

ANALYSIS OF HOUSE BILL 1880

Providing for self-direction of persons with disabilities.

SPONSORS: Representatives Dy and Schual-Berke.

BACKGROUND: Persons with functional disabilities encounter barriers providing for their health care needs in their own home by securing the assistance of non-professional providers. The health professional licensure act has an unintended consequence of prohibiting non-professional providers, such as personal aides, from assisting persons with functional disabilities in routine health-related tasks that persons without disabilities personally and customarily perform for themselves.

SUMMARY: There is a declaration of legislative intent to clarify the right of adults with functional disabilities to choose to self-direct their own health-related tasks in their own home through personal aides. It is in the public interest to preserve the autonomy and dignity of persons with functional disabilities by allowing them to care for themselves through personal aides in their own homes as a health care option.

An adult person with a functional disability living at home may direct and supervise a paid personal aide in the performance of a health care task under specific guidelines. These guidelines include the following:

1. The health care tasks are those medical, nursing or home health services enabling the person to maintain independence, personal hygiene and safety at home, that a person without the disability could personally perform;
2. The health care provider incurs no additional liability when ordering health care tasks which are to be done through self-direction or through a personal aide than what the patient would otherwise do personally;
3. The role of the personal aide is limited to performing physical health care tasks under the direction of the patient;
4. The responsibility to initiate health care tasks and exercise judgment rests with the person self-directing the tasks, including the decision to employ or dismiss the personal aide.

A person who is paid to act as a personal aide is required to register with the Department of Social and Health Services and no person who is not registered may perform self-directed tasks.

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The department shall maintain a registry of personal aides providing self-directed services to record complaints or findings of abuse, neglect or the misappropriation of property of the persons self-directing their care. The department shall disclose on request information in the records.

The Long-term Care Ombudsman is required to investigate and resolve complaints on behalf of persons self-directing their own care through personal aides.

A personal aide in the performance of health care tasks pursuant to this act is exempt from any legal requirement to qualify and be credentialed by the Department of Health as a health care provider under Title 18 RCW.