



Week 2

Welcome to the end of week 2 of the 2021 legislative session. We are off to a fast and furious start, with several bills being heard this week and some additional ones being dropped. We are already making progress with both our funding and policy priorities.

Funding

This week, two bills were released that offer changes to the skilled nursing facility payment system. They are:

[HB 1275](#) - Concerning nursing facility Medicaid rate rebasing, inflation, and case mix.

[SB 5311](#) - Adjusting the skilled nursing Medicaid rate methodology.

These two bills cover some of the same ground as it applies to SNF Medicaid rates, however, they are quite different in scope.

HB 1275 introduced at the request of the department and looks to permanently add annual rebasing and annual inflation in statute, making them permanent fixtures in the rate methodology. Annual rebasing would utilize costs from two years prior to the rates being set. For example, the rates that are set for FY 2022 (July 1, 2021 rates) would utilize 2019 reported costs. Inflation would be determined by using a 24 month consumer price index difference as published by the Bureau of Labor Statistics - CPI-U All. This is the same source for inflation that was used last year to set the July 1, 2020 rates. Inflation would be applied to the direct care and indirect care medians. HB 1275 also creates the opportunity to move from RUGS IV to PDPM for casemix calculations in the future. We believe this work is still one to two years out from implementation. HB 1275 is sponsored by Representatives Schmick and Macri.

SB 5311 is more limited in its scope. It seeks only to include inflation in statute and calls for the use of two different factors. In the first year, for rates set July 1, 2021, the inflation factor is determined using the CPI-U - nursing home and adult day services; a higher and more relevant measure of cost growth. For the second year of the biennium, July 1, 2022 and in subsequent years, inflation would be determined using the CPI-U All. SB 5311 is silent on annual rebasing, as well as any references to casemix and PDPM conversion. This bill is sponsored by Senator Rivers.

If you have not yet scheduled a meeting with your legislators to discuss the need for Medicaid funding, now is the time! Your legislators will not know how to prioritize funding unless they hear from their constituents. They need to know the impacts, the needs, and personal experiences of your communities.

Here's how: Make sure you know the legislative district in which your community is located. Click [here](#) to for the legislative district look up.

Call legislative assistants to book an appointment. Here's a [roster of all legislators](#) with office contact information. You will want to meet with both of your representatives and your senator.

A LeadingAge Washington staff member will be available to join your meetings and will provide talking points and any other needed information ahead of time.

Policy

You may have noticed we are tracking a larger number of bills than normal this session. This caught us by surprise, our initial understanding was there were going to be fewer bills introduced this year because of the limitations of a virtual session. While there may be fewer bills overall the reality is, due to the pandemic, more bills are focusing on healthcare and worker protections.

LeadingAge Washington Priority Policy Bills

[SB 5294](#) - Concerning the creation of statewide epidemic preparedness and response guidelines for long-term care facilities. LeadingAge Washington and Washington Health Care Association have worked with Senator Cleveland on this bill, which would strengthen the state's response to COVID-19 and any future pandemics. Throughout this pandemic, long term care has been challenged by the complexities and confusion caused by the independence of 39 Local Health Jurisdictions; neighboring jurisdictions offering unique guidance to providers. The inconsistencies in LHJ rules and criteria established for LTC, has impacted admission and discharge policies, quarantine requirements, resident cohorting, and visitation policies. The bill will require a stakeholder workgroup to convene and inform the Department of Health, designated as the lead body, to develop and coordinate pandemic disease preparedness and response guidelines for long term care facilities. The guidelines should streamline and better prepare for a timely and consistent response to future pandemics. It has been scheduled for its first public hearing next week on Jan 25th.

[SB 5247](#) - Concerning the multistate nurse licensure compact. For many years, LeadingAge Washington has advocated for Washington to join the nurse compact. Under the compact, nurses can practice in other compact states without obtaining a specific Washington State license, which would allow LTC providers to hire a nurse faster. With the workforce shortage we face, this only seems like a modest and logical approach to remove barriers to hire needed nursing staff. COVID-19 has only increased our workforce challenges making this more crucial than ever before. No hearing has been scheduled yet.

[HB 1120](#) - Concerning state of emergency operations impacting long-term services and supports. After the first public hearing, there was only one opposition to the statute changes in the bill. It is scheduled for executive session on Jan 27th. We will continue to do whatever we can to push this bill through with minimal changes.

Support

[SB 5169](#) - Concerning provider reimbursement for personal protective equipment during the state of emergency related to COVID-19. Jan 25 Scheduled for public hearing in the Senate Committee on Health & Long Term Care

[SB 5191](#) - Regulating unfair business practices and prohibiting predatory price increases during states of emergency. No hearing has been scheduled

[HB 1124](#) - Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections. The first public hearing is scheduled for Jan 27th.

Oppose

[SB 5139](#) - Limiting rent increases after expiration of the governor's eviction moratorium. The first public hearing was Jan. 21st, with over 200 people signed up to testify. The issue is very divided with tenants and affordable housing

associations being in favor and many individual landlords and associations opposed. LeadingAge Washington drafted a letter, signed on to by WHCA, and submitted it to the prime sponsor, Senator Das, outlining our concerns and recommending the Bill be amended to exclude assisted living and continuing care retirement communities from the act. (Skilled nursing is already exempt from residential landlord tenant laws). This morning, we met with Sen Das who shared it was not her intent to include these otherwise affected communities and asked us to work with Committee staff to prepare an amendment. We hope to ensure that both individuals living independently as well as those who are receiving care in licensed units, will be excluded from the rent control provisions.

[SB 5160](#) - Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs. The first public hearing was Jan 20th with a large number of people signed up to testify. WHCA drafted a letter, signed on to by LeadingAge and the Adult Family Home Council, outlining our concerns and asking that assisted living, continuing care retirement communities and adult family homes be exempted from the bill. Earlier this week, we discussed these concerns with the bill's prime sponsor, Sen Kuderer, and she was receptive to amending the bill.

[SB 5115](#) - Establishing health emergency labor standards. First public hearing was Jan 18th in the Senate Committee on Labor, Commerce & Tribal Affairs. There were a large number of people signed up to testify for the bill. Many other business organizations are opposed to provisions in the bill.

[HB 1073](#) - Expanding coverage of the paid family and medical leave program. Scheduled for public hearing on Jan. 27th.

[HB 1097](#) - Increasing worker protections. Scheduled for public hearing on Jan. 27th.

[HB 1218](#) - Improving health, safety, and quality of life for residents in long-term care facilities. The first public hearing will be next week on Jan 27th. We will be meeting with the LTC Ombud's and the prime sponsor ahead of the hearing to raise a number of concerns regarding the bill and to suggest needed amendments.

[SB 5190](#) - Providing health care workers with presumptive benefits during a public health emergency. The first public hearing will be Jan 28th.

You can find a more detailed description of each of these bills in Week 1 [write-up](#).

The first cutoff date of the session will be February 15th. It will be the last day to pass bills out of committee and read them into the record on the floor in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.

Sincerely,

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