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HOUSE BILL 1095

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State of Washington

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By Representatives Barlow, Hinkle, Appleton, Green, Ormsby, Schual-Berke, Cody, Blake, B. Sullivan, Hurst, O'Brien, Clibborn, Morrell, Conway, Kenney, Linville, Rolfes, Moeller and Dunn; by request of Governor Gregoire

Read first time 01/10/2007. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to implementing the part D drug copayment program;  
2 and amending RCW 74.09.520.

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

4 **Sec. 1.** RCW 74.09.520 and 2004 c 141 s 2 are each amended to read  
5 as follows:

6 (1) The term "medical assistance" may include the following care  
7 and services: (a) Inpatient hospital services; (b) outpatient hospital  
8 services; (c) other laboratory and X-ray services; (d) nursing facility  
9 services; (e) physicians' services, which shall include prescribed  
10 medication and instruction on birth control devices; (f) medical care,  
11 or any other type of remedial care as may be established by the  
12 secretary; (g) home health care services; (h) private duty nursing  
13 services; (i) dental services; (j) physical and occupational therapy  
14 and related services; (k) prescribed drugs, dentures, and prosthetic  
15 devices; and eyeglasses prescribed by a physician skilled in diseases  
16 of the eye or by an optometrist, whichever the individual may select;  
17 (l) personal care services, as provided in this section; (m) hospice  
18 services; (n) other diagnostic, screening, preventive, and  
19 rehabilitative services; and (o) like services when furnished to a

1 child by a school district in a manner consistent with the requirements  
2 of this chapter. For the purposes of this section, the department may  
3 not cut off any prescription medications, oxygen supplies, respiratory  
4 services, or other life-sustaining medical services or supplies.

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

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

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

18 (a) These administrative rules shall include financial eligibility  
19 indexed according to the requirements of the social security act  
20 providing for medicaid eligibility.

21 (b) The rules shall require clients be assessed as having a medical  
22 condition requiring assistance with personal care tasks. Plans of care  
23 for clients requiring health-related consultation for assessment and  
24 service planning may be reviewed by a nurse.

25 (c) The department shall determine by rule which clients have a  
26 health-related assessment or service planning need requiring registered  
27 nurse consultation or review. This definition may include clients that  
28 meet indicators or protocols for review, consultation, or visit.

29 (4) The department shall design and implement a means to assess the  
30 level of functional disability of persons eligible for personal care  
31 services under this section. The personal care services benefit shall  
32 be provided to the extent funding is available according to the  
33 assessed level of functional disability. Any reductions in services  
34 made necessary for funding reasons should be accomplished in a manner  
35 that assures that priority for maintaining services is given to persons  
36 with the greatest need as determined by the assessment of functional  
37 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 disability services administration of the department, the department  
5 shall 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.009 in home  
10 or in other settings for individuals consistent with the intent of this  
11 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.009; 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 or an individual consumer's  
19 need for case management services will be met through an alternative  
20 delivery system, the department is authorized to:

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

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

24 (8) Subject to available funds, effective July 1, 2007, the  
25 department may offer medicare part D prescription drug copayment  
26 coverage to dual eligible medical assistance and medically needy  
27 beneficiaries.

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