
SENATE BILL 6609

State of Washington

62nd Legislature

2012 Regular Session

By Senator Keiser

Read first time 02/24/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to the medicaid personal care services program; and
2 amending RCW 74.09.520.

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

4 **Sec. 1.** RCW 74.09.520 and 2011 1st sp.s. c 15 s 27 are each
5 amended to read as follows:

6 (1) The term "medical assistance" may include the following care
7 and services subject to rules adopted by the authority or department:
8 (a) Inpatient hospital services; (b) outpatient hospital services; (c)
9 other laboratory and X-ray services; (d) nursing facility services; (e)
10 physicians' services, which shall include prescribed medication and
11 instruction on birth control devices; (f) medical care, or any other
12 type of remedial care as may be established by the secretary or
13 director; (g) home health care services; (h) private duty nursing
14 services; (i) dental services; (j) physical and occupational therapy
15 and related services; (k) prescribed drugs, dentures, and prosthetic
16 devices; and eyeglasses prescribed by a physician skilled in diseases
17 of the eye or by an optometrist, whichever the individual may select;
18 (l) personal care services, as provided in this section; (m) hospice
19 services; (n) other diagnostic, screening, preventive, and

1 rehabilitative services; and (o) like services when furnished to a
2 child by a school district in a manner consistent with the requirements
3 of this chapter. For the purposes of this section, neither the
4 authority nor the department may cut off any prescription medications,
5 oxygen supplies, respiratory services, or other life-sustaining medical
6 services or supplies.

7 "Medical assistance," notwithstanding any other provision of law,
8 shall not include routine foot care, or dental services delivered by
9 any health care provider, that are not mandated by Title XIX of the
10 social security act unless there is a specific appropriation for these
11 services.

12 (2) The department shall adopt, amend, or rescind such
13 administrative rules as are necessary to ensure that Title XIX personal
14 care services are provided to eligible persons in conformance with
15 federal regulations.

16 (a) These administrative rules shall include financial eligibility
17 indexed according to the requirements of the social security act
18 providing for medicaid eligibility.

19 (b) The rules shall require clients be assessed as having a medical
20 condition requiring assistance with personal care tasks. Plans of care
21 for clients requiring health-related consultation for assessment and
22 service planning may be reviewed by a nurse.

23 (c) The department shall determine by rule which clients have a
24 health-related assessment or service planning need requiring registered
25 nurse consultation or review. This definition may include clients that
26 meet indicators or protocols for review, consultation, or visit.

27 (3)(a) The department shall design and implement a means to assess
28 the level of functional disability of persons eligible for personal
29 care services under this section. (~~The personal care services benefit
30 shall be provided to the extent funding is available according to the
31 assessed level of functional disability.~~) The department shall operate
32 the medicaid personal care services program within the amounts
33 specifically appropriated in the biennial appropriations act. Any
34 reductions in services made necessary for funding reasons should be
35 accomplished in a manner that assures that priority for maintaining
36 services is given to persons with the greatest need as determined by
37 the assessment of functional disability.

1 (b) The personal care services benefit for child clients shall be
2 provided according the most current medicaid state plan.

3 (c) The personal care services benefit for adult clients must be
4 provided under section 1915(i) of the social security act, exclusively
5 using the option that allows for client self-direction of an
6 individualized budget.

7 (i) The department shall establish a matrix that provides an array
8 of client acuity levels.

9 (ii) The assessed level of functional disability must result in the
10 client's placement in an acuity level on the acuity matrix.

11 (iii) The department shall establish a budget amount that is
12 associated with each acuity level and must be used to assist the client
13 in securing services and supports to address their assessed needs.

14 (iv) This section does not require the department to establish the
15 per-client budget amount at a level that sufficiently meets all
16 assessed needs. Subject to any limits established by the department,
17 clients shall prioritize the use of their budget amount.

18 (v) The department shall establish the value of the per-client
19 budget amounts associated with each acuity level using a methodology
20 that:

21 (A) Is objective and evidence-based and uses valid, reliable cost
22 data;

23 (B) Includes a calculation of the expected cost of each service
24 available under this option; and

25 (C) Can be applied consistently to individuals.

26 (vi) Nothing in this section may be construed as creating a legal
27 right or entitlement of any individual to a prior personal care
28 services budget amount in the event individual budget amounts are
29 adjusted so the department can remain within the amounts specifically
30 appropriated in the biennial appropriations act.

31 (d) The department shall provide, or contract to have provided,
32 client care case management services to assist the client in developing
33 and executing a plan of care that allocates their personal care
34 services budget to appropriate providers, support services and
35 therapies, and equipment or other expenditures as necessary to address
36 the client's health and safety.

37 (e) The department shall contract for financial intermediary
38 services to assist adult clients in executing their spending plan and

1 managing their personal care services budget. The department may
2 deduct up to five percent from the value of each individual budget to
3 cover the associated costs.

4 (4) Effective July 1, 1989, the authority shall offer hospice
5 services in accordance with available funds.

6 (5) For Title XIX personal care services administered by aging and
7 disability services administration of the department, the department
8 shall contract with area agencies on aging:

9 (a) To provide case management services to individuals receiving
10 Title XIX personal care services in their own home; and

11 (b) To reassess and reauthorize Title XIX personal care services or
12 other home and community services as defined in RCW 74.39A.009 in home
13 or in other settings for individuals consistent with the intent of this
14 section:

15 (i) Who have been initially authorized by the department to receive
16 Title XIX personal care services or other home and community services
17 as defined in RCW 74.39A.009; and

18 (ii) Who, at the time of reassessment and reauthorization, are
19 receiving such services in their own home.

20 (6) In the event that an area agency on aging is unwilling to enter
21 into or satisfactorily fulfill a contract or an individual consumer's
22 need for case management services will be met through an alternative
23 delivery system, the department is authorized to:

24 (a) Obtain the services through competitive bid; and

25 (b) Provide the services directly until a qualified contractor can
26 be found.

27 (7) Subject to the availability of amounts appropriated for this
28 specific purpose, the authority may offer medicare part D prescription
29 drug copayment coverage to full benefit dual eligible beneficiaries.

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