
HOUSE BILL 1948

State of Washington 61st Legislature 2009 Regular Session

By Representatives Green, Morrell, and Miloscia

Read first time 02/03/09. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to state-funded personal care services purchased by
2 the department of social and health services; adding a new section to
3 chapter 74.39A RCW; creating a new section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.39A RCW
6 to read as follows:

7 (1) The department shall not pay a home care agency licensed under
8 chapter 70.127 RCW under the medicaid in-home personal care program:

9 (a) For a family member of a client who provides care for the
10 client; or

11 (b) For a provider who resides with a client.

12 (2) For purposes of this section:

13 (a) "Client" means a person who has been deemed eligible by the
14 department to receive medicaid in-home personal care services.

15 (b) "Family member" shall be liberally construed to include, but
16 not be limited to, a parent, child, sibling, aunt, uncle, cousin,
17 grandparent, grandchild, grandniece, or grandnephew.

18 (3) The department shall adopt rules to enforce this section, to

1 include the termination of contracts for agencies which are found to be
2 in violation.

3 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
4 conflict with federal requirements that are a prescribed condition to
5 the allocation of federal funds to the state, the conflicting part of
6 this act is inoperative solely to the extent of the conflict and with
7 respect to the agencies directly affected, and this finding does not
8 affect the operation of the remainder of this act in its application to
9 the agencies concerned. Rules adopted under this act must meet federal
10 requirements that are a necessary condition to the receipt of federal
11 funds by the state.

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately.

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