

**FINAL BILL REPORT**

**SSB 5386**

**C 42 L 93**

**SYNOPSIS AS ENACTED**

**Brief Description:** Modifying licensure of home health, hospice, and home care agencies.

**SPONSORS:** Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Gaspard, Deccio, Hochstatter and Winsley)

**SENATE COMMITTEE ON HEALTH & HUMAN SERVICES**

**HOUSE COMMITTEE ON HEALTH CARE**

**HOUSE COMMITTEE ON APPROPRIATIONS**

**BACKGROUND:**

In 1988 the Legislature enacted the in-home agency licensure law to regulate services provided by home health, home care and hospice agencies. It authorized the Department of Health (DOH) to operate the regulatory program.

Home health agencies provide two or more medical or health care services to the ill, disabled and infirm such as nursing, physical therapy and the operation of medical equipment. Home care agencies provide personal care services to the ill, disabled and infirm such as homemaker services, respite care and other nonmedical care. Hospice care agencies provide services to terminally ill persons that alleviate pain, and provide emotional and spiritual support. Hospice services also include bereavement care provided to families of terminally ill persons.

The licensure law has a July 1, 1993 sunset termination date and directs the Legislative Budget Committee (LBC) to conduct a performance audit of the program prior to its termination. The LBC recommends repeal of the sunset date. It also recommends housekeeping changes and other modifications of the licensure program aimed at improving its efficiency and effectiveness.

**SUMMARY:**

The sunset termination date on the in-home licensure law is repealed.

The definition of a home health agency is expanded allowing agencies that provide only nursing services to voluntarily obtain licensure.

Services provided by licensed pharmacists within their scope of practice are excluded from licensure.

Hospice care agencies that provide hospices services at no charge are exempt from licensure. A home health, home care or hospice license is valid for a two-year period. On-site reviews of in-home agencies must occur within each licensure period.

Licensure fees are based on a sliding scale. Agencies with the highest number of full-time equivalents pay the highest fees. Fee limits are established for on-site reviews and for processing a change in ownership of an in-home agency.

DOH must receive input from licensees concerning interpretive guidelines for each type of in-home license. Personnel policies, procedures and record keeping requirements for volunteers providing services through in-home agencies are reduced. In-home care providers who administer controlled substances and legend drugs must follow Board of Pharmacy rules regarding their use.

Home health or hospice agencies licensed by Medicare, the Community Accreditation Program or Joint Commission on Accreditation of Health Care Organizations are granted licensure without DOH on-site review if the licensing standards of these programs are substantially equivalent to those of DOH. The department is required to make this determination and must have access to all on-site survey reports conducted by these programs as well as other reports indicating compliance with licensure standards.

Home care agencies licensed by the Department of Social and Health Services (DSHS) or the Area Agencies on Aging are granted licensure without a DOH on-site review if the licensure standards are substantially equivalent to those of DOH. DOH is required to make this determination and must have access to all DSHS on-site survey reports and other relevant reports indicating compliance with licensure standards.

DOH is required to adopt a liberal interpretation in establishing whether Medicare, the Community Accreditation Program, the Joint Commission on Accreditation of Health Care Organizations and DSHS have equivalent licensure standards. Agencies licensed under these other programs are assessed the same fees as agencies licensed under DOH. Restrictions are placed on DOH concerning the performance of validation surveys.

**VOTES ON FINAL PASSAGE:**

Senate	46	0
House	97	0

**EFFECTIVE:** June 30, 1993 (Sections 1-10, 12)  
January 1, 1994 (Section 11)