

SENATE BILL REPORT

SB 5866

As Passed Senate, February 8, 2022

Title: An act relating to medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes.

Brief Description: Concerning medicaid long-term services and supports eligibility determinations completed by federally recognized Indian tribes.

Sponsors: Senators Robinson, Randall, Conway, Kuderer, Lovick, Nguyen, Nobles and Wilson, C.; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Health & Long Term Care: 1/26/22, 1/28/22 [DP].

Floor Activity: Passed Senate: 2/8/22, 49-0.

Brief Summary of Bill

- Allows the Department of Social and Health Services to contract with a federally recognized Indian tribe to provide eligibility determinations and case management for Medicaid long-term services and supports clients.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson, Sefzik and Van De Wege.

Staff: LeighBeth Merrick (786-7445)

Background: Individuals with developmental disabilities and older adults having long-term care needs may receive services from the Department of Social and Health Services

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

(DSHS). DSHS administers the state's Medicaid long-term services and supports program. To qualify for the program, an individual must meet certain functional and financial criteria. In most cases, DSHS conducts the initial assessment used to make eligibility determinations. There are instances where DSHS will contract with certain community based organizations to provide initial assessments for specific ethnic populations. Once an individual is eligible for services they may choose to receive long-term care in their own home, an assisted living facility, an adult day center, an adult family homes, or a skilled nursing facility.

DSHS contracts with the state's 13 Area Agencies on Aging (AAA) to provide case management services to clients who are 18 and older and choose to receive care in their own home. Case management services include establishing the client's plan of care, monitoring the client's needs and the caregiver's performance, and reassessing and reauthorizing services. DSHS must assess the degree and quality of the case management provided by each AAA.

Summary of Bill: DSHS is allowed to contract with a federally recognized Indian Tribe to determine eligibility, including assessments and reassessments, authorize and reauthorize services, and perform case management functions for Medicaid long-term services and supports clients within the tribe's regional authority. The case management duties and performance assessment for the tribes are the same as the case management duties and performance assessment for AAAs.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is agency request legislation and it makes a lot of sense to work with our tribal partners who have the trust and understanding of their communities to provide these services to their elders. Tribal staff are government employees and able to gather more accurate information about tribal clients' needs which leads to better and more culturally competent services. This bill recognizes the government to government relationship between the state and tribes and treats tribes as the sovereign nations that they are.

Persons Testifying: PRO: Senator June Robinson, Prime Sponsor; Carol Evans , Chairwoman of the Spokane Tribe of Indians; Bea Rector, DSHS, Aging and Long-Term Support Administration; Loni Greninger, Vice-Chair, Jamestown S'Klallam Tribe.

Persons Signed In To Testify But Not Testifying: No one.