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**SUBSTITUTE SENATE BILL 5484**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Marr, Roach, Keiser, Tom, Hobbs, Kline, Oemig, Franklin, Shin, Kilmer, and Kauffman)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to developmental screening for children; amending  
2 RCW 74.09.520; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) Early identification and treatment of problems such as language  
6 delay, mental retardation, learning disabilities, and emotional and  
7 behavioral problems can prevent these conditions from becoming costly  
8 and intractable issues later.

9 (2) Research indicates that health care providers who use  
10 standardized developmental screening and assessment tools can more  
11 readily identify children at risk for developmental delay.

12 (3) Research indicates that reliance on clinical impressions or  
13 developmental milestone reviews alone leads to significantly fewer  
14 children receiving timely and appropriate intervention. Physician  
15 surveillance during physical exams detected fewer than thirty percent  
16 of developmental delays compared to over seventy percent of delays  
17 detected by formal screening tests.

18 (4) Developmental screening identifies children with delays at a  
19 more treatable time when they can be referred to early intervention

1 programs. Children involved with early intervention programs are more  
2 likely to live independently, graduate from high school, and save  
3 society significant long-term expenses.

4 **Sec. 2.** RCW 74.09.520 and 2007 c 3 s 1 are each amended to read as  
5 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  
20 child by a school district in a manner consistent with the requirements  
21 of this chapter. For the purposes of this section, the department may  
22 not cut off any prescription medications, oxygen supplies, respiratory  
23 services, or other life-sustaining medical services or supplies.

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

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

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

1 (a) These administrative rules shall include financial eligibility  
2 indexed according to the requirements of the social security act  
3 providing for medicaid eligibility.

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

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

12 (4) The department shall design and implement a means to assess the  
13 level of functional disability of persons eligible for personal care  
14 services under this section. The personal care services benefit shall  
15 be provided to the extent funding is available according to the  
16 assessed level of functional disability. Any reductions in services  
17 made necessary for funding reasons should be accomplished in a manner  
18 that assures that priority for maintaining services is given to persons  
19 with the greatest need as determined by the assessment of functional  
20 disability.

21 (5) Effective July 1, 1989, the department shall offer hospice  
22 services in accordance with available funds.

23 (6) For Title XIX personal care services administered by aging and  
24 disability services administration of the department, the department  
25 shall contract with area agencies on aging:

26 (a) To provide case management services to individuals receiving  
27 Title XIX personal care services in their own home; and

28 (b) To reassess and reauthorize Title XIX personal care services or  
29 other home and community services as defined in RCW 74.39A.009 in home  
30 or in other settings for individuals consistent with the intent of this  
31 section:

32 (i) Who have been initially authorized by the department to receive  
33 Title XIX personal care services or other home and community services  
34 as defined in RCW 74.39A.009; and

35 (ii) Who, at the time of reassessment and reauthorization, are  
36 receiving such services in their own home.

37 (7) In the event that an area agency on aging is unwilling to enter

1 into or satisfactorily fulfill a contract or an individual consumer's  
2 need for case management services will be met through an alternative  
3 delivery system, the department is authorized to:

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

5 (b) Provide the services directly until a qualified contractor can  
6 be found.

7 (8) Subject to the availability of amounts appropriated for this  
8 specific purpose, effective July 1, 2007, the department may offer  
9 medicare part D prescription drug copayment coverage to full benefit  
10 dual eligible beneficiaries.

11 (9) Effective July 1, 2011, the department shall select  
12 developmental screening tools consistent with nationally accepted  
13 pediatric guidelines and reimburse providers using such tools to  
14 conduct developmental screenings of children. The department shall  
15 also recommend a schedule for administering these developmental screens  
16 consistent with nationally accepted pediatric guidelines.

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