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HCAW February 2023 Public Policy Report

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Legislative Landscape

We are already on day 33 of the 105-day 2023 legislative session, 72more to go!! It's been an incredibly busy time as there have been around 1,500 bills introduced so far this session. We are currently tracking 56 bills for HCAW that impact health care in general and in-home services specifically. Many of the bills we are tracking are related to easing the workforce shortages for home care aides, certified nursing assistants to LPNs and RNs. All of which are desperately needed throughout the health care system.

The first major bill cut off is on February 17th where policy bills must pass out of a policy committee or they are dead for the year. Just a reminder that our legislative sessions are 2-years long and a bill that dies this session may be back next year! The next bill cut-off is in the fiscal committees on February 24th. The last day for a bill to be heard in its "House of Origin" is March 8th. Bills that are still moving go to the opposite house for another round of public hearings and the same process. The last day of session is April 23rd.

2023 In-Home Services Days were on February 1 -2, 2023. This was the 10th Anniversary of the In-Home Services Days in Washington State! The Home Care Association of WA (HCAW), WA State Hospice and Palliative Care Organization (WSHPCO) and the Home Care Association of America-WA Chapter (HCAOA-WA) collaborate to support common issues impacting in-home care services in WA State.

This year was quite a bit different than past years. We had 25 attendees and many were not able to get their legislators to set up a meeting with them. Other associations were having the same problems and attribute it to new legislators and legislative assistants!! Because of the low legislative response rate, we extended the In-Home Services Days to the entire month of February. Please feel free to contact your local legislators to set up an appointment. We recorded the Training and Orientation for our advocacy days and have a legislative handout with our talking points. Please let me know if you are interested and I will help you send out the invitation and set up the meeting.

In-Home Services Days Training and Orientation:
https://us02web.zoom.us/rec/share/7IHKFiVyaA6KK6gjXTp31FhnjVK-_LOPB7xgR-I9J0j6v9ba2C1KvDKffHvNNo36.huNPs6gfWtMD7VqW
Passcode: KD=q&0MB

Department of Health (DOH)

Home Health Certificate of Need (CON): DOH held a Listening Session on January 31st and HCAW made a presentation to the participating stakeholders and DOH providing a rough outline of a new methodology for home health CON that the association is proposing for future rulemaking. We expect to hear from them sometime in March or April and the rulemaking will go on over the 2023 summer interim through the fall. We are hoping that Home Health is prioritized as our rules don't really exist and are part of a State Plan from 1987! Here is the slide show we submitted to DOH:

Hospice CON: DOH has completed their Hospice Certificate of Need Listening Sessions and will be gathering information for upcoming rulemaking. A number of facilities had Listening Sessions with the department and they will be prioritizing which type of facility will go first in rulemaking. We expect to hear from them sometime in March or April and the rulemaking will go on over the 2023 summer interim through the fall. They plan to take a break in November-December. Depending on the workload, they will begin again in 2024. It's a short 60-day legislative session so they may continue to work through the session. Stay tuned!

Nursing Care Quality Assurance Commission (NCQAC)

Filed a CR-101, Preproposal, regarding minimum standards for health equity continuing education (CE) rules. In 2021, the Washington state legislature passed Engrossed Substitute Senate Bill (ESSB) 5229 (Chapter 276, Laws 2021), codified as RCW 43.70.613. This bill directed the Department of Health (DOH) to establish model rules creating minimum standards for health equity CE training programs. The department recently developed these model rules in consultation with the public, boards, and commissions.

The model rules create four new sections in chapter 246-12 WAC: purpose, definitions, minimum health equity CE hours, and health equity CE training content. The model rules require completion of two hours of health equity CE every four years for all health professionals credentialed under RCW 18.130.040 with a CE requirement. The model rules also require that the two CE hours include implicit bias training to identify strategies to reduce bias during assessment and diagnosis. Boards and commissions for professions with CE requirements must now adopt the model rules or create standards that exceed the minimum standards in the model rules by **January 1, 2024.**

The commission is holding a series of rule workshops to gather feedback from interested parties on health equity continuing education rules. They will discuss whether additional continuing education hours and course topics should be included in the rule. For more information, please visit our website: **www.nursing.wa.gov.** Workshop documents below:

- Health Equity Continuing Education rules presentation (PDF)
- Health Equity and ESSB 5229 one-pager (PDF)

- ESSB 5229 Bill Language
- WAC 246-12-800 through 246-12-830 (Model Rules)

Health Care Authority (HCA)

The Oregon Health Sciences University Evidence Based Program has reached out to hospice providers to have a discussion on the proposed Mediciad Palliative Care Benefit for the Health Care Authority. This is the update we received from HCA.HCA has a contract with OHSU to:

(1) Develop a policy review and briefing memo with findings, summarizing information about palliative care models;
(2) Undertake and summarize interviews with internal (HCA) and external stakeholder groups;
(3) Draft a gap analysis for palliative care reimbursement;
(4) Draft a potential reimbursement model, with any changes needed to address gaps; and
(5) Produce a final report for HCA.

The total contract for all of the deliverables above is $212,000, of which $127,000 in payments have been currently approved. As you can see, the contract did not encompass the entirety of the $250,000 budgeted. The final analysis from OHSU is due to HCA by March 31st, and when received, HCA intends to distribute to legislators and staff and would be happy to share with stakeholders as well.

Senator Cleveland asked us to hold off on the additional funding for HCA this session. We are hopeful that when we receive the reporting back from HCA from their work with OSHA, we will have a blueprint to work from to determine what a palliative care model would look like, and what the reimbursement would look like. This is what a gap analysis should produce. The gap analysis should inform the work going forward. Without that, there is no actuarial work to scope or do.

Bills of High Interest this Session!

Support HB 1694 - Addressing home care workforce shortages: Leslie Elder from Seattle Children's Hospital alerted me that the feasibility study we have been discussion is in the last section of this bill. HCAW has signed in to support the broad bill as we want to address workforce shortages. The public hearing for that bill was today and we signed in to support.

NEW SECTION. Sec. 8. The department of social and health services shall study the feasibility and cost of paying the parents of children under 18 years old who are medically complex or have complex support needs related to their behaviors. The department of social and health services must submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 31, 2023. The report shall address any statutory or regulatory changes needed to authorize the payments, necessary information technology changes for the agency and

associated costs, elements needed to prepare a federal waiver or state plan amendments to allow for the use of federal matching funds for the payments to parents, estimates of the number of children expected to be served, the anticipated annual cost to the state both if federal matching funds are available and if they are not available, recommendations on the types of training needed for parents to support their children's care needs, and a proposed timeline for implementation which may be phased, if necessary.

Support SB 5278- Implementing audit recommendations to reduce barriers to home care aide certification. (Sponsor: Senator L. Wilson) Implements WA State Auditor recommendations to reduce barriers to home care aide certification.

Support HB 1568 - Concerning the credentialing of certified health care professionals providing long-term care services. (Sponsor: Rep Chambers) Reduces barriers to home care.

Support HB 1417/SB 5499- Multistate nurse licensure compact. (Sponsor: Rep Voltz/Senator Mullet) Allows nurses to practice from other states with similar laws who are in a nursing compact. We generally support multi-state health care compacts to relieve shortages of health care providers.

Support SHB 1009 - Concerning military spouse employment. (Sponsor: Rep Leavitt) Provides more flexibility and expedites licensure and certification for health care providers.

Support SB 5582 - Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington. (Sponsor: Senator Holy) Expanding nurse educator access and modifies the nursing programs to better fit our underserved areas.

Support HB 1313/SB 5492 Improving health care affordability for older adults and people with disabilities on medicare. Authorizes the HCA to establish income limits higher than the federally required minimum levels for Medicare Savings Programs to increase access to care.

Budget Request: (GF-S & GF-F 2024 $111, 273/ GF-S & GF-F 2025 $222,425) Medicaid Pediatric Palliative Care Rates: Reimbursement rates for Pediatric Palliative Care have not risen since 2006 severely limiting access to care that reduces hospital admissions and supports families by appropriately managing their child's care. Proviso language: "Beginning January 1, 2024, sufficient amounts are appropriated in this section to increase pediatric palliative care rates to the equivalent Medicare rates paid for hospice care in effect October 1, 2022." Medicaid Hospice is one of the rare programs that automatically has a rate increase to match Medicare. This program falls under the state's Medicaid hospice benefit.

Bill #	Short Description	Status	Sponsor	Position
HB 1001 (SB 5021)	Concerning the audiology and speech-language pathology interstate compact.	H Passed 3rd	Leavitt	Support
2SHB 1009	Concerning military spouse employment.	H 2nd	Leavitt	Support

		Reading		
HB 1021 (SB 5354)	Aligning social worker licensing requirements.	H Rules R	Thai	
HB 1035	Prohibiting health care entities from restricting the provision of certain health care services by health care providers.	H HC/Wellness	Walen	
SHB 1106	Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.	H Rules R	Fosse	
HB 1127	Concerning adult protective services.	H Human Svc, You	Bateman	
HB 1140 (SB 5187)	Making 2023-2025 fiscal biennium operating appropriations.	H Approps	Ormsby	
HB 1141 (SB 5188)	Making 2021-2023 fiscal biennium second supplemental operating appropriations.	H Approps	Ormsby	
HB 1227	Assessing employers for their employees' health care costs paid by the state.	H Labor & Workpl	Reeves	
HB 1253 (SB 5213)	Concerning pharmacy benefit managers.	H HC/Wellness	Stonier	Support
SHB 1281 (SB 5179)	Increasing access to the provisions of the Washington death with dignity act.	H Rules R	Rude	Neutral
HB 1310 (SB 5633)	Authorizing physician assistant collaborative practice.	H HC/Wellness	Riccelli	
SHB 1313 (SB 5492)	Improving health care affordability for older adults and people with disabilities on medicare.	H Approps	Farivar	Support
HB 1320 (SSB 5061)	Concerning access to personnel records.	H Labor & Workpl	Reed	
HB 1357	Modernizing the prior authorization process.	H HC/Wellness	Simmons	Support
HB 1379 (SB 5393)	Addressing affordability through health care provider contracting.	H HC/Wellness	Macri	
HB 1417	Concerning the multistate nurse licensure compact.	H Postsec Ed & W	Volz	Support
HB 1434 (SSB 5271)	Protecting patients in facilities regulated by the department of health by establishing uniform enforcement tools.	H HC/Wellness	Thai	
SHB 1435	Developing a home care safety net assessment.	H Approps	Bronoske	Concerns
SHB 1452	Establishing a state medical reserve corps.	H Approps	Timmons	
HB 1495 (SB 5373)	Requiring equal reimbursement for advanced registered nurse practitioners, physician assistants, and physicians.	H HC/Wellness	Simmons	
SHB 1503	Collecting health care professionals' information at the time of license application and license renewal.	H Rules R	Riccelli	
HB 1508 (SB 5519)	Improving consumer affordability through the health care cost transparency board.	H HC/Wellness	Macri	
HB 1528 (SB 5370)	Concerning adult protective services.	H Human Svc, You	Bateman	
HB 1547	Increasing the health care workforce by authorizing out-of-state providers to practice immediately.	H HC/Wellness	Caldier	
HB 1568	Concerning the credentialing of certified health care professionals providing long-term care services.	H Postsec Ed & W	Chambers	Support

HB 1571 (SB 5526)	Concerning nursing facility rates.	H Approps	Tharinger	
HB 1593 (SB 5454)	Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses.	H Labor & Workpl	Macri	
HB 1643 (SB 5498)	Creating the hospital-based nurse student loan repayment assistance program under the Washington health corps.	H Postsec Ed & W	Riccelli	Concerns
HB 1694	Addressing home care workforce shortages.	H HC/Wellness	Alvarado	Support
HB 1713	Increasing access to health care services in rural and underserved areas of the state.	H HC/Wellness	Maycumber	
HB 1733	Accessing degrees in nursing.	H Postsec Ed & W	Paul	
HB 1785	Establishing COVID-19 as an occupational disease.	H Labor & Workpl	Berry	
SB 5021 (HB 1001)	Concerning the audiology and speech-language pathology interstate compact.	S Health & Long	Wagoner	Support
SB 5036 (HB 1027)	Concerning telemedicine.	H HC/Wellness	Muzzall	
SB 5044 (HB 1082)	Expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations.	S Health & Long	Muzzall	
SSB 5061 (HB 1320)	Concerning access to personnel records.	S Ways & Means	Kuderer	
SSB 5103	Concerning payment to acute care hospitals for difficult to discharge medicaid patients.	S Ways & Means	Muzzall	Support
SB 5115	Clarifying what constitutes mental abuse of vulnerable adults.	S Law & Justice	Hunt	Oppose
SSB 5123	Concerning the employment of individuals who lawfully consume cannabis.	S 2nd Reading	Keiser	
SB 5179 (SHB 1281)	Increasing access to the provisions of the Washington death with dignity act.	S Health & Long	Pedersen	Neutral
SB 5187 (HB 1140)	Making 2023-2025 fiscal biennium operating appropriations.	S Ways & Means	Rolfes	
SB 5188 (HB 1141)	Making 2021-2023 fiscal biennium second supplemental operating appropriations.	S Ways & Means	Rolfes	
SSB 5236	Concerning hospital staffing standards.	S Ways & Means	Robinson	Oppose
SB 5241 (HB 1263)	Concerning material changes to the operations and governance structure of participants in the health care marketplace.	S Law & Justice	Randall	
SSB 5271 (HB 1434)	Protecting patients in facilities regulated by the department of health by establishing uniform enforcement tools.	S Ways & Means	Cleveland	
SB 5278	Implementing audit recommendations to reduce barriers to home care aide certification.	S Health & Long	Wilson	Support
SSB 5286	Modifying the premium provisions of the paid family and medical leave program.	H Labor & Workpla	Robinson	
SB 5370	Concerning adult protective services.	S Rules 2	Wagoner	

(HB 1528)				
SB 5393 (HB 1379)	Addressing affordability through health care provider contracting.	S Health & Long	Robinson	
SB 5454 (HB 1593)	Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses.	S Labor & Comm	Cleveland	Support
SB 5481	Concerning the uniform telemedicine act.	S Health & Long T	Cleveland	
SB 5492 (SHB 1313)	Improving health care affordability for older adults and people with disabilities on medicare.	S Health & Long	Cleveland	
SB 5498 (HB 1643)	Creating the hospital-based nurse student loan repayment assistance program under the Washington health corps.	S Higher Ed & Wo	Mullet	Support
SB 5499	Concerning the multistate nurse licensure compact.	S Health & Long	Mullet	Support
SB 5503	Establishing requirements for uniform clinical placement hours for nursing education programs.	S Health & Long	Robinson	
SB 5526 (HB 1571)	Concerning nursing facility rates.	S Health & Long	Van De Wege	
SB 5537	Establishing the Washington state hospital patient care unit staffing innovation collaborative.	S Health & Long	Cleveland	
SB 5538	Concerning postretirement employment in nursing positions for a state agency.	S Ways & Means	Cleveland	
SB 5540	Concerning medicaid managed health care system reprocurement.	S Health & Long T	Cleveland	
SB 5547	Concerning nursing pool transparency.	S Health & Long	Robinson	
SSB 5582	Reducing barriers and expanding educational opportunities to increase the supply of nurses in WA.	S RecComm	Holy	Support
SB 5632	Protecting the health care of workers participating in a labor dispute.	S Labor & Comm	Keiser	
SB 5633 (HB 1310)	Authorizing physician assistant collaborative practice.	S Health & Long	Conway	
SB 5700	Modernizing state health care authority related laws.	S Health & Long	Van De Wege	
SB 5716	Removing the department of health's authorization to perform certain validation surveys.	S Health & Long T	Rivers	