

property reserved for physically disabled persons without a special license plate, card, or decal. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate, card, or decal required under this section or demonstrates that the person was entitled to the special license plate, card, or decal.

(8) It is a misdemeanor for any person to willfully obtain a special decal, license plate, or card in a manner other than that established under this section.

Passed the House February 9, 1990.

Passed the Senate February 27, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

CHAPTER 25

[House Bill No. 2410]

HOSPICE BENEFITS EXTENSION

AN ACT Relating to extending hospice benefits to the end of the biennium; reenacting and amending RCW 74.09.520; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 3, chapter 400, Laws of 1989 and by section 10, chapter 427, Laws of 1989 and RCW 74.09.520 are each reenacted and amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) skilled nursing home services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to chapter 28A.13 RCW. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under chapter 28A.13 RCW shall not qualify as medical assistance prior to the implementation of the funding process developed under RCW 74.09.524.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds. The department shall provide a complete accounting of the costs of providing hospice services under this section by December 20, ~~((1989))~~ 1990. The report shall include an assessment of cost savings which may result by providing hospice to persons who otherwise would use hospitals, nursing homes, or more expensive care. The hospice benefit under this section shall terminate on ~~((April 1, 1990))~~ June 30, 1991, unless extended by the legislature.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House February 9, 1990.
Passed the Senate February 26, 1990.
Approved by the Governor March 13, 1990.
Filed in Office of Secretary of State March 13, 1990.

CHAPTER 26

[Substitute House Bill No. 2933]

MUNICIPAL INSURANCE POOLS STUDY

AN ACT Relating to a study of municipal insurance pools; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A joint select committee on municipal insurance pools shall study local government self insurance pools established under chapter 48.62 RCW, and report its findings, and any recommended legislation, to the legislature on or before October 1, 1990. The joint select committee on municipal insurance pools shall consist of eight members, four senators, two from each of the major caucuses, who are appointed by the president of the senate, and four representatives, two from each of the major caucuses, who are appointed by the speaker of the house.

The study shall include input from interested parties, including the existing municipal insurance pools, various associations of local governments, the state risk manager, the Washington chapter of the public risk insurance managers association, the office of the superintendent of public instruction, the department of employment security, the department of labor and industries, the state actuary, office of the state auditor, and the office of the attorney general.

Passed the House February 12, 1990.
Passed the Senate February 26, 1990.
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CHAPTER 27

[Substitute Senate Bill No. 5554]

RAILROAD TRACK SCALES

AN ACT Relating to railroad track scales; adding a new section to chapter 19.94 RCW; and repealing RCW 81.44.150 and 81.44.160.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 19.94 RCW to read as follows: