
HOUSE BILL 2361

State of Washington

61st Legislature

2009 Regular Session

By Representative Cody

1 AN ACT Relating to modifying state payments for in-home care by
2 prohibiting payment for services provided by agency employees who are
3 related to or live with the client; adding a new section to chapter
4 74.39A RCW; creating a new section; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.39A RCW
7 to read as follows:

8 (1) The department shall not pay a home care agency licensed under
9 chapter 70.127 RCW for in-home personal care services provided under
10 the medicaid in-home personal care program if the care is provided:

- 11 (a) To a client by a family member of the client; or
12 (b) By an agency employee who resides with the client receiving the
13 care.

14 (2) The department shall take appropriate enforcement action
15 against a home care agency found to have charged the state for hours of
16 service for which the department is not authorized to pay under this
17 section, including requiring recoupment of any payment made for those
18 hours and, under criteria adopted by the department by rule,

1 terminating the contract of an agency that violates a recoupment
2 requirement.

3 (3) For purposes of this section:

4 (a) "Client" means a person who has been deemed eligible by the
5 department to receive medicaid in-home personal care services.

6 (b) "Family member" shall be liberally construed to include, but
7 not be limited to, a parent, child, sibling, aunt, uncle, cousin,
8 grandparent, grandchild, grandniece, or grandnephew, or such relatives
9 when related by marriage.

10 (4) The department shall adopt rules to implement this section.
11 The rules shall not result in affecting the amount, duration, or scope
12 of the personal care services benefit to which a client may be entitled
13 pursuant to RCW 74.09.520 or Title XIX of the federal social security
14 act.

15 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
16 conflict with federal requirements that are a prescribed condition to
17 the allocation of federal funds to the state, the conflicting part of
18 this act is inoperative solely to the extent of the conflict and with
19 respect to the agencies directly affected, and this finding does not
20 affect the operation of the remainder of this act in its application to
21 the agencies concerned. Rules adopted under this act must meet federal
22 requirements that are a necessary condition to the receipt of federal
23 funds by the state.

24 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately.

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