

SENATE BILL REPORT

SHB 1880

As Reported By Senate Committee On:
Health & Long-Term Care, April 1, 1999
Ways & Means, April 5, 1999

Title: An act relating to providing for self-directed care of persons with disabilities.

Brief Description: Providing for self-directed care for persons with disabilities.

Sponsors: House Committee on Health Care (originally sponsored by Representatives Cody, Schual-Berke, Kenney and Edmonds).

Brief History:

Committee Activity: Health & Long-Term Care: 3/22/99, 4/1/99 [DPA-WM].
Ways & Means: 4/2/99, 4/5/99 DPA (HEA).

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin, Johnson and Winsley.

Staff: Rhoda Jones (786-7198)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Health & Long-Term Care.
Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Fairley, Fraser, Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, West, Winsley, Wojahn and Zarelli.

Staff: Tim Yowell (786-7435)

Background: People with disabilities which prevent them from physically doing their own routine health and personal care activities are faced with legal barriers if they hire a nonprofessional to do these tasks for them. The state's health professional licensure acts prohibit people without specific health care credentials from assisting disabled persons in routine health related tasks. These are the kinds of tasks that other people, without disabilities, customarily perform for themselves.

Summary of Amended Bill: It is stated that it is in the public's interest to preserve the autonomy and dignity of persons with functional disabilities by allowing them to care for themselves using personal aides in their own homes.

An adult person with a functional disability who lives at home may supervise and direct paid personal aides in performing health care tasks under specific guidelines.

The health care tasks are those medical, nursing or home health services, personal hygiene and related services which people without disabilities would normally perform for themselves and which allow the disabled person to maintain independence.

The health care provider incurs no additional liability when ordering a health care task which is to be done through self-directed care, than would be incurred directing the task for patients who would do it for themselves.

The personal aide is limited to performing physical health care tasks under the direction of the patient, but may also provide other home care services such as homemaker services.

The responsibility to initiate health care tasks and exercise judgment rests with the person self-directing those tasks, including the decision to employ or dismiss the personal aide.

Personal aides who are under contract with the department are included in a registry. A state registry is created by rule through the department identifying disciplinary actions taken against personal care aides. Information related to findings of abuse, neglect, financial exploitation, or abandonment will be disclosed upon request.

The department is authorized to develop training standards for individual providers and home care agency providers. Payment for services to these providers is contingent on the completion of training.

The department is authorized to develop training, background checks and other quality assurance standards for personal aides who serve Medicaid clients.

People who have disabilities and self-direct their care are considered vulnerable adults for the purposes of protection from acts of abuse, neglect, exploitation, or abandonment committed by personal aides.

A personal aide performing health care tasks pursuant to this act is exempt from any legal requirement to qualify and be credentialed by the Department of Health as a health care provider under Title 18 RCW.

The University of Washington School of Nursing is authorized to conduct a study on self-direction if funds are appropriated. Its report is due to the Legislature by November 1, 2001.

Amended Bill Compared to Substitute Bill: The registry of personal care aides is reduced to just those under contract with the state, and those who have had substantial findings of abuse, neglect, abandonment or exploitation. Persons who use self-directed care are considered vulnerable adults for the purpose of protection under abuse and neglect statutes.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Health & Long-Term Care): This allows people with disabilities to have the maximum independence possible. There were concerns that the registry should be smaller than originally proposed.

Testimony Against (Health & Long-Term Care): None.

Testified (Health & Long-Term Care): PRO: Representative Cody, prime sponsor; Rod Bault; Joe Whaley, Living Council; Chaunce White; Patrick Farrell, NW Chapter Paralyzed Veterans of America; Kathy Leitch, DSHS, AASA (concerns).

Testimony For (Ways & Means): The bill would save the state money, while allowing greater independence and control over their own lives for people with disabilities. The University of Washington evaluation will assess critical issues related to the bill's effects.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Representative Cody, prime sponsor; Gail McGaffick, WA Home Care Assn.; Skip Drepp, Paralyzed Veterans of America; Kathy Leitch, DSHS Aging and Adult Services Administration.