

# HOUSE BILL REPORT

## SSB 5732

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### As Amended by the Senate

**Title:** An act relating to in-home long-term care services liability.

**Brief Description:** Revising provisions for long-term care service options.

**Sponsors:** By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Rasmussen, Brandland and Winsley).

#### Brief History:

##### Committee Activity:

Judiciary: 2/26/04, 2/27/04 [DP].

##### Floor Activity:

Passed House: 3/4/04, 95-0.

Senate Amended.

Passed Senate: EnterDate, EnterVote.

#### Brief Summary of Substitute Bill

- Changes one of the case management responsibilities of an area agency on aging from "ensuring" to "verifying" that a consumer's plan of care is adequate.
- Requires a care provider, rather than an area agency on aging, to state that he or she is able and willing to provide care under a plan.
- Provides that the DSHS may provide services directly or through competitive bid when a consumer's case management will be met through an alternative delivery system.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

**Staff:** Bill Perry (786-7123).

#### Background:

An "area agency on aging" (AAA) is a public or non-profit private agency or organization selected by the state and recognized under federal law. An AAA consults with and provides

advice to the Department of Social and Health Services (DSHS) on the delivery of programs to the elderly.

Among an AAA's duties are a variety of functions with regard to the delivery of medicaid personal care and chore services programs through an individual provider. One of those duties is to monitor a consumer's plan of care to "ensure" that it adequately meets the consumer's needs. Another duty is to develop a plan of care that includes a statement "that the individual provider" is able and willing to carry out his or her responsibilities under the plan.

The DSHS is authorized to provide services directly or through competitive bid when an AAA is unwilling to enter a contract or to satisfactorily fulfill a contract.

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**Summary of Bill:**

As part of an AAA's monitoring duties, an AAA is required to "verify" rather than "ensure" that a care plan is meeting the needs of a consumer.

With respect to the development of a consumer's plan of care, the required statement in a plan regarding the ability and willingness of the individual provider is to be provided by the provider, rather than by the AAA.

The authority of the DSHS to provide services directly or through competitive bid is expanded to include not only circumstances where an AAA is unwilling, but also circumstances where a consumer's case management services will be met through an alternative delivery system.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill will reduce a county's exposure to liability. It is a small step, but will help clarify expectations under a care plan.

**Testimony Against:** None.

**Persons Testifying:** Penny Black, Department of Social and Health Services; and Dennis Makar, Washington Association of Area Agencies on Aging.

**Persons Signed In To Testify But Not Testifying:** None.