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SENATE BILL 6249

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State of Washington

66th Legislature

2020 Regular Session

By Senators Cleveland, Keiser, and Conway; by request of Department of Social and Health Services

1 AN ACT Relating to the home care agency vendor rate and repeal of  
2 electronic timekeeping; amending RCW 74.39A.310; creating a new  
3 section; repealing RCW 74.39A.325; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.39A.310 and 2018 c 278 s 23 are each amended to  
6 read as follows:

7 (1) The department shall ~~((create a formula that converts into a~~  
8 ~~per-hour amount, excluding those benefits defined in subsection (3)~~  
9 ~~of this section, the cost of the increase in:~~

10 ~~(a) Wages))~~ convert and distribute any change in the total amount  
11 of wages and benefits negotiated and funded in the contract for  
12 individual providers of home care services pursuant to RCW 74.39A.270  
13 and 74.39A.300 ~~((÷))~~ or

14 ~~((b) The))~~ labor rates established under RCW 74.39A.530 into a  
15 per-quarter-hour amount. This must be accomplished in each odd-  
16 numbered year within sixty days after adjournment sine die of the  
17 legislative session.

18 (2) The per-quarter-hour amount ~~((from subsection (1) of this~~  
19 ~~section))~~ shall be added to or subtracted from the statewide home  
20 care agency vendor rate and any increase shall be used exclusively

1 for improving the wages and benefits of home care agency workers who  
2 provide direct care(~~(. The formula shall account for:~~

3 ~~(a) All types of))~~, and for paying any resulting change in  
4 required employer contributions or premiums.

5 (3) When determining the per-quarter-hour amount, the department  
6 must include:

7 (a) The changes to wages, benefits, and compensation negotiated  
8 and funded each biennium, including but not limited to:

9 (i) ~~((Regular))~~ Wages;

10 (ii) Benefit pay, such as vacation, sick, and holiday pay;

11 (iii) ~~((Taxes on wages/benefit pay;~~

12 ~~(iv))~~ Mileage; ~~((and~~

13 ~~(v))~~ (iv) Contributions to a training partnership;

14 (v) Contributions to the health benefit trust; and

15 (vi) Contributions to the defined contribution retirement trust;

16 and

17 (b) The ~~((increase))~~ change in the average costs ~~((of worker's~~  
18 compensation for)) experienced by medicaid contracted home care  
19 agencies ~~((and application of the increases identified in (a) of this~~  
20 subsection to all hours required to be paid, including travel time,  
21 of direct service workers under the wage and hour laws and associated  
22 employer taxes.

23 ~~(3) The contribution rate for health care benefits, including but~~  
24 ~~not limited to medical, dental, and vision benefits, for eligible~~  
25 ~~agency home care workers shall be paid by the department to home care~~  
26 ~~agencies at the same rate as negotiated and funded in the collective~~  
27 ~~bargaining agreement for individual providers of home care~~  
28 ~~services)), as determined by the department in its sole discretion,~~  
29 of employer contributions or premiums required by law including, but  
30 not limited to:

31 (i) Federal insurance contributions act;

32 (ii) Federal unemployment tax act;

33 (iii) State unemployment tax authority;

34 (iv) State paid family medical leave act; and

35 (v) State workers' compensation system; and

36 (c) An adjustment, as determined by the department in its sole  
37 discretion, for cost of compensation for work time that may not be  
38 billed as service hours, such as travel time, that must be paid to  
39 direct service workers under wage and hour laws and any related  
40 employer tax contributions or premiums.

1       (4) The portion of the vendor rate calculated for health care  
2 benefits, including but not limited to medical, dental, and vision  
3 benefits, may only be used for health benefits for home care agency  
4 workers who provide direct care.

5       (5) When establishing the per-quarter-hour amount, the department  
6 must prevent duplicate accounting for the same cost.

7       NEW SECTION.   **Sec. 2.**   RCW 74.39A.325 (In-home personal care or  
8 respite services—Electronic timekeeping) and 2014 c 40 s 2 & 2009 c  
9 571 s 2 are each repealed.

10       NEW SECTION.   **Sec. 3.**   This act applies prospectively and not  
11 retroactively.

12       NEW SECTION.   **Sec. 4.**   Section 1 of this act takes effect July 1,  
13 2020.

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