



WA Cares Listening Session:
Third option:
Eligible relative care

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Agenda

- Housekeeping / Common terms
- Eligible relative care
- Current state
- Future state
- Discussion

Housekeeping

- Please use Q&A feature to ask questions during the presentation
- Chat will open for discussion at the end of the presentation
- For webinar recording, please go to: <https://wacaresfund.wa.gov/rulemaking>

Common terms

Department of Social and Health Services	DSHS
Employment Security Department	ESD
Health Care Authority	HCA
Long-term services and supports	LTSS
Revised Code of Washington	RCW
Washington Cares Fund / WA Cares Fund	WCF
Washington Administrative Code	WAC

Terms we will use today

Consumer Directed Employer / also known as Consumer Direct Care Network of WA	CDE / also know as CDWA
Eligible beneficiary	
Eligible relative care	ERC
Long-term care worker	LTCW
Personal care	



Eligible relative care

Third option: Eligible relative care

- RCW 50B.04.070(2) states, “Qualified family members may be paid for approved personal care services in the same way as individual providers, through a licensed home care agency, **or through a third option if recommended by the commission and adopted by the department of social and health services.**”
- RCW 50B.04.010(14) states, “Qualified family member means a relative of an eligible beneficiary qualified to meet requirements established in state law for the approved service they provide that would be required of any other long-term services and supports provider to receive payments from the state.”

LTSS Trust Commission Recommendation

Eligible relative care will be the third option for paying qualified family members for approved personal care services, to be defined by DSHS through rule-making. The Foundational Principles of the LTSS Trust Commission will guide the development of eligible relative care:

- Respect the dignity and autonomy of beneficiaries in determining how and from whom they receive care
- Be customer focused
- Provide a seamless, quality user experience
- Be accessible to all Washingtonians both online and through a strong community presence
- Promote development of a long-term services and supports workforce and provider network to meet increased demand with high-quality, culturally competent services

LTSS Trust Commission Recommendation

- Ensure beneficiaries have a broad range of services and supports from which to choose
- Ensure outreach and policies are consistent with values of diversity, equity and inclusion
- Focus on solutions that are not rooted in tradition but are tailored to delivering new program benefits and meeting needs of current and future participants
- Respond to changing conditions, needs, and opportunities
- Be strong stewards of worker contributions by maintaining the financial stability and sustainability of the Trust
- Protect beneficiaries and the Trust fund from program fraud
- Raise awareness of the benefit among all Washingtonians
- Provide accurate data to decision makers

LTSS Trust Commission Recommendation

Services provided under eligible relative care:

- Personal care support with activities of daily living such as assistance with dressing, eating, bathing and medication management.
- Instrumental activities of daily living, or homemaking, such as assistance with household tasks, cleaning, shopping, meal preparation, and transportation.

Excluded services:

- Performing tasks outside of the scope of a long-term care worker
- Tasks that directly benefit anyone other than the beneficiary
- Participating in any employment or job-related activities of the beneficiary.

LTSS Trust Commission Recommendation

The qualified family member must:

- Be a relative of the beneficiary
- Be 18 years of age or older
- Be eligible to work in the United States
- Pass a criminal background check
- Complete a 5-hour Safety & Orientation online training
- Complete within 120 days from the date of hire the training requirements under RCW 74.39A.074, RCW 74.39A.076, and RCW 18.88B.041.

Considerations for eligible relative care

- Eligible beneficiaries can choose to hire qualified family members, through a home care agency, CDWA, or through eligible relative care.
- Qualified family members will be considered long-term care workers, therefore training, certification and background check rules will apply
 - For relatives, other than spouses or registered domestic partners, training will be 35 hours with continuing education requirements, as it is in Medicaid
 - For spouses and registered domestic partners, training will be 21 hours
 - Qualified family members must pass a DSHS background check

Considerations for eligible relative care

- The WA Cares' care needs assessments will not produce a care plan.
- WA Cares will have a self-directed care agreement for the beneficiaries and their caregivers.
- Eligible beneficiaries will determine their care tasks and how many hours they need or can afford.
- Eligible beneficiaries will approve their service authorizations, which will have been created by the registered WA Cares provider.

Considerations for eligible relative care

- Through eligible relative care, qualified family members are limited to providing personal care services
- DSHS will not directly register or contract with eligible relative care providers
- WA Cares will not have case managers
- State and federal “household employee” requirements apply to family caregivers when paid for personal care



Current state

Unpaid family caregivers in Washington

- According to AARP,
 - There are approximately 820,000 unpaid family caregivers in Washington State
 - 61% are employed (60% working full time)
 - 95% of family caregivers will use their own money toward caregiving expenses
- According to a 2022 CDC study, specific to our state,
 - Almost half, around 45%, are over the age of 50 and mostly women
 - 75% of family caregivers provided care for 6 months or longer

How the two existing options for in-home personal care work today

	Home Care Agencies	Consumer Directed Employer (CDE)
Primary Funding	Private Pay; Medicaid	Medicaid
Employer of record	Home Care Agency	Consumer Directed Employer
Employs family members	No	Yes (except spouses)
Care Planning Responsibility	Home Care Agency – Private Pay DSHS/AAA Case Manager - Medicaid	DSHS/AAA Case Manager
Direct Supervision of Caregiver	Home Care Agency	Client
Who authorizes hours and payment	Client/family - Private Pay; DSHS/AAA Case Manager - Medicaid	DSHS/AAA Case Manager
Who pays the caregiver	Home Care Agency	Consumer Directed Employer

How existing options for in-home personal care will work with WA Cares Fund

	Home Care Agencies	Consumer Directed Employer (CDE)
Employer of record	Home Care Agency	Consumer Directed Employer
Employs family members	Yes (including spouses)	Yes (including spouses)
Care Planning Responsibility	Home Care Agency	Self-Directed by Beneficiary
Direct Supervision of Caregiver	Home Care Agency	Beneficiary
Who authorizes hours and payment	Beneficiary	Beneficiary
Who pays the caregiver	Home Care Agency	Consumer Directed Employer



Future state

What we will require:

The entity must:

- Ensure all employment taxes are paid appropriately
- Be the liable party for any unpaid taxes
- Ensure compliance with wage and hour laws
- Ensure adherence to the program's training and background check requirements for the caregivers

Options that could be built into the service

For the beneficiary:

- The beneficiary could receive support overseeing their care
- The beneficiary could either be the legal employer of the family caregiver, or they could be in a joint or co-employment relationship with the employer entity

For the family caregiver:

- The caregiver could have access to health insurance benefits
- The caregiver could be offered paid leave and holiday pay
- The caregiver could have the right to unionize
- The caregiver could have worker's compensation through Labor & Industry (L&I) taxes

Using the Foundational Principles as a guide

- **Respect the dignity and autonomy of beneficiaries in determining how and from whom they receive care**
- Be customer focused
- Provide a seamless, quality user experience
- Be accessible to all Washingtonians both online and through a strong community presence
- **Promote development of a long-term services and supports workforce and provider network to meet increased demand with high-quality, culturally competent services**
- Ensure beneficiaries have a broad range of services and supports from which to choose

Using the Foundational Principles as a guide

- Ensure outreach and policies are consistent with values of diversity, equity and inclusion
- **Focus on solutions that are not rooted in tradition but are tailored to delivering new program benefits and meeting needs of current and future participants**
- Respond to changing conditions, needs, and opportunities
- **Be strong stewards of worker contributions by maintaining the financial stability and sustainability of the Trust**
- **Protect beneficiaries and the Trust Fund from program fraud**
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Discussion

Discussion

What are some things that you think are currently working for the care receiver and the caregiver in our existing personal care options - the consumer directed employer (CDWA) and home care agencies?

Discussion

What things are currently not working that you hope to see this third option either address or do without?

Discussion

WA Cares will not have case managers. What should WA Cares try to account for in the design of this service knowing there will be no case manager?

Discussion

What responsibilities would you prefer stay solely with the beneficiary when hiring their family member?

Discussion

What risks and concerns do you recommend we address when implementing eligible relative care?

- For the beneficiary
- For the family caregiver
- For the WA Cares program

Discussion

What are the administrative supports that you think a family caregiver would need to get paid and to provide care?

Discussion

What are the administrative supports you think a beneficiary would need to work with a family caregiver?

Resources

- DSHS website: <https://wacaresfund.wa.gov/rulemaking>
- ESD website: <https://esd.wa.gov/newsroom/rulemaking/ltss>
- HCA website: <https://www.hca.wa.gov/about-hca/rulemaking>
- Questions related to the WA Cares program, please email WACares@dshs.wa.gov



Thank you!

We look forward to continuing this discussion in upcoming meetings

Questions about the WA Cares Fund rulemaking process?

Contact Arielle Finney at Arielle.Finney2@dshs.wa.gov

Questions about the WA Cares Fund program?

Contact the WA Cares Fund Customer Care Team at WACares@dshs.wa.gov