

CERTIFICATION OF ENROLLMENT  
**SECOND SUBSTITUTE HOUSE BILL 1546**

Chapter 175, Laws of 1999

56th Legislature  
1999 Regular Session

IN-HOME CARE SERVICES--PLAN OF CARE

EFFECTIVE DATE: 7/25/99

Passed by the House March 12, 1999  
Yeas 95 Nays 0

CLYDE BALLARD  
**Speaker of the House of  
Representatives**

FRANK CHOPP  
**Speaker of the House of  
Representatives**

Passed by the Senate April 8, 1999  
Yeas 43 Nays 0

BRAD OWEN  
**President of the Senate**

Approved May 5, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1546** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 5, 1999 - 3:53 p.m.

**Secretary of State  
State of Washington**

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**SECOND SUBSTITUTE HOUSE BILL 1546**

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Passed Legislature - 1999 Regular Session

**State of Washington                      56th Legislature                      1999 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Cody, Parlette, Doumit, Ballasiotes, Conway, D. Schmidt, Dickerson, Campbell, Wolfe, Kenney, Ogden, Radcliff, Kessler, Veloria, Ruderman, Linville, Santos, Haigh, Cooper, Miloscia, Edmonds, Keiser, Lantz, Hurst, Schual-Berke, Quall, Van Luven, Rockefeller, O'Brien, Wood, Murray, Fortunato and McIntire)

Read first time 03/08/1999.

1            AN ACT Relating to in-home care services; amending RCW 74.39A.090;  
2 adding a new section to chapter 74.39A RCW; and creating new sections.

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

4            NEW SECTION.    **Sec. 1.** (1) The legislature finds that the quality  
5 of long-term care services provided to, and protection of, Washington's  
6 low-income elderly and disabled residents is of great importance to the  
7 state. The legislature further finds that revised in-home care  
8 policies are needed to more effectively address concerns about the  
9 quality of these services.

10           (2) The legislature finds that consumers of in-home care services  
11 frequently are in contact with multiple health and long-term care  
12 providers in the public and private sector. The legislature further  
13 finds that better coordination between these health and long-term care  
14 providers, and case managers, can increase the consumer's understanding  
15 of their plan of care, maximize the health benefits of coordinated  
16 care, and facilitate cost efficiencies across health and long-term care  
17 systems.

1       **Sec. 2.** RCW 74.39A.090 and 1995 1st sp.s. c 18 s 38 are each  
2 amended to read as follows:

3       (1) The legislature intends that any staff reassigned by the  
4 department as a result of shifting of the reauthorization  
5 responsibilities by contract outlined in this section shall be  
6 dedicated for discharge planning and assisting with discharge planning  
7 and information on existing discharge planning cases. Discharge  
8 planning, as directed in this section, is intended for residents and  
9 patients identified for discharge to long-term care pursuant to RCW  
10 70.41.320, 74.39A.040, and 74.42.058. The purpose of discharge  
11 planning is to protect residents and patients from the financial  
12 incentives inherent in keeping residents or patients in a more  
13 expensive higher level of care and shall focus on care options that are  
14 in the best interest of the patient or resident.

15       (2) The department shall contract with area agencies on aging:

16       (a) To provide case management services to (~~individuals~~)  
17 consumers receiving home and community services in their own home; and

18       (b) To reassess and reauthorize home and community services in home  
19 or in other settings for (~~individuals~~) consumers consistent with the  
20 intent of this section:

21       (i) Who have been initially authorized by the department to receive  
22 home and community services; and

23       (ii) Who, at the time of reassessment and reauthorization, are  
24 receiving home and community services in their own home.

25       (3) In the event that an area agency on aging is unwilling to enter  
26 into or satisfactorily fulfill a contract to provide these services,  
27 the department is authorized to:

28       (a) Obtain the services through competitive bid; and

29       (b) Provide the services directly until a qualified contractor can  
30 be found.

31       (4) The department shall include, in its oversight and monitoring  
32 of area agency on aging performance, assessment of case management  
33 roles undertaken by area agencies on aging in this section. The scope  
34 of oversight and monitoring must be expanded to include, but is not  
35 limited to, assessing the degree and quality of the case management  
36 performed by area agency on aging staff for elderly and disabled  
37 persons in the community.

38       (5) Area agencies on aging shall assess the quality of the in-home  
39 care services provided to consumers who are receiving services under

1 the medicaid personal care, community options programs entry system or  
2 chore services program through an individual provider or home care  
3 agency. Quality indicators may include, but are not limited to, home  
4 care consumers satisfaction surveys, how quickly home care consumers  
5 are linked with home care workers, and whether the plan of care under  
6 section 3 of this act has been honored by the agency or the individual  
7 provider.

8 (6) The department shall develop model language for the plan of  
9 care established in section 3 of this act. The plan of care shall be  
10 in clear language, and written at a reading level that will ensure the  
11 ability of consumers to understand the rights and responsibilities  
12 expressed in the plan of care.

13 NEW SECTION. Sec. 3. A new section is added to chapter 74.39A RCW  
14 to read as follows:

15 (1) In carrying out case management responsibilities established  
16 under RCW 74.39A.090 for consumers who are receiving services under the  
17 medicaid personal care, community options programs entry system or  
18 chore services program through an individual provider, each area agency  
19 on aging shall provide adequate oversight of the care being provided to  
20 consumers receiving services under this section. Such oversight shall  
21 include, but is not limited to:

22 (a) Verification that the individual provider has met any training  
23 requirements established by the department;

24 (b) Verification of a sample of worker time sheets;

25 (c) Home visits or telephone contacts sufficient to ensure that the  
26 plan of care is being appropriately implemented;

27 (d) Reassessment and reauthorization of services;

28 (e) Monitoring of individual provider performance; and

29 (f) Conducting criminal background checks or verifying that  
30 criminal background checks have been conducted.

31 (2) The area agency on aging case manager shall work with each  
32 consumer to develop a plan of care under this section that identifies  
33 and ensures coordination of health and long-term care services that  
34 meet the consumer's needs. In developing the plan, they shall utilize,  
35 and modify as needed, any comprehensive community service plan  
36 developed by the department as provided in RCW 74.39A.040. The plan of  
37 care shall include, at a minimum:

1 (a) The name and telephone number of the consumer's area agency on  
2 aging case manager, and a statement as to how the case manager can be  
3 contacted about any concerns related to the consumer's well-being or  
4 the adequacy of care provided;

5 (b) The name and telephone numbers of the consumer's primary health  
6 care provider, and other health or long-term care providers with whom  
7 the consumer has frequent contacts;

8 (c) A clear description of the roles and responsibilities of the  
9 area agency on aging case manager and the consumer receiving services  
10 under this section;

11 (d) The duties and tasks to be performed by the area agency on  
12 aging case manager and the consumer receiving services under this  
13 section;

14 (e) The type of in-home services authorized, and the number of  
15 hours of services to be provided;

16 (f) The terms of compensation of the individual provider;

17 (g) A statement that the individual provider has the ability and  
18 willingness to carry out his or her responsibilities relative to the  
19 plan of care; and

20 (h)(i) Except as provided in (h)(ii) of this subsection, a clear  
21 statement indicating that a consumer receiving services under this  
22 section has the right to waive any of the case management services  
23 offered by the area agency on aging under this section, and a clear  
24 indication of whether the consumer has, in fact, waived any of these  
25 services.

26 (ii) The consumer's right to waive case management services does  
27 not include the right to waive reassessment or reauthorization of  
28 services, or verification that services are being provided in  
29 accordance with the plan of care.

30 (3) Each area agency on aging shall retain a record of each waiver  
31 of services included in a plan of care under this section.

32 (4) Each consumer has the right to direct and participate in the  
33 development of their plan of care to the maximum practicable extent of  
34 their abilities and desires, and to be provided with the time and  
35 support necessary to facilitate that participation.

36 (5) A copy of the plan of care must be distributed to the  
37 consumer's primary care provider, individual provider, and other  
38 relevant providers with whom the consumer has frequent contact, as  
39 authorized by the consumer.

1 (6) The consumer's plan of care shall be an attachment to the  
2 contract between the department, or their designee, and the individual  
3 provider.

4 (7) If the area agency on aging case manager finds that an  
5 individual provider's inadequate performance or inability to deliver  
6 quality care is jeopardizing the health, safety, or well-being of a  
7 consumer receiving service under this section, the department or the  
8 area agency on aging may take action to terminate the contract between  
9 the department and the individual provider. If the department or the  
10 area agency on aging has a reasonable, good faith belief that the  
11 health, safety, or well-being of a consumer is in imminent jeopardy,  
12 the department or area agency on aging may summarily suspend the  
13 contract pending a fair hearing. The consumer may request a fair  
14 hearing to contest the planned action of the case manager, as provided  
15 in chapter 34.05 RCW.

16 (8) The area agency on aging may reject a request by an consumer  
17 receiving services under this section to have a family member serve as  
18 his or her individual provider if the case manager has a reasonable,  
19 good faith belief that the family member will be unable to  
20 appropriately meet the care needs of the consumer. The consumer may  
21 request a fair hearing to contest the decision of the case manager, as  
22 provided in chapter 34.05 RCW.

23 NEW SECTION. **Sec. 4.** If specific funding for the purposes of this  
24 act, referencing this act by bill or chapter number, is not provided by  
25 June 30, 1999, in the omnibus appropriations act, this act is null and  
26 void.

Passed the House March 12, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor May 5, 1999.

Filed in Office of Secretary of State May 5, 1999.