
SENATE BILL 5716

State of Washington

68th Legislature

2023 Regular Session

By Senator Rivers

1 AN ACT Relating to removing the authorization for the department
2 of health to perform validation surveys on in-home services agencies
3 and area agencies on aging; and amending RCW 70.127.085.

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

5 **Sec. 1.** RCW 70.127.085 and 2000 c 175 s 7 are each amended to
6 read as follows:

7 (1) Notwithstanding the provisions of RCW 70.127.080(1)(c), an
8 in-home services agency that is certified by the federal medicare
9 program, or accredited by the community health accreditation program,
10 or the joint commission on accreditation of health care organizations
11 as a home health or hospice agency is not subject to a state
12 licensure survey if:

13 (a) The department determines that the applicable survey
14 standards of the certification or accreditation program are
15 substantially equivalent to those required by this chapter;

16 (b) An on-site survey has been conducted for the purposes of
17 certification or accreditation during the previous twenty-four
18 months; and

19 (c) The department receives directly from the certifying or
20 accrediting entity or from the licensee applicant copies of the

1 initial and subsequent survey reports and other relevant reports or
2 findings that indicate compliance with licensure requirements.

3 (2) Notwithstanding the provisions of RCW 70.127.080(1)(c), an
4 in-home services agency providing services under contract with the
5 department of social and health services or area agency on aging to
6 provide home care services and that is monitored by the department of
7 social and health services or area agency on aging is not subject to
8 a state licensure survey by the department of health if:

9 (a) The department determines that the department of social and
10 health services or an area agency on aging monitoring standards are
11 substantially equivalent to those required by this chapter;

12 (b) An on-site monitoring has been conducted by the department of
13 social and health services or an area agency on aging during the
14 previous twenty-four months;

15 (c) The department of social and health services or an area
16 agency on aging includes in its monitoring a sample of private pay
17 clients, if applicable; and

18 (d) The department receives directly from the department of
19 social and health services copies of monitoring reports and other
20 relevant reports or findings that indicate compliance with licensure
21 requirements.

22 (3) The department retains authority to survey those services
23 areas not addressed by the national accrediting body, department of
24 social and health services, or an area agency on aging.

25 (4) In reviewing the federal, the joint commission on
26 accreditation of health care organizations, the community health
27 accreditation program, or the department of social and health
28 services survey standards for substantial equivalency to those set
29 forth in this chapter, the department is directed to provide the most
30 liberal interpretation consistent with the intent of this chapter. In
31 the event the department determines at any time that the survey
32 standards are not substantially equivalent to those required by this
33 chapter, the department is directed to notify the affected licensees.
34 The notification shall contain a detailed description of the
35 deficiencies in the alternative survey process, as well as an
36 explanation concerning the risk to the consumer. The determination of
37 substantial equivalency for alternative survey process and lack of
38 substantial equivalency are agency actions and subject to RCW
39 34.05.210 through 34.05.395 and 34.05.510 through 34.05.675.

1 (5) (~~The department is authorized to perform a validation survey~~
2 ~~on in-home services agencies who previously received a survey through~~
3 ~~accreditation or contracts with the department of social and health~~
4 ~~services or an area agency on aging under subsection (2) of this~~
5 ~~section. The department is authorized to perform a validation survey~~
6 ~~on no greater than ten percent of each type of certification or~~
7 ~~accreditation survey.~~

8 (6)) This section does not affect the department's enforcement
9 authority for licensed agencies.

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