
HOUSE BILL 1332

State of Washington 58th Legislature 2003 Regular Session

By Representatives Moeller, Campbell, Kessler, Skinner, Sullivan, Benson, Rockefeller, Darneille, Clibborn, Pettigrew, McCoy, Romero, Hunt, Chase and Bush

Read first time 01/22/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to payment for state-contracted long-term care
2 services; amending RCW 74.39A.030, 74.46.620, and 74.46.630; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 74.39A.030 and 2002 c 3 s 10 (Initiative Measure No.
6 775) are each amended to read as follows:

7 (1) To the extent of available funding, the department shall expand
8 cost-effective options for home and community services for consumers
9 for whom the state participates in the cost of their care.

10 (2) In expanding home and community services, the department shall:
11 (a) Take full advantage of federal funding available under Title XVIII
12 and Title XIX of the federal social security act, including home
13 health, adult day care, waiver options, and state plan services; and
14 (b) be authorized to use funds available under its community options
15 program entry system waiver granted under section 1915(c) of the
16 federal social security act to expand the availability of in-home,
17 adult residential care, adult family homes, enhanced adult residential
18 care, and assisted living services. By June 30, 1997, the department
19 shall undertake to reduce the nursing home medicaid census by at least

1 one thousand six hundred by assisting individuals who would otherwise
2 require nursing facility services to obtain services of their choice,
3 including assisted living services, enhanced adult residential care,
4 and other home and community services. If a resident, or his or her
5 legal representative, objects to a discharge decision initiated by the
6 department, the resident shall not be discharged if the resident has
7 been assessed and determined to require nursing facility services. In
8 contracting with nursing homes and boarding homes for enhanced adult
9 residential care placements, the department shall not require, by
10 contract or through other means, structural modifications to existing
11 building construction.

12 (3)(a) The department shall by rule establish payment rates for
13 home and community services that support the provision of cost-
14 effective care. In the event of any conflict between any such rule and
15 a collective bargaining agreement entered into under RCW 74.39A.270 and
16 74.39A.300, the collective bargaining agreement prevails.

17 (b) The department may authorize an enhanced adult residential care
18 rate for nursing homes that temporarily or permanently convert their
19 bed use for the purpose of providing enhanced adult residential care
20 under chapter 70.38 RCW, when the department determines that payment of
21 an enhanced rate is cost-effective and necessary to foster expansion of
22 contracted enhanced adult residential care services. As an incentive
23 for nursing homes to permanently convert a portion of its nursing home
24 bed capacity for the purpose of providing enhanced adult residential
25 care, the department may authorize a supplemental add-on to the
26 enhanced adult residential care rate.

27 (c) The department may authorize a supplemental assisted living
28 services rate for up to four years for facilities that convert from
29 nursing home use and do not retain rights to the converted nursing home
30 beds under chapter 70.38 RCW, if the department determines that payment
31 of a supplemental rate is cost-effective and necessary to foster
32 expansion of contracted assisted living services.

33 (4) In contracting with facilities for assisted living services,
34 adult residential care, and enhanced adult residential care, the
35 department will provide payments to facilities, including the amount
36 that the department has determined the resident is required to pay
37 towards his or her care. It is the department's responsibility to
38 collect that portion of the cost of care from the resident.

1 **Sec. 2.** RCW 74.46.620 and 1998 c 322 s 33 are each amended to read
2 as follows:

3 (1) The department will pay a contractor for service rendered under
4 the facility contract and billed in accordance with RCW 74.46.610.

5 (2) The amount paid will be computed using the appropriate rates
6 assigned to the contractor.

7 (3) For each recipient, the department will pay an amount equal to
8 the appropriate rates, multiplied by the number of medicaid resident
9 days each rate was in effect, (~~less~~) including the amount the
10 recipient is required to pay for his or her care as set forth by RCW
11 74.46.630.

12 **Sec. 3.** RCW 74.46.630 and 1998 c 322 s 34 are each amended to read
13 as follows:

14 (1) The department will notify a contractor of the amount each
15 medical care recipient is required to pay for care provided under the
16 contract and the effective date of such required contribution. It is
17 the (~~contractor's~~) department's responsibility to collect that
18 portion of the cost of care from the patient(~~, and to account for any~~
19 ~~authorized reduction from his or her contribution in accordance with~~
20 ~~rules established by the department~~)).

21 (2) If a contractor receives documentation showing a change in the
22 income or resources of a recipient which will mean a change in his or
23 her contribution toward the cost of care, this shall be reported in
24 writing to the department within seventy-two hours and in a manner
25 specified by rules established by the department. (~~If necessary,~~
26 ~~appropriate corrections will be made in the next facility statement,~~
27 ~~and a copy of documentation supporting the change will be attached.))
28 If increased funds for a recipient are received by (~~a contractor~~) the
29 department, an amount determined by the department shall be allowed for
30 clothing and personal and incidental expense, and the balance applied
31 to the cost of care.~~

32 (3) The contractor shall accept the payment rates established and
33 paid by the department as full compensation for all services provided
34 under the contract, certification as specified by Title XIX, and
35 licensure under chapter 18.51 RCW. The contractor shall not seek or
36 accept additional compensation from or on behalf of a recipient for any
37 or all such services.

1 NEW SECTION. **Sec. 4.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately.

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