

# HOUSE BILL REPORT

## 2ESB 5867

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**As Passed House:**  
June 30, 2017

**Title:** An act relating to creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program.

**Brief Description:** Creating a flexible voluntary program to allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a consumer-directed medicaid service program.

**Sponsors:** Senator Braun.

**Brief History:**

**Committee Activity:**

None.

**Third Special Session**

**Floor Activity:**

Passed House: 6/30/17, 94-0.

**Brief Summary of Second Engrossed Bill**

- Directs the Joint Legislative Executive Committee on Aging and Disability to develop recommendations for a voluntary consumer-directed personal care program.
- Within available funds, allows the Department of Social and Health Services to pay licensed home care agencies for personal care or respite services provided by a family member to a client who is a member of a federally recognized Indian tribe or who resides in the household of a member of a federally recognized Indian tribe.

**Staff:** Mary Mulholland (786-7391).

**Background:**

In-Home Care Services.

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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.*

Individuals with long-term care needs or developmental disabilities who meet financial and functional eligibility criteria are eligible to receive Medicaid in-home personal care and respite services. The Department of Social and Health Services (DSHS) assesses these eligible persons (consumers) to determine the level of their in-home care needs. Consumers may choose to receive services from an individual provider or from a provider employed by a licensed home care agency under contract with the DSHS, known as an agency provider.

The Washington system of administering in-home care services through the DSHS is sometimes referred to as an agency-directed model. A consumer-directed model is an alternate model designed to promote consumer autonomy in managing care needs; for example, by providing consumers with a monthly allowance to self-direct in order to meet their health and welfare needs.

The DSHS is prohibited from paying a licensed home care agency for in-home personal care or respite services provided to a client by a family member of the client. Exceptions may be permitted if the family member providing care is older than the client or on a case-by-case basis for client health and safety.

Funding for Medicaid in-home personal care services is adjusted in each budget on the basis of actual and forecasted client caseloads and per-capita costs. Washington currently spends approximately \$1.4 million annually on in-home personal care services for over 50,000 clients.

#### Joint Legislative Executive Committee on Aging & Disability.

The Joint Legislative Executive Committee on Aging and Disability Issues (Committee) was established in the 2013-15 operating budget and reauthorized in subsequent budget cycles through the 2017-19 budget. The Committee's membership has varied, but has included a combination of legislators, executive branch representatives, and representatives from stakeholder groups. The Committee makes recommendations and identifies strategic actions related to aging and disability issues specified in the budget. Responsibilities specified in the 2017-19 budget include:

- devoting at least one meeting to exploring legislation that would allow family members to provide personal care services to individuals with long-term care or developmental disabilities through a voluntary consumer-directed Medicaid program; and
- identifying ways to support individuals with long-term care needs or developmental disabilities who are members of federally-recognized Indian tribes, or members of such a tribal members' household.

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

The Committee is directed to explore legislation that would allow consumers with long-term care needs or developmental disabilities to receive in-home personal care services from family members under a voluntary, consumer-directed Medicaid program. The Committee must develop recommendations on how such a program may:

- promote consumer health and safety;
- ensure caregiver training and support;

- verify the quality and appropriateness of care;
- reduce barriers to care; and
- mitigate potential liability issues under consumer-directed programs.

The Committee must submit its recommendations to the appropriate policy and fiscal committees of the Legislature by July 1, 2018.

Within available funds, the DSHS may pay licensed home care agencies for personal care or respite services provided by a family member to a client who is a member of a federally recognized Indian tribe or who resides in the household of a member of a federally recognized Indian tribe.

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**Appropriation:** None.

**Fiscal Note:** Requested on June 30, 2017.

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