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SENATE BILL 5761

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Amondson and Niemi; by request of Office of Financial Management and Dept. of Social & Health Services.

Read first time February 19, 1991. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to hospice services provided by medical assistance;  
2 reenacting and amending RCW 74.09.520; providing an effective date; and  
3 declaring an emergency.

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

5 **Sec. 1.** RCW 74.09.520 and 1990 c 33 s 594 and 1990 c 25 s 1 are  
6 each reenacted and amended to read as follows:

7 (1) The term "medical assistance" may include the following care  
8 and services: (a) Inpatient hospital services; (b) outpatient hospital  
9 services; (c) other laboratory and x-ray services; (d) skilled nursing  
10 home services; (e) physicians' services, which shall include prescribed  
11 medication and instruction on birth control devices; (f) medical care,  
12 or any other type of remedial care as may be established by the  
13 secretary; (g) home health care services; (h) private duty nursing  
14 services; (i) dental services; (j) physical therapy and related  
15 services; (k) prescribed drugs, dentures, and prosthetic devices; and

1 eyeglasses prescribed by a physician skilled in diseases of the eye or  
2 by an optometrist, whichever the individual may select; (l) personal  
3 care services, as provided in this section; (m) hospice services; (n)  
4 other diagnostic, screening, preventive, and rehabilitative services;  
5 and (o) like services when furnished to a handicapped child by a school  
6 district as part of an individualized education program established  
7 pursuant to RCW 28A.155.010 through 28A.155.100. For the purposes of  
8 this section, the department may not cut off any prescription  
9 medications, oxygen supplies, respiratory services, or other life-  
10 sustaining medical services or supplies.

11 "Medical assistance," notwithstanding any other provision of law,  
12 shall not include routine foot care, or dental services delivered by  
13 any health care provider, that are not mandated by Title XIX of the  
14 social security act unless there is a specific appropriation for these  
15 services. Services included in an individualized education program for  
16 a handicapped child under RCW 28A.155.010 through 28A.155.100 shall not  
17 qualify as medical assistance prior to the implementation of the  
18 funding process developed under RCW 74.09.524.

19 (2) The department shall amend the state plan for medical  
20 assistance under Title XIX of the federal social security act to  
21 include personal care services, as defined in 42 C.F.R. 440.170(f), in  
22 the categorically needy program.

23 (3) The department shall adopt, amend, or rescind such  
24 administrative rules as are necessary to ensure that Title XIX personal  
25 care services are provided to eligible persons in conformance with  
26 federal regulations.

27 (a) These administrative rules shall include financial eligibility  
28 indexed according to the requirements of the social security act  
29 providing for medicaid eligibility.

1 (b) The rules shall require clients be assessed as having a medical  
2 condition requiring assistance with personal care tasks. Plans of care  
3 must be approved by a physician and reviewed by a nurse every ninety  
4 days.

5 (4) The department shall design and implement a means to assess the  
6 level of functional disability of persons eligible for personal care  
7 services under this section. The personal care services benefit shall  
8 be provided to the extent funding is available according to the  
9 assessed level of functional disability. Any reductions in services  
10 made necessary for funding reasons should be accomplished in a manner  
11 that assures that priority for maintaining services is given to persons  
12 with the greatest need as determined by the assessment of functional  
13 disability.

14 (5) The department shall report to the appropriate fiscal  
15 committees of the legislature on the utilization and associated costs  
16 of the personal care option under Title XIX of the federal social  
17 security act, as defined in 42 C.F.R. 440.170(f), in the categorically  
18 needy program. This report shall be submitted by January 1, 1990, and  
19 submitted on a yearly basis thereafter.

20 (6) Effective July 1, 1989, the department shall offer hospice  
21 services in accordance with available funds. The department shall  
22 provide a complete accounting of the costs of providing hospice  
23 services under this section by December 20, 1990. The report shall  
24 include an assessment of cost savings which may result by providing  
25 hospice to persons who otherwise would use hospitals, nursing homes, or  
26 more expensive care. (~~The hospice benefit under this section shall  
27 terminate on June 30, 1991, unless extended by the legislature.~~)

28 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take  
2 effect July 1, 1991.