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**SUBSTITUTE SENATE BILL 6453**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Senate Health Care (originally sponsored by Senators Dammeier and Keiser; by request of Department of Social and Health Services)

READ FIRST TIME 02/07/14.

1       AN ACT Relating to verification of hours worked through electronic  
2 timekeeping by area agencies on aging and home care agencies; and  
3 amending RCW 74.39A.095 and 74.39A.325.

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

5       **Sec. 1.** RCW 74.39A.095 and 2012 c 164 s 507 are each amended to  
6 read as follows:

7       (1) In carrying out case management responsibilities established  
8 under RCW 74.39A.090 for consumers who are receiving services under the  
9 medicaid personal care, community options programs entry system or  
10 chore services program through an individual provider, each area agency  
11 on aging shall provide oversight of the care being provided to  
12 consumers receiving services under this section to the extent of  
13 available funding. Case management responsibilities incorporate this  
14 oversight, and include, but are not limited to:

15       (a) Verification that any individual provider has met any training  
16 requirements established by the department;

17       (b) Verification of a sample of worker time sheets until the state  
18 electronic payment system is available for individual providers to

1 record their hours at which time a verification of worker time sheets  
2 may be done electronically;

3 (c) Monitoring the consumer's plan of care to verify that it  
4 adequately meets the needs of the consumer, through activities such as  
5 home visits, telephone contacts, and responses to information received  
6 by the area agency on aging indicating that a consumer may be  
7 experiencing problems relating to his or her home care;

8 (d) Reassessing and reauthorizing services;

9 (e) Monitoring of individual provider performance; and

10 (f) Conducting criminal background checks or verifying that  
11 criminal background checks have been conducted for any individual  
12 provider. Individual providers who are hired after January 7, 2012,  
13 are subject to background checks under RCW 74.39A.056.

14 (2) The area agency on aging case manager shall work with each  
15 consumer to develop a plan of care under this section that identifies  
16 and ensures coordination of health and long-term care services that  
17 meet the consumer's needs. In developing the plan, they shall utilize,  
18 and modify as needed, any comprehensive community service plan  
19 developed by the department as provided in RCW 74.39A.040. The plan of  
20 care shall include, at a minimum:

21 (a) The name and telephone number of the consumer's area agency on  
22 aging case manager, and a statement as to how the case manager can be  
23 contacted about any concerns related to the consumer's well-being or  
24 the adequacy of care provided;

25 (b) The name and telephone numbers of the consumer's primary health  
26 care provider, and other health or long-term care providers with whom  
27 the consumer has frequent contacts;

28 (c) A clear description of the roles and responsibilities of the  
29 area agency on aging case manager and the consumer receiving services  
30 under this section;

31 (d) The duties and tasks to be performed by the area agency on  
32 aging case manager and the consumer receiving services under this  
33 section;

34 (e) The type of in-home services authorized, and the number of  
35 hours of services to be provided;

36 (f) The terms of compensation of the individual provider;

37 (g) A statement by the individual provider that he or she has the

1 ability and willingness to carry out his or her responsibilities  
2 relative to the plan of care; and

3 (h)(i) Except as provided in (h)(ii) of this subsection, a clear  
4 statement indicating that a consumer receiving services under this  
5 section has the right to waive any of the case management services  
6 offered by the area agency on aging under this section, and a clear  
7 indication of whether the consumer has, in fact, waived any of these  
8 services.

9 (ii) The consumer's right to waive case management services does  
10 not include the right to waive reassessment or reauthorization of  
11 services, or verification that services are being provided in  
12 accordance with the plan of care.

13 (3) Each area agency on aging shall retain a record of each waiver  
14 of services included in a plan of care under this section.

15 (4) Each consumer has the right to direct and participate in the  
16 development of their plan of care to the maximum practicable extent of  
17 their abilities and desires, and to be provided with the time and  
18 support necessary to facilitate that participation.

19 (5) A copy of the plan of care must be distributed to the  
20 consumer's primary care provider, individual provider, and other  
21 relevant providers with whom the consumer has frequent contact, as  
22 authorized by the consumer.

23 (6) The consumer's plan of care shall be an attachment to the  
24 contract between the department, or their designee, and the individual  
25 provider.

26 (7) If the department or area agency on aging case manager finds  
27 that an individual provider's inadequate performance or inability to  
28 deliver quality care is jeopardizing the health, safety, or well-being  
29 of a consumer receiving service under this section, the department or  
30 the area agency on aging may take action to terminate the contract  
31 between the department and the individual provider. If the department  
32 or the area agency on aging has a reasonable, good faith belief that  
33 the health, safety, or well-being of a consumer is in imminent  
34 jeopardy, the department or area agency on aging may summarily suspend  
35 the contract pending a fair hearing. The consumer may request a fair  
36 hearing to contest the planned action of the case manager, as provided  
37 in chapter 34.05 RCW. The department may by rule adopt guidelines for  
38 implementing this subsection.

1 (8) The department or area agency on aging may reject a request by  
2 a consumer receiving services under this section to have a family  
3 member or other person serve as his or her individual provider if the  
4 case manager has a reasonable, good faith belief that the family member  
5 or other person will be unable to appropriately meet the care needs of  
6 the consumer. The consumer may request a fair hearing to contest the  
7 decision of the case manager, as provided in chapter 34.05 RCW. The  
8 department may by rule adopt guidelines for implementing this  
9 subsection.

10 **Sec. 2.** RCW 74.39A.325 and 2009 c 571 s 2 are each amended to read  
11 as follows:

12 (1) (~~Beginning July 1, 2010,~~) The department shall not pay a home  
13 care agency licensed under chapter 70.127 RCW for in-home personal care  
14 or respite services provided under this chapter, Title 71A RCW, or  
15 chapter 74.39 RCW if the home care agency does not verify agency  
16 employee hours by electronic timekeeping except in circumstances where  
17 electronic verification is not possible as verified by the home care  
18 agency.

19 (2) For purposes of this section, "electronic timekeeping" means an  
20 electronic, verifiable method of recording an employee's presence  
21 (~~in~~) with the client (~~at home~~) at the beginning and end of the  
22 employee's client visit (~~on a~~) workday) shift.

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