMS) project by four months for work that is necessary for completion. Without additional spending authority, DOH will be forced to stop the project or significantly reduce the project scope. Stopping the project at this stage would result in a loss of \$21.3 million in investment in the project and require licensees and facilities to pay for those costs

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without any return. HELMS will provide the licensure for all home care aides, certified nursing assistants and all professions at DOH!

***Decreasing Health Care Provider Credentialing Timelines (\$ to be determined)***

DOH is requesting funding to implement improvements in the health care provider credentialing process. Credentialing timelines for health care providers have increased and customers are experiencing delays in obtaining their credential to practice, potentially exacerbating an already critical health care workforce shortage. In spring 2023, the DOH hired a contractor and engaged the public in listening sessions to better understand the reasons for the delays and to develop recommendations for improvement. Teams will implement the recommendations made by the contractor and the public, as well as any additional recommendation from the Governor's Results Washington office.

***Supporting Critical Professions such as Home Care Aides (\$ to be determined)***

DOH is carrying significant historical negative fund balances in the home care aide 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 is requesting a fund shift to offset the deficit in each program to ensure the programs are self-sustaining without driving essential workers out of the health care workforce.

**Bills under Rulemaking Consideration at DOH/WABON**

**HB 1009-Military Spouse Employment** –requires WABON to issue a temporary license to military spouses within 90 days of application date and the temporary license must be issued for no less than 180 days. WABON must also identify a contact to assist with military spouse applicants and licensees, provide training to board members on the culture, experience, and related issues of a military spouse, and is encouraged to appoint a military spouse to serve on the board and conduct a review of licensing fees/applications. Background: The intent of this bill is to establish requirements for licensing authorities related to the professional licensing of military spouses and to reduce potential barriers on this population as they move to Washington state.

**SB 5582-Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington:** Section 4: calls for an apprenticeship program for home care aides and nursing assistants-certified to advance to licensed practical nursing. Section 8: "The Commission shall adopt rules which allow for one hour of simulated learning to be counted as equivalent to two hours of clinical placement learning, with simulated learning accounting for up to 50% of the required clinical hours." Section 12: calls for the development of at least two pilot projects between high school nursing assistant training programs and rural hospitals to address workforce shortages and promote nursing careers in rural hospitals.

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**SSB 5582: Apprenticeship Program:** Workforce Training and Education Coordinating Board (WTB) serves as the lead agency, in collaboration with Labor and Industries and the WABON. Students continue in pre-requisite coursework. The target launch date remains September 2024. The partnering college has submitted their proposal to the Nursing Program Approval Panel (NPAP) for review. The most recent development is that WTB has identified an apparent successful bidder for sponsorship of the program. Their focus in the coming months will be to develop and submit the apprenticeship application to the Washington State Apprenticeship and Trade Council (WSATC).

**2SHB 1724 Amends Uniform Disciplinary Act:** During the 2023 session, the legislature passed [2SHB 1724 \(chapter 425, Laws of 2023\) \(PDF\)](#) to increase the behavioral health workforce by amending professional requirements. The bill also makes several changes that apply to all professions under the Uniform Disciplinary Act ([RCW 18.130](#)) including:

- Requiring disciplining authorities to waive education, training, experience, and exam requirements for applicants credentialed in another state with substantially equivalent standards. It also allows waiving requirements for applicants who have achieved national certification.
- Removing DOH's authority to screen applicants before scheduling them for exams.
- Granting the department authority to contract with third parties to review applications.

**Home Care Aide Program Changes:** Due to recent legislation, there are changes coming to the way caregivers will schedule and pay for their home care aide exam.

On **September 11, 2023**, applicants will no longer register and pay for their exams through the Department of Health credentialing process. All applicants will register and pay for their exams directly with Prometric. After submitting the credentialing application with Department of Health, applicants will be notified by Prometric via email that they can schedule their exam.

English language exam applicants will self-schedule and pay through Prometric's online portal. For non-English exams with interpreters and for those needing other testing accommodations, applicants will still need the assistance of a Prometric advocate for scheduling.

DOH will be forwarding training resources as they are made available to assist with the new scheduling process. This includes guides and videos for employers and other organizations that pay for student examinations. A voucher system will be in place that will allow for bulk payments for multiple students. Prometric will be updating their [webpage](#) with additional information as the move to direct scheduling gets closer. Please keep an eye on their website for updates.

***Please note: Due to system updates required to make these changes to the Prometric system, registration, scheduling and testing will be off-line from September 11 - September 24, 2023.***

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## **Home Care Aide Rules Workshop: WAC 246-980 REQUIREMENTS FOR LONG-TERM CARE WORKERS REQUIRED TO BE CERTIFIED AS A HOME CARE AIDE**

You are invited to attend the second public rules workshop for amendments considered to several sections of [Chapter 246-980 WAC](#). [Here is a link to the proposed rule amendments](#) to be discussed. The workshop will be held on **September 18, 2023, at 9:00 a.m.** This workshop will cover the same rules discussed at the August 1 community partner meeting. If you have questions, please contact [Tracie.Drake@doh.wa.gov](mailto:Tracie.Drake@doh.wa.gov).

To attend, use Zoom Meeting link:

<https://us02web.zoom.us/j/89528276440?pwd=WjdUYUV5REpEUlhuNkJxVTFHUTdCQT09>

Meeting ID: 895 2827 6440 Passcode: 903063 One tap mobile:

+12532050468,,89528276440#,,,,\*903063# US

**Important Information from the Home Care Aide Program:** The following changes **will take place on September 1, 2023:** From September 1, 2023 through July 1, 2025, if your credential has been expired for more than six months but less than two years, your credential will be automatically renewed with no fee, forms to complete, or CE requirements.

**Washington State Board of Nursing (WABON)** (formerly Nursing Care Quality Assurance Comm)

**Certified Nursing Assistant Testing to Reduce Backlog:** Kathy Mosio held a workshop to discuss how the department is going to move the testing for certification of certified nursing assistants through the process in a timelier manner. WABON has worked to streamline skills testing for your nursing assistant students and employees:

- On August 7, 2023, the Washington State Board of Nursing (WABON) expanded its ability to approve most nursing assistant training programs' RN Directors and RN Instructors to conduct nursing assistant skills testing at their programs for their students.
- We know employers have a need for their employees to complete training, testing, and certification processes as efficiently as possible and many care settings have federal or state timelines to meet (i.e., nursing homes and other long-term care settings). We think the plan we are working toward will meet all employers' needs for skills testing effectively.
- The main objective to allowing training programs to evaluate students in their program sites is: **to allow for a more massive, rapid infusion of skills testing slots for all nursing assistant students in our state.**
- Please Note: This plan will take time to develop and currently scheduled test dates for the written and skills exam will be unaffected. **Programs with skills and written exams**

**already scheduled with Credentia, and students who have registered and paid to test should not cancel their exams, but test as scheduled.**

- **In broad terms, other outcomes eventually hope to achieve with this plan include:**

- Immediate qualification of approved training programs who participate as testing sites based on a completed attestation they have all required equipment and supplies.
- Recognition of training programs' RN Directors and Instructors as qualified to evaluate once they have completed initial steps to participate, including training.
- Scheduling new graduates for testing in their programs as a cohort 4-5 days after graduation.
- Addressing expressed concerns regarding evaluator pay.

- **We expect unchanged aspects of testing infrastructure will include:**

- RN evaluators complete training prior to evaluating. RN evaluators implement the skills exam as trained.
- RN evaluators are paid for evaluating (noting the need for more discussion)
- Students register for skills test dates using Credentia's system.
- Credentials securely transfers student results to DOH Credentialing and the OBRA Registry.
- Students take the written (or oral) exam via remote proctoring.

**Nursing Assistant Rulemaking:** The WABON has filed a joint [CR-102, Proposed Rule](#) with DOH in order to create a new chapter [Nursing Assistants Standards](#): Chapter 246-841 WAC, Chapter 246-842. The commission and department are proposing updates to consolidate, clarify and streamline the nursing assistant rules. The CR-102 announces to the public that a rule is being proposed and includes the proposed rule language at the end of the document.

- [CR-102 Proposed Rule and proposed rule language \(PDF\)](#)
- [Significant Analysis](#)

**Nurse Delegation Advisory Opinions:** The WABON has authority to issue new advisory opinions concerning the nursing scope for practice to provide guidance to practicing nurses. They developed an advisory opinion about the delegation process, scope of nursing practice, roles, and responsibilities of the nurse in any setting to the nursing assistant and home care aide due to the frequency of questions. The board approved developing an advisory opinion draft for consideration.

**Delegation:** Nursing delegation is a complex, formal process requiring the registered nurse to reach a clinical decision based on many factors. Washington State laws and rules provide legal requirements about nursing delegation. These can be difficult to understand as there are many exceptions and differences within laws and rules, often based on credential and the setting.

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• **Nursing Delegation of Enteral Feedings:** Numerous questions regarding delegation of enteral feeding tasks in schools, community-based, and in-home care settings. While nursing delegation of tube feeding and medication administration in these settings is not uncommon, there continues to be conflict about whether the laws and rules allow this, and specific concerns about delegation of nasogastric feedings.

• **Nurse Delegation of Blood Glucose Testing/Monitoring and Insulin:** Current advisory opinion states that blood glucose testing can only be delegated to nursing assistants and home care aides in community-based and in-home care settings. The law change allows blood glucose testing to be delegated to nursing assistants in any setting where nursing services are provided.

The document clarifies that “insulin” injections also includes non-insulin injections for the treatment of diabetes (e.g., Byetta). Capillary blood glucose monitoring (BGM) is commonly used in home settings; however, diabetes technology has rapidly evolved to include the use of continuous subcutaneous insulin infusion (CSII or insulin pump) and continuous glucose monitoring (CGM) systems. Integrated sensor augmented pump (SAP) therapy systems combine CGM with CSII and are connect to smart devices. The revision provides an opportunity to add clarification about delegation of tasks related to continuous blood glucose monitoring systems as practice staff are receiving frequent questions from nurses delegating in community-based, in-home care settings.

**Nurse Licensure Compact (NLC).** As a part of the legislation, [SSB 5499 Multistate Nurse Licensure Compact](#), beginning July 24, 2023, nurses with an active MSL issued from another state will be able to practice in Washington state. For more info: [NCQAC.Rules@doh.wa.gov](mailto:NCQAC.Rules@doh.wa.gov).

- [Employer Multistate License \(MSL\) Information](#)
- [RN and LPN Multistate License \(MSL\) Information](#)
- [Our Name Change](#)
- [NLC Implementation Plan](#)

### **Health Care Authority (HCA)**

**Home Care Safety Net Assessment Workgroup:** HCA staff has reached out to me to participate in the Home Care Safety Net Assessment Workgroup on September 15<sup>th</sup> at 9 am. HCA received funding on July 1. [SHB 1435](#) requires consumer-directed employers and in-home services agencies to submit specified financial information to DOH to inform the development of a home care safety net assessment to secure federal matching funds under the state's Medicaid plan. Establishes the Home Care Safety Net Assessment Work Group to develop the home care safety net assessment.

**Difficult to Discharge Pilot (Health Care Authority):** I have a meeting with HCA staff, Glory Dole, to discuss being on this workgroup. The final budget funds multiple programs designed specifically to address the populations facing the most barriers to post-acute care placement and long-overdue investments in increased payment rates to Medicaid long-term care providers.

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**Employment Security Department (ESD)**

**Washington Cares Act: Employer Information:** There's plenty to know about WA Cares, and we're committed to making your experience as easy as possible by providing the tools and information you need. Take a look:

- Visit [wacaresfund.gov](http://wacaresfund.gov) to learn about the benefit and what to expect. Your workers may look to you when they have questions about WA Cares, and we invite you to share our website as a resource. Our [contact info](#) is available if they need assistance.
- Check out our [Employer page](#) for helpful program information relating to your business. You can also find more resources in our [Employer Toolkit](#), including a multi-language flyer that can help workers understand the benefit.
- Read our [Learn More](#) page to read our frequently asked questions, including specific questions for [employers](#).
- Learn how self-employed workers can [opt in](#) to WA Cares.

**Policy Related Meetings**

**LTC Initiative - Education & Career Pathways Subcommittee: The next LTC meeting will be on September 12th from 1-3 pm. Please let me know if you would like to join me!**

I will continue to work with this group in the future to promote health care aide workforce development.

**WA State Senior Lobby:** I attend their monthly meetings and listen to a report from DSHS on Aging and LTC services. I will be attending their conference in October.