

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1435

Chapter 209, Laws of 2023

68th Legislature
2023 Regular Session

HOME CARE SAFETY NET ASSESSMENT—DEVELOPMENT

EFFECTIVE DATE: July 23, 2023

Passed by the House March 1, 2023
Yeas 93 Nays 3

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 12, 2023
Yeas 47 Nays 1

DENNY HECK

President of the Senate

Approved May 1, 2023 3:06 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1435** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 2, 2023

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1435

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Health Care & Wellness (originally sponsored by Representatives Bronoske, Taylor, Bateman, Ryu, Riccelli, Gregerson, Callan, Pollet, Simmons, Reeves, and Doglio)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to the development of a home care safety net
2 assessment; adding a new section to chapter 70.127 RCW; and adding a
3 new section to chapter 74.39A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.127
6 RCW to read as follows:

7 (1) Each consumer directed employer and each in-home services
8 agency that is licensed under this chapter to provide home care
9 services, hospice services, or home health services shall submit
10 financial information to the department as necessary to inform the
11 development of a home care safety net assessment to use in securing
12 federal matching funds under federally prescribed programs available
13 through the state medicaid plan or a waiver, as specified in
14 subsection (2) of this section.

15 (2) The financial information to be submitted under subsection
16 (1) of this section shall be comprised of the following information
17 related to in-home services client revenue, separated by type of
18 service and payer, from the 12-month period between July 1, 2022, and
19 July 1, 2023:

20 (a) Total client revenue for home care services expressed as
21 client revenue for home care services paid by:

1 (i) Medicaid;
2 (ii) Medicare;
3 (iii) Private pay;
4 (iv) Commercial insurance;
5 (v) The veterans administration; and
6 (vi) All other payers;
7 (b) Total client revenue for home health services expressed as
8 client revenue for home health services paid by:
9 (i) Medicaid;
10 (ii) Medicare;
11 (iii) Private pay;
12 (iv) Commercial insurance;
13 (v) The veterans administration; and
14 (vi) All other payers; and
15 (c) Total client revenue for hospice services expressed as client
16 revenue for hospice services paid by:
17 (i) Medicaid;
18 (ii) Medicare;
19 (iii) Private pay;
20 (iv) Commercial insurance;
21 (v) The veterans administration; and
22 (vi) All other payers.
23 (3) In-home services agencies and consumer directed employers
24 shall submit the financial information to the department by January
25 1, 2024.
26 (4) (a) The department shall adopt guidance for reporting
27 standards under subsection (1) of this section that assist in-home
28 services agencies and consumer directed employers to deidentify any
29 in-home services agency's clients from the financial information
30 before submitting the financial information to the department.
31 (b) (i) The financial information submitted to the department
32 under this section is considered proprietary information and is
33 confidential and may not be disclosed under chapter 42.56 RCW.
34 (ii) (A) The department may only distribute nonaggregated
35 financial information that identifies in-home services agencies and
36 consumer directed employers, to the extent necessary, to:
37 (I) Members of the work group established in section 2 of this
38 act who are representing a state agency;

1 (II) Executive branch agency staff who are providing support to
2 the work group established in section 2 of this act or are involved
3 in the development of a home care safety net assessment; and

4 (III) An entity under contract with the health care authority to
5 provide data analysis of the financial information as necessary to
6 assist the work group established in section 2 of this act to carry
7 out its responsibilities.

8 (B) Any information that has been distributed pursuant to this
9 subsection (4)(b)(ii) may not be further distributed by the recipient
10 of the financial information and must be destroyed once the
11 department and the health care authority have determined that it is
12 no longer necessary for the support of the activities of the work
13 group established in section 2 of this act.

14 (C) The health care authority may release reports containing
15 nonaggregated data in order to meet relevant regulatory requirements.

16 (5) For the purposes of this section:

17 (a) "Client revenue" means the total amount of revenue received
18 as client care for in-home services determined on a cash basis of
19 accounting. "Client revenue" includes all payments received as client
20 care revenue from home care, home health, and hospice from medicaid,
21 commercial insurance, and all other payers for payment for services
22 rendered.

23 (b) "Consumer directed employer" has the same meaning as in RCW
24 74.39A.009.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A
26 RCW to read as follows:

27 (1) The home care safety net assessment work group is
28 established, with the following members:

29 (a) The director of the health care authority, or the director's
30 designee;

31 (b) The secretary of the department, or the secretary's designee;

32 (c) The secretary of the department of health, or the secretary's
33 designee;

34 (d) The director of the department of revenue, or the director's
35 designee;

36 (e) A representative from the exclusive bargaining representative
37 of individual providers;

38 (f) A representative of a coalition representing home care
39 agencies serving medicaid clients;

1 (g) A representative of an association representing home care and
2 home health agencies; and

3 (h) A representative from each consumer directed employer in
4 Washington.

5 (2) The work group shall develop a home care safety net
6 assessment proposal to secure federal matching funds under federally
7 prescribed programs available through the state medicaid plan or a
8 waiver. In developing the proposal, the work group shall consider the
9 financial information provided by consumer directed employers and in-
10 home services agencies under section 1 of this act to the extent
11 authorized under section 1(4)(b)(ii) of this act and any relevant
12 data analysis of the financial information provided by a private
13 entity under contract with the health care authority pursuant to
14 subsection (3) of this section.

15 (3) The health care authority may contract with a private entity
16 to provide data analysis of the financial information submitted by
17 in-home services agencies and consumer directed employers as
18 necessary to inform the work group's development of a home care
19 safety net assessment proposal. The data analysis must include the
20 development of various financial modeling options that may meet
21 federal regulations for approval of the assessment.

22 (4) Staff support to the work group must be provided by the
23 health care authority.

24 (5) The work group shall report its findings to the governor and
25 the appropriate committees of the legislature by December 1, 2024.
26 The report must include recommendations related to the elements
27 necessary to adopt and implement a home care safety net assessment
28 proposal that meets the requirements needed for federal approval.

Passed by the House March 1, 2023.

Passed by the Senate April 12, 2023.

Approved by the Governor May 1, 2023.

Filed in Office of Secretary of State May 2, 2023.

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