
Health Care & Wellness Committee

ESSB 5716

Brief Description: Concerning certain surveys performed on in-home services agencies.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senator Rivers).

Brief Summary of Engrossed Substitute Bill

- Directs the Joint Legislative Audit and Review Committee to conduct a performance audit of the on-site monitoring, state licensure, and validation surveys performed on in-home services agencies.

Hearing Date: 3/21/23

Staff: Kim Weidenaar (786-7120).

Background:

In-Home Services Agencies.

In-home services agencies are licensed by the Department of Health (DOH) to provide home health, home care, hospice care, and hospice care center services to persons in a place of residence. The Department of Social and Health Services (DSHS) provides publicly funded personal care services to eligible clients who live in their own home and are elderly or have developmental disabilities. The DSHS contracts with Area Agencies on Aging (AAA) to provide case management services to clients receiving home and community services in their own home.

An applicant for an in-home services agency license must generally cooperate with an on-site survey by the DOH. Surveys are inspections conducted by the DOH to evaluate and monitor an in-home services agency's compliance with applicable laws and regulations. An in-home

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services agency that is certified by Medicare as a home health or hospice agency, is accredited by the Community Health Accreditation Program or the Joint Commission on Accreditation of Health Care Organizations as a home health or hospice agency, or is providing services under contract with the DSHS or an AAA to provide home care services and is monitored by that agency is not subject to a state licensure survey if:

- the DOH determines that the applicable survey standards are substantially equivalent to the licensure survey;
- an on-site survey has been conducted for the purposes of certification or accreditation during the previous 24 months;
- the DOH receives directly from the entity or from the licensee applicant copies of the survey or monitoring reports and other relevant reports or findings; and
- for agencies contracted with the DSHS or an AAA, includes in its monitoring a sample of private pay clients, if applicable.

The DOH is authorized to perform a validation survey on in-home services agencies who previously received a survey through accreditation or contracts with the DSHS or an AAA. The DOH is authorized to perform a validation survey on no greater than 10 percent of each type of certification or accreditation survey.

The DOH must conduct a survey within each licensure period and may conduct a licensure survey after transfer of ownership. The DOH may conduct surveys of all records and operations of a licensed agency in order to determine compliance with licensure standards. The DOH is authorized to conduct in-home visits to observe patient care and services. Following a survey, the DOH must give written notice of any violation, which must describe the reasons for noncompliance.

The Joint Legislative Audit and Review Committee.

The Joint Legislative Audit and Review Committee (JLARC) is a statutorily created body consisting of eight members from the Senate and eight members from the House of Representatives, with not more than four members from each house from the same political party. The JLARC conducts a variety of analyses including performance audits, program evaluations, and sunset reviews.

The Legislative Auditor is responsible for establishing and managing the Office of the Joint Legislative Audit and Review Committee to conduct its statutory audit and review duties and ensure that the audits are performed in accordance with the Government Auditing Standards. The nonpartisan staff auditors work under the direction of the Legislative Auditor to conduct independent audits and issue recommendations to improve performance. The JLARC is assigned audits and other types of evaluations through statute or by the JLARC.

Summary of Bill:

By October 1, 2024, the Joint Legislative Audit and Review Committee (JLARC) in consultation with the Department of Health (DOH), the Department of Social and Health Services (DSHS),

and other appropriate stakeholders, must conduct a performance audit analyzing the on-site monitoring, state licensure, and validation surveys performed on in-home services agencies. The analysis must include:

- an evaluation of the current process the DOH, DSHS, and Area Agencies on Aging use to perform oversight and surveys of the in-home services agencies, including the in-home services agencies subject to surveys, the frequency, and who performs the surveys;
- an evaluation of auditing and monitoring assessment tools utilized during the on-site monitoring, licensure, and validation surveys;
- a determination of whether the current assessment tools are ensuring that the in-home services agencies are complying with state and federal laws and regulations;
- a determination if the current process and compliance models are the most efficient available and accurately measured, do not duplicate survey efforts, and ensure in-home services agencies are complying with state and federal laws and regulations; and
- a review of any duplicated surveys conducted while ensuring that the in-home services agencies are meeting standards outlined in state and federal law.

The JLARC must submit a progress report by December 1, 2023, and the final report must be submitted to the appropriate committees of the Legislature by October 1, 2024. The audit requirement expires December 31, 2025.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.