

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2454

Chapter 207, Laws of 2000

56th Legislature
2000 Regular Session

FAMILY CAREGIVER LONG-TERM CARE

EFFECTIVE DATE: 6/8/00

Passed by the House March 5, 2000
Yeas 81 Nays 0

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2000
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved March 30, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2454** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

CYNTHIA ZEHNDER
Chief Clerk

FILED

March 30, 2000 - 2:10 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2454

Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Edmonds, Parlette, Cody, Kenney, Radcliff, Kagi, Edwards, Lantz, Hatfield, Ogden, Conway, Voloria, Lovick, Kessler, O'Brien, Regala, McDonald, Carlson, Tokuda, Cooper, Van Luven, Ruderman, Murray, Schual-Berke, Scott, Stensen, Keiser, Santos, Pflug, Rockefeller, Wood and McIntire)

Read first time 01/28/2000. Referred to Committee on .

1 AN ACT Relating to family caregiver long-term care information and
2 support services; amending RCW 74.41.020, 74.41.030, 74.41.050, and
3 74.41.070; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** This act shall be known and cited as the
6 Fred Mills act.

7 **Sec. 2.** RCW 74.41.020 and 1987 c 409 s 1 are each amended to read
8 as follows:

9 It is the intent of the legislature to provide ~~((for both))~~ a
10 comprehensive program of long-term care information and support,
11 including in-home and out-of-home respite care services ~~((which are~~
12 ~~provided by a range of service providers))~~, for family and other unpaid
13 caregivers who provide the daily services required when caring for
14 adults with functional disabilities. The ~~((respite care))~~ family
15 caregiver long-term care information and support services shall:

16 (1) Provide information, relief, and support to family or other
17 unpaid caregivers of ~~((disabled))~~ adults with functional disabilities;

1 (2) Encourage family and other nonpaid individuals to provide care
2 for (~~disabled~~) adults with functional disabilities at home, and thus
3 offer a viable alternative to (~~institutionalization~~) placement in a
4 long-term care facility;

5 (3) Ensure that respite care is made generally available on a
6 sliding-fee basis to eligible participants in the program according to
7 priorities established by the department;

8 (4) Be provided in the least restrictive setting available
9 consistent with the individually assessed needs of the (~~functionally~~
10 ~~disabled~~) adults with functional disabilities; (~~and~~)

11 (5) Include services appropriate to the needs of persons caring for
12 individuals with dementing illnesses; and

13 (6) Provide unpaid family and other unpaid caregivers with services
14 that enable them to make informed decisions about current and future
15 care plans, solve day-to-day caregiving problems, learn essential
16 caregiving skills, and locate services that may strengthen their
17 capacity to provide care.

18 **Sec. 3.** RCW 74.41.030 and 1987 c 409 s 2 are each amended to read
19 as follows:

20 Unless the context clearly indicates otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Family caregiver long-term care information and support
23 services" means providing long-term care information and support
24 services to unpaid family and other unpaid caregivers of adults with
25 functional disabilities, including but not limited to providing: (a)
26 Information about available public and private long-term care support
27 services; (b) assistance in gaining access to an array of appropriate
28 long-term care family caregiver services; (c) promotion and
29 implementation of support groups; (d) caregiver training to assist the
30 nonpaid caregivers in making decisions and solving challenges relating
31 to their caregiving roles; (e) respite care services; and (f)
32 additional supportive long-term care services that may include but not
33 be limited to translating/interpreter services, specialized
34 transportation, coordination of health care services, help purchasing
35 needed supplies, durable goods, or equipment, and other forms of
36 information and support necessary to maintain the unpaid caregiving
37 activity.

1 (2) "Respite care services" means relief care for families or other
2 caregivers of ((disabled)) adults with functional disabilities,
3 eligibility for which shall be determined by the department by rule.
4 The services provide temporary care or supervision of ((disabled))
5 adults with functional disabilities in substitution for the caregiver.
6 The term includes ((social)) adult day ((care)) services.

7 ~~((2))~~ (3) "Eligible participant for family caregiver long-term
8 care information and support services" means an adult ((a)) who needs
9 substantially continuous care or supervision by reason of his or her
10 functional disability(, and (b) who is assessed as requiring
11 institutionalization in the absence of a caregiver assisted by home and
12 community support services, including respite care)) and may be at risk
13 of placement into a long-term care facility.

14 (4) "Eligible participant for respite care services" means an adult
15 who needs substantially continuous care or supervision by reason of his
16 or her functional disability and is also assessed as requiring
17 placement into a long-term care facility in the absence of an unpaid
18 family or other unpaid caregiver.

19 ~~((3))~~ (5) "Unpaid caregiver" means a spouse, relative, or friend
20 who has primary responsibility for the care of ((a functionally
21 disabled adult,)) an adult with a functional disability and who does
22 not receive financial compensation for the care(, and who is assessed
23 as being at risk of placing the eligible participant in a long-term
24 care facility if respite care is not available)). To be eligible for
25 respite care and for family caregiver support services, the caregiver
26 is considered the client.

27 ~~((4) "Institutionalization" means placement in a long-term care~~
28 ~~facility.~~

29 ~~(5))~~ (6) "((Social)) Adult day ((care)) services" means nonmedical
30 services to persons who live with their families, cannot be left
31 unsupervised, and are at risk of being placed in a twenty-four-hour
32 care facility if their families do not receive some relief from
33 constant care.

34 ~~((6))~~ (7) "Department" means the department of social and health
35 services.

36 **Sec. 4.** RCW 74.41.050 and 1989 c 427 s 8 are each amended to read
37 as follows:

1 The department shall contract with area agencies on aging or other
2 appropriate agencies to conduct ~~((respite care projects))~~ family
3 caregiver long-term care information and support services to the extent
4 of available funding. The responsibilities of the agencies shall
5 include but not be limited to: (1) Administering a program of family
6 caregiver long-term care information and support services; and (2)
7 negotiating rates of payment, administering sliding-fee scales to
8 enable eligible participants to participate in paying for respite care,
9 and arranging for respite care information, training, and other support
10 services. ~~((Rates of payment to respite care service providers shall~~
11 ~~not exceed, and may be less than, rates paid by the department to~~
12 ~~providers for the same level of service.))~~ In evaluating the need for
13 respite services, consideration shall be given to the mental and
14 physical ability of the caregiver to perform necessary caregiver
15 functions.

16 **Sec. 5.** RCW 74.41.070 and 1998 c 245 s 151 are each amended to
17 read as follows:

18 The area agencies on aging administering ~~((respite care programs))~~
19 family caregiver long-term care information and support services shall
20 maintain data which indicates demand for ~~((respite care, and which~~
21 ~~includes information on in-home and out-of-home day care and in-home~~
22 ~~and out-of-home overnight care demand))~~ family caregiver long-term care
23 information and support services.

Passed the House March 5, 2000.

Passed the Senate March 2, 2000.

Approved by the Governor March 30, 2000.

Filed in Office of Secretary of State March 30, 2000.