

SENATE BILL REPORT

SB 5504

As Reported by Senate Committee On:
Health & Long-Term Care, February 21, 2025

Title: An act relating to supporting caregivers who provide complex care services to children with heightened medical needs.

Brief Description: Supporting caregivers who provide complex care services to children with heightened medical needs.

Sponsors: Senators Chapman, Harris, Cortes, Saldaña, Trudeau and Valdez.

Brief History:

Committee Activity: Health & Long-Term Care: 2/11/25, 2/21/25 [DPS-WM].

Brief Summary of First Substitute Bill

- Directs the Health Care Authority, by December 1, 2025, to seek consultation from the federal Centers for Medicare and Medicaid Services for an approval of a state plan amendment to provide payment to a home health agency for complex care services as a private duty nursing benefit component under certain circumstances.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5504 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Cleveland, Chair; Orwall, Vice Chair; Muzzall, Ranking Member; Bateman, Chapman, Christian, Harris, Holy, Riccelli, Robinson and Slatter.

Staff: Julie Tran (786-7283)

Background: Medicaid. Medicaid is a federal-state partnership with programs established in the federal Social Security Act and implemented at the state level with federal matching

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.

funds. Medicaid is Washington state's largest public assistance program, providing health insurance for state residents who meet certain eligibility criteria.

There are three agencies involved in determining Medicaid eligibility: the Health Care Authority (HCA), Department of Social and Health Services (DSHS), and the federal Social Security Administration (SSA). HCA administers Medicaid programs for people who qualify based on their income. This includes about 95 percent of managed care recipients in Washington State. DSHS administers Medicaid programs for people who receive long-term care or are elderly or disabled. This represents about 5 percent of managed care recipients in Washington State.

Private Duty Nursing for Children. Private duty nursing services are administered by the Developmental Disabilities Administration (DDA) in DSHS through the Medically Intensive Children's Program for children ages 17 and younger. This optional Medicaid program helps to keep families together by providing equally effective, less restrictive, and less costly treatment in a client's home for children who would otherwise require institutional level of care.

Private duty nursing services consist of four or more hours of continuous skilled nursing services provided in the home to eligible clients with complex medical needs that cannot be managed within the scope of intermittent home health services.

Summary of Bill (First Substitute): Beginning December 1, 2025, HCA must seek consultation from the federal Centers for Medicare and Medicaid Services for an approval of a state plan amendment to provide payment to a home health agency for complex care services as a component of the private duty nursing benefit when provided to a Medicaid enrollee, who is under the age of 18 and receiving private duty nursing services when:

- 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 Medicaid enrollee;
- the caregiver has successfully completed at least 75 total hours of instruction offered by an accredited home health agency and has been determined to be competent to provide complex care services;
- the caregiver is educated and trained by a licensed registered nurse to provide complex care services; and
- the caregiver providing the complex care services is employed by a licensed home health agency with a provider agreement with HCA or a managed care organization.

By January 1, 2026, HCA must submit a status report to the Legislature detailing the feasibility of an approval for a state plan amendment.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (First Substitute):

- Removes all the provisions in the bill.
- Directs HCA, by December 1, 2025, to seek consultation from the federal Centers for Medicare and Medicaid Services for an approval of a state plan amendment to provide payment to a home health agency for complex care services as a private duty nursing benefit component under certain circumstances.
- Requires HCA to submit a status report to the Legislature by January 1, 2026, detailing the feasibility of a state plan amendment approval.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is needed to uplift and help the families in this state on their journey as they help support their children. There are financial strains that come with caring for a child with complex needs. When care is unavailable due to inconsistent nurse staffing issues, parents have to step in to take care of their children. Parents are already doing this work and if there is no care, they have no choice. The state should recognize that caring for the children is a full-time job. This bill serves as a lifeline for families and it removes these barriers that are preventing parents from being paid for the lifesaving care that they are providing on a daily basis.

OTHER: There are ethical concerns to employ parents and to be paid through the agencies. Also, there are concerns about provider liability issues that may make obtaining insurance coverage for this type of work more difficult. There should be a solution that does not require a provider to employ their clients. Without insurance coverage, these businesses would not be able to operate.

Persons Testifying: PRO: Senator Mike Chapman, Prime Sponsor; Kristina Smith; Patricia Toole; Jamie Thompson, Un-paid Parent Caregiver; Hanna Jones, MGA Home Care & Team Select Home Care; Leslie Elder; Amanda Striegl; Brandi Coon; Leslie Hubbard, MGA Homecare; Lindsey Topping-Schuetz; Jacqueline Flores, MGA Homecare; Ken Venisnik, MGA Homecare.

OTHER: Catherine Morrison, Maxim Healthcare Services; Molly Austin, New Care Concepts, Inc; Allison Seumae, HR Director New Care.

Persons Signed In To Testify But Not Testifying: No one.