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HOUSE BILL 1435

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State of Washington

68th Legislature

2023 Regular Session

By Representative Bronoske

1 AN ACT Relating to the development of a home care safety net  
2 assessment; adding a new section to chapter 70.127 RCW; adding a new  
3 section to chapter 74.39A RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.127  
6 RCW to read as follows:

7 (1) Each consumer directed employer established under RCW  
8 74.39A.500 and each in-home services agency that is licensed under  
9 this chapter to provide home care services, hospice services, or home  
10 health services shall submit financial information to the department  
11 as necessary to inform the development of a home care safety net  
12 assessment to use in securing federal matching funds under federally  
13 prescribed programs available through the state medicaid plan, as  
14 specified in subsection (2) of this section.

15 (2) The financial information to be submitted under subsection  
16 (1) of this section shall be comprised of the following information  
17 related to in-home services client revenue, separated by type of  
18 service and payer, from the 12-month period between July 1, 2022, and  
19 July 1, 2023:

20 (a) Total client revenue for home care services expressed as  
21 client revenue for home care services paid by:

1 (i) Medicaid;  
2 (ii) Medicare;  
3 (iii) Private pay;  
4 (iv) Commercial insurance;  
5 (v) The veterans administration; and  
6 (vi) All other payers;  
7 (b) Total client revenue for home health services expressed as  
8 client revenue for home health services paid by:  
9 (i) Medicaid;  
10 (ii) Medicare;  
11 (iii) Private pay;  
12 (iv) Commercial insurance;  
13 (v) The veterans administration; and  
14 (vi) All other payers; and  
15 (c) Total client revenue for hospice services expressed as client  
16 revenue for hospice services paid by:  
17 (i) Medicaid;  
18 (ii) Medicare;  
19 (iii) Private pay;  
20 (iv) Commercial insurance;  
21 (v) The veterans administration; and  
22 (vi) All other payers.  
23 (3) In-home services agencies shall submit the financial  
24 information to the department by January 1, 2024.  
25 (4) (a) The department shall adopt guidance for reporting  
26 standards under subsection (1) of this section that assist in-home  
27 services agencies to deidentify any in-home services agency's clients  
28 from the financial information before submitting the financial  
29 information to the department.  
30 (b) (i) Except as provided in (b) (ii) of this subsection (4), the  
31 department may only report financial information in an aggregated  
32 form and shall deidentify any in-home services agency before  
33 distributing the financial information pursuant to a public records  
34 request.  
35 (ii) (A) The department may only distribute nonaggregated  
36 financial information that identifies in-home services agencies, to  
37 the extent necessary, to:  
38 (I) Members of the work group established in section 2 of this  
39 act who are representing a state agency;

1 (II) Executive branch agency staff who are providing support to  
2 the work group established in section 2 of this act or are involved  
3 in the development of a home care safety net assessment; and

4 (III) An entity under contract with the health care authority to  
5 provide data analysis of the financial information as necessary to  
6 assist the work group established in section 2 of this act to carry  
7 out its responsibilities.

8 (B) The department may distribute nonaggregated financial  
9 information that does not identify any in-home services agencies to  
10 all members of the work group established in section 2 of this act.

11 (C) Any information that has been distributed pursuant to this  
12 subsection (4)(b)(ii) may not be further distributed by the recipient  
13 of the financial information and must be destroyed once the  
14 department and the health care authority have determined that it is  
15 no longer necessary for the support of the activities of the work  
16 group established in section 2 of this act.

17 (D) The health care authority may release reports containing  
18 nonaggregated data in order to meet relevant regulatory requirements.

19 (5) For the purposes of this section, "client revenue" means the  
20 total amount of revenue received as client care for in-home services  
21 determined on a case basis of accounting. "Client revenue" includes  
22 all payments received as client care revenue from home care, home  
23 health, and hospice from medicaid, commercial insurance, and all  
24 other payers for payment for services rendered.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39A  
26 RCW to read as follows:

27 (1) The home care safety net assessment work group is  
28 established, with the following members:

29 (a) The director of the health care authority, or the director's  
30 designee;

31 (b) The secretary of the department, or the secretary's designee;

32 (c) The secretary of the department of health, or the secretary's  
33 designee;

34 (d) The director of the department of revenue, or the director's  
35 designee;

36 (e) A representative from the exclusive bargaining representative  
37 of individual providers;

38 (f) A representative of a coalition representing home care  
39 agencies serving medicaid clients; and

1 (g) A representative of an association representing home care and  
2 home health agencies.

3 (2) The work group shall develop a home care safety net  
4 assessment proposal to secure federal matching funds under federally  
5 prescribed programs available through the state medicaid plan or a  
6 waiver. In developing the proposal, the work group shall consider the  
7 financial information provided by consumer directed employers and in-  
8 home services agencies under section 1 of this act to the extent  
9 authorized under section 1(4)(b)(ii) of this act and any relevant  
10 data analysis of the financial information provided by a private  
11 entity under contract with the health care authority pursuant to  
12 subsection (3) of this section.

13 (3) The health care authority may contract with a private entity  
14 to provide data analysis of the financial information submitted by  
15 in-home services agencies as necessary to inform the work group's  
16 development of a home care safety net assessment proposal.

17 (4) Staff support to the work group must be provided by the  
18 health care authority.

19 (5) The work group shall report its findings to the governor and  
20 the appropriate committees of the legislature by December 1, 2024.  
21 The report must include recommendations related to the elements  
22 necessary to adopt and implement a home care safety net assessment  
23 proposal that meets the requirements needed for federal approval.

24 NEW SECTION. **Sec. 3.** This act expires July 1, 2026.

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