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## WAHCA May 2021 End of Legislative Session Overview

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### Legislative Overview

The Washington State 2021 “Virtual” Legislative Session was historic with an ongoing pandemic, demonstrations by the far-right and far-left at the state Capitol Building and significant fluctuations in state revenues due to the pandemic's impact. The session was a “hybrid” virtual via Zoom and in-person attendance by legislators and we saw record participation in the legislative process with over 67,000 WA residents signing into remote committee hearings to make their voices heard. Much of the last year the state has focused on the pandemic and related job losses with billions in projected shortfalls leading to calls for large budget cuts impacting in-home services last fall. Then our state economy began recovering and billions of federal dollars came into the state. This was not a “normal” year by any stretch of the imagination!!

April 25<sup>th</sup> was the last day of the 105-day “long” session of the legislature ending around 6 pm, also known as “Sine Die” (without fixing a day for future action). During the long session, legislators create a biennial budget for the next two-year cycle. Next year will be the “short” 60-day session where they create a Supplemental Budget to make needed adjustments to the two-year budget. I did hear that there may be a Special Session called by the Governor to finalize the state Transportation budget which still needs some work. No date has been set yet and other issues can come up in a 30-day Special Session so I will keep you posted!

The final compromise 2-year Operating Budget was announced at noon on Saturday April 24<sup>th</sup> and voted on Sunday April 25<sup>th</sup> ([ESSB 5092](#)). The newly passed, yet to be signed by the Governor, 2021-2023 biennial budget is a total of \$59 billion, about \$4 billion of which is one-time federal funds. Just for perspective the 2019-2021 budget was \$53.7 billion budget. The federal “one-time” dollars focus on areas hardest hit by the pandemic such as learning loss in schools, public health, childcare grants and rental assistance, as well as COVID -19 related expenses for vaccinations, testing, tracking, recruitment of public health workers and more.

One controversial feature of the new budget is that it includes a new 7% [Capital Gains Tax](#) on profits from the sale of stocks and bonds and other assets of more than \$250,000, with exemptions for retirement and property sales and more. Washington is one of only nine states that does not tax

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capital gains. Opponents of the legislation argue that it is a tax on income that violates the state constitution...so the bill will likely end up in the courts!

Currently Washington State has the [most regressive tax code in the nation](#) where the lowest income Washingtonians pay six times more in sales tax as a share of their income when compared to our highest earning households. The stated goal of the Democrat controlled legislature is to try and rebalance the tax code as a matter of fairness, so it has more impact on the wealthy and less on the low-income earners.

To help achieve this goal, the legislature expanded a tax credit for low-income workers and families that would start paying out benefits in 2023. Under current law, the amount of the state benefit is 10% of a person's credit from the federal program or \$50, whichever is greater. Following an amendment accepted on the Senate floor, the proposed change to the law replaces that with a base amount ranging from \$300 to \$1,200, depending on the number of children a taxpayer has. This will potentially impact home care workers who fall into this category of low-income workers.

### **COVID-19 Information**

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.

**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](#)

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## **DSHS/AL TSA**

Updated information from Residential Care Services regarding the following topic is now available online:

- [Resuming Fingerprint Background Checks](#)

**The following letter from DSHS/AL TSA 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](#)

## **Department of Health (DOH)**

**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.

**In-Home Services Survey Program:** As DOH Surveys start back up again as the pandemic begins to wind down; I want to send out a reminder of the state's statutory obligations around surveys and inspections of in-home services agencies from the DOH In-Home Services Website:

DOH's Office of Investigation and Inspection (OII) is responsible for ensuring that licensed in-home services agencies comply with all applicable state and federal requirements. The OII survey and investigation teams conduct routine state and federal surveys as well as complaint investigations. Washington State licenses more than 400 in-home services agencies to provide home-based personal care and health services to clients and patients within the minimum health and safety standards established [in chapter WAC 246-335](#). The OII survey team is required to survey applicants as part of the initial licensing process, and to survey licensees once during each licensure period. Initial surveys are scheduled and announced; on-going surveys are unannounced.

Our survey team consists of registered nurses who have experience and training in home care, home health, and hospice services. Initial licensure surveys focus primarily on reviewing and approving an applicant's policies and procedures, sample employee and client/patient files, and demonstrated knowledge of the in-home services rules and client/patient delivery of care. On-going surveys of licensed agencies focus primarily on the delivery of client/patient care, interviewing client/patients about the services they receive, interviewing agency employees about training and knowledge of agency policies and procedures, and a review of randomly selected client/patient & employee files.

After a survey is completed, the agency may be provided with documentation indicating non-compliance with [chapter WAC 246-335](#) and [chapter RCW 70.127](#). If so, the agency is required to submit an acceptable plan of correction addressing the areas of non-compliance.

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### **How to prepare for your survey:**

Surveyors use the following tools and checklists to systematically guide them through the survey process to determine an agency's compliance with the minimum health and safety standards [in chapter WAC 246-335](#). Agencies are encouraged to review the below tools and checklists to help them prepare for their next survey.

### **Home care survey resources**

- [Home care deficiency checklist \(PDF\)](#)
- [Home care policy and procedure checklist \(PDF\)](#)
- [Home care bill of rights checklist \(PDF\)](#)
- [Home care personnel checklist \(PDF\)](#)
- [Home care client record review \(PDF\)](#)
- [Long-term care worker checklist \(PDF\)](#)

### **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.

[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](mailto:NursingPractice@doh.wa.gov) or 360 236-4703.

**Palliative Care Roadmap Still Available!!** It's posted on [DOH Rural Health webpage](#), as well as the [WA Rural Palliative Care Initiative portal](#) To order: <https://prtonline.myprintdesk.net/DSF/>

### **Ongoing Public Policy Meetings**

**Dementia Action Collaborative (DAC)**: I have been attending meetings of the DAC since 2016 and was made an official member in 2018. I am currently part of two subgroups, one is the Health and Medical Committee and the other is working on how to get Dementia patients out of hospitals and into the appropriate care settings. This will include working with caregivers and their primary care providers. There is a lot of interest in providing palliative care to this group as well. We are researching information on existing care transition models and toolkits to adapt.

**WA State Telemedicine Collaborative**: I regularly attended these meetings and track Telemedicine Policy Updates. The next meeting is on May 6<sup>th</sup> to discuss legislation that passed this past legislative session.

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**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:



DRAFT--2021 LTC WD  
Report--4-29-2021.pd

**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! NCQAC also had oversight of the LTC Workforce Report to the Legislature above.