

FINAL BILL REPORT

SHB 1880

C 336 L 99

Synopsis as Enacted

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

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

House Committee on Health Care
House Committee on Appropriations
Senate Committee on Health & Long-Term Care
Senate Committee on Ways & Means

Background:

Persons with functional disabilities encounter legal barriers to providing for their health care needs in their own home by securing the assistance of non-professional care providers. The health professional licensure acts have an unintended consequence of prohibiting non-professional providers, such as personal aides, from assisting persons with functional disabilities in routine health-related tasks that persons without disabilities personally and customarily perform for themselves.

Summary:

There is a declaration of legislative intent to clarify the right of adults with functional disabilities to choose to self-direct their own health-related tasks in their own home through personal aides. It is in the public interest to preserve the autonomy and dignity of persons with functional disabilities by allowing them to care for themselves through personal aides in their own homes as a health care option.

An adult person with a functional disability living at home may direct and supervise a paid personal aide in the performance of a health care task under specified guidelines. These guidelines include the following:

- The health care tasks are those medical, nursing, or home health services, that enable the person to maintain independence, personal hygiene and safety at home, that a person without the disability would personally perform;
- The health care provider incurs no additional liability when ordering a health care task which is to be done through self-directed care through a personal aide;

- The role of the personal aide is limited to performing physical health care tasks under the direction of the patient, but may also include other home care services such as personal care or 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. Individuals choosing to self-direct their care are responsible for initiating the self-direction by informing their health care professional.

Personal care aides who contract with the Department of Social and Health Services are required to register with the department. The department is directed to register any personal care aide with a substantive finding of abuse, neglect, abandonment, or exploitation.

The department is authorized to develop training requirements and background checks for individual providers and home health care agency providers who serve Medicaid clients. The department must deny payment to individual providers and home care providers who do not complete training requirements.

Clients with functional disabilities who self-direct their own care through personal aides are considered vulnerable adults protected from acts of abuse, neglect, exploitation or abandonment committed by personal aides.

A personal aide engaging in the performance of 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 directed to study the implementation of the act and submit a report to the Legislature by November 1, 2001, with findings and recommendations for improving the act.

Votes on Final Passage:

House 95 0
Senate 46 0 (Senate amended)
House 97 0 (House concurred)

Effective: July 25, 1999