



# forward



## Advocacy News

### **Week 12**

This is the end of week 12 of the 2021 legislative session, there are only 3 weeks left.

Now that the dust has started to settle after the release and passage (House budget tonight or tomorrow) of the budgets, the focus turns to policy bills that are tied to the budgets and face deadlines for further action. The cutoff for these bills to make it out of the opposite House fiscal committee is 5 pm today. After today, the surviving bills will all await floor action for final passage in the opposite house which will likely start on Monday. The last day to pass policy bills out of the opposite house is April 11th, unless the bill is necessary to implement the budget.

### **Budget**

The Senate Ways & Means and House Appropriations committees both voted on committee amendments to their respective budget bills this past week. On Thursday, the Senate adopted a number of remaining floor amendments before, on final vote, adopting their operating budget. The House is set to vote on their version of the operating budget either this evening or tomorrow.

### **Skilled Nursing Facilities**

Both chambers included annual rebasing for skilled nursing facilities in their budget proposals with the Senate also including an annual inflation factor.

In the Senate, we (LeadingAge, WHCA and SEIU) had an amendment in the works for skilled nursing facilities that would have increased the direct care median to 105% and lift the direct care growth cap to 130%. This amendment was prepared at Senator Van De Wege's request and later withdrawn just before the hearing started.

At our urging, along with WHCA and SEIU, Rep. Cody proposed the same amendment in the House Appropriations Committee that was adopted and increases the direct care median to 105% and lifts the direct care growth cap to 130% with a statement that the legislature intends to sunset the growth cap by June 30, 2027. This amendment secured unanimous support in the House and we are grateful for its inclusion in the budget.

### **Assisted Living Facilities**

At the urging of LeadingAge and WHCA, Senator Rivers proposed an amendment that would extend the COVID add-ons until the end of June 2022 and then be replaced by a \$5/ppd rate add-on that would continue until the legislature funded the rate methodology at a percentage that would be robust enough to ensure all CARES categories experience and increase in funding. Unfortunately, the amendment failed.

At the urging of LeadingAge and WHCA, Representative Schmick proposed an amendment that would increase the assisted living COVID rate add-on, currently \$4.79, to match the rate paid to adult family homes, currently

\$13.96. This add-on would go into effect on July 1, 2021 and continue through the end of the fiscal year, June 30, 2022. The higher assisted living COVID add-on was also adopted, receiving unanimous support.

### **Adult Day**

We are working with DSHS as well as several legislators to include a 10% rate enhancement for adult day providers with the intent that it be added to the budget in conference. DSHS proposed this enhancement as part of the increased federal match for HCBS programs. They have also proposed several grant programs that HCBS providers would be able to access in order to make capital improvements as they look to reopen and welcome clients back to centers. We are hopeful that these will be added to the budget in conference.

### **Next Steps**

Once each chamber has voted on its budget, certain sections of the budgets differ and those sections are ultimately in dispute. The dispute is resolved in conference through closed door negotiations between the conferees that includes both the democrat and republican budget leaders. During this time, it is difficult, if not impossible, to know what the compromise funding proposal is until the final budget is actually publicly released and the 'agreed to' budget receives its final vote on the floor in each chamber.

The adoption of the assisted living and skilled nursing facility amendments in the House was vitally important to the hopeful achievement of our funding goals. Absent the House amendment, neither budget would've included the direct care payment relief or the higher level of funding for assisted living. These issues are now in play, and we have House and Senate leadership working to help secure these necessary funding increases. We will need member engagement to urge the Senate and House to agree to the best funding proposal found in each budget. For example, we prefer the House budget for assisted living COVID funding and the Senate proposal that increases methodology funding from 58% to 60% and includes a \$10 increase for SDC rates. We prefer the Senate proposal that funds an inflation adjustment for skilled nursing facilities, both rebase which must remain, and we absolutely prefer the House funding adjustment in direct care. And for skilled nursing, we prefer the House COVID rate add-on funding as it extends through June 30, 2022 whereas the Senate terminates this funding on December 31, 2021. So there's a little something to like in both budgets and we want the best of all worlds.

We still have a ways to go. As noted, nothing is certain until the final conference budget is publicly released, likely at the very end of the session. At that time, we'll then know the result of our months-long efforts.

### **Policy**

**[HB 1111](#) Concerning investment income tax deductions.** Since its first public hearing this bill has not had any movement. We believe this was a "message" bill to hospitals. We don't not believe it will move this session but of course we'll continue to keep an eye on it.

**[ESHB 1120](#)- Concerning state of emergency operations impacting long-term services and supports.** This bill is on the Senate floor calendar waiting to be pulled for a final vote.

**[HB 1141](#)- Increasing access to the death with dignity act.** This was passed out of committee and is currently in the rules committee waiting to go to the Senate floor.

**[HB 1218](#) - Improving health, safety, and quality of life for residents in long-term care facilities.** This bill is scheduled for executive action today in the Senate Ways & Means Committee. As a reminder it now includes the pandemic preparedness in long term care workgroup that was in SB 5294.

**[SB 5191](#) - Regulating unfair business practices and prohibiting predatory price increases during states of emergency.** This was passed out of committee and is currently in the rules committee waiting to go to the House floor.

[HB 1124](#) - **Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.** This bill is on the Senate floor calendar waiting to be pulled for a vote. If passed it will go to the Governor's desk for signing.

[SB 5160](#) - **Addressing landlord-tenant relations by providing certain tenant protections during and after landlord access to state rental assistance programs.** This bill passed out of the Appropriations Committee yesterday with no amendments. One failed amendment proposed the Governor's housing proclamation would terminate on June 30, 2021. We continue engaging with the Governor's office to remove long-term care once SB 5160 is signed into law since we have an explicit exemption in the bill.

[HB 1073](#) - **Expanding coverage of the paid family and medical leave program.** This bill is scheduled today for executive action in the Senate Ways & Means Committee.

[HB 1097](#) - **Increasing worker protections.** This bill is on the Senate floor calendar waiting to be pulled for a vote.

[SB 5115](#) - **Establishing health emergency labor standards.** Last week this bill was passed out of the House Committee on Labor & Workplace Standards with two amendments. The first removes health care workers including, employees of hospitals, health care facilities, nursing homes, and assisted living facilities, from the definition of frontline employees. The second removes the limitation that it only applies to the COVID-19 emergency. The bill's provision now applies to any current or future declared federal or state public health emergency involving infectious disease. Both of these amendments now align it with SB 5190. The bill is now on the House floor calendar and will likely have more amendments before passed.

[SB 5190](#) - **Providing health care workers with presumptive benefits during a public health emergency.** This bill was passed out of the Appropriations Committee yesterday with no new amendments.

Sincerely,

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