

# SENATE BILL REPORT

## SB 6720

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 6, 2002

**Title:** An act relating to technical and clarifying amendments to Initiative 775.

**Brief Description:** Clarifying the administration of Initiative 775.

**Sponsors:** Senators Thibaudeau, Deccio and Winsley; by request of Governor Locke.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/4/02, 2/6/02 [DPS, DNP].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 6720 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

**Minority Report:** Do not pass.

Signed by Senator Parlette.

**Staff:** Jonathan Seib (786-7427)

**Background:** There are approximately 33,500 individuals in Washington who receive state-funded long-term care services at home. People receive home care in one of two ways: either from employees of home care agencies, or from care givers who act as independent contractors with the state and provide their services through the individual provider program.

Initiative 775 passed in November 2001. It established a Home Care Quality Authority to oversee home care services in this state, including quality standards, recruitment, training, and referral. Consisting of a nine-member board each appointed by the Governor for a term of three years, the Authority also serves as the "employer" of individual home care providers for purposes of collective bargaining.

The initiative requires that the Governor submit to the Legislature a request for funds necessary to implement any collective bargaining agreement negotiated between the Authority and the individual providers' bargaining representative.

**Summary of Substitute Bill:** Amendments are made to Initiative 775 as follows:

Language is added staggering the terms of the Home Care Quality Authority Board members, providing for their compensation, and allowing a board member to serve until his or her successor is appointed.

The authority must carry out its oversight duties within funds appropriated specifically for that purpose.

The authority is immune from civil or criminal liability for activities, performed in good faith, related to the recruitment, training, and referral of individual providers. This does not preclude enforcement of collective bargaining agreements.

The board is authorized to appoint an executive director, who serves at its pleasure. The executive director is authorized to appoint additional staff.

The Governor will not submit to the Legislature a request for funds to implement a collective bargaining agreement unless the request is submitted to the director of the office of financial management by October 1st of the year preceding the next ensuing biennium.

The authority, in the course of collective bargaining, must cooperate with the director of the office of financial management to establish that the fiscal costs of any collective bargaining agreement are financially feasible for the state.

**Substitute Bill Compared to Original Bill:** The substitute bill adds the language allowing a board member to serve until his or her successor is appointed and clarifies that the authority's immunity does preclude enforcement of collective bargaining agreements. It removes the requirement that the director of OFM certify the financial feasibility of the collective bargaining agreement before it is submitted to the Legislature.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except for section 5, which takes effect July 1, 2003.

**Testimony For:** As preparations are being made to implement the initiative, there are some parts of it that need clarification so that the Home Care Authority can get up and running. Given the short time available for the drafting of a ballot initiative, it was inevitable that some things would be missed. This bill corrects some of those oversights.

**Testimony Against:** There are concerns among family caregivers regarding the effect that the initiative will have on them.

**Testified:** PRO: Kari Burrell, Governor's Executive Policy Office; David Rolf, SEIU; CONCERNS: Phil Jordan, WPAS; Kari Cunningham-Rosvik, The Arc of King County; Margaret-Lee Thompson, King County Parent Coalition for D.D.