

# SENATE BILL REPORT

## SB 5716

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As of February 13, 2023

**Title:** An act relating to removing the authorization for the department of health to perform validation surveys on in-home services agencies and area agencies on aging.

**Brief Description:** Removing the department of health's authorization to perform certain validation surveys.

**Sponsors:** Senator Rivers.

**Brief History:**

**Committee Activity:** Health & Long Term Care: 2/14/23.

**Brief Summary of Bill**

- Removes the authority for the Department of Health to perform a validation survey on in-home services agencies who previously received a survey through accreditation or contracts with Department of Social and Health Services or an area agency on aging.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Staff:** Julie Tran (786-7283)

**Background:** There are more than 400 licensed in-home services agencies that provide home-based personal care and health services to clients and patients within the minimum established health and safety standards. The Department of Health (DOH) must ensure that licensed in-home services agencies comply with all applicable state and federal requirements. DOH is authorized to conduct complaint investigations and routine state and federal surveys.

Surveys are inspections conducted by DOH to evaluate and monitor an agency's compliance.

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*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.*

Current Requirements. An in-home services agency providing services under contract with the Department of Social and Health Services (DSHS) or an area agency on aging (AAA) to provide home care services, and that is monitored by DSHS or an AAA is not subject to a state licensure survey by DOH if certain requirements are met. Those requirements include:

- a DOH determination that the monitoring standards by DSHS or an AAA is substantially equivalent to the standards outlined in statute;
- on-site monitoring has been conducted by DSHS or an AAA during the past 24 months;
- DSHS or an AAA includes in its monitoring a sample of private pay clients, if applicable; and
- DOH receives directly from DSHS copies of monitoring reports, and other relevant reports or findings that indicate compliance with licensure requirements.

An in-home services agency, certified by the federal Medicare program, or accredited by the community health accreditation program, or the Joint Commission on Accreditation of Health Care Organizations as a home health or hospice agency is not subject to a state licensure survey if certain requirements are met. Those requirements include:

- a DOH determination that the monitoring standards of the certification or accreditation program is substantially equivalent to the standards outlined in statute;
- an on-site survey has been conducted for certification or accreditation during the past 24 months; and
- DOH receives directly from the certifying or accrediting entity, or from the licensee applicant, copies of the initial and subsequent survey reports and other relevant reports or findings that indicate compliance with licensure requirements.

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

**Summary of Bill:** DOH is not authorized to perform a validation survey on in-home services agencies who previously received a survey through accreditation or contracts with DSHS or an AAA.

The authority is removed for DOH to perform a validation survey that is on no greater than 10 percent of each type of certification or accreditation survey.

**Appropriation:** None.

**Fiscal Note:** Requested on February 10, 2023.

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

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