



# forward



## Advocacy News

### Week 13

We have just finished week 13 of the 2021 Legislative Session, only two weeks left.

### Budget

Last week both chambers passed their respective budgets and they have now moved into conference to combine the two budgets into one. We expect that the final budget may not be released until shortly before session ends on April 25th. Between the two budgets, we have many of the items we asked for included. We have had encouraging conversations with key legislative leaders and are hopeful that we will see a budget that is favorable to both SNF and AL. We have also submitted letters to legislative budget leaders as well as DSHS, OFM, and the Governor's office detailing the struggles that SNFs and ALs have had to deal with over the past few years, including many SNF closures, nearly half of the AL caseload not receiving a rate increase in nearly 4 years, and the COVID-19 pandemic. The two most recent letters to budget leaders detail the LeadingAge Washington and WHCA proposals that we would like to see in the final budget. You can access these letters here - [SNF Budget Letter](#) - [AL Budget Letter](#).

Below you can find a breakdown of what we hope to see in the final budget.

#### SNF:

Annual Rebase - \$10.5 million GF-S

Annual Inflation - \$19.1 Million GF-S

FY 23 Direct Care Median increase from 100% to 105% - \$11.6 million GF-S

FY 23 Direct Care Growth Cap increase from 118% to 130% - \$4.7 million GF-s

FY 22 COVID-19 Add-ons - \$11.9 million GF-S

*Total SNF - \$57.8 million GF-S*

This would allow for annual rebase and inflation for the next two years and extend the COVID-19 add-on through the end of June 2022. The direct care median and direct care growth cap would be increased for July 1, 2022 through June 30, 2023 with the expectation that funding would be maintained to continue paying direct care rates at 105% of median. The direct care growth cap would be increased from 118% to 130% July 1, 2022 and then sunset by June 30, 2027.

## AL:

Rate Methodology increase from 58% to 60% - \$1.9 million GF-S

Specialized Dementia Care Rate increase - \$2.4 million GF-S

FY 22 COVID-19 Add-ons - \$7.1 million GF-S

*Total \$11.4 million GF-S*

Increasing the percent that the rate methodology is funded would go into effect on January 1, 2022. COVID-19 add-ons would be increased from \$4.79 to \$13.96 and be continued through June 30, 2022. DSHS, working with stakeholders, would put forward a plan to the Legislature to phase up funding for the rate methodology.

## Policy

We are in the final stretch for policy bills. Bills have until 5pm on Sunday to pass off the opposite house floor, unless they are deemed necessary to implement the budget. While some bills have already passed and will make their way to the Governor's desk many are still waiting to be pulled. We expect it to be a busy weekend as legislators race to pass bills prior to the cut-off.

## Passed

[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 House last night with a vote of 72 yeas and 26 nays. There were 4 amendments that were adopted. The most notable amendment requires that the eviction moratorium be terminated on June 30, 2021 and not extended. This is welcome news for housing members. For long-term care providers, once the Governor signs this bill, we believe the proclamation will no longer apply since there is an explicit exemption for long-term care included in the bill. Because the bill was amended in the House it must now go back to the Senate for the Senate to accept the House amendments. Depending on the position of the House and the Senate, this bill could still fail to become law, however, that doesn't seem likely given the importance of the legislation and the amendments that were adopted do not appear to be too controversial.

[HB 1073](#) - **Expanding coverage of the paid family and medical leave program.** This bill passed out of the Senate on Wednesday with a vote of 29 yeas and 20 nays. The Ways & Means striker that was adopted provides a pandemic leave assistance employee grant to certain employees who are unable to access their state paid family and medical leave benefits due to the COVID-19 pandemic. The employee must have worked at least 820 hours in the qualifying period and is eligible for the grant through March 31, 2022. Employers with 150 or fewer employees are eligible, under certain conditions, for a pandemic leave assistance employer grant to help with the costs of employees on leave.

[HB 1097](#) - **Increasing worker protections.** This bill passed out of the Senate with a vote of 30 yeas and 19 nays on Tuesday. The bill, as passed, makes changes to the Washington Industrial Safety and Health Act's anti-retaliation provisions, including prohibiting acts that would deter a reasonable employee from exercising their rights, expanding the time for filing a complaint, and authorizing civil penalties. One amendment that did pass changes the amount of time the employer has to appeal a citation and notice of assessment of a violation from 15 working days to 30 days.

[SB 5115](#) - **Establishing health emergency labor standards.** This bill passed out of the House on Monday with a vote of 68 yeas and 30 nays. The version adopted was the same that passed out of the House Committee on Labor & Workplace Standards. Health care workers including, employees of hospitals, health care facilities, nursing homes, and assisted living facilities, are no longer included in the definition of frontline employees. Additionally, the health emergency labor standards now apply to any current or future declared federal or state public health emergency involving infectious disease.

**[SB 5190](#) - Providing health care workers with presumptive benefits during a public health emergency.** This bill passed out of the House last night with a vote of 84 yeas and 14 nays. As passed, it provides presumptive workers' compensation coverage for health care employees who are in quarantine or contract the disease that is the subject of a public health emergency. This does include employees of nursing homes of other facilities that provide health care services directly to patients.

**Waiting to be passed**

**[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. There are currently two proposed amendments that would require a long-term care worker to pass both state and federal background checks before working and having unsupervised access. Or, require supervised access while waiting for the federal background check results. We are voicing our objection to these two amendments and hope they are set aside or defeated.

**[HB 1141](#) - Increasing access to the death with dignity act.** This bill is on the Senate floor calendar waiting to be pulled for a final vote. There are currently no proposed amendments.

**[HB 1218](#) - Improving health, safety, and quality of life for residents in long-term care facilities.** This bill is on the Senate floor calendar waiting to be pulled for a final vote. There are currently no proposed amendments.

**[SB 5191](#) - Regulating unfair business practices and prohibiting predatory price increases during states of emergency.** This bill is currently on the House floor waiting to be pulled for a vote. There is one proposed amendment that would limit enforcement actions so they may only be brought by the AG and not through private litigation.

**[HB 1124](#) - Concerning nurse delegation of glucose monitoring, glucose testing, and insulin injections.** This bill is still waiting to be passed out of the rules committee.

**Sincerely,**

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