

3 **SB 5499** - H COMM AMD **ADOPTED 04/09/99**
4 By Committee on Health Care

5
6 Strike everything after the enacting clause and insert the
7 following:

8 "Sec. 1. RCW 70.127.010 and 1993 c 42 s 1 are each amended to read
9 as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout this chapter.

12 ~~((("Branch office" means a location or site from which a home
13 health, hospice, or home care agency provides services within a portion
14 of the total geographic area served by the parent agency. The branch
15 office is part of the agency and is located sufficiently close to share
16 administration, supervision, and services.~~

17 ~~(2))~~ "Department" means the department of health.

18 ~~((3))~~ (2) "Home care agency" means a private or public agency or
19 organization that administers or provides home care services directly
20 or through a contract arrangement to ill, disabled, or infirm persons
21 in places of temporary or permanent residence.

22 ~~((4))~~ (3) "Home care services" means personal care services,
23 homemaker services, respite care services, or any other nonmedical
24 services provided to ill, disabled, or infirm persons which services
25 enable these persons to remain in their own residences consistent with
26 their desires, abilities, and safety.

27 ~~((5))~~ (4) "Home health agency" means a private or public agency
28 or organization that administers or provides home health aide services
29 or two or more home health services directly or through a contract
30 arrangement to ill, disabled, or infirm persons in places of temporary
31 or permanent residence. A private or public agency or organization
32 that administers or provides nursing services only may elect to be
33 designated a home health agency for purposes of licensure.

34 ~~((6))~~ (5) "Home health services" means health or medical services
35 provided to ill, disabled, or infirm persons. These services may be of
36 an acute or maintenance care nature, and include but are not limited to
37 nursing services, home health aide services, physical therapy services,

1 occupational therapy services, speech therapy services, respiratory
2 therapy services, nutritional services, medical social services, and
3 medical supplies or equipment services.

4 ~~((+7))~~ (6) "Home health aide services" means services provided by
5 a home health agency or a hospice agency under the supervision of a
6 registered nurse, physical therapist, occupational therapist, or speech
7 therapist. Such care includes ambulation and exercise, assistance with
8 self-administered medications, reporting changes in patients'
9 conditions and needs, completing appropriate records, and personal care
10 or homemaker services.

11 ~~((+8))~~ (7) "Homemaker services" means services that assist ill,
12 disabled, or infirm persons with household tasks essential to achieving
13 adequate household and family management.

14 ~~((+9))~~ (8) "Hospice agency" means a private or public agency or
15 organization administering or providing hospice care directly or
16 through a contract arrangement to terminally ill persons in places of
17 temporary or permanent residence by using an interdisciplinary team
18 composed of at least nursing, social work, physician, and pastoral or
19 spiritual counseling.

20 ~~((+10))~~ (9) "Hospice care" means: (a) Palliative care provided to
21 a terminally ill person in a place of temporary or permanent residence
22 that alleviates physical symptoms, including pain, as well as
23 alleviates the emotional and spiritual discomfort associated with
24 dying; and (b) bereavement care provided to the family of a terminally
25 ill person that alleviates the emotional and spiritual discomfort
26 associated with the death of a family member. Hospice care may include
27 health and medical services and personal care, respite, or homemaker
28 services. Family means individuals who are important to and designated
29 by the patient, and who need not be relatives.

30 ~~((+11))~~ (10) "Ill, disabled, or infirm persons" means persons who
31 need home health, hospice, or home care services in order to maintain
32 themselves in their places of temporary or permanent residence.

33 ~~((+12))~~ (11) "Personal care services" means services that assist
34 ill, disabled, or infirm persons with dressing, feeding, and personal
35 hygiene to facilitate self-care.

36 ~~((+13))~~ (12) "Public or private agency or organization" means an
37 entity that employs or contracts with two or more persons who provide
38 care in the home.

1 (~~(14)~~) (13) "Respite care services" means services that assist or
2 support the primary care giver on a scheduled basis.

3 (14) "Service area" means the geographic area in which the
4 department has given prior approval to a licensee to provide home
5 health, hospice, or home care services.

6 **Sec. 2.** RCW 70.127.080 and 1993 c 42 s 4 are each amended to read
7 as follows:

8 (1) An applicant for a home health, hospice, or home care agency
9 license shall:

10 (a) File a written application on a form provided by the
11 department;

12 (b) Demonstrate ability to comply with this chapter and the rules
13 adopted under this chapter;

14 (c) Cooperate with on-site review conducted by the department prior
15 to licensure or renewal except as provided in RCW 70.127.085;

16 (d) Provide evidence of and maintain professional liability
17 insurance in the amount of one hundred thousand dollars per occurrence
18 or adequate self-insurance as approved by the department. This
19 subsection shall not apply to hospice agency applicants that provide
20 hospice care without receiving compensation for delivery of services;

21 (e) Provide evidence of and maintain public liability and property
22 damage insurance coverage in the sum of fifty thousand dollars for
23 injury or damage to property per occurrence and fifty thousand dollars
24 for injury or damage, including death, to any one person and one
25 hundred thousand dollars for injury or damage, including death, to more
26 than one person, or evidence of adequate self-insurance for public
27 liability and property damage as approved by the department. This
28 subsection shall not apply to hospice agency applicants that provide
29 hospice care without receiving compensation for delivery of services;

30 (f) Provide such proof as the department may require concerning
31 organizational structure, and the identity of the applicant, officers,
32 directors, partners, managing employees, or owners of ten percent or
33 more of the applicant's assets;

34 (g) File with the department for approval a (~~(list of the~~
35 ~~counties)) description of the service area in which the applicant will
36 operate and a description of how the applicant intends to provide
37 management and supervision of services throughout the service area.
38 The department shall adopt rules necessary to establish criteria for~~

1 approval that are related to appropriate management and supervision of
2 services throughout the service area. In developing the rules, the
3 department may not establish criteria that:

4 (i) Limit the number or type of agencies in any service area; or

5 (ii) Limit the number of persons any agency may serve within its
6 service area unless the criteria are related to the need for trained
7 and available staff to provide services within the service area;

8 (h) File with the department a list of the services offered;

9 (i) Pay to the department a license fee as provided in RCW
10 70.127.090; and

11 (j) Provide any other information that the department may
12 reasonably require.

13 (2) A certificate of need under chapter 70.38 RCW is not required
14 for licensure.

15 (3) A license or renewal shall not be granted pursuant to this
16 chapter if the applicant, officers, directors, partners, managing
17 employees, or owners of ten percent or more of the applicant's assets,
18 within the last five years have been found in a civil or criminal
19 proceeding to have committed any act which reasonably relates to the
20 person's fitness to establish, maintain, or administer an agency or to
21 provide care in the home of another.

22 ~~((4) A separate license is not required for a branch office.))~~

23 **Sec. 3.** RCW 70.127.090 and 1993 c 42 s 5 are each amended to read
24 as follows:

25 An application for a license or any renewal shall be accompanied by
26 a fee as established by the department under RCW 43.70.250. The
27 department shall adopt by rule licensure fees ((shall be)) based on a
28 sliding scale using such factors as the number of agency full-time
29 equivalents, ((with agencies with the highest number of full-time
30 equivalents paying the highest fee. Full-time equivalent is a
31 measurement based on a forty-hour work week and is applicable to paid
32 agency employees or contractors)) geographic area served, number of
33 locations, or type and volume of services provided. For agencies
34 receiving a licensure survey that requires more than ((one)) two on-
35 site reviews by the department per licensure period, an additional fee
36 ((of fifty percent of the base licensure fee)) as determined by the
37 department by rule shall be charged for each additional on-site review.
38 The department shall charge a reasonable fee for processing changes in

1 ownership. The department may set different licensure fees for each
2 licensure category.

3 **Sec. 4.** RCW 70.127.110 and 1988 c 245 s 12 are each amended to
4 read as follows:

5 The department shall adopt rules providing for the combination of
6 applications and licenses, and the reduction of individual license fees
7 if an applicant applies for more than one category of license under
8 this chapter. The department shall provide for combined licensure
9 inspections and audits for licensees holding more than one license
10 under this chapter. The department may prorate licensure fees to
11 facilitate combined licensure inspections and audits.

12 NEW SECTION. **Sec. 5.** The department of health shall submit a
13 report to the health care committees of the legislature with
14 recommendations for any changes needed to the home health, hospice, and
15 home care licensure law, chapter 70.127 RCW, in order to allow the
16 department to regulate this fast-growing and evolving industry. The
17 report, at a minimum, shall specifically address the following
18 questions:

19 (1) Does the scope of the licensure law need to be revised in order
20 to enhance protection for persons receiving home health, hospice, and
21 home care services?

22 (2) Does the department of health need additional compliance
23 strategies in order to provide protection for persons receiving home
24 health, hospice, and home care services?

25 (3) Does chapter 70.126 RCW need to be retained in statute, or is
26 it simply duplicative and confusing?

27 A report shall be submitted by November 1, 1999, together with any
28 recommendations for legislation necessary to implement the findings and
29 recommendations of the department of health. The department of health
30 shall prepare the report with existing funds."

31 Correct the title.

EFFECT: Clarifies that department rules concerning approval of an
agency's service area are only related to assuring appropriate
management and supervision of services in the service area and that it
is not the intent of the bill to expand or disallow the number or types

of home health care services unless related to the need for trained and available staff.

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