



IN-HOME SERVICES - REGULATORY UPDATE

DOH Presenters

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In-Home Services Program Manager Roles & Responsibilities

- Updating state licensing rules – chapter 246-335 WAC
- Rule interpretation / clarification
- Policy development / decisions
- Legislative analysis
- Primary point of contact for applicants and licensees
- Exemptions and alternative methods
- Outreach and stakeholdering
- Orientation class facilitator

In-Home Services Survey Manager Roles & Responsibilities

- Oversees state and federal survey team
- Ensures initial and ongoing state surveys are completed
- Ensures federal survey work is completed
- Point of contact for licensees to discuss survey related questions / issues
- Oversees In-Home Services complaint investigations
- Point of contact for licensees to discuss investigation related questions / issues

Survey process during COVID-19 - General

- In response to federal and state COVID-19 directives/recommendations, DOH temporarily suspended routine on-site surveys for all licensed facilities/agencies to reduce exposure risks.
- Impacted facilities/agencies: Ambulatory Surgical Facilities, Behavioral Health Agencies, Birthing Centers, Hospitals, In-Home Services, Medical Test Sites, Pharmacies, Residential Treatment Facilities.
- Exceptions: DOH has continued to perform initial licensing surveys and complaint investigations alleging patient harm.

Survey process during COVID-19 In-Home Services

For the past 12 months, DOH's survey team has altered its process to accommodate COVID-19 guideline in the following ways:

- Initial licensing surveys
- Routine state surveys for home care agencies
- Routine state surveys for home health agencies
- Routine federal CMS surveys for home health and hospice

ETA - return to “normal” survey process

- No set date, but likely coming soon
- Tied to federal and state COVID-19 guidance

Survey process changes moving forward

COVID-19 challenged DOH (and all of us) to reinvent how to get our work done while adhering to new health safety guidelines.

As we exit this public health emergency, DOH is reflecting on the various alternative practices we've piloted and is considering retaining those that have proven to be beneficial. Examples include:

- Rule workshops, public hearings, quarterly roundtables, orientation classes via GoTo or TEAMs where appropriate
- Initial IHS licensing surveys via GoTo or TEAMs where appropriate
- Aspects of routine state licensing surveys being conducted remotely where appropriate

Survey readiness tips

- Ensure P&Ps have been updated to the 2018 IHS rules
- Utilize posted surveys checklists to perform a “self-survey”
- Review past citations and plans of correction – make sure agency has implemented fixes as promised
- Review general citation trends and ensure those areas are in good shape

Frequent Home Health WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-535(16)	Right to receive Back up Care	15
WAC 246-335-535(19)	Right to End Harm Hotline Number	14
WAC 246-335-525(7)(a)	CCS Determination	12
WAC 246-335-530(7)	Documentation of Background Checks and Disclosure Statements	11

Frequent Home Health WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-525(7)(b)	Facility policy of factors to consider if background checks reveal non-disqualifying convictions/level of vulnerability	10
WAC 246-335-525(7)(c)	Facility policy of factors to consider if background checks reveal non-disqualifying convictions/behaviors since conviction	10
WAC 246-335-525(7)(d)	Facility policy of factors to consider if background checks reveal non-disqualifying convictions/pattern of offenses	10
WAC 246-335-525(7)(e)	Facility policy of factors to consider if background checks reveal non-disqualifying convictions/years since conviction	10

Frequent Home Health WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-525(7)(f)	Facility policy of factors to consider if background checks reveal non-disqualifying convictions/self-disclosure	10
WAC 246-335-525(7)(g)	Facility policy of factors to consider if background checks reveal non-disqualifying convictions/Other safety concerns	10
WAC 246-335-525(6)(c)	Two-Year renewal of Background Checks/Disclosure statements	9
WAC 246-335-525(7)(h)	Facility policy for department to have the final authority deny, revoke, modify, or suspend any professional credential	9

Frequent Home Health WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-535(1)	Right to Receive Care according to the Care Plan	9
WAC 246-335-520(3)(a)	Updated policy for Start of Care w/in 7 days of referral	8
WAC 246-335-520(3)(b)	Policy describing home health start of care at a longer time frame if requested by patient, family member or legal representative	8
WAC 246-335-520(3)(c)	Policy describing delay of service due to agency having challenges contacting patient, family member, or legal representative	8

Frequent Home Health WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-525(15)(c)(iii)	Updated policies for Infection Control	8
WAC 246-335-535(15)	Policy describing circumstances that would result in patient discharge	8
WAC 246-335-520(11)	Policies for provision of backup care	7
WAC 246-335-525(15)(f)	Annual review of Infection Control Policies	7

Frequent Home Care WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-435(16)	Right to receive Back up Care	27
WAC 246-335-415(10)	Emergency Preparedness	24
WAC 246-335-425(7)	CCS Determination	24
WAC 246-335-435(19)	Right to End Harm Hotline Number	24
WAC 246-335-435(1)	Right to Receive Care according to the Care Plan	23
WAC 246-335-435(15)	Right to Receive Information re: circumstances that lead to client discharge	22

Frequent Home Care WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-425(12)(e)(i-ii)	Updated policies for Infection Control	20
WAC 246-335-425(8)	Mandatory Reporting	19
WAC 246-335-420(1)(a-d)	48 Hour Notice for Discharge/Self Report	18
WAC 246-335-420(12)(a-b)	Updated policy for Assistance with Vital Signs	18
WAC 246-335-420(3)(a-d)	Updated policy for start of Home Care w/in 7 days of referral	18
WAC 246-335-425(12)(c)(i-iii)	TB risk assessment	18

Frequent Home Care WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-425(12)(f)	Annual review of Infection Control Policies	18
WAC 246-335-425(6)	Two-Year renewal of Background Checks/Disclosure statements	18
WAC 246-335-420(13)(a-d)	Updated Policy to describe minimal requirements for assistance with Passive Range of Motion Exercises	17
WAC 246-335-420(8)	Updated Policy to provide Back Up Care for IADLS and ADLs	17

Frequent Home Care WAC Citations

Violation Code	Violation Description	Total Violations
WAC 246-335-435(14)	Right to provide client with information about advance directive (POLST)	17
WAC 246-335-420(11)	Actions to take when a client has signed a POLST	16
WAC 246-335-445(6)	Documentation of supervision of care services	15
WAC 246-335-430(9)	Maintenance of Records regarding communicable disease testing, screening and vaccination	14

If time allows, responses to member questions

How to reporting COVID-19 infections/outbreaks

- Contact your local health jurisdiction (infections)
<https://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions>
- Contact DOH Communicable Disease and Epidemiology program (outbreaks)
<https://www.doh.wa.gov/AboutUs/ProgramsandServices/DiseaseControlandHealthStatistics/CommunicableDiseaseEpidemiology>
- CommDisEpi@doh.wa.gov

CMS 1135 waiver for OT/PT/SLP to perform initial assessments – last updated 2/19/2021

Allow Occupational Therapists (OTs), Physical Therapists (PTs), and Speech Language Pathologists (SLPs) to Perform Initial and Comprehensive Assessment for all Patients. CMS is waiving the requirements in 42 CFR § 484.55(a)(2) and § 484.55(b)(3) that rehabilitation skilled professionals may only perform the initial and comprehensive assessment when only therapy services are ordered. This temporary blanket modification allows any rehabilitation professional (OT, PT, or SLP) to perform the initial and comprehensive assessment for all patients receiving therapy services as part of the plan of care, to the extent permitted under state law, regardless of whether or not the service establishes eligibility for the patient to be receiving home care. The existing regulations at § 484.55(a) and (b)(2) would continue to apply; rehabilitation skilled professionals would not be permitted to perform assessments in nursing only cases. We would continue to expect HHAs to match the appropriate discipline that performs the assessment to the needs of the patient to the greatest extent possible. Therapists must act within their state scope of practice laws when performing initial and comprehensive assessments, and access a registered nurse or other professional to complete sections of the assessment that are beyond their scope of practice.

CMS 1135 waiver for OT/PT/SLP to perform initial assessments – last updated 2/19/2021

1135 Waivers are in place until “no later than the termination of the emergency period, or 60 days from the date the waiver or modification is first published unless the Secretary of HHS extends the waiver by notice for additional periods of up to 60 days, up to the end of the emergency period.”

How to stay informed?

- The department primarily communicates with in-home services agencies through the In-Home Services GovDelivery service.
- The link to GovDelivery is a green “Subscribe” button typically located at the bottom of any DOH webpage:
<https://public.govdelivery.com/accounts/WADOH/subscriber/new>
- Please subscribe to receive important regulatory updates and other department communications.

How to stay informed?

In regards to COVID-19 related information, please regularly visit DOH's COVID-19 webpage: <https://www.doh.wa.gov/Emergencies/COVID19>

- Subpages of interest include FAQs:
<https://www.doh.wa.gov/Emergencies/COVID19/FrequentlyAskedQuestions>
- Healthcare provider resources:
<https://www.doh.wa.gov/Emergencies/COVID19/HealthcareProviders#heading54305>
- Vaccine information:
<https://www.doh.wa.gov/Emergencies/COVID19/Vaccine>



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