

Transforming
Lives

Substitute House Bill 1411

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Aging and Long-Term Support Administration

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HB 1411 Overview

- Passed in 2021 Legislative Session
- Goals:
 - Expand long-term care workforce eligibility
 - Decrease employment barriers
 - Address disproportionate community impacts
- Actions:
 - Amended disqualifying crimes list – Section 1
 - Directed DSHS to convene workgroup to recommend Informed Choice process and communication strategy to legislature by December 1, 2022 (Section 2)
 - Implement CROP (Certificate of Restoration of Opportunity) (Section 3)

Section 2 – HB 1411 Directives:

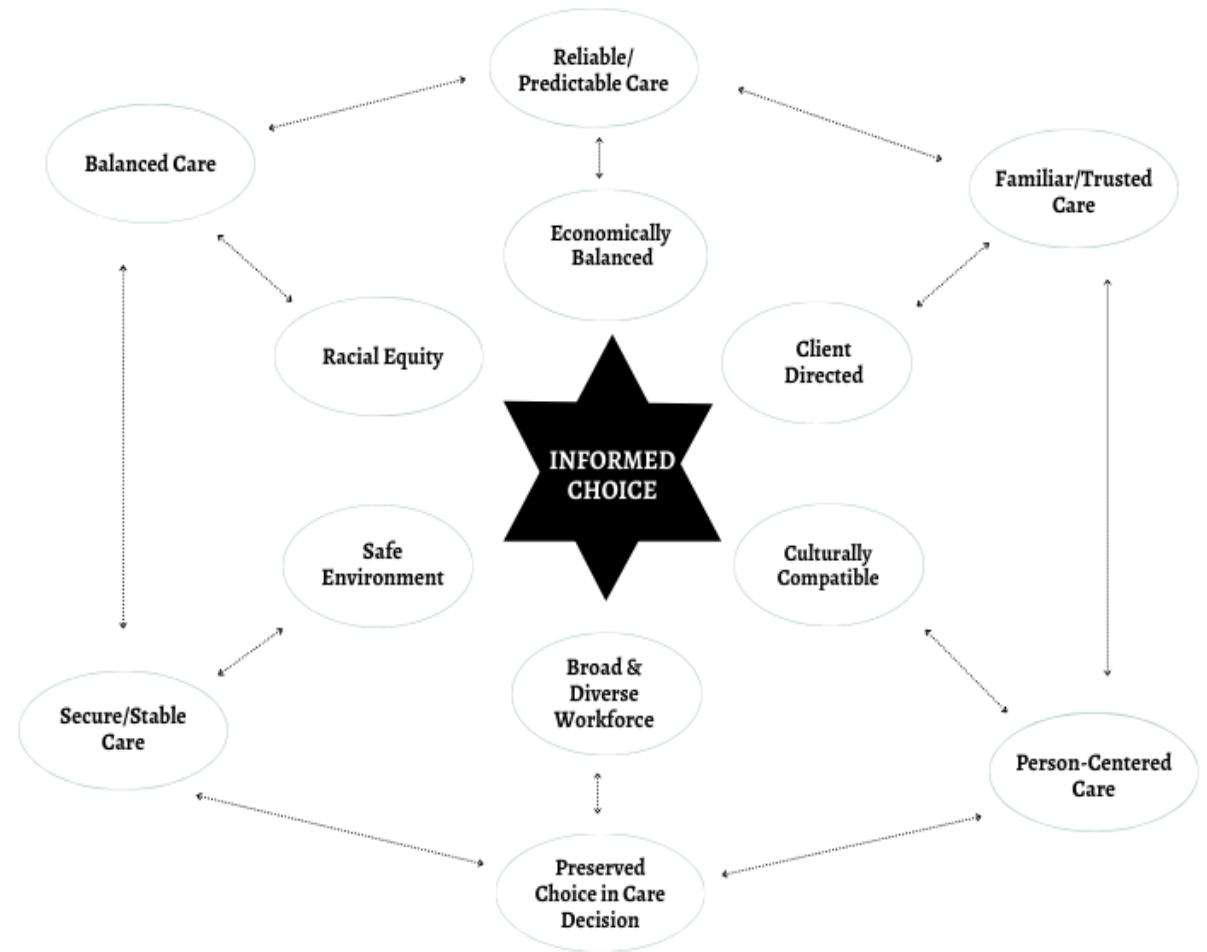
- DSHS to convene and facilitate 25-member workgroup
 - Tribes
 - Community-based organizations, Advocacy groups
 - DSHS, Ombuds
 - SEIU 775
 - Recipients of Medicaid services
 - State Agencies, AAAs
 - Home Care Agencies, CDWA
- Form recommendations and communication strategy for process called “Informed Choice”

Project Scope – 1411, Section 2: Defined Topics

- ✓ Client Safety
- ✓ Client Direction
- ✓ Racial Equity
- ✓ Cultural Competence
- ✓ Economic consequences of unpaid caregiving on caregivers and people receiving care
- ✓ Categories of eligible workers (family, friend, trusted individuals, or others)
- ✓ Disqualifying crimes
- ✓ Mechanisms for consideration (attestation, petition, other)
- ✓ Workforce development
- ✓ Disparities in charges and disqualifications in providing paid home care services

Work Plan:

- Group agreements
- Integrated approach
- Evidence-based data
- Telling our stories



Workgroup Findings:

- Both clients and caregivers in an informal caregiving relationship may be negatively impacted.
- Barriers to employment for individuals with criminal convictions exist and may create economic and health instability.
- Processes to restore and/or update background checks (CROP) require provider resources/may place financial burden on individual.
- WA State's automatic disqualifying conditions may discourage some individuals from even trying.
- Informal caregiving relationships are already occurring.

Telling Our Stories:

Tonya's mother-in-law was an elder in the rural Lower Elwha Klallam community. As her health began to fail, she qualified for Medicaid financial support which allowed her to seek paid care assistance. However, in her rural setting, no one was available.

Urgently requiring care, she hired a struggling family member who had become clean and sober as her caregiver, although due to her conviction history as a younger person, this young woman could not pass the background check to become an Individual Provider. It was important for the mother-in-law to have someone she knew and trusted. The family found ways to pay the caregiver privately, although it was very difficult.

Taking a chance was worth it. This person was an amazing caregiver.

Through caring for Tonya's mother-in-law, that family member, found purpose and self-worth. The trust that her family had for her enabled her to keep pushing forward. After Tonya's mother-in-law passed away, the caregiver found a job, rented a home, purchased a car, and is now thriving.

That family knew what she was capable of and gave her a chance. It changed the trajectory of her life.

- Tonya A.S, daughter-in-law of a Lower Elwha Klallam Tribal Member

Guiding Principles:

Client:

- Respect client choice and autonomy in the hiring decision.
- Every situation is different. A client should have the opportunity to evaluate a caregiver and discern who and what will work best for them.

Caregiver:

- A prospective Individual Provider's contributions to supporting their family, establishing stability, and contributing to their community should be recognized and commended.

Informed Choice – Future State:

- Client choice is preserved, elevated, and honored.
- Greater availability of Individual Providers--critical for rural areas.
- Enhanced safety for both client and provider when formal relationship established (process, protocols, training, safeguards)
- Culturally sensitive, person-centered care
- Health and economic balance for both clients and caregivers
- Expanded opportunities for people who wish to become Individual Providers.
- Persons who have been disproportionately impacted by the criminal justice system are recognized for their abilities and not a label.

Program Recommendations:

- Simple, easily understood and implemented (language options).
- Follows DSHS self-direction existing process/protocols.
- Client educated about program at intake/assessment.
- Client and CDWA are co-employers, but client makes hiring decision.
- Trusted Individual is defined and determined by the client.
- Informed Choice IP held to same job performance standards, admin and training requirements as all other IPs.
- Statutory liability protections created for administrative employer, home care agencies, Area Agencies on Aging, state.
- Further review of Disqualifying Crimes list

Program Recommendations: Tribal Government

- Tribal governments support the Informed Choice recommendations.
- Tribal governments assert sovereignty over decisions about caregiver disqualifications within their individual communities.
 - Recommend further study or pilot program – requires review of Medicaid rules.
- Tribal governments requested that the Informed Choice program outcomes extend into licensed Tribal Health/Home agencies
- Continued collaboration with community organizations and Tribes to keep the disproportionate sentencing of marginalized communities top of mind when evaluating crimes lists and sources (APS, CPS).
- Include Tribal members in development of program communication materials.

Current Status:

- Report being followed by Representative Tarra Simmons.
- Interested, but no action this session.

- Questions?

- Link to full report: [GetPDF \(wa.gov\)](#)

Thank you

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