April 10, 2023

HCAW April 2023 Public Policy Report

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Legislative Landscape

Cherry blossoms are blooming and it's beautiful on campus! We are nearing the end of the 105-day "long" session of the legislature which ends on April 23rd, 2023. Policy committees are done and budget negotiations are in full swing to get done by the 23rd.

It's been quite a session this year with a "new" way of doing business. For the past three years the legislature was held virtually because of the COVID-19 pandemic. This year was the first time they tried a "hybrid" model of testifying in person and virtually. It actually worked very well and fairly smoothly as people have gotten used to most virtual formats.

Where we are at in the legislative process…The last bill cut-off was for bills from the Opposite house, with a fiscal impact on the state budget, to be out of House Appropriation or Senate Ways and Means by April 4th. . Bills that make it out of fiscal committee must make it out of the Opposite House by April 12th. Some bills are considered "Necessary to implement the budget" and they can be pulled up at any time to pass the final budget.

WA has a biennial legislature and bills that are introduced this year live for 2 years, even if they die this session. At the height of our bill tracking, we have gone from 67 to 28 bills after the last bill cut-offs. A few more may die in the Rules committees before we are done. Bills that are still alive have survived a number of bill cut-offs and most have been amended as they move through the legislative process. This link is to a short and fun description of a complex process that every bill goes through: How a Bill Becomes a Law

Proposed State Operating Budgets: Both the House (HB 1140) and Senate (SB 5187) have introduced their proposed operating budget bills in the past week. The Committee chairs of House Appropriations and Senate Ways and Means have had public hearings on the bills and amended then in Executive Session. The bills passed out of committee to the Rules Committee where they will get a vote on the floor of the respective Houses in the near future and work towards a final compromise budget by the end of the session. Here is a link to the budget bills and agency detail summaries: https://fiscal.wa.gov/statebudgets/Operatingcurrentproposals

The Senate budget writers released their proposal for a two-year, $69.2 billion operating budget. While $5.1 billion is added in new spending for the 2023-25 biennium, no new taxes or fees are added to provide the new funding and are leaving $3.8 billion for reserves as a safeguard for an economic slowdown. House budget writers released a $69.5 billion operating budget for the two-year, 2023-25 biennium on March 27th.

Good News! Both the Senate and House proposed operating budgets include the Medicaid Pediatric Palliative Care Rate Increase: This makes it highly likely that the budget proviso below will be in the final negotiated budget. The last day of session is April 23, 2023 so we will know by the end of the session whether it's in the final budget….but I suspect that will be the case!

Other Proposed Operating Budget Proviso Language of Interest…

Multistate nurse licensure (DOH): Funding is provided to DOH to implement Substitute Senate Bill 5499 (Multistate nurse licensure). (Health Professions Account-State)

Home care safety net assessment: Page 947, (84) $17,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to conduct a survey of home care and home health agencies as defined in RCW 70.127.010, to gather financial information for tax or fee planning purposes, including but not limited to total by service line. Any such financial information reported must be de-identified so it does not identify individual recipients of care. The department shall provide this information to the department of social and health services and service employees international union 775 for analysis upon completion of the survey.

Nurse Supply Funding (DOH): is provided for the implementation of the high school certified nursing assistant pilot program and the licensed practical nurse apprenticeship program, and rulemaking, as provided in Engrossed Second Substitute Senate Bill No. 5582 (Nurse supply). (General Fund-State) (Custom).

Katie Beckett 1115 Waiver (In House, not Senate budget): Funding is provided for the Health Care Authority (HCA), in coordination with the Department of Social and Health Services, to develop and implement a Katie Beckett 1115 demonstration waiver.

(68) $194,000 of the general fund—state appropriation for fiscal year 2024, $1,724,000 of the general fund—state appropriation for fiscal year 2025 and $1,918,000 of the general fund—federal appropriation are provided solely for the authority in coordination with the department of social and health services to develop and implement a Katie Beckett 1115 demonstration waiver. The authority shall limit enrollment to 1,000 clients during the waiver period .Based upon the experience developed during the waiver period, the authority shall make recommendations to the legislature for a future tax equity and fiscal responsibility act state plan option.

Health Care Authority (HCA)

Update on Palliative Care Issues: Our efforts with the Washington State Health Care Authority (HCA) to establish a new standardized Palliative Care Benefit for the state's Medicaid program and Public Employees Benefit Board (PEBB) and the School Employees Benefit Board (SEBB) are moving forward!

In the 2022 WA State Legislature, we were able to get $250,000 in state funding to help establish a Palliative Care Benefit at the HCA to create a standardized payment methodology for Medicaid, PEBB and SEBB. The funding was used by HCA to hire Oregon Health Sciences University Evidence Based Program to do a "gap analysis" to implementing the palliative care benefit. The last piece of the "puzzle" was an actuarial analysis for the new benefit. The legislature decided early on not to give HCA additional funding until they came up with a program that clarified the need for more state funds.

A **"Listening Session on the HCA Palliative Care Benefit for WA State Medicaid"** was held on March 13th, 2023 in place of our last palliative care networking call. We had 36 people attend the session with the HCA staff, OHSU team and our membership! We received a very warm response from the team leader at HCA, Dr. Sophie Miller, Medical Officer who said "We so appreciate your thoughtfulness and involvement. We found your input during the March 13 listening session to be quite valuable. Once we have a bit more information about the NASHP group and next steps you can count on us to be back in touch. We are excited about the next steps on this important work.

With considerable encouragement from me, the HCA applied with the National Academy for State Health Policy (NASHP), supported by The John A. Hartford Foundation, to participate in its 2023-2025 State Policy Institute to Improve Care for People with Serious Illness! **Washington was one of the 6 states accepted into the program!**

This institute will engage up to six teams of state leaders for two years to develop and/or strengthen policies and strategies to improve access to palliative care. Best practices and lessons learned from the policy institute's work will be shared with other states. Each state team will receive customized technical support from NASHP and subject matter experts on serious illness and palliative care policy during the two-year period. Topics can include advanced care planning, care management, reimbursement, managed long-term services and supports, regulations, and licensure and more. The Institute will provide state leaders with opportunities for peer-to-peer discussion, access to national expertise, and the option for developing a Medicaid palliative care benefit customized to their state's data and needs. Free of charge, states have the opportunity to work with well-respected and experienced actuaries specializing in palliative care to develop a Medicaid palliative care benefit.

Bills of High Interest….See bill update for the current status!

ESSB 5179 An act relating to increasing access to the provisions of the Washington death with dignity act. Amended to include: Requires hospitals and agencies and facilities providing hospice services to submit their policies regarding access to end-of-life care and the act to DOH.

SHB 1435 Developing a home care safety net assessment. Requires consumer-directed employers and in-home services agencies to submit specified financial information to DOH to inform the development of a home care safety net assessment to secure federal matching funds under the state's

Medicaid plan. Establishes the Home Care Safety Net Assessment Work Group to develop the home care safety net assessment proposal.

SB 5499 Concerning the multistate nurse licensure compact. Requires hospitals, establishments, ambulatory surgical facilities, nursing homes, assisted living facilities, hospice care centers, adult family homes, and nursing pools, subject to enforcement by DOH, to report to the board of nursing within 30 days of employment, nurses holding a multistate license issued by a state other than WA.

E2SSB 5236 - Concerning hospital staffing standards. Used to be a staffing ration bill and was very controversial this session. The WA State Hospital Association and the WA State Nurses Association were in a long-term battle over this bill and finally came to an agreement. No ratios, which we were opposed to, staffing committees will be enforced by DOH and L & I.

ESHB 1547 - Increasing the health care workforce by authorizing out-of-state providers to practice immediately. (Still in rules) Creates an expedited temporary practice permit process for registered nurses, advanced registered nurse practitioners, and licensed practical nurses, who are licensed in Alaska, California, Idaho, or Oregon, to practice in Washington.

E2SSB 5278 Home care aide certification. Allows DOH more discretion for the preparation, grading, and administration of the home care aide certification examination. Requires DOH and DSHS to address delays between training and testing, the lack of test sites, and performance and contract management processes, by completing specific requirements and submitting a preliminary report to the Governor and Legislature no later than June 30, 2024.

E2SHB 1694 Addressing home care workforce shortages.

- Expands timelines and testing opportunities for long-term care workers seeking a home care aide certification.
- Expands the list of family members who are exempt from having to become certified home care aides and reduces the training requirements for these caregivers.
- Exempts certain home care aides and nursing assistants whose licensing credentials have expired from paying late fees or renewal fees.
- Directs the Department of Social and Health Services to study the feasibility and cost of paying the parents of medically complex children under 18 years old, and the spouses or registered domestic partners of a person with complex medical needs.

2SSB 5103 Concerning payment to acute care hospitals for difficult to discharge Medicaid patients. Requires hospitals to be reimbursed for medical assistance enrollees staying in a hospital when they do not meet inpatient care criteria and are not discharged from the hospital because an appropriate placement is not available.

Directs the Health Care Authority to adopt rules to identify which health care services must be included in the daily reimbursement rate and which services may be billed separately for patients who are in a hospital and do not meet inpatient criteria.

Department of Health (DOH)

Licensure Fee Increases and Decreases: There are several fee increases and decreases coming up effective June 1, 2023 for the professions listed below.

- Licensed Advanced Social Worker and Licensed Independent Clinical Social Worker
- Certified Counselor, Certified Adviser, and Registered Agency Affiliated Counselor
- Speech-Language Pathologist and Speech-Language Pathology Assistant
- Physical Therapist and Physical Therapist Assistant
- Home Care Aide

If a credential holder's expiration date is **before** June 1, 2023, they still pay the **old renewal fee**.

As of June 1, 2023, the new fees will be effective for everyone regardless of when their expiration date is.

All new application fees are effective June 1. Renewal notices with the old fees went out by mistake for June expiration dates. We apologize for the confusion and are currently sending deficiency letters and creating refund requests for anyone who may have underpaid or overpaid for licenses expired June 1, 2023-June 30, 2023. In addition, we are updating professions' webpages with the new fees noted.

Secretary of Health Mask Order: Effective April 3, 2023, the Washington State Department of Health (DOH) **will end** the Secretary of Health mask order, which currently requires universal masking in healthcare, long-term care, and adult correctional facilities for people age 5 and older. Please see article below for further information.
Masking requirements in healthcare, long-term care, and correctional facilities to end April 3 | Washington State Department of Health

Update the Interim Recommendations for SARS-CoV-2 Infection Prevention and Control in Healthcare Settings: On April 3rd, updates will be found at this web page: DOH COVID-19 Infection Prevention in Healthcare Settings. DOH is holding a webinar on April 6th, 2023 to review DOH healthcare guidance updates. After the changes are presented, there will be time for a Q&A session. A follow-up webinar is scheduled for April 20th to review Frequently Asked Questions and additional SME presentations related to the updated guidance. Please tune in on **Thursday, April 6, 2023 from 10am-12pm and Thursday April 20th, 2023 from 10am-1130am**. Use the link below to register for both webinars. You may also contact HAI-COVID@doh.wa.gov with questions.
https://us02web.zoom.us/webinar/register/WN_aOhRSA38RXm-m4wgK2Bd9g

Home Health and Hospice Certificate of Need (CON): No news yet on when they plan to start public hearings on CON Rules. DOH has completed their Home health and the 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.