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HCAW May 2024 Public Policy Report

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Legislative/Political Landscape

HCAW Spring Conference in Walla Walla was well attended and a great opportunity to network with agency members and learn about exhibitors' products serving home health! I enjoyed chatting with Representative Joe Schmick and his wife about their legislative lives and watching him get a well deserved "Legislator of the Year Award"!

Now that the session is over, we begin the work of implementing bills with state agencies that passed in the 2024 legislative session! State agencies are already preparing their decision packages to submit to the Governor's Office for the next legislative session and lobbyists begin their stakeholder work on any new legislation or fiscal requests their clients are thinking about for 2025.

It's also an election year and lots of legislators have retired or are trying to move from the House to the Senate in 2025. The filing period for candidates is through May 10th so we may see a few more candidates drop out or try to move to the Senate! During candidate filing week, candidacies can be declared for any of the more than 400 federal, state, judicial, legislative, county, and other offices scheduled for 2024 elections.

Home Health and Home Care related projects getting underway from last session!

In-Home Services Roadmap Funding: $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. I have reached out to John Hilger at DOH to see what their timeline is. He says that meetings will start late May through July 2024. DOH 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.

SSB 5936 Palliative Care Benefit Workgroup: Bill passed the legislature unanimously and was signed by the Governor. OIC has reached out to stakeholders to be on the workgroup and want a response by May 10th. The work group must convene its first meeting by July 30, 2024, and shall submit a report to the Legislature detailing its work and any recommendations, including any legislation, by November 1, 2025. HCAW has chosen Ryan Larsen, Director Harbors Home Health, to represent us on the Palliative Care Benefit Workgroup.

Funding for Private Duty Nursing and Home Health Medicaid Rate Increases: Provided solely for rate increases, effective January 1, 2025, for private duty nursing, home health, and the medically intensive children's group home program services. Effective January 1, 2025, to independent contractor nurses and agency-employed nurses providing private duty nursing, skilled nursing, and private duty nursing in adult family homes.

POLST Registry: A budget proviso was included that requires the DOH to establish and maintain a statewide registry containing the POLST forms submitted by health care providers and Washington residents! $719,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to establish a statewide registry that stores and digitally reproduces portable orders for life sustaining treatment (POLST) forms. In establishing the registry, to the extent practicable, the department shall leverage and build upon any previous work at the department to establish a similar registry.

Department of Health (DOH)

Department of Health announces updated guidance for COVID-19 and other respiratory illnesses: DOH announced updated guidance for what to do when someone is sick with COVID-19, flu, respiratory syncytial virus, and other respiratory viruses. While much of DOH's new guidance is like recent updates announced by the Centers for Disease Control and Prevention, DOH's new guidance offers additional recommendations on how to prevent spreading respiratory illnesses after someone becomes infected, as well as how to protect people with weakened immune systems and others at higher risk of severe illness in health care settings. Healthcare and long-term care settings should follow DOH recommendations.

DOH- Updated Guidance

DOH Update on backlog of nursing assistant and home care aide applications: This situation has caused significant and serious concerns for health care providers, including staff and those awaiting credentialing. I have been in contact with Tracie Drake, Home Care Aide Program Manager at DOH to discuss the latest updates for HCA and CNA certification.

DOH may be able to help move forward applications for those individuals that are within two weeks of their credentialing deadline if their application was submitted at the time of hire and is complete with all required documentation. For assistance with this, please contact:

- Home Care Aide Program at HomeCareAide@doh.wa.gov or 360-236-2700.
- Nursing Assistant Program at HSQAReview4@doh.wa.gov or 360-236-2700.

Washington State Board of Nursing (WABON): WA BON held a Rules Hearing on Blood Glucose Management and is proposing new sections of rule, WAC 246-840-835 and 246-840-935, and amendments to WAC 246-840-930 and 246-840-940, in response to SHB 1124 passed by the Washington State Legislature in 2022.

SHB 1124 pertains to nurse delegation of glucose monitoring, testing, and insulin injections, expanding RN authority to delegate these tasks to nursing assistants (NA) and home care aides (HCA). Background: The proposed new sections and amendments to current sections reflect a registered nurse (RN)'s authority to delegate glucose monitoring and testing beyond community-based and in-home care settings to all settings where NA-Rs, NA-Cs credentialed under chapter 18.88A RCW, or HCAs certified under chapter 18.88B RCW, work, as described in SHB 1124. The proposed changes also amend the interval of time in which RN supervision will occur from weekly to every two weeks for the first four weeks, while maintaining the allowance of more frequent supervision as needed, in rule.

Assessment: The proposed changes significantly broaden the scope of tasks that RNs can delegate related to glucose monitoring and testing. This expansion aims to enhance efficiency in care delivery across a wider range of healthcare settings as directed by SHB 1124.

Recommendation: Consider approval of draft rule language.

DOH HELMS Project: Healthcare Enforcement and Licensing Management System (HELMS) is a new electronic licensing system that will replace the outdated system currently in use and will match the growing requirements and expectations of customers.

HELMS will expand the online capabilities for health care providers, facility operations, educational programs, and the public. There will be greater access to Department of Health data, as well as faster transmission of information using electronic mail and websites.

The first release, HELMS Lite, was launched on **4/24/2024.** It will replace the system used for our initial application process. This will improve the new applicant's experience with the ability to submit applications from their mobile device, update their profile information, delete draft applications, view their application status online, and print payment confirmation. Additional HELMS releases with improved functionality are scheduled through December 2025. **For more information, please visit our website, or email at HELMS@doh.wa.gov.**

Rules Impacting Occupational Therapists (OT): The OT Compact Commission (OTCC) Rules Committee and OTCC Executive Committee have been working on the draft rule regarding FBI CBC (Federal Bureau of Investigations Criminal Background Checks). The draft rule was developed by the Rules Committee over a few meetings and was sent to the Executive Committee on April 22, 2024, where it was voted to move forward to the 30-day public comment period.

Additionally, the OTC website homepage is updated to announce the public comment period and has a link to the OTCC Rulemaking Page for more information and about the process and timeline. The public comment period is open from May 1, 2024 – May 30, 2024 (until 4:00p.m.). You may also submit your comments by sending an email directly to: **Amanda Perry, M.Ed., NRP** Executive Director, OTC: amanda@asmii.net

Rule on FBI CBC Public Comment Announcement

Certificate of Need Monthly Update: The Certificate of Need (CN) program was the focus of several high-profile bills during the 2024 Legislative Session. The CN program strives to keep the community informed with monthly updates.

Modernization Proviso Public Workshops: ESSB 5950 directs the department to co-analyze the CN program and provide a report to the legislature by **June 30, 2025.** The CN program is in the final stages of selecting a contractor and developing the Statement of Work that defines the expectations and work the contractor will perform. We anticipate that two sets of public workshops will be held related to Proviso work.

- Session 1: **Anticipated Fall 2024**
  Solicit feedback on areas of improvement for CN.
- Session 2: **Anticipated Winter 2024**
  Solicit feedback on preliminary findings and recommendations for the report.

Workshops will be open to all members of the public and will be announced via GovDelivery in the coming months. Contact cnrulemaking@doh.wa.gov with questions related to the CN Modernization Proviso work.

Budget Proviso for CON Review by DOH: (138) $500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to conduct an analysis of the certificate of need program established under chapter 70.38 RCW and report its findings and recommendations for statutory updates 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, and equity, and approaches to identifying health care service needs at the statewide and community levels.

Health Care Authority (HCA)

HCA is proceeding with their rulemaking on EVV. HCAW sent a letter from an attorney regarding the implementation of the EVV program at HCA. We also worked with Senator Cleveland and Senator Rivers on a letter to HCA requesting that they delay rulemaking and change the NPI Process. We were cc'd on the letter back to the legislators and HCA has no intention of changing the NPI number process. At this point we are asking agencies to start getting NPI numbers for their

home health providers. We have yet to figure out how this will impact our billings for Medicaid patients, but will need to have our members start the process of gaining NPI numbers.

WAC external review proposed revisions: WAC 182-551-2230 Electronic visit verification – System requirements. The agency is adding a new section describing system requirements for electronic visit verification (EVV) for home health care services.

***To comment**: Download the Word document, use track changes, save, and return to the email address in the first column below.*

Review 182-551-2230

Apple Health (Medicaid) Provider Alert-Attention Home Health providers:

Effective immediately, home health providers must use the following revenue code/procedure code combination(s) for home health services:

*Revenue code 0551 for skilled nursing care visits in the home setting.
*Revenue code 0580 for a brief skilled nursing visit.

Revenue code 0551 and 0580 must be billed with one of the following:

*T1030 nursing care, in home, by registered nurse, per diem
*T1031 nursing care, in home, by licensed practical nurse, per diem

When billing for visits by a home health aide or certified nurse assistant, use revenue code 0571 with T1021 home health aide or certified nurse assistant, per visit

This change will be reflected in the Home Health (Acute Care Services) Billing Guide to be published May 7, 2024.

WA Cares Fund Provider Maximum Rates Workgroup Purpose: Review viable options for Long-Term Services and Supports Trust Commission's recommendation on the "*establishment of payment maximums for approved services consistent with actuarial soundness which shall not be lower than Medicaid payments for comparable services. A service or supply may be limited by dollar amount, duration, or number of visits. The Commission shall engage stakeholders to develop this recommendation.*"

- LTSS Trust Commission_Public Comment - 05.01.2024.pdf
- LTSS Trust Commission Agenda - 05.01.2024.pdf
- LTSS Trust Commission Presentation - 05.01.2024.pdf

Washington Saves Retirement Act (SB 6069), set to launch in 2027: Washington is set to create a state-run automatic retirement savings system for workers who don't already have access to an

employer-based retirement system. Washington Saves will require businesses without retirement plans for employees to allow their workers an opportunity to contribute to an individual retirement account (IRA) via an automatic payroll deduction through the Washington Small Business Retirement Marketplace. Employers will be required to enroll employees who have had continuous employment of one year or more in the program at default contribution rates.

Oregon established the first state-run automated individual retirement savings system in 2017, and several other states, including California, Maryland and Virginia, have followed suit, according to Pew Charitable Trusts.

Policy Related Meetings

WA Cares Fund Provider Maximum Rates Workgroup Purpose: Review viable options for Long-Term Services and Supports Trust Commission's recommendation required in RCW 50B.04.030(c) on the "*establishment of payment maximums for approved services consistent with actuarial soundness which shall not be lower than Medicaid payments for comparable services. A service or supply may be limited by dollar amount, duration, or number of visits. The Commission shall engage stakeholders to develop this recommendation.*" The Commission will make formal recommendations to DSHS by January 1, 2025.

Washington State Workforce Development-LTC Initiative: Ecosystem Subcommittee I attend these meetings representing all in-home services and advocate for increasing their workforce. I have recently been participating in the Ecosystem LTC staffing workgroup. Lots of good opportunities to talk about in home services needs and how the current Nursing Assistant backlog impacts agencies.

WA State Senior Lobby: I attend these monthly meetings and get updates on all legislative issues impacting seniors and updates from DSHS/ALTSA staff.