

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1527

61st Legislature
2009 Regular Session

Passed by the House March 3, 2009
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 25, 2009
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1527** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1527

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Representatives Kessler, Rolfes, Williams, and Santos

Read first time 01/22/09. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to medicaid payment rates for boarding homes; and
2 amending RCW 74.39A.030.

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

4 **Sec. 1.** RCW 74.39A.030 and 2002 c 3 s 10 are each amended to read
5 as follows:

6 (1) To the extent of available funding, the department shall expand
7 cost-effective options for home and community services for consumers
8 for whom the state participates in the cost of their care.

9 (2) In expanding home and community services, the department shall:
10 (a) Take full advantage of federal funding available under Title XVIII
11 and Title XIX of the federal social security act, including home
12 health, adult day care, waiver options, and state plan services; and
13 (b) be authorized to use funds available under its community options
14 program entry system waiver granted under section 1915(c) of the
15 federal social security act to expand the availability of in-home,
16 adult residential care, adult family homes, enhanced adult residential
17 care, and assisted living services. By June 30, 1997, the department
18 shall undertake to reduce the nursing home medicaid census by at least
19 one thousand six hundred by assisting individuals who would otherwise

1 require nursing facility services to obtain services of their choice,
2 including assisted living services, enhanced adult residential care,
3 and other home and community services. If a resident, or his or her
4 legal representative, objects to a discharge decision initiated by the
5 department, the resident shall not be discharged if the resident has
6 been assessed and determined to require nursing facility services. In
7 contracting with nursing homes and boarding homes for enhanced adult
8 residential care placements, the department shall not require, by
9 contract or through other means, structural modifications to existing
10 building construction.

11 (3)(a) The department shall by rule establish payment rates for
12 home and community services that support the provision of cost-
13 effective care. In the event of any conflict between any such rule and
14 a collective bargaining agreement entered into under RCW 74.39A.270 and
15 74.39A.300, the collective bargaining agreement prevails.

16 (b) The department may authorize an enhanced adult residential care
17 rate for nursing homes that temporarily or permanently convert their
18 bed use for the purpose of providing enhanced adult residential care
19 under chapter 70.38 RCW, when the department determines that payment of
20 an enhanced rate is cost-effective and necessary to foster expansion of
21 contracted enhanced adult residential care services. As an incentive
22 for nursing homes to permanently convert a portion of its nursing home
23 bed capacity for the purpose of providing enhanced adult residential
24 care, the department may authorize a supplemental add-on to the
25 enhanced adult residential care rate.

26 (c) The department may authorize a supplemental assisted living
27 services rate for up to four years for facilities that convert from
28 nursing home use and do not retain rights to the converted nursing home
29 beds under chapter 70.38 RCW, if the department determines that payment
30 of a supplemental rate is cost-effective and necessary to foster
31 expansion of contracted assisted living services.

32 (4) Prior to implementing any upward or downward adjustment to the
33 daily medicaid payment rate for consumers that (a) are assessed using
34 the comprehensive assessment reporting evaluation tool and (b) reside
35 in boarding homes contracted to provide assisted living services, adult
36 residential care, or enhanced adult residential care services, the
37 department must convene at least one public hearing, with at least
38 thirty days notice to all boarding home providers, to inform boarding

1 home providers how the upward or downward adjustments were calculated
2 and to review all factors considered by the department in implementing
3 the adjustments.

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