
HOUSE BILL 1702

State of Washington

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By Representatives Parlette, Conway, Skinner, Pflug, Cairnes, Wolfe, Boldt, Campbell, Alexander, Edwards, Dickerson, Lovick, Ogden, Quall, Kenney, Esser and Wood

Read first time 02/03/1999. Referred to Committee on Health Care.

1 AN ACT Relating to the medicaid trial prescription program; and
2 amending RCW 74.09.010 and 74.09.520.

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

4 **Sec. 1.** RCW 74.09.010 and 1990 c 296 s 6 are each amended to read
5 as follows:

6 As used in this chapter:

7 (1) "Children's health program" means the health care services
8 program provided to children under eighteen years of age and in
9 households with incomes at or below the federal poverty level as
10 annually defined by the federal department of health and human services
11 as adjusted for family size, and who are not otherwise eligible for
12 medical assistance or the limited casualty program for the medically
13 needy.

14 (2) "Committee" means the children's health services committee
15 created in section 3 of this act.

16 (3) "County" means the board of county commissioners, county
17 council, county executive, or tribal jurisdiction, or its designee. A
18 combination of two or more county authorities or tribal jurisdictions

1 may enter into joint agreements to fulfill the requirements of RCW
2 74.09.415 through 74.09.435.

3 (4) "Department" means the department of social and health
4 services.

5 (5) "Department of health" means the Washington state department of
6 health created pursuant to RCW 43.70.020.

7 (6) "Internal management" means the administration of medical
8 assistance, medical care services, the children's health program, and
9 the limited casualty program.

10 (7) "Limited casualty program" means the medical care program
11 provided to medically needy persons as defined under Title XIX of the
12 federal social security act, and to medically indigent persons who are
13 without income or resources sufficient to secure necessary medical
14 services.

15 (8) "Medical assistance" means the federal aid medical care program
16 provided to categorically needy persons as defined under Title XIX of
17 the federal social security act.

18 (9) "Medical care services" means the limited scope of care
19 financed by state funds and provided to general assistance recipients,
20 and recipients of alcohol and drug addiction services provided under
21 chapter 74.50 RCW.

22 (10) "Nursing home" means nursing home as defined in RCW 18.51.010.

23 (11) "Poverty" means the federal poverty level determined annually
24 by the United States department of health and human services, or
25 successor agency.

26 (12) "Secretary" means the secretary of social and health services.

27 (13) "Trial prescription program" means the program established by
28 the department directing pharmacists to dispense a limited number of
29 doses of an initial prescription drug as set forth under RCW 74.09.520.

30 **Sec. 2.** RCW 74.09.520 and 1998 c 245 s 145 are each amended to
31 read as follows:

32 (1) The term "medical assistance" may include the following care
33 and services: (a) Inpatient hospital services; (b) outpatient hospital
34 services; (c) other laboratory and x-ray services; (d) nursing facility
35 services; (e) physicians' services, which shall include prescribed
36 medication and instruction on birth control devices; (f) medical care,
37 or any other type of remedial care as may be established by the
38 secretary; (g) home health care services; (h) private duty nursing

1 services; (i) dental services; (j) physical and occupational therapy
2 and related services; (k) prescribed drugs, dentures, and prosthetic
3 devices; and eyeglasses prescribed by a physician skilled in diseases
4 of the eye or by an optometrist, whichever the individual may select;
5 (l) personal care services, as provided in this section; (m) hospice
6 services; (n) other diagnostic, screening, preventive, and
7 rehabilitative services; and (o) like services when furnished to a
8 child by a school district in a manner consistent with the requirements
9 of this chapter. For the purposes of this section, the department may
10 not cut off any prescription medications, oxygen supplies, respiratory
11 services, or other life-sustaining medical services or supplies.

12 "Medical assistance," notwithstanding any other provision of law,
13 shall not include routine foot care, or dental services delivered by
14 any health care provider, that are not mandated by Title XIX of the
15 social security act unless there is a specific appropriation for these
16 services.

17 (2) The department shall amend the state plan for medical
18 assistance under Title XIX of the federal social security act to
19 include personal care services, as defined in 42 C.F.R. 440.170(f), in
20 the categorically needy program.

21 (3) The department shall adopt, amend, or rescind such
22 administrative rules as are necessary to ensure that Title XIX personal
23 care services are provided to eligible persons in conformance with
24 federal regulations.

25 (a) These administrative rules shall include financial eligibility
26 indexed according to the requirements of the social security act
27 providing for medicaid eligibility.

28 (b) The rules shall require clients be assessed as having a medical
29 condition requiring assistance with personal care tasks. Plans of care
30 must be reviewed by a nurse.

31 (4) The department shall design and implement a means to assess the
32 level of functional disability of persons eligible for personal care
33 services under this section. The personal care services benefit shall
34 be provided to the extent funding is available according to the
35 assessed level of functional disability. Any reductions in services
36 made necessary for funding reasons should be accomplished in a manner
37 that assures that priority for maintaining services is given to persons
38 with the greatest need as determined by the assessment of functional
39 disability.

1 (5) Effective July 1, 1989, the department shall offer hospice
2 services in accordance with available funds.

3 (6) For Title XIX personal care services administered by aging and
4 adult services administration of the department, the department shall
5 contract with area agencies on aging:

6 (a) To provide case management services to individuals receiving
7 Title XIX personal care services in their own home; and

8 (b) To reassess and reauthorize Title XIX personal care services or
9 other home and community services (~~(as defined in RCW 74.39A.008)~~) in
10 home or in other settings for individuals consistent with the intent of
11 this section:

12 (i) Who have been initially authorized by the department to receive
13 Title XIX personal care services or other home and community services
14 (~~(as defined in RCW 74.39A.008)~~); and

15 (ii) Who, at the time of reassessment and reauthorization, are
16 receiving such services in their own home.

17 (7) In the event that an area agency on aging is unwilling to enter
18 into or satisfactorily fulfill a contract to provide these services,
19 the department is authorized to:

20 (a) Obtain the services through competitive bid; and

21 (b) Provide the services directly until a qualified contractor can
22 be found.

23 (8)(a) The department shall establish a trial prescription program
24 to increase compliance and reduce costs. The program shall provide for
25 informing prescribing practitioners and pharmacists of the parameters
26 of the trial prescription program and direct that prescribing
27 practitioners and pharmacists collaborate in implementing the program.
28 The program shall include an exception provision in the event that
29 returning for the balance of the prescription would impose an undue
30 hardship on a patient.

31 (b) The department in consultation with the department's drug
32 utilization review committee shall determine the drugs to be included
33 in the program.

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