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**SENATE BILL 5715**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Rivers, Keiser, Cleveland, Becker, Hunt, Billig, Bailey, and Kuderer

AN ACT Relating to limiting nursing home direct care payment adjustments to the lowest case mix weights in the reduced physical function groups and authorizing upward adjustments to case mix weights in the cognitive and behavior groups; and amending RCW 74.46.485.

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

**Sec.**  RCW 74.46.485 and 2011 1st sp.s. c 7 s 4 are each amended to read as follows:

(1) The legislature recognizes that staff and resources needed to adequately care for individuals with cognitive or behavioral impairments is not limited to support for activities of daily living. Therefore, the department shall:

(a) Employ the resource utilization group ((~~III~~)) IV case mix classification methodology. The department shall use the ((~~forty-four~~)) fifty-seven group index maximizing model for the resource utilization group ((~~III~~)) IV grouper version ((~~5.10~~)) MDS 3.05, but the department may revise or update the classification methodology to reflect advances or refinements in resident assessment or classification, subject to federal requirements. The department may adjust by no more than thirteen percent the case mix index for ((~~any of the lowest ten~~)) resource utilization group categories beginning with PA1 through ((~~PE2~~)) PB2 to any case mix index that aids in achieving the purpose and intent of RCW 74.39A.007 and cost‑efficient care, excluding behaviors, and allowing for exceptions for limited placement options; and

(b) Implement minimum data set 3.0 under the authority of this section ((~~and RCW 74.46.431(3)~~)). The department must notify nursing home contractors twenty-eight days in advance the date of implementation of the minimum data set 3.0. In the notification, the department must identify for all semiannual rate settings following the date of minimum data set 3.0 implementation a previously established semiannual case mix adjustment established for the semiannual rate settings that will be used for semiannual case mix calculations in direct care until minimum data set 3.0 is fully implemented.

(2) The department is authorized to adjust upward the weights for resource utilization groups BA1-BB2 related to cognitive or behavioral health to ensure adequate access to appropriate levels of care.

(3) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

((~~(3)~~)) (4) A default case mix group may also be established for cases in which there is an untimely assessment for the resident. The default case mix group and case mix weight for these cases shall be designated by the department.

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