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# Last Week’s Highlights

Ending what is sure to be remembered as an unprecedented legislative session, lawmakers adjourned at 6:10pm on Sunday, completing their business on time. This virtual session faced unique challenges because of the pandemic, but exceeded expectations, at least for the majority party.

Prior to the start of session, majority Democrats instructed their members to introduce no more than 6 bills and advised that bills would be more likely to advance if they had a clear path in the other chamber and fit into the following categories: address COVID-19 challenges; improve racial equity; advance economic recovery; and address climate change. These guidelines, designed to focus the workload in a virtual session, were successful. This year, legislators introduced 811 bills and passed 337. This compares to last biennium, which saw about 1200 bills introduced each year, with roughly 430 of those bills passing each year.

**Budget.** The House and Senate passed the final $59 billion operating budget on Sunday. This budget includes $10 billion of federal funding, with $1 billion of that set aside in the Washington Rescue Plan Transition Account (WRPTA). These funds from WRPTA can be used for responding to the impacts of the COVID-19 pandemic including those related to education, human services, health care, and the economy. Legislators also leave $500 million in the Budget Stabilization Account (aka, the Rainy Day Fund). What was a dire economic crisis only 14 months ago, has turned into an unexpected robust state economy, with the help of significant federal funding and new revenue.

**Insurance coverage for children’s hearing instruments.** Good news! The final budget includes the budget proviso funding an actuarial study of insurance coverage of children’s hearing instruments. The analysis provided by this proviso will give the Legislature sufficient information to consider HB 1047 next session. HB 1047 is the bill that would mandate insurance coverage of hearing instruments for children and adolescents that died this session.

**General Operating Budget Highlights**

**Federal Funding**

* $1.7 billion for school reopening, addressing learning loss, and other allowable costs under Elementary and Secondary School Emergency Relief 2
* $1.1 billion for the vaccine deployment, recruitment of public health workers, contact tracing and testing
* $658 million to extend the state’s rental assistance program
* $528 million for childcare grants and provider rates
* $500 million in state funds for Unemployment Insurance benefit relief
* $170 million for family leave during the period of the pandemic

**Significant Spending Items**

* $147 million in state funds for the Foundational Public Health initiative
* $664 million in state and federal funds to increase rates for certain Medicaid providers
* $517 million in state and federal funds to increase behavioral health services, including provider rate increases, community supports, and crisis teams
* $309 million in state and federal funds for learning recovery, educational technology, and stabilization funding for public schools
* $292 million in state funds for housing, rental, and related services

**Capital gains tax.** Until just a few days before the session ended, the fate of SB 5096, the capital gains tax bill, was unknown. However, on Friday the House and Senate agreed to a conference committee report and both chambers passed the bill.

The House passed SB 5096, the bill establishing the capital gains tax, last Wednesday, with a vote of 53-45. Proceeds from this tax are deposited into the Education Legacy Trust Account to fund K-12 education, early learning, and childcare. The bill also exempts certain assets from the tax including, qualified family-owned small businesses, all residential and other real property, and retirement accounts, and commercial fishing privileges.

The bill as passed the Legislature does the following:

* Levies a 7% tax on the voluntary sale or exchange of stocks, bonds, and other capital assets where the profit is in excess of $250,000.
* Proceeds from the capital gains tax are deposited to the Education Legacy Trust Account to fund K-12, early learning and child care, capped at $500M, with remaining tax proceeds being deposited into the Common School Construction Account.
* Provides a charitable donation deduction of up to $100K (annually adjusted) for the tax year for taxpayers donating at least $250K to qualified nonprofit organizations that tax year.
* Exempts family-owned small businesses, all residential and other real property, and retirement accounts from this tax.

While there is no emergency clause on the bill, it states that the bill is “necessary for the support of the state government and its existing public institutions”. Whether this language is enough to prevent a referendum challenge is unclear.

# Priority Bill Updates

* **HB 1196**, the bill that creates reimbursement parity for audio-only consultations, **is now on its way to the Governor for his action.** Here’s what you need to know:
  + This bill applies to commercial health plans, SEBB and PEBB plans, and Medicaid.
  + These health plans must reimburse you for health care services provided through audio-only telemedicine under the same conditions applicable to audio-video telemedicine.
  + If you intend to bill for audio-only telemedicine, you must first obtain the patient's consent to the billing.
  + Beginning January 1, 2023, the audio-only telemedicine reimbursement requirement applies only if the patient has an established relationship with you. This means that the patient has had at least one in-person appointment with you within the past year.
* **SB 5169,** the bill providing reimbursement to health care providers for the cost ofPPE when treating patients in person, **was signed into law on April 16th and became immediately effective!** Here’s what you need to know:
* All in-person patient encounters starting on April 16 may be included when you seek reimbursement. The law will expire when the COVID-19 public health emergency ends (exact date unknown but possibly the end of 2021).
* Payers must reimburse you at least $6.57 per in-person patient encounter.
* This new law applies to commercial insurance plans only; it does not apply to self-funded plans, Medicaid, or plans under SEBB and PEBB.
* Use new PPE billing code 99072 to request reimbursement.
* WSLHA recommends documentation of PPE use in the patient's record, although the law doesn't require this.
* **SB 5229,** the legislation that creates a health equity continuing education requirement for health care providers, **is now on its way to the Governor for his action.** Here are the details of the bill:
  + By January 1, 2024, Department of Health boards and commissions (e.g., the Board of Hearing & Speech) must adopt rules requiring licensees to complete health equity continuing education training at least once every four years.
  + Boards and commissions will decide whether the course fulfills existing continuing education requirements or whether it’s in addition to current CE requirements.
  + By July 1, 2023, DOH and boards and commissions will consult with professional organizations, patients, and communities to develop health equity course information.
  + By July 1, 2023, DOH must provide information to licensees regarding available health equity courses.
* **SB 5284,** the bill eliminating subminimum wage certificates for people with disabilities after July 31, 2023, **was signed into law on April 16th** and becomes effective on July 25th**!**

# Thank you!

Finally, I want to thank our WSLHA leaders, especially Nichie Lessard, Past President Extraordinaire,

for their extraordinary efforts during the legislative session (and the months leading up to it). And thanks to WSLHA members who continue to value the work of our association!