

SSB 5732 - H AMD 1131

By Representative Cody

ADOPTED 03/04/2004

1 On page 4, after line 13, insert the following:

2 "Sec. 2. RCW 74.09.520 and 2003 c 279 s 1 are each amended to read
3 as follows:

4 (1) The term "medical assistance" may include the following care
5 and services: (a) Inpatient hospital services; (b) outpatient hospital
6 services; (c) other laboratory and x-ray services; (d) nursing facility
7 services; (e) physicians' services, which shall include prescribed
8 medication and instruction on birth control devices; (f) medical care,
9 or any other type of remedial care as may be established by the
10 secretary; (g) home health care services; (h) private duty nursing
11 services; (i) dental services; (j) physical and occupational therapy
12 and related services; (k) prescribed drugs, dentures, and prosthetic
13 devices; and eyeglasses prescribed by a physician skilled in diseases
14 of the eye or by an optometrist, whichever the individual may select;
15 (l) personal care services, as provided in this section; (m) hospice
16 services; (n) other diagnostic, screening, preventive, and
17 rehabilitative services; and (o) like services when furnished to a
18 child by a school district in a manner consistent with the requirements
19 of this chapter. For the purposes of this section, the department may
20 not cut off any prescription medications, oxygen supplies, respiratory
21 services, or other life-sustaining medical services or supplies.

22 "Medical assistance," notwithstanding any other provision of law,
23 shall not include routine foot care, or dental services delivered by
24 any health care provider, that are not mandated by Title XIX of the
25 social security act unless there is a specific appropriation for these
26 services.

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

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

5 (a) These administrative rules shall include financial eligibility
6 indexed according to the requirements of the social security act
7 providing for medicaid eligibility.

8 (b) The rules shall require clients be assessed as having a medical
9 condition requiring assistance with personal care tasks. Plans of care
10 for clients requiring health-related consultation for assessment and
11 service planning may be reviewed by a nurse.

12 (c) The department shall determine by rule which clients have a
13 health-related assessment or service planning need requiring registered
14 nurse consultation or review. This definition may include clients that
15 meet indicators or protocols for review, consultation, or visit.

16 (4) The department shall design and implement a means to assess the
17 level of functional disability of persons eligible for personal care
18 services under this section. The personal care services benefit shall
19 be provided to the extent funding is available according to the
20 assessed level of functional disability. Any reductions in services
21 made necessary for funding reasons should be accomplished in a manner
22 that assures that priority for maintaining services is given to persons
23 with the greatest need as determined by the assessment of functional
24 disability.

25 (5) Effective July 1, 1989, the department shall offer hospice
26 services in accordance with available funds.

27 (6) For Title XIX personal care services administered by aging and
28 (~~adult~~) disability services administration of the department, the
29 department shall contract with area agencies on aging:

30 (a) To provide case management services to individuals receiving
31 Title XIX personal care services in their own home; and

32 (b) To reassess and reauthorize Title XIX personal care services or
33 other home and community services as defined in RCW 74.39A.009 in home
34 or in other settings for individuals consistent with the intent of this
35 section:

36 (i) Who have been initially authorized by the department to receive
37 Title XIX personal care services or other home and community services
38 as defined in RCW 74.39A.009; and

1 (ii) Who, at the time of reassessment and reauthorization, are
2 receiving such services in their own home.

3 (7) In the event that an area agency on aging is unwilling to enter
4 into or satisfactorily fulfill a contract (~~(to provide these services)~~)
5 or an individual consumer's need for case management services will be
6 met through an alternative delivery system, the department is
7 authorized to:

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

9 (b) Provide the services directly until a qualified contractor can
10 be found.

11 **Sec. 3.** RCW 74.39A.090 and 1999 c 175 s 2 are each amended to read
12 as follows:

13 (1) The legislature intends that any staff reassigned by the
14 department as a result of shifting of the reauthorization
15 responsibilities by contract outlined in this section shall be
16 dedicated for discharge planning and assisting with discharge planning
17 and information on existing discharge planning cases. Discharge
18 planning, as directed in this section, is intended for residents and
19 patients identified for discharge to long-term care pursuant to RCW
20 70.41.320, 74.39A.040, and 74.42.058. The purpose of discharge
21 planning is to protect residents and patients from the financial
22 incentives inherent in keeping residents or patients in a more
23 expensive higher level of care and shall focus on care options that are
24 in the best interest of the patient or resident.

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

26 (a) To provide case management services to consumers receiving home
27 and community services in their own home; and

28 (b) To reassess and reauthorize home and community services in home
29 or in other settings for consumers consistent with the intent of this
30 section:

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

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

35 (3) In the event that an area agency on aging is unwilling to enter
36 into or satisfactorily fulfill a contract (~~(to provide these services)~~)
37 or an individual consumer's need for case management services will be

1 met through an alternative delivery system, the department is
2 authorized to:

- 3 (a) Obtain the services through competitive bid; and
- 4 (b) Provide the services directly until a qualified contractor can
5 be found.

6 (4) The department shall include, in its oversight and monitoring
7 of area agency on aging performance, assessment of case management
8 roles undertaken by area agencies on aging in this section. The scope
9 of oversight and monitoring (~~must be expanded to~~) includes, but is
10 not limited to, assessing the degree and quality of the case management
11 performed by area agency on aging staff for elderly and disabled
12 persons in the community.

13 (5) Area agencies on aging shall assess the quality of the in-home
14 care services provided to consumers who are receiving services under
15 the medicaid personal care, community options programs entry system or
16 chore services program through an individual provider or home care
17 agency. Quality indicators may include, but are not limited to, home
18 care consumers satisfaction surveys, how quickly home care consumers
19 are linked with home care workers, and whether the plan of care under
20 RCW 74.39A.095 has been honored by the agency or the individual
21 provider.

22 (6) The department shall develop model language for the plan of
23 care established in RCW 74.39A.095. The plan of care shall be in clear
24 language, and written at a reading level that will ensure the ability
25 of consumers to understand the rights and responsibilities expressed in
26 the plan of care."

27 Correct the title.

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