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WAHCA June 2021 Public Policy Report

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Legislative Overview

As always, I am monitoring what the state Legislature is up to during the interim. Action resumes on June 14th as the Senate Behavioral Health Subcommittee to Health & Long Term Care will conduct a [work session](#) on assisted outpatient treatment, among other behavioral health issues. The following day, the House and Senate Labor Committees will conduct a [joint hearing](#) on return to work efforts and changes in workforce and unemployment insurance claimants' demographics. I think this may be of interest to home care agencies and I will be listening in!

On June 17th, the [Senate Law and Justice Committee](#) will look at firearm laws enacted since I-594 and provide an update on the Centralized Firearms Background Check Program. On June 23rd, the Joint Committee on Employment Relations will provide an [update](#) on state employee bargaining consequences from the 2021 legislative session, including long-term costs. This may also be of interest to home care agencies who provide care to Medicaid clients.

The legislature did not finish the Transportation budget and will need to come back for a Special Session sometime over the interim. Once the Governor declares a Special Session, the legislature can pretty much consider any topic they want, so it will be interesting to see if they stick to Transportation issues only!

Most of the legislation that passed this session will go into effect on July 25th, 2021, 90-days after the last day of the legislative session. Some bills had Emergency Clauses which went into effect upon the Governor's signature.

Workforce shortages for home care agencies continues to be a high priority for the association. We have been in contact with Kathy Mosier and Mary Baroni at DOH/NCQAC to speak to us about the LTC Workforce Report and the Apprenticeship program. Here is some additional information that Mary provided us with:

“We are quite convinced that the concept of a HCA to NAC to LPN pathway is a needed one and trust that sooner or later, the funding will come through. As I mentioned, we have already submitted to Congressman Dan Newhouse (Yakima) and Senator Patty Murray for a pilot pathway at Yakima Valley College in partnership with 3 area long-term care facilities. Our state mandate is to use the \$450,000 the biennial budget is allocating the NCQAC for pathway planning and identification of 3 geographically distinct sites for implementation. IF we can secure federal funds, we can actually pilot one site sooner and learn/refine the pathway from that effort.

Dexter Borbe: What do people think about having a panel of hiring providers (e.g. mycnajobs.com, WorkSource, etc.) and home care owners discussing hiring and retention?

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State agencies will begin their rulemaking processes over the interim to implement the bills that have passed during the state legislative session and address rules requests from stakeholder organizations. One of the big rules events that we are anticipating is to open all the Certificate of Need (CON) rules, including hospice and home health. No dates have been set yet.

Department of Health (DOH)

CR 102-for opening up the WAC's for In Home Care services: Discuss topics that our membership want to see be addressed, then the plan is to send that out to John Hilger.

Why are the rules being opened? HCAW submitted a rulemaking request to DOH to allow for telemedicine supervisory visits for home health and hospice and was approved. Telemedicine has kept consumers and providers safe while allowing patients to continue their care plan with their home health and hospice providers during the COVID-19 pandemic, but its benefits extend far beyond the current outbreak. We are waiting for an announcement from DOH for the rulemaking to begin. .

Infection prevention information specific to home care: DOH invites Home Care Agency Administrators to join us **June 23rd from 2-3:30pm** for a webinar on infection prevention and COVID-19 guidelines for Home Care Agencies. We plan to share infection prevention information specific to home care, and will have time for extensive Q&A. Please register for COVID-19 and Infection Prevention for Home Care Agency Administrators on June 23, 2021 2:00 PM PDT at: <https://attendee.gotowebinar.com/register/1354765866636190220>

Update on PPE in In-Home Services: DOH and L & I jointly developed guidance on personal protective equipment (PPE) in long term care and in-home services settings. The [In-Home Care version](#) lives here and is linked to from the [Healthcare Provider page](#) under Personal Protective Equipment.

Clarifying Message from John Hilger/DOH: While I'm waiting to hear back from our COVID-19 resource team, I reviewed the March 30th LNI/DOH respirator guidance you had referenced and the attached older LNI mask document. First, my read of these documents concludes that N95 masks are likely needed for some home care staff but not all. Those staff needing N95 masks must be fit tested to ensure they work as designed. Second, all home care staff need to use "source control" which translates into a basic disposable surgical style face mask.

The older LNI guidance document describes low, medium, and high-risk work scenarios and which types of face masks that should be used. LNI does not specifically call out home care or home health but lists businesses that are reasonable similar in terms of close contact with customers. It's not appropriate to classify home care as low, medium, or high risk because the actual risk depends on the specific client being served. A relatively healthy elderly person, living alone and needing household cleaning and minimal personal care would likely be a medium risk scenario and a basic

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surgical style mask (“source control”) should be worn by staff. An elderly person struggling with various health issues, living with a spouse, and requiring moderate personal care would likely be a high risk scenario and an N95 (fit tested) or similar mask should be worn.

Home care agencies need to have a range of PPE/mask options on hand and require their caregiving staff to utilize either basic or more stringent options depending on the risk of the client, client services being provided, and home environment. The employer will make these risk assessments and determine the minimum level of PPE/masks that staff should use. That’s how I read the various posted guidance.

DOH and Washington State Medical Association (WSMA) revised POLST form April 2021:

A significant difference is the title change "Physician Orders for Life Sustaining Treatment" to "Portable Orders for Life Sustaining Treatment." Previous versions of the form will continue to be honored, but we encourage those filling out new POLST orders to use the most current version.

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- [Death with Dignity \(Aid-in-Dying\): Role of the Nurse \(PDF\)](#)
- [Determining, Pronouncing, and Certifying Death \(PDF\)](#)
- [Physician's Order for Life Sustaining Treatment \(POLST\) \(PDF\)](#)
- [Frequently Asked Questions About Practice :: Washington State Department of Health \(POLST\)](#)

For questions, please contact: NursingPractice@doh.wa.gov or 360 236-4703.

DSHS/AL TSA

Consumer Directed Employer Webinars: DSHS is getting closer to implementing an upcoming change in how Individual Providers are employed and how IPs are paid. Consumer Direct Care Network Washington is the Consumer Directed Employer vendor selected by DSHS. To learn more and prepare for the changeover, please join one of CDWA’s June webinars.

Four webinars are scheduled this month. Interested persons are welcome to register for as many webinars as applicable.

- **CDE Transition Details – Payroll Schedule and Work Week Limits** - 9 a.m. PDT, June 16, 2021- https://zoom.us/webinar/register/WN_CVCO5FGiRVCB7uOTbQueXg
- **Introducing CareAttend – CDWA’s Electronic Visit Verification (EVV) Mobile App**- 6 p.m. PDT, June 21, 2021- https://zoom.us/webinar/register/WN_7wdg56dbRxSN5tnVM8ci0w
- **Getting Ready for the CDE Transition (Repeat of April Webinar)**- 2 p.m. PDT, June 23, 2021--https://zoom.us/webinar/register/WN_pROa3tlvSTOihDbqW8WhHQ
- **CDWA Hiring Process – What Current Individual Providers Need to Know**- 9 a.m. PDT, June 29, 2021- https://zoom.us/webinar/register/WN_jSr6qd2KR4epB5fBxeEhQQ

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Attendees will have the opportunity to submit questions during the webinars. Questions will be answered and posted in the Resources section of the [CDWA website](#), along with webinar recordings.

The changeover will start with a small pilot group of clients and IPs this summer. Additional clients and IPs will transition in two phases later in 2021 and into 2022. Clients and IPs will need to submit new documentation to CDWA during the CDE changeover. CDWA will be the IP employer by early 2022.

The following letter from DSHS/ALTA Residential Care Services is now available online:

- [Visual Aid for Understanding Long-Term Care Facility Visits Under the Safe Start Plan](#)

[Access recently issued provider/administrator letters](#)

COVID-19 Information

COVID Relief Funds: CMS issued guidance last week to states about the additional 10% FMAP funds for HCBS. HCAOA thinks it is important for our state chapters to go on record by sending a letter to state Medicaid directors with suggestions about how the funds should be used.

Jennifer has drafted the attached sample letter. Please review and let me know if you'd be willing to sign on behalf of the chapter. Let me know if you have any edits or would like to add anything. Please send me your signature and I am happy to customize and send to your state director.



FMAP Guidance -
Template Letter.docx

Washington businesses prepare for a full reopening at the end of June: Businesses across Washington state are set to fully reopen on June 30 after Gov. Jay Inslee set that date as part of his “Healthy Washington – Roadmap To Recovery” plan. The reopening date could come sooner if Washington is able to get 70% or more of its residents vaccinated against COVID-19. The most recent data from the Washington State Department of Health shows that only 62.6% of the state’s residents have initiated the vaccine process. Continue reading at [KING 5](#).

Public Health Emergency Extended by HHS: The Health Care Authority (HCA) learned from [the Department of Health and Human Services \(HHS\)](#) that the current COVID-19 public health emergency (PHE) has been extended through July 19, 2021. According to [HHS’ letter to the Governors](#), the PHE may be extended through the rest of 2021 in 90-day increments. HCA will have 60 days-notice before the emergency ends and will communicate to clients, partners, and stakeholders before any eligibility changes take place.

COVID-19 vaccine resources – vaccine locator and homebound services: The Health Care Authority (HCA) sent out the information below containing vaccine resources that may be useful to you and your clients. Please share as appropriate with clients and providers.

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Vaccine locator: Do you have clients with questions about COVID-19 vaccine access? Appointments are available now for COVID-19 vaccinations across Washington state. Find a [location near you and schedule an appointment](#) today!

Homebound vaccination services: If you have a client unable to leave home to get the COVID-19 vaccine, homebound vaccination services are available through the Washington State Department of Health (DOH). This service is available to those with a health condition or physical or intellectual disability preventing them from getting vaccinated in the community or require special needs accessible transportation. If you have questions about this service, please email [DOH](#). To setup a homebound vaccination appointment, you or your client can:

- Complete this [survey](#) to submit a homebound vaccination registration form
- Call the State COVID-19 Assistance Hotline at 1-800-525-0127 or 1-888-856-5816
- Call their [local health jurisdiction](#)

Public Policy Meetings

WA State Senior Citizens Lobby: This is a monthly meeting I have been attending for over 10 years. Speakers usually include the Assistant Director for Aging and LTC Services at DSHS and other who speak to issues related to servicing senior citizens in our state.

WA State Hospital Association (WSHA) Readmissions Workgroup: I will be participating in the newly formed Readmissions Workgroup for WSHA. I will see if there are ways to incorporate palliative care into their discussions!

Long-Term Care Workforce Steering Committee: We are starting to wrap up an ongoing workgroup to deliver a final report to the legislature with recommendations on how to reduce barriers to entering Long-Term Care Workforce. A final report is nearly completed and will be officially available by June 30, 2021. Here is a link to the Final Draft Report:



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Palliative Care-Rural Health Integration Advisory Team (PC-RHIAT): I attended the Rural Health Palliative Care session on “Determining Capacity” to make end-of life decisions on April 27, 2021 with a great panel discussion. For more information on their efforts go to: <https://waportal.org/partners/home/washington-rural-palliative-care-initiative>

Nursing Care Quality Assurance Commission (NCQAC): I attend several different types of meetings with the nursing commission and am tracking issues related to certified and registered nursing assistants (CNA’s), ARNPs and RNs, nurse compact legislation, bills that they are tracking during the legislative session and more!