# Insurance requirements for WA Cares contracts

The WA Cares Fund follows guidance from the Office of Financial Management when setting insurance requirements for providers. Before we can sign a contract with you, you must provide proof that you have the required liability insurance.

Review the information below to find out what insurance is required for your type of business and the services you provide. These requirements are also included in the sample contracts in the provider toolkit.

## TYPES OF INSURANCE, AMOUNTS AND EXCEPTIONS

### General liability insurance

This policy may be referred to as general liability, commercial (general) liability, business liability, or premises liability. General liability is required for all contracts regardless of where services are provided. This type of insurance provides coverage for bodily injury, property damage, and contractual liability. See the Additional Insured section below for certificate of insurance statement requirements.

#### Coverage requirements

$2 million each occurrence and $4 million general aggregate.

#### Exception for small businesses

Coverage requirements are lowered for small businesses at $1 million each occurrence, $2 million general aggregate.

Providers that meet the definition of a small business as defined by RCW 39.26.010 (22) must complete form DSHS 27-234, CCLS Small Business Self-Certification Statement, and submit it to the entity processing the application. Please note that home care agencies are not eligible for the small business exception.

#### Exception for sole proprietors

If provider is a sole proprietor with less than three contracts, they may instead use a supplemental, workplace or premises liability insurance that includes coverage for bodily injury and property damage where the work is performed, but only if it is attached to a professional liability policy. The coverage requirements for each of these policies are $1 million each occurrence, $1 million general aggregate.

### Professional liability insurance

Professional liability insurance is required when a provider is expected to provide a professional service or requires a professional licensure or credentials. This includes all providers licensed or credentialed through the Department of Health and the Department of Social and Health Services. Impacted providers must have either professional liability insurance or errors and omissions insurance.

#### Coverage Requirements

$1 million each occurrence and $2 million general aggregate.

### Business automobile insurance

This coverage is not required if provider does not transport clients. Business automobile insurance is required on all vehicles used to transport clients, including vehicles hired by the contractor or owned by the contractor's employees, volunteers, or others. See the additional insured section below for certificate of insurance statement requirements.

#### Coverage requirements

$1 million per accident, combined single limit

## OCCURRENCE-BASED AND CLAIMS-MADE POLICIES

Coverage may be provided through either an occurrence-based policy, or a claims-made policy. During the application process, providers will be required to identify the type of coverage maintained for their policies. In WA Cares:

- General liability is expected to be occurrence based.
- If a provider's Professional liability is written on a claims-made basis, it is expected that the provider will elect to purchase claims-made coverage for their contract that:
    1. Has the effective date clearly listed on the Certificate of Insurance, with an effective date on or before the starting date of their WA Cares contract; and
    2. If the provider changes insurance providers or don't renew the original policy during the period of performance of their WA Cares contract, they **must** notify DSHS and the additional insured AAA(s) of the change 45 days in advance.
        a. Then, they must either:
            i. Purchase a new policy that covers the entire contract period, *or*
            ii. Purchase an extended reporting period from the original insurer for a minimum of three (3) years following completion or termination of the contract.

## ADDITIONAL INSURED

For general liability and business automobile insurance, the Certificate of Insurance (COI) statement must name the Department of Social and Health Services as Additional Insured. If contracting with an Area Agency on Aging, the provider must also name them as an additional insured on the policy.

To ensure that you are adding all the relevant information to the 'Description of Operations/Locations/Vehicles/Exclusions' section of the COI, providers should use the language and addresses below to avoid delays.

1. To list the Department of Social and Health Services, include all the following:

    *The State of Washington, Dept. of Social & Health Services (DSHS), its elected and appointed officials, agents, and employees of the state shall be named as additional insureds.*

*Department of Social and Health Services*
*PO Box 45600*
*Olympia, WA 98504*

- To list one or more Area Agencies on Aging, providers should list the applicable information and address(es), as documented below, on their Certificate of Insurance.

| | | |
|---|---|---|
| Planning and Service Area (PSA) 1 | Clallam, Grays Harbor, Jefferson and Pacific counties | Olympic Area Agency on Aging<br>2500 W Sims Way, Suite 201<br>Port Townsend, WA 98368 |
| Planning and Service Area (PSA) 2 | Island, San Juan, Skagit and Whatcom counties | "The Northwest Regional Council, its member counties, elected and appointed officials, agents, and employees, shall be named as additional insureds."<br><br>Northwest Regional Council<br>600 Lakeway Drive<br>Bellingham, WA 98225 |
| Planning and Service Area (PSA) 3 | Snohomish County | Snohomish County Human Services – Aging & Disability Services<br>3000 Rockefeller Ave, M/S 305<br>Everett, WA 98201-4046 |
| Planning and Service Area (PSA) 4 | Seattle and King County | "The City of Seattle and its officers, officials, employees, agents, volunteers"<br><br>City of Seattle Human Services Department<br>700 5th Avenue #5800<br>PO Box 34215<br>Seattle, WA 98124-4215 |
| Planning and Service Area (PSA) 5 | Pierce County | Pierce County Aging & Disability Resources<br>1501 Market Street, Suite 300<br>Tacoma, WA 98402 |
| Planning and Service Area (PSA) 6 | Lewis, Mason and Thurston counties | Lewis Mason Thurston Area Agency on Aging<br>2404 Heritage Ct. SW<br>Olympia, WA 98502 |
| Planning and Service Area (PSA) 7 | Clark, Cowlitz, Klickitat, Skamania and Wahkiakum counties | Area Agency on Aging & Disabilities of Southwest Washington<br>201 NE 73rd St<br>Vancouver, WA 98665 |
| Planning and Service Area (PSA) 8 | Adams, Chelan, Douglas, Grant, Lincoln and Okanogan counties | Aging & Adult Care of Central Washington<br>270-9th Avenue NE, Suite 100<br>East Wenatchee, WA 98802-7674 |

| | | |
|---|---|---|
| Planning and Service Area (PSA) 9 | Kittitas, Yakima, Benton, Franklin, Walla Walla, Columbia Garfield and Asotin counties | SE WA Aging & Long-Term Care – COG<br>PO Box 8349<br>Yakima, WA 98908 |
| Planning and Service Area (PSA) 11 | Spokane, Whitman, Ferry, Pend Oreille and Stevens counties | Aging & Long-Term Care of Eastern Washington<br>1313 N Atlantic St, Ste 3000<br>Spokane, WA 99201 |
| Planning and Service Area (PSA) 13 | Kitsap County | Kitsap County Aging and Long-Term Care, the County, its officers, officials, employees, and agents are additional insureds<br><br>Kitsap County ALTC<br>614 Division St. MS-5<br>Port Orchard, WA 98366 |

# SUPPLEMENTAL INFORMATION

## Umbrella policies and excess liability coverage

A general insurance policy plus an additional umbrella policy can be considered equivalent to the basic minimum. Umbrella insurance will be applied once the general liability policy is exhausted. Excess liability coverage will also increase the amount of the policy to which it applies, while the umbrella policy can provide additional coverage to more than one policy. Both can be used to reach liability limits.

## Waivers

A waiver may be requested by the provider on all or part of the insurance requirements. The following services have department-approved waivers for some of these requirements.

- Adult family home services
- Dementia and behavioral supports
- Education and consultation
- Environmental modifications
- Skilled nursing (subcode of professional nursing services)
- Transportation
- Yardwork and snow removal

*Depending on the service and location, the Department of Social and Health Services or an Area Agency on Aging may be responsible for processing your application. To request a waiver or to learn more about insurance requirements, please contact the agency handling your application or contact* a WA Cares team member.