



Residents News-Mail

Results from Olympia - Our lobbyist gives a Legislative Report

June 21, 2023

Dear WACCRA Members and Supporters,

Here are the results from WACCRA's legislative efforts during the 2023 Washington State Legislative Session. Below is a list of bills prepared by Donna Christensen, WACCRA's lobbyist. The list presents the legislation of interest to WACCRA members during the last legislative session. You will find the results, and an online link to find more information. WACCRA actively supported most of these bills; some we simply watched. The results suggest a mixed bag of success and loss. **The best news, however, is that our #1 priority passed: more funding to continue the work started by the Office of the Insurance Commissioner (OIC).** The key agency now in charge is the Department of Social and Health Services (DSHS), but their staff will work closely with the OIC, Attorney General's staff and WACCRA. Now, we can move to the development of the policies that will be included in new CCRC legislation. This was where we placed the greatest effort, and we have taken another big step towards securing residents' rights and financial oversight in CCRCs.

WACCRA's Legislative Committee

Carlos Caguiat, Chair, along with Kim Hickman, Barb Horrell, Donna Kristaponis, and Laura Saunders

WACCRA LEGISLATIVE REPORT by Donna Christensen

WACCRA #1 PRIORITY

(36) \$300,000 of the general fund - state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the office of the insurance commissioner and the office of the attorney general, to create a regulatory oversight plan for Continuing Care Retirement Communities, focusing primarily on establishing and implementing resident consumer protections, as recommended in the 2022 report of the office of the insurance commissioner. As part of the process, the agencies must engage with relevant stakeholder groups for consultation. The final plan must be submitted to the health care committees of the legislature by December 1, 2024.

[You will find this language [HERE](#) by scrolling to Section 204 DSHS Aging and Adult Services - p. 192 (lines 24 - 34)].

OTHER: DSHS Aging and Long-Term Care Services Division (AL TSA)

Joint Legislative Executive Committee on Planning for Aging and Disability Issues

This proviso continues the Committee and requires the members to make recommendations and identify key strategic actions to prepare for the aging of the population in Washington State and to serve people with disabilities, including state budget and policy options.

Dementia Support and Resources

AL TSA is required to contract with an organization to provide an advance care and legal planning toolkit for persons and families living with dementia, as well as providing webinars with subject area experts, continuing legal education for attorneys to advise and assist persons with dementia.

\$1,297,000 in fiscal year 2024 and \$1,297,000 in fiscal year 2025 is appropriated to AL TSA for community-based dementia education and support activities in three areas of the state including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

DSHS must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

CCRC Application for Registration

In accordance with RCW 18.390.030, the biennial registration fee for Continuing Care Retirement Communities shall be \$900 for each facility.

OTHER: Department of Commerce

A \$958,000 appropriation in fiscal year 2024 and a \$1,332,000 appropriation in fiscal year 2025 was provided for the operations of the Long-Term Care

Ombudsman program. This is a substantial increase in state support. In the 2023-2025 biennium, the LTC Ombudsman Office received \$500,000 the first year and \$550,000 in year two. The increased funding allows the State's Ombud's Office to train many more volunteer mediators to work with assisted living and skilled nursing residents.

2023 LEGISLATION

House Bill 1431 Clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax. **SIGNED INTO LAW**

Under current law, meals provided by hospitals, nursing homes, and assisted living facilities are not subject to retail sales tax. Meals provided by an independent senior living residence that does not provide healthcare services are subject to retail sales tax and the facility must also pay retailing business and occupation taxes on the selling price of the meals. HB 1431 changes this law and mandates that food, drink, or meals provided by a senior living community, which includes assisted living facilities and *Continuing Care Retirement Communities*, are exempted from retail sales and use tax.

For those facilities that do not provide meals as part of their healthcare services, the B&O classification is changed from the retailing classification of 0.484% to the service and other activities classification which is 1.5% or 1.75%, depending on the facility's annual taxable income. This exclusion of food, drink, or meals provided by a senior living community to tenants as part of a rental or residency agreement from the definition of sale for purposes of taxation goes into effect July 23, 2023. Read more [HERE](#)

Senate Bill 5748 Relating to clarifying the excise tax treatment of meals furnished to tenants of senior living communities as part of their rental agreement. **DID NOT PASS**

SB 5748 is similar to HB 1051 and was considered in the Senate. This bill would have exempted meals furnished to tenants of senior living communities as part of their rental agreement from sales and use and business and occupation taxation. Read more [HERE](#)

House Bill 1051 Concerning robocalling and telephone scams. **SIGNED INTO LAW**

National studies have reported that in 2021, Washingtonians received more than 616 million robocalls, and approximately 260 million of those were scam robocalls. According to estimates based on survey data, over 835,000 Washingtonians lost money to scam robocalls in 2021. HB 1051 was requested by the Office of the Attorney General and strengthens and modernizes Washington's anti-robocalling law by updating the definition of automatic dialing

and making it a violation of the Consumer Protection Act to robocall someone on the Do Not Call Registry, and to knowingly facilitate illegal robocalls if you are a voice service provider. Read more [HERE](#)

House Bill 1417 Concerning the multistage nurse licensure compact. **DID NOT PASS**

HB 1417 would have enacted the Interstate Nurse Licensure Compact in Washington State. This would have required the state to recognize a multistate license to practice registered or licensed practical nursing issued by a nurse's resident state. This would allow the authorized nurse to practice under the multistate licensure privilege. Multistate licensure privilege is the legal authorization associated with a multistage license permitting the practice of nursing in a remote state. Read more [HERE](#)

House Bill 1541 Establishing the Nothing About Us Without Us Act. **DID NOT PASS**

Self-advocates from the disability rights community have been working on this initiative for several years and HB 1541 is designed to ensure the community is represented when policies are created that impact persons with disabilities. The bill specifically would have established certain membership requirements for statutory entities, defined as any multimember task force, work group, or advisory committee, that is: (1) temporarily established by statute for the specific purpose of examining a particular issue that directly and tangibly affects a particular underrepresented population, and (2) required to report to the Legislature on that issue. It also would have required reports by statutory entities and the Office of Equity on the effectiveness of the membership requirements under the act. Read more [HERE](#)

Senate Bill 5179 Increasing access to the provisions of the Washington Death with Dignity Act. **SIGNED INTO LAW**

Initiative 1000, adopted by voters in 2008, established the Washington State Death with Dignity Act in RCW 70.245. The Act legalizes medical aid in dying with certain restrictions. SB 5179 expands the health care providers authorized to perform the duties of the Act to include advanced registered nurse practitioners and physician assistants. It reduces the required 15-day waiting period between the first and second oral requests for medications to seven days and eliminates the 48-hour waiting period for the written request, as well as permitting the medications dispensed under the Act to be delivered or mailed.

The bill also prohibits health care providers from contractually prohibiting an employee from participating in the Act while outside of the scope of employment and not on the employing health care providers premises and requires hospitals and hospices to submit their policies regarding access to end-of-life care and

the Act to the Department of Health. Read more [HERE](#)

Senate Bill 5640 Establishing an independent living residents' rights work group. **DID NOT PASS**

SB 5640 would have established an independent living residents' rights work group to recommend a bill of rights for nonresidents residing in an assisted living facility. (NOTE: Anyone living with a spouse in an assisted living facility does not have the rights of the spouse who qualifies for assisted living. They are actually referred to as nonresidents, even though you and I would consider them residents). The bill would have allowed the nonresidents to have a process to resolve disputes regarding contracted services with the owners and management of the assisted living facility in which they reside. They would have also:

1. held multiple stakeholder meetings with nonresidents residing in an assisted living facility to identify the barriers and issues impacting the nonresidents;
2. considered the impacts and evaluate the options for nonresidents residing in an assisted living facility;
3. conducted an analysis of the barriers and issues regarding contracted services that may not be resolved through the current appeals process for residential landlord-tenant policies; and
4. developed recommendations for a process for nonresidents residing in an assisted living facility to resolve problems. Read more [HERE](#)

A NOTE TO YOU, OUR WACCRA MEMBERS:

We realize this is very long News-Mail. We hope you have come away with an appreciation for the work our legislators do, especially with regard to issues of interest to us, seniors living in Continuing Care Retirement Communities. Thanks to our Legislative Team and to Donna Christensen, our lobbyist, for contributing vital information.

WACCRA will be working with Legislators and other stakeholders over the next 18 months to create a regulatory oversight plan for Continuing Care Retirement Communities, focusing primarily on establishing and implementing resident consumer protections. Your WACCRA leadership will be asking for your support as we go forward. **Time to roll up our sleeves!**

As always, thank you for your continued support of WACCRA!

Monica Clement
WACCRA Communications Chair

info@waccra.org

[Web Version](#)

[Preferences](#)

[Forward](#)

[Unsubscribe](#)

Powered by
GoDaddy Email Marketing®