

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2380

66th Legislature
2020 Regular Session

Passed by the House February 14, 2020
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2020
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2380** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2380

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

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By Representatives Tharinger, Harris, Macri, Riccelli, Cody, Leavitt, Wylie, Kloba, and Appleton; by request of Department of Social and Health Services

Prefiled 01/10/20. Read first time 01/13/20. Referred to Committee on Appropriations.

1 AN ACT Relating to the home care agency vendor rate and repeal of
2 electronic timekeeping; amending RCW 74.39A.310; creating a new
3 section; repealing RCW 74.39A.325; and providing an effective date.

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

5 **Sec. 1.** RCW 74.39A.310 and 2018 c 278 s 23 are each amended to
6 read as follows:

7 (1) The department shall ~~((create a formula that converts into a~~
8 ~~per-hour amount, excluding those benefits defined in subsection (3)~~
9 ~~of this section, the cost of the increase in:~~

10 ~~(a) Wages))~~ convert and distribute any change in the total amount
11 of wages and benefits negotiated and funded in the contract for
12 individual providers of home care services pursuant to RCW 74.39A.270
13 and 74.39A.300 ~~((÷))~~ or

14 ~~((b) The))~~ labor rates established under RCW 74.39A.530 into a
15 per-quarter-hour amount. This must be accomplished in each odd-
16 numbered year within sixty days after adjournment sine die of the
17 legislative session.

18 (2) The per-quarter-hour amount ~~((from subsection (1) of this~~
19 ~~section))~~ shall be added to or subtracted from the statewide home
20 care agency vendor rate and any increase shall be used exclusively

1 for improving the wages and benefits of home care agency workers who
2 provide direct care(~~. The formula shall account for:~~

3 ~~(a) All types of~~), and for paying any resulting change in
4 required employer contributions or premiums.

5 (3) When determining the per-quarter-hour amount, the department
6 must include:

7 (a) The changes to wages, benefits, and compensation negotiated
8 and funded each biennium, including but not limited to:

9 (i) ((Regular)) Wages;

10 (ii) Benefit pay, such as vacation, sick, and holiday pay;

11 (iii) ((Taxes on wages/benefit pay;

12 ~~(iv))~~ Mileage; ((and

13 ~~(v))~~ (iv) Contributions to a training partnership;

14 (v) Contributions to the health benefit trust; and

15 (vi) Contributions to the defined contribution retirement trust;

16 and

17 (b) The ((increase)) change in the average costs ((of worker's
18 compensation for)) experienced by medicaid contracted home care
19 agencies ((and application of the increases identified in (a) of this
20 subsection to all hours required to be paid, including travel time,
21 of direct service workers under the wage and hour laws and associated
22 employer taxes.

23 ~~(3) The contribution rate for health care benefits, including but~~
24 ~~not limited to medical, dental, and vision benefits, for eligible~~
25 ~~agency home care workers shall be paid by the department to home care~~
26 ~~agencies at the same rate as negotiated and funded in the collective~~
27 ~~bargaining agreement for individual providers of home care~~
28 ~~services)), as determined by the department in its sole discretion,~~
29 of employer contributions or premiums required by law including, but
30 not limited to:

31 (i) Federal insurance contributions act;

32 (ii) Federal unemployment tax act;

33 (iii) State unemployment tax authority;

34 (iv) State paid family medical leave act; and

35 (v) State workers' compensation system; and

36 (c) An adjustment, as determined by the department in its sole
37 discretion, for cost of compensation for work time that may not be
38 billed as service hours, such as travel time, that must be paid to
39 direct service workers under wage and hour laws and any related
40 employer tax contributions or premiums.

1 (4) The portion of the vendor rate calculated for health care
2 benefits, including but not limited to medical, dental, and vision
3 benefits, may only be used for health benefits for home care agency
4 workers who provide direct care.

5 (5) When establishing the per-quarter-hour amount, the department
6 must prevent duplicate accounting for the same cost.

7 NEW SECTION. Sec. 2. RCW 74.39A.325 (In-home personal care or
8 respite services—Electronic timekeeping) and 2014 c 40 s 2 & 2009 c
9 571 s 2 are each repealed.

10 NEW SECTION. Sec. 3. This act applies prospectively and not
11 retroactively.

12 NEW SECTION. Sec. 4. Section 1 of this act takes effect July 1,
13 2020.

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