
SENATE BILL 6453

State of Washington

63rd Legislature

2014 Regular Session

By Senators Dammeier and Keiser; by request of Department of Social and Health Services

Read first time 01/27/14. Referred to Committee on Health Care .

1 AN ACT Relating to agency on aging case management oversight; and
2 amending RCW 74.39A.095.

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

4 **Sec. 1.** RCW 74.39A.095 and 2012 c 164 s 507 are each amended to
5 read as follows:

6 (1) In carrying out case management responsibilities established
7 under RCW 74.39A.090 for consumers who are receiving services under the
8 medicaid personal care, community options programs entry system or
9 chore services program through an individual provider, each area agency
10 on aging shall provide oversight of the care being provided to
11 consumers receiving services under this section to the extent of
12 available funding. Case management responsibilities incorporate this
13 oversight, and include, but are not limited to:

14 (a) Verification that any individual provider has met any training
15 requirements established by the department;

16 (b) Verification of a sample of worker time sheets until the
17 ProviderOne compensation subsystem and services is available for
18 individual providers to record their hours;

1 (c) Monitoring the consumer's plan of care to verify that it
2 adequately meets the needs of the consumer, through activities such as
3 home visits, telephone contacts, and responses to information received
4 by the area agency on aging indicating that a consumer may be
5 experiencing problems relating to his or her home care;

6 (d) Reassessing and reauthorizing services;

7 (e) Monitoring of individual provider performance; and

8 (f) Conducting criminal background checks or verifying that
9 criminal background checks have been conducted for any individual
10 provider. Individual providers who are hired after January 7, 2012,
11 are subject to background checks under RCW 74.39A.056.

12 (2) The area agency on aging case manager shall work with each
13 consumer to develop a plan of care under this section that identifies
14 and ensures coordination of health and long-term care services that
15 meet the consumer's needs. In developing the plan, they shall utilize,
16 and modify as needed, any comprehensive community service plan
17 developed by the department as provided in RCW 74.39A.040. The plan of
18 care shall include, at a minimum:

19 (a) The name and telephone number of the consumer's area agency on
20 aging case manager, and a statement as to how the case manager can be
21 contacted about any concerns related to the consumer's well-being or
22 the adequacy of care provided;

23 (b) The name and telephone numbers of the consumer's primary health
24 care provider, and other health or long-term care providers with whom
25 the consumer has frequent contacts;

26 (c) A clear description of the roles and responsibilities of the
27 area agency on aging case manager and the consumer receiving services
28 under this section;

29 (d) The duties and tasks to be performed by the area agency on
30 aging case manager and the consumer receiving services under this
31 section;

32 (e) The type of in-home services authorized, and the number of
33 hours of services to be provided;

34 (f) The terms of compensation of the individual provider;

35 (g) A statement by the individual provider that he or she has the
36 ability and willingness to carry out his or her responsibilities
37 relative to the plan of care; and

1 (h)(i) Except as provided in (h)(ii) of this subsection, a clear
2 statement indicating that a consumer receiving services under this
3 section has the right to waive any of the case management services
4 offered by the area agency on aging under this section, and a clear
5 indication of whether the consumer has, in fact, waived any of these
6 services.

7 (ii) The consumer's right to waive case management services does
8 not include the right to waive reassessment or reauthorization of
9 services, or verification that services are being provided in
10 accordance with the plan of care.

11 (3) Each area agency on aging shall retain a record of each waiver
12 of services included in a plan of care under this section.

13 (4) Each consumer has the right to direct and participate in the
14 development of their plan of care to the maximum practicable extent of
15 their abilities and desires, and to be provided with the time and
16 support necessary to facilitate that participation.

17 (5) A copy of the plan of care must be distributed to the
18 consumer's primary care provider, individual provider, and other
19 relevant providers with whom the consumer has frequent contact, as
20 authorized by the consumer.

21 (6) The consumer's plan of care shall be an attachment to the
22 contract between the department, or their designee, and the individual
23 provider.

24 (7) If the department or area agency on aging case manager finds
25 that an individual provider's inadequate performance or inability to
26 deliver quality care is jeopardizing the health, safety, or well-being
27 of a consumer receiving service under this section, the department or
28 the area agency on aging may take action to terminate the contract
29 between the department and the individual provider. If the department
30 or the area agency on aging has a reasonable, good faith belief that
31 the health, safety, or well-being of a consumer is in imminent
32 jeopardy, the department or area agency on aging may summarily suspend
33 the contract pending a fair hearing. The consumer may request a fair
34 hearing to contest the planned action of the case manager, as provided
35 in chapter 34.05 RCW. The department may by rule adopt guidelines for
36 implementing this subsection.

37 (8) The department or area agency on aging may reject a request by
38 a consumer receiving services under this section to have a family

1 member or other person serve as his or her individual provider if the
2 case manager has a reasonable, good faith belief that the family member
3 or other person will be unable to appropriately meet the care needs of
4 the consumer. The consumer may request a fair hearing to contest the
5 decision of the case manager, as provided in chapter 34.05 RCW. The
6 department may by rule adopt guidelines for implementing this
7 subsection.

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