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
Speaker of the House of Representatives

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

BRAD OWEN
President of the Senate

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

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
Chief Clerk

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

CHRISTINE GREGOIRE
Governor of the State of Washington

FILED
May 20, 2009

SECRETARY OF STATE
State of Washington
AN ACT Relating to modifying state payments for in-home care; adding new sections to chapter 74.39A RCW; creating a new section; and declaring an emergency.

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

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

(1)(a) The department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the care is provided to a client by a family member of the client. To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client.

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

(2) The department shall take appropriate enforcement action against a home care agency found to have charged the state for hours of
service for which the department is not authorized to pay under this section, including requiring recoupment of any payment made for those hours and, under criteria adopted by the department by rule, terminating the contract of an agency that violates a recoupment requirement.

(3) For purposes of this section:

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

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

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

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

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

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

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

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