

SENATE BILL REPORT

SB 5716

As of February 14, 2023

Title: An act relating to removing the authorization for the department of health to perform validation surveys on in-home services agencies and area agencies on aging.

Brief Description: Removing the department of health's authorization to perform certain validation surveys.

Sponsors: Senator Rivers.

Brief History:

Committee Activity: Health & Long Term Care: 2/14/23.

Brief Summary of Bill

- Removes the authority for the Department of Health to perform a validation survey on in-home services agencies who previously received a survey through accreditation or contracts with Department of Social and Health Services or an area agency on aging.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Julie Tran (786-7283)

Background: There are more than 400 licensed in-home services agencies that provide home-based personal care and health services to clients and patients within the minimum established health and safety standards. The Department of Health (DOH) must ensure that licensed in-home services agencies comply with all applicable state and federal requirements. DOH is authorized to conduct complaint investigations and routine state and federal surveys.

Surveys are inspections conducted by DOH to evaluate and monitor an agency's compliance.

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.

Current Requirements. An in-home services agency providing services under contract with the Department of Social and Health Services (DSHS) or an area agency on aging (AAA) to provide home care services, and that is monitored by DSHS or an AAA is not subject to a state licensure survey by DOH if certain requirements are met. Those requirements include:

- a DOH determination that the monitoring standards by DSHS or an AAA is substantially equivalent to the standards outlined in statute;
- on-site monitoring has been conducted by DSHS or an AAA during the past 24 months;
- DSHS or an AAA includes in its monitoring a sample of private pay clients, if applicable; and
- DOH receives directly from DSHS copies of monitoring reports, and other relevant reports or findings that indicate compliance with licensure requirements.

An in-home services agency, certified by the federal Medicare program, or accredited by the community health accreditation program, or the Joint Commission on Accreditation of Health Care Organizations as a home health or hospice agency is not subject to a state licensure survey if certain requirements are met. Those requirements include:

- a DOH determination that the monitoring standards of the certification or accreditation program is substantially equivalent to the standards outlined in statute;
- an on-site survey has been conducted for certification or accreditation during the past 24 months; and
- DOH receives directly from the certifying or accrediting entity, or from the licensee applicant, copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.

DOH is authorized to perform a validation survey on in-home services agencies who previously received a survey through accreditation or contracts with DSHS or an AAA. DOH is authorized to perform a validation survey on no greater than 10 percent of each type of certification or accreditation survey.

Summary of Bill: DOH is not authorized to perform a validation survey on in-home services agencies who previously received a survey through accreditation or contracts with DSHS or an AAA.

The authority is removed for DOH to perform a validation survey that is on no greater than 10 percent of each type of certification or accreditation survey.

Appropriation: None.

Fiscal Note: Requested on February 10, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill reduces administrative burdens, reduces barriers and other challenges impacting the home care system. Home care agencies are thoroughly reviewed annually and particularly those agencies that are contracted through Medicaid and DSHS. Home care agencies are reviewed and audited by DSHS and the AAAs. The audits conducted by DSHS and AAAs are extensive and include more than 100 items when compared, the DOH is significantly less. This additional audit, validation survey process from DOH is duplicative. It creates another opportunity for the agency to come in, pause operations, and conduct something that is not additive to the system. It is not providing a good use of resources for DOH or the home care agencies. This process should be removed.

OTHER: Existing law allows DSHS and accrediting organizations to complete state licensure surveys on DOH's behalf if it meets state standards. DOH completes regular inspections and periodic validation surveys, which is referred to as "spot checks." This bill removes DOH's ability to protect patient safety and confirm that DSHS and accrediting organizations' survey standards are equivalent to DOH standards. Removing the ability for the agency to perform spot checks compromises DOH's authority to ensure consistency of service and patient safety. In the incoming year, DOH only has 4 spot checks scheduled for contracted home care agencies.

Persons Testifying: PRO: Senator Ann Rivers, Prime Sponsor; Peter Nazzal, Catholic Community Services; Brad Banks, Home Care Coalition.

OTHER: Ian Corbridge, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying: No one.