

RCW 74.39A.310 Contract for individual home care services providers—Cost of change in wages and benefits funded or increase in labor rates. (1) The department shall convert and distribute any change in the total amount of wages and benefits negotiated and funded in the contract for individual providers of home care services pursuant to RCW 74.39A.270 and 74.39A.300 or labor rates established under RCW 74.39A.530 into a per-quarter-hour amount. This must be accomplished in each odd-numbered year within sixty days after adjournment sine die of the legislative session.

(2) The per-quarter-hour amount shall be added to or subtracted from the statewide home care agency vendor rate and any increase shall be used exclusively for improving the wages and benefits of home care agency workers who provide direct care, and for paying any resulting change in required employer contributions or premiums.

(3) When determining the per-quarter-hour amount, the department must include:

(a) The changes to wages, benefits, and compensation negotiated and funded each biennium, including but not limited to:

- (i) Wages;
- (ii) Benefit pay, such as vacation, sick, and holiday pay;
- (iii) Mileage;
- (iv) Contributions to a training partnership;
- (v) Contributions to the health benefit trust; and
- (vi) Contributions to the defined contribution retirement trust;

and

(b) The change in the average costs experienced by medicaid contracted home care agencies, as determined by the department in its sole discretion, of employer contributions or premiums required by law including, but not limited to:

- (i) Federal insurance contributions act;
- (ii) Federal unemployment tax act;
- (iii) State unemployment tax authority;
- (iv) State paid family medical leave act; and
- (v) State workers' compensation system; and

(c) An adjustment, as determined by the department in its sole discretion, for cost of compensation for work time that may not be billed as service hours, such as travel time, that must be paid to direct service workers under wage and hour laws and any related employer tax contributions or premiums.

(4) The portion of the vendor rate calculated for health care benefits, including but not limited to medical, dental, and vision benefits, may only be used for health benefits for home care agency workers who provide direct care.

(5) When establishing the per-quarter-hour amount, the department must prevent duplicate accounting for the same cost. [2020 c 336 § 1; 2018 c 278 § 23; 2007 c 361 § 8; 2006 c 9 § 1.]

Effective date—2020 c 336 § 1: "Section 1 of this act takes effect July 1, 2020." [2020 c 336 § 4.]

Application—2020 c 336: "This act applies prospectively and not retroactively." [2020 c 336 § 3.]

Findings—Intent—2018 c 278: See note following RCW 74.39A.500.

Effective date—2007 c 361 §§ 7 and 8: See note following RCW 74.39A.270.

Construction—Severability—Captions not law—Short title—2007 c 361: See notes following RCW 74.39A.009.

Effective date—2006 c 9: "This act takes effect July 1, 2006."
[2006 c 9 § 3.]