
HOUSE BILL 1545

State of Washington

65th Legislature

2017 Regular Session

By Representative Schmick

Read first time 01/23/17. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the exclusion of residential housing payments
2 from certain state-funded health programs; and amending RCW 74.09.520
3 and 71.24.385.

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

5 **Sec. 1.** RCW 74.09.520 and 2015 1st sp.s. c 8 s 2 are each
6 amended to read as follows:

7 (1)(a) The term "medical assistance" may include the following
8 care and services subject to rules adopted by the authority or
9 department: ~~((+a))~~ (i) Inpatient hospital services; ~~((+b))~~ (ii)
10 outpatient hospital services; ~~((+e))~~ (iii) other laboratory and X-
11 ray services; ~~((+d))~~ (iv) nursing facility services; ~~((+e))~~ (v)
12 physicians' services, which shall include prescribed medication and
13 instruction on birth control devices; ~~((+f))~~ (vi) medical care, or
14 any other type of remedial care as may be established by the
15 secretary or director; ~~((+g))~~ (vii) home health care services;
16 ~~((+h))~~ (viii) private duty nursing services; ~~((+i))~~ (ix) dental
17 services; ~~((+j))~~ (x) physical and occupational therapy and related
18 services; ~~((+k))~~ (xi) prescribed drugs, dentures, and prosthetic
19 devices; and eyeglasses prescribed by a physician skilled in diseases
20 of the eye or by an optometrist, whichever the individual may select;
21 ~~((+l))~~ (xii) personal care services, as provided in this section;

1 ((~~m~~)) (xiii) hospice services; ((~~n~~)) (xiv) other diagnostic,
2 screening, preventive, and rehabilitative services; and ((~~o~~)) (xv)
3 like services when furnished to a child by a school district in a
4 manner consistent with the requirements of this chapter. For the
5 purposes of this section, neither the authority nor the department
6 may cut off any prescription medications, oxygen supplies,
7 respiratory services, or other life-sustaining medical services or
8 supplies.

9 (b) "Medical assistance," notwithstanding any other provision of
10 law, shall not include:

11 (i) Routine foot care, or dental services delivered by any health
12 care provider, that are not mandated by Title XIX of the social
13 security act unless there is a specific appropriation for these
14 services; or

15 (ii) The payment of residential housing costs and other costs
16 directly associated with residential housing payments, such as
17 deposits and rental fees. This prohibition does not exclude the
18 payment of residential costs at licensed care settings, such as
19 licensed long-term care facilities or licensed behavioral health
20 service providers offering on-site residential treatment services.

21 (2) The department shall adopt, amend, or rescind such
22 administrative rules as are necessary to ensure that Title XIX
23 personal care services are provided to eligible persons in
24 conformance with federal regulations.

25 (a) These administrative rules shall include financial
26 eligibility indexed according to the requirements of the social
27 security act providing for medicaid eligibility.

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

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

37 (3) The department shall design and implement a means to assess
38 the level of functional disability of persons eligible for personal
39 care services under this section. The personal care services benefit
40 shall be provided to the extent funding is available according to the

1 assessed level of functional disability. Any reductions in services
2 made necessary for funding reasons should be accomplished in a manner
3 that assures that priority for maintaining services is given to
4 persons with the greatest need as determined by the assessment of
5 functional disability.

6 (4) Effective July 1, 1989, the authority shall offer hospice
7 services in accordance with available funds.

8 (5) For Title XIX personal care services administered by aging
9 and disability services administration of the department, the
10 department shall contract with area agencies on aging:

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

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

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

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

22 (6) In the event that an area agency on aging is unwilling to
23 enter into or satisfactorily fulfill a contract or an individual
24 consumer's need for case management services will be met through an
25 alternative delivery system, the department is authorized to:

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

27 (b) Provide the services directly until a qualified contractor
28 can be found.

29 (7) Subject to the availability of amounts appropriated for this
30 specific purpose, the authority may offer medicare part D
31 prescription drug copayment coverage to full benefit dual eligible
32 beneficiaries.

33 (8) Effective January 1, 2016, the authority shall require
34 universal screening and provider payment for autism and developmental
35 delays as recommended by the bright futures guidelines of the
36 American academy of pediatrics, as they existed on August 27, 2015.
37 This requirement is subject to the availability of funds.

38 **Sec. 2.** RCW 71.24.385 and 2016 sp.s. c 29 s 510 are each amended
39 to read as follows:

1 (1) Within funds appropriated by the legislature for this
2 purpose, behavioral health organizations shall develop the means to
3 serve the needs of people:

4 (a) With mental disorders residing within the boundaries of their
5 regional service area. Elements of the program may include:

- 6 (i) Crisis diversion services;
- 7 (ii) Evaluation and treatment and community hospital beds;
- 8 (iii) Residential treatment;
- 9 (iv) Programs for intensive community treatment;
- 10 (v) Outpatient services;
- 11 (vi) Peer support services;
- 12 (vii) Community support services;
- 13 (viii) Resource management services; and
- 14 (ix) Supported housing and supported employment services.

15 (b) With substance use disorders and their families, people
16 incapacitated by alcohol or other psychoactive chemicals, and
17 intoxicated people.

18 (i) Elements of the program shall include, but not necessarily be
19 limited to, a continuum of substance use disorder treatment services
20 that includes:

- 21 (A) Withdrawal management;
- 22 (B) Residential treatment; and
- 23 (C) Outpatient treatment.

24 (ii) The program may include peer support, supported housing,
25 supported employment, crisis diversion, or recovery support services.

26 (iii) The department may contract for the use of an approved
27 substance use disorder treatment program or other individual or
28 organization if the secretary considers this to be an effective and
29 economical course to follow.

30 (c) Supported housing services identified in this subsection (1)
31 exclude the payment of residential housing costs and other costs
32 directly associated with residential housing payments, such as
33 deposits and rental fees. This prohibition does not exclude the
34 payment of residential costs at licensed care settings, such as
35 licensed long-term care facilities or licensed behavioral health
36 service providers offering on-site residential treatment services.

37 (2) The behavioral health organization shall have the
38 flexibility, within the funds appropriated by the legislature for
39 this purpose and the terms of their contract, to design the mix of
40 services that will be most effective within their service area of

1 meeting the needs of people with behavioral health disorders and
2 avoiding placement of such individuals at the state mental hospital.
3 Behavioral health organizations are encouraged to maximize the use of
4 evidence-based practices and alternative resources with the goal of
5 substantially reducing and potentially eliminating the use of
6 institutions for mental diseases.

7 (3)(a) Treatment provided under this chapter must be purchased
8 primarily through managed care contracts.

9 (b) Consistent with RCW 71.24.580, services and funding provided
10 through the criminal justice treatment account are intended to be
11 exempted from managed care contracting.

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