September 8, 2023

HCAW September 2023 Public Policy Report

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Legislative/Political Landscape

Leslie and Senator Patty Kuderer at Double Cup Golf Tournament with lady legislators and lobbyists.

As the summer winds down, the drumbeat for the next legislative session starts to grow louder! I have been getting calls from the political party campaign committees for donations to help get them started for the 2024 campaign season. The Governor's race, Public Lands Commissioner, Insurance Commissioner, and the Attorney General all have races for new leadership in 2024. All House members will be up for election and half of the Senate.

There have already been some changes in the legislature! Senator Christine Rolfes, the powerful Chair of Ways and Means, was appointed as a Kitsap County Commissioner. She will be replaced by Democratic Rep. Drew Hansen of Bainbridge Island, who has been appointed to the state Senate in her place.

I attended the Double Cup Golf Tournament with lady legislators and lobbyists in mid-August. It's a great relationship building event and lots of fun getting to know legislators and other lobbyists in a much less formal setting! Senator Kuderer was my golfing partner. She is running for the position of the Insurance Commissioner in 2024. She is interested in running a Private Insurance Palliative Care bill for us in 2024! More to come…

State agencies are hard at work implementing legislation from the 2023 session and are preparing their Agency Request Legislation and Budget Requests for the 2024 session. What is Rule Making? | Washington State Department of Health

Department of Health (DOH)

On August 28th, DOH had their **2024 Legislative Session Preview on Agency Request Legislation and Budget**. The projects below will be submitted for inclusion in the Governor's budget…but there is no guarantee that they will make it into the Governor's budget, which will be released around December 19th. Here are the requests that impact home care:

HELMS Project Continuation ($ to be determined)

DOH is requesting additional one-time spending authority to extend the Health Care Enforcement and Licensing Management System (HELMS) project by four months for work that is necessary for completion. Without additional spending authority, DOH will be forced to stop the project or significantly reduce the project scope. Stopping the project at this stage would result in a loss of

$21.3 million in investment in the project and require licensees and facilities to pay for those costs without any return. HELMS will provide the licensure for all home care aides, certified nursing assistants and all professions at DOH!

Decreasing Health Care Provider Credentialing Timelines ($ to be determined)
DOH is requesting funding to implement improvements in the health care provider credentialing process. Credentialing timelines for health care providers have increased and customers are experiencing delays in obtaining their credential to practice, potentially exacerbating an already critical health care workforce shortage. In spring 2023, the DOH hired a contractor and engaged the public in listening sessions to better understand the reasons for the delays and to develop recommendations for improvement. teams will implement the recommendations made by the contractor and the public, as well as any additional recommendation from the Governor's Results Washington office.

Supporting Critical Professions such as Home Care Aides ($ to be determined)
DOH is carrying significant historical negative fund balances in the home care aide and agency affiliated counselor regulatory programs. Achieving cost recovery through fees alone risks driving workers out of professions already experiencing worker shortages, worsening access to care. DOH is requesting a fund shift to offset the deficit in each program to ensure the programs are self-sustaining without driving essential workers out of the health care workforce.

Rulemaking Consideration at DOH/WABON

DOH Home Health and Hospice Certificate of Need…no new update. DOH will be putting together a plan to present to our stakeholders by the end of summer in how we suggest moving forward with our other rule sets for other facility types.

HB 1009-Military Spouse Employment –Requires WABON to issue a temporary license to military spouses within 90 days of application date and the temporary license must be issued for no less than 180 days. WABON must also identify a contact to assist with military spouse applicants and licensees, provide training to board members on the culture, experience, and related issues of a military spouse, and is encouraged to appoint a military spouse to serve on the board and conduct a review of licensing fees/applications. The intent is to reduce barriers as they move to WA state.

SB 5582-Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington: Section 4: calls for an apprenticeship program for home care aides and nursing assistants-certified to advance to licensed practical nursing. Section 8: "The Commission shall adopt rules which allow for one hour of simulated learning to be counted as equivalent to two hours of clinical placement learning, with simulated learning accounting for up to 50% of the required clinical hours." Section 12: calls for the development of at least two pilot projects between

high school nursing assistant training programs and rural hospitals to address workforce shortages and promote nursing careers in rural hospitals.

2SHB 1724 Amends Uniform Disciplinary Act: During the 2023 session, the legislature passed 2SHB 1724 (chapter 425, Laws of 2023) (PDF) to increase the behavioral health workforce by amending professional requirements. The bill also makes several changes that apply to all professions under the Uniform Disciplinary Act (RCW 18.130) including:

- Requiring disciplining authorities to waive education, training, experience, and exam requirements for applicants credentialed in another state with substantially equivalent standards. It also allows waiving requirements for applicants who have achieved national certification.
- Removing DOH's authority to screen applicants before scheduling them for exams.
- Granting the department authority to contract with third parties to review applications.

Home Care Aide Exam Scheduling and Payment Changes Postponed

DOH recently shared with you that there are changes coming to the way caregivers will schedule and pay for their home care aide exam. These changes are still coming. Unfortunately, the changes will not be in place by the initial September launch date. This change has been postponed to 2024.

- Beginning in early 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.

- This Candidate Application and Scheduling Guide will help caregivers and employers or trainers to understand the new process to self-schedule and self-pay for exams.

- This Voucher Payment Guide will provide guidance to employers, training programs, and other third parties that pay for caregiver exams to understand the process for purchasing bulk vouchers for payment of caregiver exams.

Updated Auto Renewal Timelines

- As of September 1, caregivers whose home care aide credentials have been expired more than six months, but less than two years, will have their credentials automatically renewed.

- Due to the large number of renewals our system must generate, there has been a delay due to the need to separate the auto renewals into batches.

- Nursing assistants and home care aides with credentials that have been expired for at least 6 months and **less than 1 year** will move to active status effective September 8.

- Nursing assistants and home care aides with credentials that have been expired for at least **12 to 24 months** will move to active status effective September 13.

- Nursing assistants and home care aides with a current Expired Reissuance Application in process will move to active status effective September 15.

- Once activated, the credentials will have an active date as of September 1. This process will repeat every day until 7/1/2025 for those in expired status for 6 months to two years.

Home Care Aide Rules Workshop: WAC 246-980 REQUIREMENTS FOR LONG-TERM CARE WORKERS REQUIRED TO BE CERTIFIED AS A HOME CARE AIDE

You are invited to attend the second public rules workshop for amendments considered to several sections of Chapter 246-980 WAC. Here is a link to the proposed rule amendments to be discussed. The workshop will be held on **September 18, 2023, at 9:00 a.m.** This workshop will cover the same rules discussed at the August 1 community partner meeting. If you have questions, please contact Tracie.Drake@doh.wa.gov.

To attend, use Zoom Meeting link:
https://us02web.zoom.us/j/89528276440?pwd=WjdUYUV5REpEUlhuNkJxVTFHUTdCQT09
Meeting ID: 895 2827 6440 Passcode: 903063 One tap mobile:
+12532050468,,89528276440#,,,,*903063# US

Social Workers: During the 2023 session, the legislature passed 2SHB 1724 (chapter 425, Laws of 2023) (PDF) to increase the behavioral health workforce by amending professional requirements. **There is lots of work going on to get more social workers into the health care system.** This bill also creates new projects for the department to:

- Review licensing requirements, modify requirements in rule, and recommend changes to the legislature. The department is reviewing requirements for the following professions:
    - licensed advanced social workers (LASW)
    - licensed independent clinical social workers (LICSW)
    - licensed marriage and family therapists (LMFT)
    - licensed mental health counselors (LMHC)
    - psychologists, and
    - substance use disorder professionals (SUDP).

The department must present initial recommendations to the legislature by November 1, 2023. Final recommendations are due November 1, 2024. **The bill also makes several changes that apply to all professions including:**

- Requiring disciplining authorities to waive education, training, experience, and exam requirements for applicants credentialed in another state with substantially equivalent standards. It also allows waiving requirements for applicants who have achieved national certification.
- Removing DOH's authority to screen applicants before scheduling them for exams.
- Granting the department authority to contract with third parties to review applications.

Death with Dignity Act: The Legislature passed Engrossed Substitute Senate Bill (ESSB) 5179 in 2023 that made changes the Death with Dignity Act. **The changes become effective on July 23, 2023**. I have been contacted by DOH staff to meet and discuss the implementation of this legislation. For more information about the Death with Dignity Act and implementation timeline, please visit the Death with Dignity Act | Washington State Department of Health website.

Washington State Board of Nursing (WABON) (formerly Nursing Care Quality Assurance Comm)

Nursing Board 2-day September Business Meeting: The September meeting will be 2-day* in-person in Spokane, WA, with a remote option via Zoom. Review the agendas and supporting documents in the Business Meeting agenda and packet (PDF).

Nurse Licensure Compact (NLC). As a part of the legislation, SSB 5499 Multistate Nurse Licensure Compact, beginning July 24, 2023, nurses with an active MSL issued from another state will be able to practice in Washington state. For more info: NCQAC.Rules@doh.wa.gov.

- Employer Multistate License (MSL) Information
- RN and LPN Multistate License (MSL) Information
- Our Name Change
- NLC Implementation Plan

Certified Nursing Assistant Testing to Reduce Backlog: Kathy Mosio held a workshop to discuss how the department is going to move the testing for certification of certified nursing assistants through the process in a timelier manner. WABON has worked to streamline skills testing for your nursing assistant students and employees:

- On August 7, 2023, the Washington State Board of Nursing (WABON) expanded its ability to approve most nursing assistant training programs' RN Directors and RN Instructors to conduct nursing assistant skills testing at their programs for their students.
- We know employers have a need for their employees to complete training, testing, and certification processes as efficiently as possible and many care settings have federal or state timelines to meet (i.e., nursing homes and other long-term care settings). We think the plan we are working toward will meet all employers' needs for skills testing effectively.

- The main objective to allowing training programs to evaluate students in their program sites is: **to allow for a more massive, rapid infusion of skills testing slots for all nursing assistant students in our state.**
- Please Note: This plan will take time to develop and currently scheduled test dates for the written and skills exam will be unaffected. **Programs with skills and written exams already scheduled with Credentia, and students who have registered and paid to test should not cancel their exams, but test as scheduled.**
- **In broad terms, other outcomes eventually hope to achieve with this plan include:**
- Immediate qualification of approved training programs who participate as testing sites based on a completed attestation they have all required equipment and supplies.
- Recognition of training programs' RN Directors and Instructors as qualified to evaluate once they have completed initial steps to participate, including training.
- Scheduling new graduates for testing in their programs as a cohort 4-5 days after graduation.
- Addressing expressed concerns regarding evaluator pay.

Nurse Delegation Advisory Opinions: The WABON has authority to issue new advisory opinions concerning the nursing scope for practice to provide guidance to practicing nurses. They developed an advisory opinion about the delegation process, scope of nursing practice, roles, and responsibilities of the nurse in any setting to the nursing assistant and home care aide due to the frequency of questions. The board approved developing an advisory opinion draft for consideration.

Death with Dignity (Aid-in-Dying): The advisory opinion addresses nursing scope of practice for LPNs, RNs, and ARNPs. While actions for advanced registered nurse practitioner scope of practice usually go through the ARNP Subcommittee, this opinion was initially developed through the CSPSC and affects nurses and non-nurses. Requested Action: Consider approving the four draft advisory opinions. This will be under discussion at the upcoming WABON Meeting in Spokane.

Nursing Delegation of Enteral Feedings: Numerous questions regarding delegation of enteral feeding tasks in schools, community-based, and in-home care settings. While nursing delegation of tube feeding and medication administration in these settings is not uncommon, there continues to be conflict about whether the laws and rules allow this, and specific concerns about delegation of nasogastric feedings.

Nurse Delegation of Blood Glucose Testing/Monitoring and Insulin: Current advisory opinion states that blood glucose testing can only be delegated to nursing assistants and home care aides in community-based and in-home care settings. The law change allows blood glucose testing to be delegated to nursing assistants in any setting where nursing services are provided.

September 8, 2023

Health Care Authority (HCA)

Home Health and Private Duty Nursing (PDN) Electronic Verification (EVV): HCAW is meeting with Susan Birch on September 8th to discuss how HCA is going to implement the EVV requirements from CMS. We have been very concerned about having to use NPI number and have been advocating using a simpler method of verification for our home health employees. HCA has made commitments to:

- HCA will extend the deadline for 6 months past January 1, 2024 for implementation of EVV.
- HCA will establish dedicated teams to work on the EVV issue with Home Health Providers.
- HCA will continue to make payments on claims until the end of extension.
- HCA will set up a meeting with CMS to assure that home care agencies will be able to comply with billing requirements and not get their claims rejected.

HCA Rate Increase for PDN and Home Health: HCAW is also in discussions with both HCA and DSHS regarding a 20% rate increase for home health and PDN in the next legislative session. We are still working on clarifications of what our request will look like. I have permission from Senator Cleveland to work with Sandy Stith, Ways and Means staff on the funding request with HCA so that will help!

Palliative Care Benefit at HCA-We have a Listening Session with Dr, Sophie Miller on **Wednesday, September 20th , 9-10 am**! Dr Miller is the lead on the Palliative Care Benefit at the Health Care Authority. She will be providing updates on the implementation of the program.

Microsoft Teams meeting
Join on your computer, mobile app or room device
Click here to join the meeting
Meeting ID: 281 598 830 226 Passcode: rMSkBE

Or call in (audio only)
+1 564-999-2000,,379315886# United States, Olympia
(833) 322-1218,,379315886# United States (Toll-free)
Phone Conference ID: 379 315 886#

Complex Discharge (Difficult to Discharge) Pilot (Health Care Authority): I met with HCA staff, Glory Dole, to discuss home health being on this workgroup. Shelly McDiarmid is interested in representing home health at the table. The final budget funds multiple programs designed specifically to address the populations facing the most barriers to post-acute care placement and long-overdue investments in increased payment rates to Medicaid long-term care providers.

Medicaid Pediatric Palliative Care Rate: Starting January 1, 2024 appropriation are provided solely for the health care authority to increase pediatric palliative care rates to the equivalent Medicare rates paid for hospice care in effect October 1, 2022.

Katie Beckett 1115 demonstration waiver: I met virtually again with HCA Staff to discuss implementation of the Katie Beckett Waiver budget proviso. There will be 1,000 slots available and there was discussion about how to prioritize the kids. The pilot is for children (those under age 19) who have disabilities or complex medical needs. This is for children who are not eligible for Medicaid because of their parents' income or assets, because eligibility for the waiver only takes into account the income and assets of the child.

Potential 2024 HCAW Legislative Agenda

Budget Proviso Development for 20% Rate Increase for PDN and Home Health for2024 Legislative Session: HCAW is still in discussions with DSHS Rates Manager, Peter Graham, staff and a representative from HCA to discuss Home Care Association of WA (HCAW) intent to raise the PDN rate 20% during the next legislative session and the rationale behind it. We received some rates information after the meeting but believe there is still some confusion around PDN agencies under HCA vs. DSHS…more to come! We are still gathering information.

In-Home Services Roadmap: Rep Bateman and I met last fall to discuss an issue with one of her constituents around hospice care. We discussed how to educate people on the services that are available to them in the home such as hospice, home health and home care. I have spoken with the leadership of the three In-Home Services associations that I represent about developing an In-Home Services Roadmap, similar to the Palliative Care Roadmap and the Dementia Roadmap to assist citizens accessing care at home.

I have begun the stakeholder work on this project with the Department of Health In-Home Services Manager, John Hilger and the lead on the Palliative Care Roadmap at DOH, Pat Justis, Executive Director Rural Health/Office of Community Health Systems . I have also reached out to DSHS and they want to participate as well since they have the Medicaid home care program under their agency. The estimated funding request would be around $42,000 which includes project management and a first run of copies. So far we have delivered over 8,000 Palliative Care Roadmaps in our state and the number for the Dementia Roadmap is even higher.

An In-Home Services Roadmap would help a citizen assess their needs and locate providers to serve those needs in their communities. It will be a great tool for physicians and health care practitioners to give to their patients as well as educate them on accessing these important resources for care in the home.

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.

Dementia Action Collaborative (DAC): I attended the full DAC meeting and participate on the subcommittee on Health and Medical. I advocate for them including home health, palliative and hospice in their ongoing development of the new Updated Dementia State Health Plan.

WA State Telemedicine Collaborative: I attend these monthly meetings to get updates on all things related to telehealth in WA State!

WA State Senior Lobby: I attend their monthly meetings and listen to a report from DSHS on Aging and LTC services. I will be attending their conference in October.