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HOUSE BILL 2668

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Morrell, Green, Cody, Hunt, McCoy, Wallace, Pedersen, Campbell, McIntire, Conway, Simpson, Kenney, and Darneille

Read first time 01/15/08. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to long-term care; amending RCW 74.41.040,  
2 74.41.050, and 74.38.040; adding a new section to chapter 43.70 RCW;  
3 adding a new section to chapter 74.39A RCW; adding a new section to  
4 chapter 74.09 RCW; and creating new sections.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that Washingtonians  
7 sixty-five years of age and older will nearly double in the next twenty  
8 years, from eleven percent of our population today to almost twenty  
9 percent of our population in 2025. Younger people with disabilities  
10 will also require supportive long-term care services. Nationally,  
11 young people with a disability account for thirty seven percent of the  
12 total number of people who need long-term care.

13            The legislature further finds that to address this increasing need,  
14 the long-term care system should support autonomy and self-  
15 determination, and support the role of informal caregivers and  
16 families. It should promote personal planning and savings combined  
17 with public support, when needed. It should also include culturally  
18 appropriate, high quality information, services, and supports delivered  
19 in a cost-effective and efficient manner.

1           The legislature further finds that the long-term care system should  
2 utilize evidence-based practices for the prevention and management of  
3 chronic disease to improve the general health of Washingtonians over  
4 their lifetime and reduce health care and long-term care costs related  
5 to ineffective chronic care management.

6           **Sec. 2.** RCW 74.41.040 and 1987 c 409 s 3 are each amended to read  
7 as follows:

8           The department shall administer this chapter and shall establish  
9 such rules and standards as the department deems necessary in carrying  
10 out this chapter. The department shall not require the development of  
11 plans of care or discharge plans by nursing homes, boarding homes, or  
12 adult family homes providing respite care service under this chapter.

13           The department shall develop standards for the respite program in  
14 conjunction with the selected area agencies on aging. The program  
15 standards shall serve as the basis for soliciting bids, entering into  
16 subcontracts, and developing sliding fee scales to be used in  
17 determining the ability of eligible participants to participate in  
18 paying for respite care.

19           **Sec. 3.** RCW 74.41.050 and 2000 c 207 s 4 are each amended to read  
20 as follows:

21           The department shall contract with area agencies on aging or other  
22 appropriate agencies to conduct family caregiver long-term care  
23 information and support services to the extent of available funding.  
24 The responsibilities of the agencies shall include but not be limited  
25 to: (1) Administering a program of family caregiver long-term care  
26 information and support services; ~~((and))~~ (2) negotiating rates of  
27 payment, administering sliding-fee scales to enable eligible  
28 participants to participate in paying for respite care, and arranging  
29 for respite care information, training, and other support services; (3)  
30 developing an evidence-based tailored caregiver assessment and referral  
31 tool; and (4) providing the option of a one-time voucher benefit per  
32 caregiver screened to meet the needs critical to health or safety of  
33 either the adult care recipient or the caregiver. In evaluating the  
34 need for respite services, consideration shall be given to the mental  
35 and physical ability of the caregiver to perform necessary caregiver  
36 functions.

1       **Sec. 4.** RCW 74.38.040 and 1983 c 290 s 14 are each amended to read  
2 as follows:

3       The community based services for low-income eligible persons  
4 provided by the department or the respective area agencies may include:

5       (1) Access services designed to provide identification of eligible  
6 persons, assessment of individual needs, reference to the appropriate  
7 service, and follow-up service where required. These services shall  
8 include information and referral, outreach, transportation and  
9 counseling. They shall also include long-term care planning and  
10 options counseling, information and crisis intervention, and  
11 streamlined assistance to access a wide array of public and private  
12 community-based services. Services would be available to individuals,  
13 concerned families or friends, or professionals working with issues  
14 related to aging, disabilities, and caregivers;

15       (2) Day care offered on a regular, recurrent basis. General  
16 nursing, rehabilitation, personal care, nutritional services, social  
17 casework, mental health as provided pursuant to chapter 71.24 RCW  
18 and/or limited transportation services may be made available within  
19 this program;

20       (3) In-home care for persons, including basic health care;  
21 performance of various household tasks and other necessary chores, or,  
22 a combination of these services;

23       (4) Counseling on death for the terminally ill and care and  
24 attendance at the time of death; except, that this is not to include  
25 reimbursement for the use of life-sustaining mechanisms;

26       (5) Health services which will identify health needs and which are  
27 designed to avoid institutionalization; assist in securing admission to  
28 medical institutions or other health related facilities when required;  
29 and, assist in obtaining health services from public or private  
30 agencies or providers of health services. These services shall include  
31 health screening and evaluation, in-home services, health education,  
32 and such health appliances which will further the independence and  
33 well-being of the person;

34       (6) The provision of low cost, nutritionally sound meals in central  
35 locations or in the person's home in the instance of incapacity. Also,  
36 supportive services may be provided in nutritional education, shopping  
37 assistance, diet counseling and other services to sustain the  
38 nutritional well-being of these persons;

1 (7) The provisions of services to maintain a person's home in a  
2 state of adequate repair, insofar as is possible, for their safety and  
3 comfort. These services shall be limited, but may include housing  
4 counseling, minor repair and maintenance, and moving assistance when  
5 such repair will not attain standards of health and safety, as  
6 determined by the department;

7 (8) Civil legal services, as limited by RCW 2.50.100, for  
8 counseling and representation in the areas of housing, consumer  
9 protection, public entitlements, property, and related fields of law;

10 (9) Long-term care ombudsman programs for residents of all long-  
11 term care facilities.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.70 RCW  
13 to read as follows:

14 Within funds appropriated for this purpose, the department shall  
15 develop a statewide fall prevention program. The program shall include  
16 networking community services, identifying service gaps, making  
17 affordable senior-based, evaluated exercise programs more available,  
18 providing consumer education to older adults, their adult children, and  
19 the community at large, and conducting professional education on fall  
20 risk identification and reduction.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.39A RCW  
22 to read as follows:

23 Within funds appropriated for this purpose, the department shall  
24 provide additional support for residents in community settings who  
25 exhibit challenging behaviors that put them at risk for institutional  
26 placement. The residents must be receiving services under the  
27 community options program entry system waiver under section 1905(c) of  
28 the federal social security act and must have been evaluated under the  
29 individual comprehensive assessment reporting and evaluation process.

30 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.09 RCW  
31 to read as follows:

32 Within funds appropriated for this purpose, the department shall  
33 establish two seniors dental access projects. The projects shall  
34 provide:

- 1           (1) Enhanced reimbursement rates for certified dentists for  
2 specific procedures;
- 3           (2) Reimbursement for trained medical providers for preventive oral  
4 health services;
- 5           (3) Training, development, and implementation through a partnership  
6 with the University of Washington school of dentistry;
- 7           (4) Local program coordination including outreach and case  
8 management; and
- 9           (5) An evaluation that measures the change in utilization rates and  
10 cost savings.

11           NEW SECTION.   **Sec. 8.** If specific funding for the purposes of this  
12 act, referencing this act by bill or chapter number, is not provided by  
13 June 30, 2008, in the omnibus appropriations act, this act is null and  
14 void.

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