

SENATE BILL REPORT

SB 5652

As Reported By Senate Committee On:
Health & Long-Term Care, March 5, 2001
Ways & Means, March 8, 2001

Title: An act relating to improving the quality of in-home long-term care services provided by state funded individual providers.

Brief Description: Improving the quality of in-home long-term care services provided by state funded individual providers.

Sponsors: Senators Costa, Winsley, Thibaudeau, Deccio, B. Sheldon, Prentice, Fraser, Kohl-Welles and Fairley.

Brief History:

Committee Activity: Health & Long-Term Care: 2/15/01, 3/5/01 [DPS-WM, DNP].
Ways & Means: 3/7/01, 3/8/01 [DP2S, DNP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.
Signed by Senators Thibaudeau, Chair; Costa, Fraser and Winsley.

Minority Report: Do not pass.
Signed by Senators Deccio and Parlette.

Staff: Rhoda Donkin (786-7198)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5652 be substituted therefor, and the second substitute bill do pass.
Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Minority Report: Do not pass.
Signed by Senators Honeyford and Rossi.

Staff: Tim Yowell (786-7435)

Background: Currently there are 23,000 individuals in the state who receive state-funded long-term care in their homes. People receive home care in one of two ways, either from employees of home care agencies, or from caregivers who act as independent contractors with

the state and provide their services through the Individual Provider Program (IPP). Caregivers who work as individual providers are basically employed by the person needing the care, but paid by the state. To be in the IPP program, the workers must be at least 18, pass a criminal background check, be healthy enough to adequately provide the services, and successfully complete 22 hours of training.

There is no one way that individual providers are linked with people who need care. Individual providers might find work through a help wanted ad in the newspaper, or they might get into care giving because a family member or someone they know becomes seriously disabled and needs long-term assistance with daily activities. Individual providers sign a contract with the state to provide care for a determined number of hours, and the person they care for becomes their boss, their supervisor, and their responsibility.

Over the last 10 years, the number of individual providers contracting with the state has increased from approximately 4,500 to about 14,000. Their duties are overseen by the Area Agencies on Aging, which provide case management and administrative oversight for the IPP program. Technically, individual providers are not "employees" of anyone but the person they are assisting. Individual providers are technically the employees of the person they are assisting.

Summary of Second Substitute Bill: The Washington State Institute for Public Policy must study the experience of at least two states which have established arrangements that enable individual providers of home care services to collectively bargain the terms of their employment. The Institute must report its findings to the appropriate committees of the Legislature by November 15, 2001.

Second Substitute Bill Compared to Substitute Bill: The second substitute bill does not establish a new individual provider quality authority to collectively bargain with individual home care workers under the terms of the public employees collective bargaining statute; or to operate as a recruitment, referral, and training service for home care workers and clients.

Substitute Bill Compared to Original Bill: The name of the authority is changed to "Individual Provider Quality Authority" (IPQA). All references to "political subdivision of the state" were removed. The IPQA is authorized to establish technical advisory committees and to write rules. The IPQA's duties include recruiting individual providers, developing a list of providers, confirming criminal background checks, checking with any existing abuse registries, providing training to clients who use individual providers.

The authority must use existing recruitment, referral, and home care training resources to carry out its duties. Contracting for required services is permitted. The state, Area Agencies on Aging, and AAA's case management subcontractors are not vicariously liable for negligent acts or omissions of IPs.

The JLARC audit must also include an analysis of the equity of IP clients, and an analysis of the full cost of individual providers services.

The bill is null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for section 10 which takes effect January 1, 2002.

Testimony For (Health & Long-Term Care): This begins a process for giving individual providers a way to have their needs heard. These caregivers are under compensated and the result is a high turnover in the industry. The authority will provide some stability to these workers.

Testimony Against (Health & Long-Term Care): This does not address the needs of these workers, who need to be better compensated.

Testified (Health & Long-Term Care): PRO: Donna Patrick, Dev. Disabilities Council; Jim Oliver, Bill Nowell, NW Parkinson Foundation; Kathy Leitch, DSHS; Ellie Menzies, SEIU; Gordon Conger, IP; Peter Nazzal, Catholic Community Services; Nick Federici, Washington State Association of Home Care Services; Marshall Mitchell, client, IP; Bruce Reeves, Senior Citizens Lobby.

Testimony For (Ways & Means): The Authority will promote stable and quality services for people with disabilities, while maintaining choice and independence. Home care workers provide essential services, and availability of collective bargaining will help assure their working conditions are such that they can continue to provide that work.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): PRO: Senator Jeralita Costa, prime sponsor; Donna Patrick, Developmental Disabilities Council; Ellie Menzies, SEIU Local 99; Toby Olson, Governor's Council on Disabilities Issues and Employment.