

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2361**

Chapter 571, Laws of 2009

61st Legislature  
2009 Regular Session

IN-HOME CARE--STATE PAYMENTS

EFFECTIVE DATE: 05/19/09

Passed by the House April 26, 2009  
Yeas 94 Nays 2

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 25, 2009  
Yeas 29 Nays 20

BRAD OWEN

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**President of the Senate**

Approved May 19, 2009, 4:03 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2361** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 20, 2009

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2361**

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

**State of Washington                      61st Legislature                      2009 Regular Session**

**By** House Ways & Means (originally sponsored by Representative Cody)

READ FIRST TIME 04/20/09.

1            AN ACT Relating to modifying state payments for in-home care;  
2 adding new sections to chapter 74.39A RCW; creating a new section; and  
3 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)(a) The department shall not pay a home care agency licensed  
8 under chapter 70.127 RCW for in-home personal care or respite services  
9 provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the  
10 care is provided to a client by a family member of the client. To the  
11 extent permitted under federal law, the provisions of this subsection  
12 shall not apply if the family member providing care is older than the  
13 client.

14            (b) The department may, on a case-by-case basis based on the  
15 client's health and safety, make exceptions to (a) of this subsection  
16 to authorize payment or to provide for payment during a transition  
17 period of up to three months.

18            (2) The department shall take appropriate enforcement action  
19 against a home care agency found to have charged the state for hours of

1 service for which the department is not authorized to pay under this  
2 section, including requiring recoupment of any payment made for those  
3 hours and, under criteria adopted by the department by rule,  
4 terminating the contract of an agency that violates a recoupment  
5 requirement.

6 (3) For purposes of this section:

7 (a) "Client" means a person who has been deemed eligible by the  
8 department to receive in-home personal care or respite services.

9 (b) "Family member" shall be liberally construed to include, but  
10 not be limited to, a parent, child, sibling, aunt, uncle, cousin,  
11 grandparent, grandchild, grandniece, or grandnephew, or such relatives  
12 when related by marriage.

13 (4) The department shall adopt rules to implement this section.  
14 The rules shall not result in affecting the amount, duration, or scope  
15 of the personal care or respite services benefit to which a client may  
16 be entitled pursuant to RCW 74.09.520 or Title XIX of the federal  
17 social security act.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A RCW  
19 to read as follows:

20 (1) Beginning July 1, 2010, the department shall not pay a home  
21 care agency licensed under chapter 70.127 RCW for in-home personal care  
22 or respite services provided under this chapter, Title 71A RCW, or  
23 chapter 74.39 RCW if the home care agency does not verify agency  
24 employee hours by electronic time keeping.

25 (2) For purposes of this section, "electronic time keeping" means  
26 an electronic, verifiable method of recording an employee's presence in  
27 the client's home at the beginning and end of the employee's client  
28 visit workday.

29 NEW SECTION. **Sec. 3.** If any part of this act is found to be in  
30 conflict with federal requirements that are a prescribed condition to  
31 the allocation of federal funds to the state, the conflicting part of  
32 this act is inoperative solely to the extent of the conflict and with  
33 respect to the agencies directly affected, and this finding does not  
34 affect the operation of the remainder of this act in its application to  
35 the agencies concerned. Rules adopted under this act must meet federal

1 requirements that are a necessary condition to the receipt of federal  
2 funds by the state.

3 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 immediately.

Passed by the House April 26, 2009.

Passed by the Senate April 25, 2009.

Approved by the Governor May 19, 2009.

Filed in Office of Secretary of State May 20, 2009.