

CERTIFICATION OF ENROLLMENT

SENATE BILL 5444

Chapter 57, Laws of 1993

53rd Legislature
1993 Regular Session

MEDICAL ASSISTANCE COVERAGE OF HOSPICE CARE

EFFECTIVE DATE: 7/25/93

Passed by the Senate February 25, 1993
YEAS 44 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 8, 1993
YEAS 98 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 19, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5444** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 19, 1993 - 1:56 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5444

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senator Talmadge; by request of Department of Social and Health Services

Read first time 01/28/93. Referred to Committee on Health & Human Services.

1 AN ACT Relating to medical assistance coverage of hospice care and
2 services; amending RCW 74.09.520; and reenacting and amending RCW
3 74.09.700.

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

5 **Sec. 1.** RCW 74.09.520 and 1991 sp.s. c 8 s 9 are each amended to
6 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) nursing facility
10 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 and occupational therapy
15 and related services; (k) prescribed drugs, dentures, and prosthetic
16 devices; and eyeglasses prescribed by a physician skilled in diseases
17 of the eye or by an optometrist, whichever the individual may select;
18 (l) personal care services, as provided in this section; (m) hospice
19 services; (n) other diagnostic, screening, preventive, and

1 rehabilitative services; and (o) like services when furnished to a
2 handicapped child by a school district as part of an individualized
3 education program established pursuant to RCW 28A.155.010 through
4 28A.155.100. For the purposes of this section, the department may not
5 cut off any prescription medications, oxygen supplies, respiratory
6 services, or other life-sustaining medical services or supplies.

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

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

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

23 (a) These administrative rules shall include financial eligibility
24 indexed according to the requirements of the social security act
25 providing for medicaid eligibility.

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

30 (4) The department shall design and implement a means to assess the
31 level of functional disability of persons eligible for personal care
32 services under this section. The personal care services benefit shall
33 be provided to the extent funding is available according to the
34 assessed level of functional disability. Any reductions in services
35 made necessary for funding reasons should be accomplished in a manner
36 that assures that priority for maintaining services is given to persons
37 with the greatest need as determined by the assessment of functional
38 disability.

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

7 (6) Effective July 1, 1989, the department shall offer hospice
8 services in accordance with available funds. (~~The hospice benefit~~
9 ~~under this section shall terminate on June 30, 1993, unless extended by~~
10 ~~the legislature.~~)

11 **Sec. 2.** RCW 74.09.700 and 1991 sp.s. c 9 s 7 and 1991 sp.s. c 8 s
12 10 are each reenacted and amended to read as follows:

13 (1) To the extent of available funds and subject to any conditions
14 placed on appropriations made for this purpose, medical care may be
15 provided under the limited casualty program to persons not otherwise
16 eligible for medical assistance or medical care services who are
17 medically needy as defined in the social security Title XIX state plan
18 and medical indigents in accordance with eligibility requirements
19 established by the department. The eligibility requirements may
20 include minimum levels of incurred medical expenses. This includes
21 residents of nursing facilities and residents of intermediate care
22 facilities for the mentally retarded who are aged, blind, or disabled
23 as defined in Title XVI of the federal social security act and whose
24 income exceeds three hundred percent of the federal supplement security
25 income benefit level.

26 (2) Determination of the amount, scope, and duration of medical
27 coverage under the limited casualty program shall be the responsibility
28 of the department, subject to the following:

29 (a) Only the following services may be covered:

30 (i) For persons who are medically needy as defined in the social
31 security Title XIX state plan: Inpatient and outpatient hospital
32 services;

33 (ii) For persons who are medically needy as defined in the social
34 security Title XIX state plan, and for persons who are medical
35 indigents under the eligibility requirements established by the
36 department: Rural health clinic services; physicians' and clinic
37 services; prescribed drugs, dentures, prosthetic devices, and
38 eyeglasses; nursing facility services; and intermediate care facility

1 services for the mentally retarded; home health services; hospice
2 services; other laboratory and x-ray services; rehabilitative services,
3 including occupational therapy; medically necessary transportation; and
4 other services for which funds are specifically provided in the omnibus
5 appropriations act;

6 (b) Medical care services provided to the medically indigent and
7 received no more than seven days prior to the date of application shall
8 be retroactively certified and approved for payment on behalf of a
9 person who was otherwise eligible at the time the medical services were
10 furnished: PROVIDED, That eligible persons who fail to apply within
11 the seven-day time period for medical reasons or other good cause may
12 be retroactively certified and approved for payment.

13 (3) The department shall establish standards of assistance and
14 resource and income exemptions. All nonexempt income and resources of
15 limited casualty program recipients shall be applied against the cost
16 of their medical care services.

Passed the Senate February 25, 1993.

Passed the House April 8, 1993.

Approved by the Governor April 19, 1993.

Filed in Office of Secretary of State April 19, 1993.