

October 21, 2021

WAHCA October 2021 Public Policy Report

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Policy Overview

I'm recently back from my two-week trip to France and am getting caught up! This was a trip that was originally canceled by COVID last June. The weather was very similar to here while we were gone. I loved Paris and the surrounding countryside. Great food, art, museums, good people, and overall vacation!



I am preparing for the Committee Assembly Days and meetings with legislators from the Senate, November 15-16, 2021 and the House, November 18-19, 2021. In a recent conversation with a Senator, she stated that it looks like committee hearings may be virtual again and floor action will be in person for legislators. That will mean that lobbyists will probably be barred from the Capital Campus again this session. Nothing formal has come out to confirm this...just conversation at this point! Just a reminder that next session will be the “Short” 60-day Legislative Session: January 10 – March 11, 2022.

According to The Seattle Times newspaper, lawmakers and legislative employees at the [Washington state House must prove they are fully vaccinated against COVID-19](#) in order to access House facilities through early January, under a rule adopted by a House committee late last month. The Senate has not established a ruling on this yet....

In speaking with various lawmakers, we are hearing that increasing Medicaid rates is a top priority for both Democrats and Republicans. And on that note, Republican Senators sent a letter to Governor Inslee requesting that the National Guard be brought in to assist with our local hospitals due to the staffing shortages and.... “Our state desperately needs additional funding to increase reimbursement rates to our skilled nursing facilities, which will allow the discharges necessary to free up critical hospital bed inventory.” And here is a link to the article in The Olympian newspaper about it: <https://www.theolympian.com/news/local/article254902442.html>



Covid Healthcare
letter to Gov.docx

U.S. Supreme Court rejects appeal of WA state law giving unions access to worker data

https://www.seattletimes.com/nation-world/nation-politics/u-s-supreme-court-rejects-appeal-of-washington-state-law-that-sought-to-curb-union-power/?utm_source=referral&utm_medium=mobile-app&utm_campaign=ios

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Governor's Vaccine Mandates went into effect on October 18, 2021: [COVID-19 Vaccination Requirement \(Proclamation 21-14\) for health care providers, workers and settings \(wa.gov\)](#) requires health care providers, also all employees, contractors, volunteers, and providers of goods and services who work in a health care setting, to be fully vaccinated against COVID-19 by October 18, 2021. The updated mandate included all state employees and teachers. More than 1,800 state workers were either fired, resigned or retired due to the mandate.

Home care, home health and hospice were specifically called out in the first proclamation as exempt from the mandate which initially caused a great deal of confusion. The key word being "providing personal care in a person's home", which only home care can really qualify. DOH included most of the answers in there FAQ: [COVID-19 vaccine requirement for health care providers FAQs](#).

WA Cares Fund: This program has run into a lot of opposition as it is being implemented. WAHCA was in support of this legislation as it was going through the legislature. I received the following message from **AARP this week (summarized):** We need your help to bolster support for the WA Cares Fund. As we near the launch of the program in January 2022, we continue to battle negative messages and misinformation questioning the value of WA Cares. AARP remains solidly in support of the program, and to that end, we have invested a significant amount of human and dollar resources to refute such misinformation and accurately describe the benefits of the WA Cares Fund. But we can't do this alone.

Today, we are calling on your organization to step forward and help as the program comes online. I cannot overstate the urgent need for all members of the long-term care and human service community to ratchet up the pressure to support this program by contacting legislators and urging them to implement WA Cares without delay.

Beginning the week of October 25th, AARP is providing financial support to increase program awareness through a series of digital advertising. It would help to have some "surround sound" to amplify those efforts. We are proposing a week of action called "We Care for WA Cares." Working with other coalition members, we will provide materials to help with tactics including language for action alerts and letters to the editor, along with social media messaging including templates and graphics. Our goal is to let legislators know that advocates representing older adults and people with disabilities believe in the power of WA Cares.

To kick us off, we will be hosting two Zoom meetings [LINKS BELOW](#) and we encourage you, members of your boards and staff the attend.

Here are some highlights.

- Eight-in-ten voters (80%) say it's important that no one can be turned down for pre-existing conditions. Underwriting requirements for private plans often mean people with pre-existing conditions or disabilities may have to pay more or may not be able to get insurance at all.

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- More than three-in-four voters (76%) say it's important that WA Cares allows participants to pay family caregivers – something that private long-term care insurance options do not usually allow.
- Nearly three-in-four voters (73%) say it's important that both men and women pay the same amount for coverage. Private long-term care insurance rates for women can be up to 50% more than for men.
- Almost three-in-four voters (71%) say it's important that workers only pay into WA Cares during their working years. Private long-term care insurance payments can go on for decades after retirement.
- More than two-thirds of voters (69%) say it's important that WA Cares costs less than private long-term care insurance for most workers even though the lifetime benefit is smaller.

Zoom WA Cares Webinar #1 October 25 at 11:00 am

Please click the link below to join the webinar:

<https://aarp-org.zoom.us/j/91581827929?pwd=U0Q5bGNpQjZoQjRTdm50S1dSc1ZqZz09>

Passcode: 163905

Or One tap mobile :

US: +12532158782,,91581827929# or +16699006833,,91581827929#

Zoom WA Cares Webinar #2 October 26 at 2:30 pm

<https://aarp-org.zoom.us/j/93441590243?pwd=eXBVaGhvQVZEL1NvLzNxTXBwOXhhUT09>

Passcode: 694373

Or One tap mobile :

US: +12532158782,,93441590243# or +16699006833,,93441590243#

Zoom WA Cares Webinar #3 October 28 at 2:00 pm

<https://aarp-org.zoom.us/j/93141073290?pwd=WGc0UGtERVliYjdYN3EzaDd2L2F5UT09>

Passcode: 757181

Or One tap mobile :

US: +12532158782,,93141073290# or +13462487799,,93141073290#

DSHS/AL TSA

DSHS and DOH continue to prioritize the need for a stable, trained long-term care work force in the wake of the COVID-19 public health emergency (PHE). The departments have held several joint stakeholder listening sessions and recognize that emergency rules must be put in place to meet this goal. Working in tandem, DOH and DSHS have identified four critical areas to be addressed through either emergency or permanent rules:

Under Authority of DSHS:

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- Set dates for completion of training to absorb the backlog of workers hired during the pandemic
- Provide an avenue to grant credit for on-the-job training for those employed during the COVID-19 PHE who were not able to meet the CE renewal requirements.

Under Authority of DOH:

- Set policies around credentialing dates that will support the timelines set by DSHS
- Address the need to re-set the date of hire for workers who failed to renew or whose credential fully expired

While these rules may not be set in place at the same time due to differences in agency processes, DSHS and DOH are fully committed to jointly implementing these critical rules to support the long-term care workforce. Here is the link to the DSHS Emergency Rule Filing regarding training, certification and CE training deadlines at:

<https://www.dshs.wa.gov/sites/default/files/rpau/documents/103E-21-20-004.pdf>

DSHS LTC Worker Training Rules: On October 18, the department filed a preproposal notice to consider adding new sections in chapter 388-71 WAC, Home and Community Services and Programs, and chapter 388-112A WAC, Residential Long-Term Care Services Training. The intent is to require long-term care workers to complete training requirements by certain dates that would reduce the impact of clients accessing qualified long-term care workers to provide personal care services. To read the preproposal click [here](#). If you are interested in participating in this rule making process, please contact Angel Sullivan at angel.sullivan@dshs.wa.gov.

Consumer Directed Employer: Beginning winter of 2021, the Consumer Directed Employer (CDE) will become the legal employer for Individual Providers (IPs) for in-home personal care. As the legal employer, the CDE will assume all IP employer related responsibilities that are currently managed by DSHS and AAAs.

- **Register** for upcoming public webinars at <https://www.consumerdirectwa.com/schedule/>
- Questions? Email the CDE Project Team directly CDE@dshs.wa.gov
- [CDWA Overlay – Hiring Phases by County](#) 08/2021

DSHS and DOH Stakeholder Workgroups on SHB 1218: [SHB 1218](#) addresses the quality of life, health, and safety of long-term care residents during a state of emergency, such as a pandemic. During the 2021 legislative session, the legislature passed two bills in response to the COVID-19 public health emergency with major impacts on long-term care facilities and homes. I have been participating in these meetings. There is an October 2021 deadline to submit a draft to state agencies for review before December 2021 deadline. Here is a copy of the draft and feedback form:



SHB 1218 Draft
Interim Report 9.29.21



SHB 1218 Interim
Report Feedback Form

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Safe Start for Long-Term Care Plan: The Safe Start for Long-Term Care plan establishes criteria for long-term care facilities to permit visitation. The plan also offers guidance on trips outside the facility, communal dining and group activities, testing and screening, source control and PPE, and staffing.

Full Plan Documents by Facility Class

The following documents take effect **October 7, 2021**.

- [Adult Family Homes, Assisted Living Facilities, Enhanced Services Facilities](#)
- [Nursing Homes, Intermediate Care Facilities for Individuals with Intellectual Disabilities](#)
- [Certified Community Residential Services and Support](#)
- [Types of Visitation Allowed at Long-Term Care Facilities](#)

Employment Security Department

Updates from the Employment Security Department: Washington employers: You will receive your third-quarter billing or Statement of Benefit Charges in the mail this month. Now that federal pandemic unemployment benefits have ended, you might see more benefit charges starting with that statement. **You might see:**

- **Higher benefit charges starting Sept. 4, 2021.** The federal government is no longer paying any benefit charges for former employees receiving regular unemployment benefits or SharedWork benefits. Previously, the federal government was paying 75 percent of regular benefits and 100 percent of SharedWork benefits.
- **More former employees listed.** Some claimants transferred to regular unemployment benefits when federal pandemic unemployment programs expired on Sept. 4, 2021.
- Check your statement for employees who shouldn't be listed and who you haven't already reported to us. To report fraud, visit our website and follow the instructions in the Employers section at esd.wa.gov/fraud. If we confirm fraud, we'll credit your account.
- If you have questions about your statement, call the Account Management Center at 855-829-9243. If agents there can't answer your questions, they will route you to those who can.

The Employment Security Department SharedWork/Business-Friendly Programs: feature this important new business webinar series. The webinars provide program overviews and highlight the requirements and resources, and the most current information for businesses. This valuable information will help businesses make informed decisions for their operational effectiveness, stay resilient and thrive during the ebb and flow of economic cycles. [Find registration information and a complete list of the webinars](#) through June 2022 on Eventbrite.

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Department of Health (DOH)

PPE Available from the State: The state personal protective equipment (PPE) stockpile (referred to as “the backstop”) has been available to help support state agencies, counties, tribes and other partners through the COVID-19 pandemic. The state backstop will be available to meet COVID-19 PPE requests through Oct. 31, 2021. Now is the time to submit requests for PPE through your county emergency managers. For information, please visit the [Department of Health PPE website](#).

How to Order: Contact your [local county emergency management](#) agency to determine how orders should be placed with them; they are able to answer questions about the forms and ordering process.

In-Home Services Rules: DOH plans to update the In-Home Services Rules this fall: Do you have suggestions for changes that should be made? We need to let John Hilger at DOH know soon so he can begin to incorporate into his initial draft for stakeholder to review. No date set yet.

Nursing Care Quality Assurance Commission (NCQAC)

LPN Apprenticeship and other ideas for developing the LTC Nursing Workforce

[Register](#) for the **LPN Apprenticeship and other ideas for developing the LTC Nursing Workforce** virtual summit on **October 22, 2021**.

- **Learn** about the LPN apprenticeship pathway
- **Understand** ways to get involved, including how to apply to become a pilot site
- **Offer** your ideas to help develop the apprenticeship pathway
- **Discuss** other ways of developing the LTC workforce NOW
- **Connect** with nurse educators, LTC facility leaders, students, and state staff

Get the zoom link and see the **agenda** on the [NCQAC Virtual Summit - LPN Apprenticeship Summit & Agenda \(PDF\)](#)

- [NCQAC LTC Virtual Summit - LPN Apprenticeship Summit & Agenda.pdf](#)

Emergency Rule Making (CR-103E) Amending NAC and NAR training requirements:

WAC 246-841-405, 246-841-420, 246-841-470, 246-841-490, 246-841-500, 246-841-510 and 246-841-555. Amending specific training requirements for Nursing Assistant Certified (NAC) and Nursing Assistant Registered (NAR). The Nursing Care Quality Assurance Commission (commission) has adopted emergency rules as the permanent rulemaking process continues. The rules in chapter 246-841 WAC provide regulatory requirements for NACs and NARs. These amendments allow additional pathways to comply with current standards. This is the fifth emergency rule and it continues the emergency rule that was filed on May 20, 2021 under WSR 21-12-011 without change. Prior filings were June 26, 2020, WSR 20-14-066; October 23, 2020, WSR 20-22-023; and January 20, 2021, WSR 21-04-004. Transition from emergency to permanent rules

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were approved by the commission and a notice of intent to begin rulemaking was filed on February 8, 2021, under WSR 21-05-021. Filed as [WSR# 21-19-091](#).

Office of the Insurance Commissioner (OIC)

OIC Telemedicine Rulemaking: OIC has released the proposed rule language on R 2021-06. To read the filing notice and rule language, click <https://www.insurance.wa.gov/telemedicine-and-audio-only-telemedicine-services-r-2021-06>. The proposed rule implements ESHB 1196 (Chapter 157, Laws of 2021), which was signed into law on May 3, 2021. The law addresses coverage of telemedicine services, including audio-only telemedicine services. Prior to passage of this law, audio-only telemedicine services were explicitly excluded from the definition of “telemedicine”. Carriers were not required by statute to cover audio-only telemedicine services. During the COVID-19 public health emergency, OIC issued emergency orders requiring coverage of audio-only telemedicine services in order to ensure access to medical services. ESHB 1196 requires coverage of audio-only telemedicine services under specified conditions and amends the statutory language related to telemedicine payment parity.

The proposed rule amends WAC 284-170-130 to add definitions relevant to telemedicine and creates a new WAC section – WAC 284-170-433. The new section addresses coverage of telemedicine services generally, including payment parity and the conditions in ESHB 1196 associated with payment for audio-only telemedicine services.

OIC has scheduled a public hearing on the rule: October 28th, 2021, at 11:00 a.m. [Register for the public hearing via zoom](#) . Comments on the proposed rule language are due October 25th, 2021; please send them to rulescoordinator@oic.wa.gov.

Ongoing 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.

Dementia Action Collaborative: There will be new legislation proposed in 2022 to continue the efforts of the DAC and update the state Dementia Plan. I have been participating in the states Dementia Collaborative for several years. I am working on a readmissions committee with this group that includes discussions around home care. They are working on a “tool kit” for dementia patients leaving the hospital and how to keep them safe and prevent readmissions.

WA State Hospital Association (WSHA) Readmissions Workgroup: I am in the WSHA Readmissions Workgroup. I am trying to incorporate homecare into their discussions!

Palliative Care-Rural Health Integration Advisory Team (PC-RHIAT): For more information on their efforts go to: <https://waportal.org/partners/home/washington-rural-palliative-care-initiative>