



October 17, 2024

Attention: LTSS Trust Commission Members
Ben Veghte, WA Cares Program Director

From: Home Care Association of America-WA Chapter (HCAOA-WA)
Home Care Association of Washington (HCAW)

Dear LTSS Trust Commission Members,

After reviewing the Draft Recommendations of 9/11/24 for home care agency providers, we would like to again express our concerns about the vastly different requirements for home care agencies in comparison to other entities who would be providing care to enrollees of the WA Cares Act. To our knowledge, there is no statistical basis or evidence for the additional requirements.

We strongly believe that all long-term care providers should be held to the same high standard for providing care, and singling out home care agencies with numerous additional regulatory requirements to participate in the WA Cares Act seems arbitrary and capricious. In particular, #8, #9, #10 of the minimum provider qualifications do not appear to apply to other providers such as adult family homes, assisted living facilities, or skilled nursing facilities.

Minimum Provider Qualifications

1. Hold a valid Home Care Agency license issued by the Department of Health under Chapter 70.127 RCW for a minimum of three consecutive years.
2. Pass a DSHS name and date of birth background check and a fingerprint background check pursuant to RCWs 43.43.830 through 43.43.845 and chapter 388-113 WAC.
3. Conduct a DSHS name and date of birth background check and a fingerprint background check pursuant to RCWs 43.43.830 through 43.43.845 and chapter 388-113 WAC for employees, volunteers, and subcontractors who may have unsupervised access to vulnerable adults. Complete a name and date of birth background check every two years thereafter.
4. Comply with all applicable federal, state, county, and city laws, regulations, rules, codes, and ordinances.
5. Have at least three years' experience as a licensed Home Care Agency.

6. Hold a properly executed DSHS WA Cares provider contract that includes, but is not limited to commercial and professional liability insurance, errors and omissions, bodily injury, business automobile insurance on vehicles used to transport beneficiaries, and naming DSHS as an additional insured.
7. Confirm that all employees and volunteers who use vehicles to transport clients have personal automobile insurance and current driver's licenses.
8. No history of multiple cases of lost litigation related to service provision to medically frail or functionally disabled persons.
9. Have no significant licensing deficiencies during the three-year period prior to registration.
10. Obtain an independent financial audit by a licensed Certified Public Accountant covering the two-year period prior to registration with no findings that show inadequate administrative and accounting procedures and controls.
11. Use an electronic visit verification system to document in-home visits.
12. Establish employee conflict of interest policy guidelines, procedures, and safeguards.

We strongly encourage that the standards be uniform and fair for all potential long-term care providers who will provide services to enrollees in the WA Cares Act.

Washington State participants deserve a choice in the provider they choose to care for them or their family members. The majority of Washington citizens do not qualify for Medicaid and therefore will need the choice of private pay home care agencies to care for their loved ones at home. Creating barriers for home care agencies providing services to your enrollees will only decrease access to in-home care for those who will need it. We purport that this is NOT what was intended when the WA Cares Act was created. Access to care for ALL who contribute is what we believe our citizens deserve and expect, and this would gravely limit that access to care...and for these reason we do NOT support these recommendations as they have been proposed.

Sincerely,

Sharla Bode, RN
Home Care Association of America-WA Chapter, Board President

Debra Strom, RN
Home Care Association of Washington (HCAW), Board President