

**Health & Human Services**  
**Appropriations Committee**

**HB 3108**

**Brief Description:** Modifying state payments for in-home care.

**Sponsors:** Representatives O'Brien, Warnick, Pettigrew, Wallace and Santos.

**Brief Summary of Bill**

- Allows the Department of Social and Health Services to pay a home care agency for in-home personal care services if the care is provided by a family member of the client and other specified conditions are met.
- Repeals electronic timekeeping requirements for agency providers.

**Hearing Date:** 2/4/10

**Staff:** Trista Zugel (786-7157).

**Background:**

Various programs in the Department of Social and Health Services' (DSHS) Aging and Adult Services and Developmental Disabilities divisions provide personal care services to elderly or disabled clients who are eligible for publicly funded services. These services may be provided in the client's home by individual providers who contract directly with the DSHS or by agency providers who are employees of a licensed home care agency. This paid provider may be a relative or a household member, although the client's spouse may not be a paid provider under most programs. Personal care services include assistance with various tasks such as toileting, bathing, dressing, ambulating, meal preparation, and household chores.

A plan of care is developed for each client to determine the services allowed. The client may choose whether to obtain services through an individual provider or an agency provider, but the benefits must be the same in amount, duration, and scope under either service option.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Individual providers who contract with the DSHS are compensated at rates established through collective bargaining and funded in the state's operating budget. Agency providers are paid by their employers who are reimbursed by DSHS based on a vendor rate that provides parity with the compensation established for individual providers. By statute the DSHS must, in determining the agency vendor rate, use a formula that accounts for:

- wages and fringe benefits;
- payroll taxes;
- mileage;
- any contributions that the state pays to the Training Partnership (a program to provide training for individual providers); and
- average increases in workers' compensation costs.

In addition, contributions for health care benefits are paid at the same rate as for individual providers.

The DSHS is prohibited by statute to pay a licensed home care agency for in-home personal care services if the care is provided to a client by the client's family member. "Family member" is defined as a parent, child, sibling, aunt, uncle, cousin, grandparent, grandchild, grandniece or grandnephew.

#### **Summary of Bill:**

The DSHS may pay a home care agency for in-home personal care services provided under the Medicaid in-home personal care program if the care is provided by a family member of the client and:

1. The client chooses care from a family member caregiver employed by a licensed home care agency;
2. The client's native language is a language other than English;
3. The client is a registered member of a Native American tribe; and
4. The client has been determined based on his or her annual state assessment to have a cognitive performance scale score of two or more, or had decision making coded as poor decision making or unaware of consequences of his or her decisions.

Electronic timekeeping requirements for agency providers are provided.

**Appropriation:** None.

**Fiscal Note:** Requested on January 23, 2010.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.