

HOUSE BILL REPORT

SB 5529

As Passed House - Amended:

March 3, 2022

Title: An act relating to self-directed care.

Brief Description: Concerning self-directed care.

Sponsors: Senators Cleveland, Keiser, Dhingra and Wilson, C.; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Health Care & Wellness: 2/16/22, 2/23/22 [DPA].

Floor Activity:

Passed House: 3/3/22, 96-1.

Brief Summary of Bill (As Amended by House)

- Eliminates the requirement that personal aides who work as individual providers register and contract with the Department of Social and Health Services.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass as amended. Signed by 15 members: Representatives Cody, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Bronoske, Davis, Harris, Macri, Maycumber, Riccelli, Rude, Simmons, Stonier, Tharinger and Ybarra.

Staff: Christopher Blake (786-7392).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Personal aides act at the direction of an adult person with a functional disability to provide health care services in the person's home. The health care tasks performed by personal aides may include medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in the person's home. The health care tasks are limited to those that persons without a functional disability would customarily perform themselves without the assistance of a licensed health care provider.

Personal aides may either work privately or as individual providers. Individual providers provide personal care or respite care services to persons who are functionally disabled and they work under contract with the Department of Social and Health Services (Department) or as employees of a consumer-directed employer. Personal aides who work as individual providers must also be under contract or agreement with the Department, as well as registered with the Department.

In 2018 the Department was authorized to establish a consumer-directed employer program. Under a consumer-directed employer program, the Department's responsibility to contract with individual providers and pay them for the services that they provide to Department clients is shifted to a private entity which acts as the employer of the individual providers and contracts with the Department for reimbursement for the services provided. The shift to a consumer-directed employer system is occurring in phases and began in late 2021 and continues into 2022.

Summary of Amended Bill:

Requirements that personal aides who work as individual providers be under contract or agreement with the Department of Social and Health Services (Department) and registered with the Department are removed. It is specified that the role of a personal aide is to act at the direction of an adult person with a functional disability to assist with the physical performance of health care tasks. It is specified that the exemption from health profession licensing for personal aides providing health care tasks does not exempt an individual provider from becoming certified as a home care aide.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a simple bill that will have a significant impact on the lives of individuals that rely on personal aides for health-related tasks such as medication administration, insulin injection, and wound care. This bill maintains the rights that

individuals with functional disabilities have had since the self-directed care law first passed in 1999, and ensures that people who have chosen to receive services from an unrelated self-directed provider and rely on Medicaid for those services will continue to have those rights. Without this bill, an individual with a functional disability will be prevented from self-directing health-related tasks to an individual provider once they become employed by the consumer-directed employer in May 2022. Without this bill, self-directing care will be more costly, involve more steps, and be more difficult to receive services in one's own home. This bill is important for people with various injuries and disabilities who direct their own care to be able to continue to live where they choose.

(Opposed) None.

Persons Testifying: Bea Rector, Department of Social and Health Services, Aging and Long-Term Support Administration; and Patricia Toole.

Persons Signed In To Testify But Not Testifying: None.