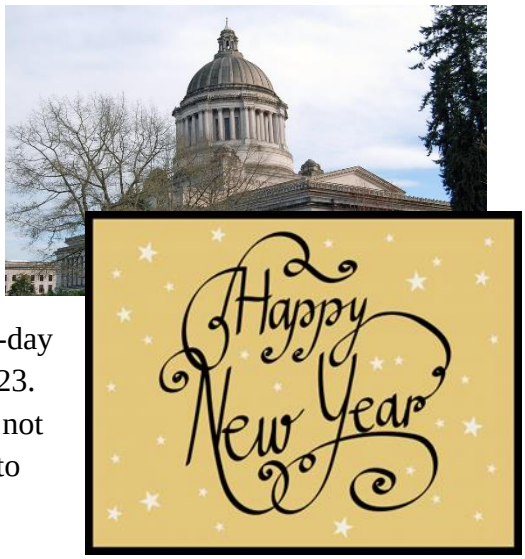
January 8, 2023

# HCAW January 2024 Public Policy Report

Prepared by Leslie Emerick, HCAW Public Policy Director

## ***Legislative/Political Landscape***




Looking forward to a new year of progress with the WA State Legislature! Last year we made great strides for reducing barriers to becoming a home care aide, a certified nursing assistant and a nurse. Hopefully 2024 will be as productive! The second half of the 60-day short session of the 68th Washington State Biennial Legislative Session starts on January 8, 2024 through March 7th, 2024.

The legislature works on the Supplemental Budget in the short 60-day session to make fixes to the 2-year Operating budget passed in 2023. Bills live for two years in a biennial legislature and many that did not pass last session will be back this year if the bill sponsor chooses to bring them forward again this session. So far nearly 400 new bills have been pre-filed for this session. The bills will be introduced officially on the first day of session and assigned to a legislative committee.

During the legislative session we have a weekly "Hot Team" to review bills that are scheduled for an upcoming public hearing in a committee. The team makes a recommendation to either Support**,** Remain Neutral **,** Express Concerns or Oppose the bill. Please let me know if you have an interest in reviewing policy bills being heard in policy committees! Here is the "cut-off" calendar for session:

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| **January 8, 2024** | First Day of Session |
| **January 31, 2024** | Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees. |
| **February 5, 2024** | Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin. |
| **February 13, 2024** | Last day to consider (pass) bills in house of origin (5 p.m.). |
| **February 21, 2024** | Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees. |
| **February 26, 2024** | Last day to read in opposite house committee reports (pass bills out of committee and read them into the record on the floor) from House fiscal committees and Senate Ways & Means and Transportation committees. |
| **March 1, 2024*** | Last day to consider (pass) opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session). |
| **March 7, 2024** | Last day allowed for regular session under state constitution. |

January 8, 2023

**In-Home Services Day February 1, 2024!** This is our 11th In-Home Services Day where HCAOA-WA, Home Care Association of WA and the WA State Hospice and Palliative Care Organization collaborate on an In-Home Services legislative agenda . This event will be held in-person in Olympia at the state capital this year.

We will have an **orientation in the morning starting at 7:30 am** on the capital campus in the **J. A. Cherberg Building, Conference Rooms A,B,C. (304 15th Ave SW, Olympia, WA 98504)** We have the room reserved until noon that day! If this is your first time visiting with your legislators, no worries! We will provide talking points and handouts and assist in making sure your meeting go smoothly!

Legislative assistants are making appointments for 2024 as we speak! We need to get on your local legislator's calendars ASAP to secure your meeting date and time on February 1. 2024. To register to attend our In-Home Services Day click the link below. We also need to know your local legislative district and legislators so we can coordinate legislator visits with other members. Please go to: **Find Your District** and enter your home address. We will use the information you submit to create a roster and schedule which will only be accessible by registered participants.

REGISTER HERE

**If you have already registered, please send your legislator a meeting request today!** We have set up and automated email request for a meeting using a Legislative Action Network (LAN). All you need to do is follow the link below and enter your information to request a meeting with the legislators in your district. Meeting times fill up quickly in a short legislative session!

**Contact your Legislators by sending them a meeting request today!**
https://hcaw.org/Advocacy/#/20

Once you hear back from your legislators, we ask that you enter your meeting information in our In-Home Services Meeting tracking sheet. Please feel free to share this information with @Leslie Emerick as well to ensure it is captured in our schedule.

**Draft talking points we will be working on in the 2024 legislative session:**

- **In-Home Services Roadmap-Budget Proviso:** DOH & DSHS Home and Community Services create guide to In-Home Services for home health, hospice and home care.

  **Budget Proviso for In-Home Services Roadmap**
  (xx) $83,000 of the general fund-state appropriation for fiscal year 2025 is provided solely for the development of an in-home services road map to help individuals assess their in-

home services needs and locate providers to serve those needs in their communities. The department must work in consultation with appropriate stakeholders, including but not limited to the department of social and health services. The department must complete the document and make hard copies available for distribution no later than June 30, 2025.

- **Medicaid Reimbursement Rate Increase, Private Duty Nursing and Home Health-Budget Proviso:** Addresses rate disparities and unwinding of COVID funds for private duty nursing agencies who care for medically fragile children and adults. Requesting 20% rate increase for home health.

- **SB 5936 Palliative Care Workgroup:** The Office of the Insurance Commissioner will convene a workgroup to develop a standardized method of billing for a Palliative benefit. ***Senator Conway-Sponsor***

- **Social Worker Compact:** Supports adoption of the Social Worker Compact in WA State. Social workers are key members of home health and hospice teams. ***Rep Orwall-Sponsor***

- **Workforce Shortages:** Still an issue for In-Home Services limiting access to home care.

**Governor Inslee proposes additional $70.9 billion in spending in 2024 supplemental budget:** https://www.theolympian.com/news/politics-government/article283020978.html This will be the Governor's 12th and final year in office after serving for three terms. Gov. Inslee's 2024 supplemental budget maintains the state's efforts on several critical issues including homelessness, behavioral health, the fentanyl and opioid crisis, education, and climate change. This is one of three budgets that gets negotiated into a compromise budget with the House and the Senate by the end of the session.

Here are a few highlights related to In-Home Services in the Governor's Proposed Budget:

**Certificate of Need Assessment:** Funding is provided to conduct an analysis of the certificate of need program established under chapter 70.38 RCW and report findings and recommendations to the governor and appropriate legislative committees by June 30, 2025. The department must, at a minimum, consider other state approaches to certificate of need, impacts on access to care, cost control of health services, equity, and approaches to identifying health care service needs at the statewide and community levels. (General Fund - State)

**Improving Patient Safety:** Funding is provided and appropriation authority is adjusted to develop a stronger enforcement approach to address health care facility noncompliance and take immediate action when there is risk of patient harm. This funding will support implementation of Substitute Senate Bill 5271 if it is enacted during the 2024 legislative session. (Medical Test Site Licensure Account - State, General Fund - State, General Fund - Private/Local, other funds)

**Rural Health Workforce:** Area health education centers help recruit, train, and retain the health professional workforce in rural and urban underserved areas. Funding is provided for two new centers operated by Wenatchee Valley College in Wenatchee to help grow and diversify the rural workforce. (General Fund - State)

**WACares Program Implementation:** Funds are provided to configure the ProviderOne payment system to pay Medical Assistance providers for WA Cares claims; track, authorize and coordinate benefits; and support WA Cares providers. (Long-Term Servs & Sup Trust Account - State)

**Information Technology Pool Projects:** DOH included funding for the HELMS Project Continuation. This is good news for our licensees who would have to pay higher licensure fees to cover the new licensure tracking system at DOH.

**Washington has highest state minimum wage in 2024**: For the second year in a row, Washington has the highest statewide minimum wage in the country. Washington's 2024 wage floor of $16.28 per hour reflects recent rises in inflation, which determine how much the state's minimum wage rises each year. The new minimum wage in Washington is higher than California's, which is $16 per hour. It also tops New York and Massachusetts, which have $15-per-hour minimum wages. *Continue reading at Axios.* (Tory Lysik)

***Health Care Authority (HCA)***

**Home Health EVV Apple Health (Medicaid) Provider Alert:** This is a reminder for all Home Health Care Services (HHCS) provider organizations that implementation of electronic visit verification (EVV) at each organization and enrollment of all HHCS individual servicing providers with the Health Care Authority (HCA) is required. Only a few providers have enrolled their individual servicing providers with HCA.

As soon as each organization has implemented EVV HHCS and enrolled individuals, begin sending the EVV HHCS data on your claims. For additional information, please visit HCA's EVV HHCS website. Please send questions or concerns to HCA via the EVV HHCS email box.

**HCA Website on EVV:** Home health care services: electronic visit verification**.** Electronic visit verification (EVV) is a federal requirement of the 21st Century Cures Act, passed by Congress in 2016 requiring that Medicaid funded in-home personal care services, respite care services, and home health care services are verified as having been provided. Home health care services (HHCS) covers any home health services included in the **home health billing instructions** and **encounter data reporting guide**.

**Enroll individuals as a servicing provider:** To enroll individuals as a servicing provider, **visit the enroll as a health care professional practicing under a group or facility page**. **View frequently asked questions**.

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

**Home Care Aide Bulletin:** DOH recently shared with you the upcoming changes to the way caregivers will schedule and pay for their home care aide exam. These changes are on track to be implemented in February 2024.

In February 2024, all applicants will register and pay for their exams directly with Prometric. After submitting the credentialing application with Department of Health, applicants will be notified by Prometric via email that they can schedule their exam. **Please Note:** DOH will no longer accept examination fees on or after January 19, 2024, as we roll into the blackout period for the new testing portal. Prometric will also not be accepting payment or scheduling exams within this period. **Please stay tuned** for more information on the upcoming training webinars for the exam scheduling system and payment portal.

This Candidate Application and Scheduling Guide will help caregivers and employers or trainers better understand the new process for candidates to self-schedule and self-pay for their exams.This Voucher Guide will provide assistance to employers, training programs, and other third parties that pay for caregiver exams, a better understanding of the process for purchasing bulk voucher payments for caregivers.

**Reminder:** Per RCW 18.88B.041: Exemptions from training requirements. (wa.gov)**,** long-term care workers who are not required to become certified as a home care aide if they are individual providers caring only for the individual's biological, step, or adoptive child or parent; and individual providers caring only for the individual's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership. If you are currently caring for one of these family members and hold a home care aide certification, you are not required to renew your credential. If you have questions, please contact the program manager Jenni Osbun.

**Important! Home Safety Care Assessment Survey:** During the 2023-24 legislative session House Bill 1435 directed a workgroup to conduct a survey of in-home services agencies and Consumer Directed Employers (CDEs) to develop a home care safety net assessment. Each CDE and in-home services agency that is licensed under chapter 70.127 RCW to provide **home care services, hospice services, or home health services** is required to submit financial information to DOH to inform the development of a home care safety net assessment to use in potentially securing federal matching funds under federally prescribed programs available through the state Medicaid plan or a waiver.

The data being requested is for the 12-month period between July 1, 2022, and June 30, 2023. We have created an online survey so you can submit your information with ease. Please submit your financial information via the survey link below by **January 1, 2024**, as directed by the bill.

Survey: Home Care Safety Net Assessment Survey, HB1435. If you have additional questions on the survey home page, please contact us.

**DOH Home Health Certificate of Need:** Home Health Certificate of Need Rulemaking will be in 2024. Home Health is third on the list of CON Rules DOH Plans to tackle. The HCAW Board continues discussions with Marc Berg, Berg Data, on developing a methodology for home health.

***Office of the Insurance Commissioner (OIC)***

**New legislative report on affordability reveals current state of Washington's health care system:** Washington State Insurance Commissioner Mike Kreidler and Attorney General Bob Ferguson have delivered a preliminary report to legislators describing the current state of Washington's health care system. The report explores recent market consolidation and a process for evaluating changes that could improve affordability. The final report is due to the Legislature in August 2024. WA OIC Preliminary Report on Health Care Affordability

**Prior authorization process:** In 2020, the Washington state Legislature passed ESSB 6404, requiring health carriers with at least 1% of the market share in Washington state to annually report certain data related to prior authorization to the OIC. The reports from carriers were due Oct. 1, 2023 and are analyzed in the OIC's prior authorization report.

***L & I Home Health Aide Increase***

According to L & I they were learning there were delays in finding timely in-home care for workers due to the fees being too low. We conducted outreach this fall to better understand this feedback. Given the feedback we received, we decided to produce a mid-year increase to support finding timely in-home care for workers. This information can be viewed on our updates and corrections page here and seen below.

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| 12/01/2023 | We've updated our fees for codes **S9122-S9124** to the following:<br>**S9122**: $43.00<br>**S9123**: $86.43<br>**S9124**: $62.44<br>**Effective: January 1, 2024** |

**Washington workers' compensation premium rate going up an average of 4.9% in 2024:** The Department of Labor & Industries (L&I) today announced a 4.9 percent increase in the average workers' compensation premium rate for 2024. The increase, which takes effect Jan. 1, 2024, means employers and workers will jointly pay, on average, an additional $65 a year in workers' compensation insurance premiums for each full-time employee. Similar to last year, workers will pay about a quarter of the premium.

**Workforce Training and Education Coordinating Board:** Recognizing the complex challenges within the long-term care (LTC) workforce, a broad range of ideas were proposed by partners in the LTC Initiative. I attended the meeting and helped to develop the recommendations, detailed in the 2023 Annual Report: Long-Term-Care-Report-Policy-Recommendation-Flyer_2023.pdf (wa.gov)

***WA Cares Act Fund***

The Home Care Association of Washington and the Home Care Association of America-Washington Chapter collaborated on writing a letter to the LTSS Commission that has oversight of the WA Care Funds and how they are going to be provided to the citizens who pay into the fund. Our concerns were heard and will be addressed in future meetings to create more flexibility around hiring home care agencies.

***Policy Related Meetings***

**NAHC State Association Meetings:** I attend the monthly state association meetings to listen to federal updates from Bill Dombi and others on home health and hospice!

**DOH Rural Palliative Care Cohort Meetings:** I attend these meetings to provide WSHPCO updates to their providers on our progress with HCA on the Palliative Care Benefit.

**Washington State Workforce Development-LTC Initiative:** I attend these meeting representing all in-home services and advocate for increasing their workforce. The new Washington Long-Term Care Workforce Initiative Legislative Report is out!

**Dementia Action Collaborative (DAC):** I attend the DAC meetings and am on the Health and Medical subcommittee. Washington State Plan to Address Alzheimer's Disease and Other Dementias | 2023-2028 is now available.