<u>SSB 5708</u> - S AMD **71**
     By Senators Keiser, Pflug, Becker

                                              ADOPTED 03/02/2011

 1   Beginning on page 6, line 33, strike all of sections 6 and 7 and
 2 insert the following:

 3   "**Sec. 6.** RCW 70.127.040 and 2003 c 275 s 3 and 2003 c 140 s 8 are
 4 each reenacted and amended to read as follows:
 5   The following are not subject to regulation for the purposes of
 6 this chapter:
 7   (1) A family member providing home health, hospice, or home care
 8 services;
 9   (2) A person who provides only meal services in an individual's
10 permanent or temporary residence;
11   (3) An individual providing home care through a direct agreement
12 with a recipient of care in an individual's permanent or temporary
13 residence;
14   (4) A person furnishing or delivering home medical supplies or
15 equipment that does not involve the provision of services beyond those
16 necessary to deliver, set up, and monitor the proper functioning of the
17 equipment and educate the user on its proper use;
18   (5) A person who provides services through a contract with a
19 licensed agency;
20   (6) An employee or volunteer of a licensed agency who provides
21 services only as an employee or volunteer;
22   (7) Facilities and institutions, including but not limited to
23 nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41
24 RCW, adult family homes under chapter 70.128 RCW, boarding homes under
25 chapter 18.20 RCW, developmental disability residential programs under
26 chapter 71A.12 RCW, other entities licensed under chapter 71.12 RCW, or
27 other licensed facilities and institutions, only when providing
28 services to persons residing within the facility or institution;
29   (8) Local and combined city-county health departments providing
30 services under chapters 70.05 and 70.08 RCW;

1   (9) An individual providing care to ill <u>individuals</u>, ((<s>disabled</s>))
2   <u>individuals with disabilities</u>, or vulnerable individuals through a
3   contract with the department of social and health services;
4   (10) Nursing homes, hospitals, or other institutions, agencies,
5   organizations, or persons that contract with licensed home health,
6   hospice, or home care agencies for the delivery of services;
7   (11) In-home assessments of an ill <u>individual</u>, ((<s>disabled</s>)) <u>an</u>
8   <u>individual with a disability</u>, or <u>a</u> vulnerable individual that does not
9   result in regular ongoing care at home;
10   (12) Services conducted by and for the adherents of a church or
11   religious denomination that rely upon spiritual means alone through
12   prayer for healing in accordance with the tenets and practices of such
13   church or religious denomination and the bona fide religious beliefs
14   genuinely held by such adherents;
15   (13) A medicare-approved dialysis center operating a medicare-
16   approved home dialysis program;
17   (14) A person providing case management services. For the purposes
18   of this subsection, "case management" means the assessment,
19   coordination, authorization, planning, training, and monitoring of home
20   health, hospice, and home care, and does not include the direct
21   provision of care to an individual;
22   (15) Pharmacies licensed under RCW 18.64.043 that deliver
23   prescription drugs and durable medical equipment that does not involve
24   the use of professional services beyond those authorized to be
25   performed by licensed pharmacists pursuant to chapter 18.64 RCW and
26   those necessary to set up and monitor the proper functioning of the
27   equipment and educate the person on its proper use;
28   (16) A volunteer hospice complying with the requirements of RCW
29   70.127.050; ((<s>and</s>))
30   (17) A person who provides home care services without compensation<u>;</u>
31   <u>and</u>
32   <u>(18) Nursing homes that provide telephone or web-based transitional</u>
33   <u>care management services</u>.

34   <u>NEW SECTION.</u> **Sec. 7.** A new section is added to chapter 74.42 RCW
35   to read as follows:
36   (1) Nursing facilities may provide telephone or web-based

1   transitional care management services to persons discharged from the
2   facility to home for up to thirty days postdischarge.
3   (2) When a nursing facility provides transitional care management
4   services, the facility must coordinate postdischarge care and service
5   needs with in-home agencies licensed under chapter 70.127 RCW, and
6   other authorized care providers, to promote evidence-based transition
7   care planning. In-home service agencies and other authorized care
8   providers, including the department, shall, when appropriate, determine
9   resident eligibility for postdischarge care and services and coordinate
10 with nursing facilities to plan a safe transition of the client to the
11 home setting. When a resident is discharged to home and is without in-
12 home care or services due to the resident's refusal of care or their
13 ineligibility for care, the nursing facility may provide telephone or
14 web-based transitional care management services. These services may
15 include care coordination services, review of the discharge plan,
16 instructions to promote compliance with the discharge plan, reminders
17 or assistance with scheduling follow-up appointments with other health
18 care professionals consistent with the discharge plan, and promotion of
19 self-management of the client's health condition. Web-based transition
20 care services may include patient education and the provision of
21 services described in this section. They are not intended to include
22 telehealth monitoring.
23   (3) If the nursing facility identifies concerns in client care that
24 result from telephone or web-based transitional care management
25 services, the nursing facility will notify the client's primary care
26 physician. The nursing facility will also discuss with the client
27 options for care or other services which may include in-home services
28 provided by agencies licensed under chapter 70.127 RCW."

SSB 5708 - S AMD
        By Senators Keiser, Pflug, Becker

ADOPTED 03/02/2011

29   On page 1, line 2 of the title, after "18.20.030," strike
30 "18.52.030, and 70.126.020;" and insert "and 18.52.030; reenacting and

1   amending RCW 70.127.040;"

--- END ---