

# HOUSE BILL REPORT

## SSB 5386

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As Passed House  
April 8, 1993

**Title:** An act relating to the licensure of home health, hospice, and home care agencies under chapter 70.127 RCW.

**Brief Description:** Modifying licensure of home health, hospice, and home care agencies.

**Sponsors:** Senate Committee on Health & Human Services (originally sponsored by Senators Wojahn, Moyer, Gaspard, Deccio, Hochstatter and Winsley).

**Brief History:**

Reported by House Committee on:  
Health Care, March 26, 1993, DP;  
Appropriations, April 1, 1993, DP;  
Passed House, April 8, 1993, 97-0.

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### HOUSE COMMITTEE ON HEALTH CARE

**Majority Report:** Do pass. Signed by 14 members: Representatives Dellwo, Chair; L. Johnson, Vice Chair; Dyer, Ranking Minority Member; Appelwick; Campbell; Conway; Cooke; Flemming; R. Johnson; Lisk; Mastin; Morris; Thibaudeau; and Veloria.

**Staff:** Antonio Sanchez (786-7383).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 26 members: Representatives Locke, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Jacobsen; Lemmon; Leonard; Linville; Morton; Peery; Rust; Sehlin; Sheahan; Sommers; Stevens; Talcott; Wang; Wineberry; and Wolfe.

**Staff:** Maureen Morris (786-7152).

**Background:** In 1988, the Legislature enacted the in-home agency licensure law to regulate services provided by home health, home care and hospice agencies. It authorized the

Department of Health (DOH) to operate the regulatory program.

Home health agencies provide two or more medical or health care services to the ill, disabled and infirm such as nursing, physical therapy or the operation of medical equipment. Home care agencies provide personal care services to the ill, disabled and infirm such as homemaker services, respite care or other nonmedical care. Hospice care agencies provide services to terminally ill persons that alleviate pain, and provide emotional and spiritual support. Hospice services also include bereavement care provided to families of terminally ill persons.

The licensure law has a July 1, 1993, sunset termination date and directs the Legislative Budget Committee (LBC) to conduct a performance audit of the program prior to its termination. The LBC recommends repeal of the sunset. LBC also recommends housekeeping changes and other modifications of the licensure program aimed at improving its efficiency and effectiveness.

**Summary of Bill:** The sunset termination date on the in-home licensure law is repealed.

Services provided by licensed pharmacists within their scope of practice are excluded from home health licensure.

In-home care providers who administer controlled substances and legend drugs must follow Board of Pharmacy rules regarding their use.

Hospice care agencies that provide hospice services at no charge ("volunteer hospice") are exempt from licensure.

A home health, home care or hospice license is valid for a two-year period instead of the current licensure period that allows DOH to require more frequent renewal. On-site reviews of in-home agencies must occur within each licensure period and may be conducted after ownership transfer.

Licensure fees are based on a sliding scale. Agencies with the highest number of full time equivalents pay the highest fees. Limits are established for fees charged for on-site reviews and for a change in ownership.

DOH must receive input from licensees concerning interpretive guidelines for each type of in-home license. The definition of a home health agency is expanded allowing agencies that provide only nursing services to voluntarily obtain licensure. Personnel policies, procedures and record

keeping requirements for volunteers providing services through in-home agencies are reduced.

Home health or hospice agencies certified by Medicare and accredited by the Community Accreditation Program or the Joint Commission on Accreditation of Health Care Organizations are granted licensure without DOH on-site review if the licensing standards of these programs are substantially equivalent to those of DOH. The department is required to make this determination and must have access to all on-site survey reports conducted by these programs as well as other reports indicating compliance with licensure standards. DOH is required to adopt a liberal interpretation in establishing whether Medicare, the Community Accreditation Program, the Joint Commission on Accreditation of Health Care Organizations and the Department of Social and Health Services (DSHS) have equivalent licensure standards. Agencies licensed under these other programs are assessed the same fees as agencies licensed under DOH. Restrictions are placed on DOH concerning the performance of validation surveys.

Home care agencies surveyed and monitored by the Department of Social and Health Services or the Area Agencies on Aging are granted licensure without a DOH on-site review if the licensure standards are substantially equivalent to those of DOH. DOH is required to make this determination and must have access to all DSHS on-site survey reports and other relevant reports indicating compliance with licensure standards.

**Fiscal Note:** Available

**Effective Date:** The bill contains an emergency clause and takes effect on June 30, 1993, except for section 11 which takes effect January 1, 1994.

**Testimony For:** (Health Care): This bill will streamline the licensing process and save money for providers.

(Appropriations): This bill saves money and streamlines a regulatory process. Reducing the cost of regulation will reduce licensing fee levels. The Department of Health and the regulated entities support the bill.

**Testimony Against:** (Health Care): None.

(Appropriations): None.

**Witnesses:** (Health Care): Gail McGaffick, Home Care Association of Washington and Washington State Hospice Organization (pro); Kathy Stout, Department of Health (pro);

Melinda Cahill, Washington Chore & Home Care Coalition (pro); and Debra Evick, Legislative Budget Committee.

(Appropriations): Senator Wojahn, prime sponsor (pro); Gail McGaffick and Margaret Shepherd, Home Care Association Washington (pro); Kathy Stout, Department of Health (pro); and Jim Grant, Washington State Hospice Organization (pro).