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**SENATE BILL 5504**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Chapman, Harris, Cortes, Saldaña, Trudeau, and Valdez

AN ACT Relating to supporting caregivers who provide complex care services to children with heightened medical needs; and adding a new section to chapter 74.09 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 74.09 RCW to read as follows:

(1) Beginning September 1, 2026, the authority shall require or provide payment to a home health agency for complex care services as a component of the private duty nursing benefit when provided to an enrollee under 18 years old receiving private duty nursing in a medical assistance program under this chapter when:

(a) The caregiver providing the complex care services is a parent, guardian, family member, or other close association that is the equivalent of a family relation of the enrollee;

(b) The caregiver has successfully completed at least 75 total hours of instruction offered by a home care agency that is accredited by an organization recognized by the authority under subsection (2) of this section and has been determined to be competent to provide complex care services;

(c) The complex care services are provided by the caregiver as delegated by a registered nurse licensed under chapter 18.79 RCW; and

(d) The caregiver providing the complex care services is employed by a home health agency licensed under chapter 70.126 RCW with a provider agreement with the authority or a managed care organization.

(2) The authority shall recognize accrediting organizations that it determines have standards that allow home health agencies to properly train caregivers under subsection (1)(b) of this section to safely provide complex care services in accordance with the nursing aide training and competency evaluation program standards established under 42 C.F.R. Secs. 483.151 through 154 and 42 C.F.R. Sec. 484.80.

(3) A caregiver providing complex care services who has successfully completed the training may change employers without having to repeat the training course required under subsection (1)(b) of this section.

(4) The home health agency that employs the caregiver providing complex care services under subsection (1) of this section must assume all costs of training the caregiver and may not require the caregiver to reimburse the home health agency for the cost of the training.

(5) When determining an enrollee's eligibility for complex care services, the authority may only consider the child's income and not the income of any other person living in the household.

(6) The authority shall seek a state plan amendment or waiver, as applicable, from the federal centers for medicare and medicaid services to implement this section.

(7) By September 1, 2029, the authority must submit a report to the governor and the committees of the legislature with jurisdiction over health policy matters. The report must assess the viability of the complex care services payment program established in this section, including data analyzing the effectiveness of the program. The authority must use available data and not require home health agencies to submit data necessary for creating the report.

(8) For the purposes of this section, "complex care services" means the provision of the care services by the parent, guardian, family member, or other close association that is the equivalent of a family relation of the enrollee to a person under 18 years old who is receiving private duty nursing when provided under the direction of a registered nurse licensed under chapter 18.79 RCW. "Complex care services" may include patient transfer; patient positioning; patient ambulation; patient feeding; personal care; catheter care; medication administration; tracheostomy care; enteral care, therapy, and feeding administration; formula preparation; comprehensive respiratory care, chest physiotherapy, and cough assistance; and other tasks approved by the authority.

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