



January 27, 2023

This Week in Olympia

We have just finished week three of the 2023 legislative session. This week some new bills were introduced to improve skilled nursing facility rates and regulate nurse staffing agencies. Both issues are top priorities for us this session. You can read more about them below.

We continue to work on additional funding requests for assisted living, adult day, and the CCRC workgroup and any funding to support these initiatives will be found in the Senate and House budgets.

Bills to monitor impacting LTC

Support

[SB 5526/ HB 1571](#)- **Concerning nursing facility rates.** These are companion bills and will be the vehicles for the allocation of skilled nursing facility funding. The bills make important policy changes to the nursing facility payment statute and include:

- Changing the occupancy component to 105 percent of the statewide average occupancy of the prior calendar year;
- Annual rebasing;

- An annual inflation adjustment;
- The direct care component is set at a minimum of 111% of the median;
- The indirect care component is set at a minimum of 92% of the median;
- Continuation of the low-wage worker funding that would allocate 29% of each facility's specific direct care component increase and 10% of the indirect care component increase to increase wages for low-wage direct and indirect care workers, respectively. Each facility will then report to the Department the average wage and the hourly wage range for low-wage direct care and indirect care workers. The Department will then verify funding has been used to increase those wages; and
- The bill also calls for a workgroup to review the effectiveness of the low-wage worker funding and to discuss the subsequent use of new funding for other benefits.

While a fiscal note has not been applied to the bill, the funding needed in the budget for these changes is \$129 GF-S.

SB 5547- Concerning nursing pool transparency. This bill would increase regulatory oversight and transparency for staffing agencies (aka nursing pools). Specifically, the bill would:

- Require nursing pools to register annually with the Department of Health;
- Requires nursing pools to submit an annual report to the Department that will be accessible to the public and includes the:
 - average amount charged by the nursing pool for health care personnel by license type;
 - average amount paid by the nursing pool to health care personnel by license type;
 - average amount of labor-related costs paid by the nursing pool by health care personnel license type;
 - number of placements made within 25 miles and 50 miles of the health care personnel's residence ; and
 - total number of placements made by each registered nursing pool.

Specific to long-term care, the nursing pool would also need to:

- ensure health care personnel meet minimum licensing, certification, training, and health requirements and the continuing education standards for the health care personnel's position and shall supply the appropriate documentation to the contracting provider;
- conduct a criminal background check and exclusion verification;
- provide 90-day notice of contract changes, including but not limited to, availability or charges for services, items, or activities;
- restrict the nursing pool from requiring the payment of liquidated

damages, employment fees, or other compensation if health care personnel is hired as a permanent employee by the long-term care facility.

We will be looking for members to testify in support of this legislation and once this bill is scheduled for hearing we will reach out to you.

HB 1431- Clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax. This bill will have a public hearing in the House Committee on Finance on February 2nd at 1:30 pm. This bill is also a top priority for us this session

SB 5183/ HB 1128- Raising the Residential Personal Needs Allowance. Both of these bills were passed out of their original committees.

SB 5202/ HB 1149- Reducing homelessness in Washington state through capital expenditures for programs that address housing insecurity. Both bills are still waiting to be scheduled for an executive session.

HB 1417- Concerning the multistate nurse licensure compact. This bill was just scheduled for public hearing in the House Committee on Postsecondary Education & Workforce on February 2nd at 8:00 am

SB 5278- Implementing audit recommendations to reduce barriers to home care aide certification.

This bill would allow the Department of Health more discretion for grading and administering the home care aide certification examination. Additionally, it would require the departments of Health and Social and Health Services to address delays between training and testing, the lack of test sites, and performance and contract management processes, by completing specific requirements and submitting a preliminary report to the Governor and Legislature no later than December 1, 2023.

The first public hearing was held January 26th in the Senate Committee on Health & Long Term Care.

Oppose

SB 5217- Concerning the state's ability to regulate certain industries and risk classes to prevent musculoskeletal injuries and disorders. This bill is waiting to be scheduled for executive action.

SB 5236- Concerning hospital staffing standards. This bill is waiting to be scheduled for executive action.

Questions? Contact:

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