

HOUSE BILL REPORT

ESSB 5716

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to certain surveys performed on in-home services agencies.

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 History:

Committee Activity:

Health Care & Wellness: 3/21/23, 3/24/23 [DP].

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.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 17 members: Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard, Bronoske, Davis, Graham, Harris, Macri, Maycumber, Mosbrucker, Orwall, Simmons, Stonier, Thai and Tharinger.

Staff: Kim Weidenaar (786-7120).

Background:

In-Home Services Agencies.

In-home services agencies are licensed by the Department of Health (DOH) to provide

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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 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, the 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.

Staff Summary of Public Testimony:

(In support) This bill was brought forward to address an issue of overly burdensome survey activity over in-home services agencies. This bill will make sure that in-home services agencies and the agencies that oversee them are using time and resources wisely and to make sure that the state is not overly burdening the in-home services agencies while also ensuring patient safety. The goal is to protect patient safety while getting the most out of the in-home services agency resources. Home care agencies that have Medicaid contracts are audited by Area Agencies on Aging and the in-home services agencies that have multiple contracts get audited for each individual contract, even though it is the same contract and the same audit tool. Accordingly, these in-home services agencies are constantly being audited and in constant audit mode. It takes an incredible amount of time for both the auditors and auditees.

(Opposed) None.

Persons Testifying: Peter Nazzal, Catholic Community Services of Western Washington; and Brad Banks, Home Care Coalition.

Persons Signed In To Testify But Not Testifying: None.