

2022 Legislative Recap

Overview

The Legislature passed 303 bills in the 2022 Session.¹ Some areas of focus include:

- Equity and social justice
- Behavioral health
- Public health
- Housing and homelessness
- Health care
- Economic recovery

Senate Ways & Means Committee

"Now, almost two years after the emergence of COVID-19, portions of Washington's economy are struggling to recover from the pandemic while other sectors remain strong or have grown stronger. The same can be seen with both individuals and families – some have been able to adapt to life with COVID-19, while others continue to be affected by the impacts of the pandemic and need assistance with employment, rent, utilities, and health care. Businesses and schools have largely reopened, but COVID-19 will continue to have a lingering impact on their operations."

Supplemental Budgets

The Supplemental Operating, Capital, and Transportation Budgets are larger than usual for a supplemental year due to higher-than-projected resources.

The February 2022 revenue update forecasted:

[2022 Supplemental Operating Budget Highlights](#)

- \$5 billion more in revenue for the 2021-23 biennium; and
- \$2 billion net decrease in costs for maintaining current programs.²

Operating Budget: The Legislature increased state spending by \$3.2 billion, raising the two-year [operating budget](#) to roughly \$64 billion.³

Among other areas, the spending increases relate to "educational funding needs, struggles in the behavioral health, long-term care, and developmental disability workforces, and...access to childcare."⁴

- K-12 Education: \$808 million
- Children, Youth & Families: \$245 million
- Homelessness & Housing: \$318 million
- Public Health & Health Care: \$837 million
- Economic Supports & Human Services: \$211 million
- Behavioral Health: \$277 million
- Long-Term Care and Developmental Disabilities: \$1.2 billion
- College and Workforce Development: \$283 million
- Public Safety, Legal Aid & Corrections: \$215 million
- Natural Resources: \$620 million

¹ Between 1984 and 2020, the average number of bills passed during a short session is 304.

<https://leg.wa.gov/History/Legislative/Documents/2021/AvgBillsPassed.pdf>.

² <http://leap.leg.wa.gov/leap/Budget/Detail/2022/cosESSB5693Highlights.pdf>

³ State Supplemental Operating Budget (ESSB 5693): <https://app.leg.wa.gov/billsummary/?billNumber=5693&year=2022&initiative=False>

⁴ <http://leap.leg.wa.gov/leap/Budget/Detail/2022/cosESSB5693Highlights.pdf>

The Operating Budget transfers:

- \$2 billion to the Transportation Budget for Move Ahead WA—a 16-year transportation package that invests in highways, ferries, public transit, and bike and pedestrian channels;⁵ and
- \$650 million to the state Capital Budget for housing, homelessness, and other construction programs.

Office of the Governor

“The new budget...included a significant rate increase for behavioral health providers and \$100 million in provider relief money to support the behavioral health workforce. The pandemic highlighted the urgency of addressing shortages in the health care, behavioral health and long-term care workforce.”

[March 10, 2022 Article](#)

Some Bills and Provisos Adopted in 2022

Health Care & Health Coverage

ESHB 1689	Biomarker testing prior authorization Prohibits private health plans from requiring prior authorization for biomarker testing for stage 3 or 4 cancer or recurrent, relapsed, refractory, or metastatic cancer.
Budget Sec. 222 (67)	Oral health equity assessment Dept. of Health \$166,000 to conduct an oral health equity assessment using available data and community needs assessments.
EHB 1851	Abortion care Expands the list of providers authorized to terminate a pregnancy to include a physician assistant, an advanced registered nurse practitioner, or other health care provider acting within the provider's scope of practice. Prohibits the state from acting against an individual based on pregnancy outcomes or for assisting a pregnant individual in exercising the right to reproductive freedom.
Budget Sec. 223 (7)(c)	Medical staffing in prisons Dept. of Corrections \$13,947,000 to increase medical staffing in prisons. Funding must be used to increase access to care and expanded screening for individuals in prison facilities—to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.
SB 5883	Homeless youth/health care Allows an unaccompanied homeless youth to provide informed consent for nonemergency, outpatient, primary care services.
2SSB 5532	Prescription Drug Affordability Board Establishes the Prescription Drug Affordability Board, which is authorized to set upper payment limits for certain drugs and biologics that the Board determines will lead to excess costs for patients.

⁵ Additional resource: “‘Move Ahead Washington’ package could give millions to BFT,” Fox 41 Yakima, 3/22/22. Accessed 5/10/22: <https://www.fox41yakima.com/move-ahead-washington-package-could-give-millions-to-bft/>

SSB 5546	<p>Insulin affordability</p> <p>Requires private health plans to cap the amount an enrollee is required to pay for a 30-day supply of insulin at \$35.</p>
SSB 5610	<p>Prescription drug cost sharing</p> <p>Requires certain third-party payments to count towards an enrollee's cost-sharing obligation or out-of-pocket maximum for certain health plans.</p>
Budget Sec. 204 (53)	<p>Medicaid rates for skilled nursing facilities Dept. of Social and Health Services</p> <p>\$24,138,000 of state funds and \$24,138,000 of federal funds to increase skilled nursing facility Medicaid rates for purposes of wage equity.</p>
Budget Sec. 208 (7)	<p>Medicaid options study Dept. of Social and Health Services</p> <p>\$75,000 to study the cost and benefit of adopting available options to expand Medicare savings programs and classic Medicaid programs to promote affordable care, premiums, and cost sharing for Medicare enrollees. Requires analysis of the equity impacts of each option, considering gender, race, and ethnicity.</p>
SHB 1616	<p>Charity care</p> <p>Establishes two categories of hospitals for the purposes of charity care requirements and increases patient income thresholds. Requires hospitals to identify patients who may be eligible for coverage through public assistance programs or the Health Benefit Exchange and help them apply.</p>
Budget (various sections)	<p>Health coverage programs for immigrants</p> <p>\$12.1 million in start-up investments to build two coverage programs for immigrants by January 2024:</p> <p>(1) a Medicaid-equivalent program for individuals with income up to 138% of the federal poverty level, regardless of immigration status; and</p> <p>(2) a Health Benefit Exchange-based program (subject to federal waiver) for others.⁶</p>
Budget Sec. 130 (20)	<p>Higher ed. student access to health care Office of Financial Management</p> <p>\$20,000 to conduct a comprehensive study on student access to health care, including behavioral health care, at WA's public institutions of higher education.</p>
Budget Sec. 602 (49)	<p>Higher ed. health care coverage pilot program State Board for Community and Technical Colleges</p> <p>\$80,000 for a pilot program to help students connect with health care coverage. Requires development of culturally relevant materials and outreach for historically marginalized and underserved student populations.</p>

⁶ <https://www.spokesman.com/stories/2022/mar/17/legislature-funds-future-health-coverage-for-unins/>

Long-Term Care

SB 5866	<p>Medicaid LTSS/Tribes</p> <p>Allows DSHS to contract with federally recognized Indian tribes to provide eligibility determinations and case management for clients receiving Medicaid long-term services and supports. Currently, these services are provided by area agencies.</p>
ESSB 5268	<p>Developmental disability services</p> <p>Requires the Developmental Disabilities Administration (DDA) to develop metrics, recommendations, and policies related to increasing services in community residential settings and redesigning Intermediate Care Facilities. Directs the Joint Legislative Audit and Review Committee to review the DDA's processes for determining eligibility and assessment, delivering services, and managing individuals who are waiting for services.</p>
Budget Sec. 204 (54)	<p>Nursing home facilities feasibility study Dept. of Social and Health Services</p> <p>\$350,000 for a study of the feasibility of placing individuals under the jurisdiction of the Department of Corrections in nursing home facilities to better meet the client's care needs.</p>

Behavioral Health

E2SHB 1181	<p>Veterans and military suicide</p> <p>Creates various outreach programs and other services to prevent suicide among veterans and military service members. Requires certain buildings, bridges, ferries, and parks to display the 988 National Suicide Prevention and Mental Health Crisis Hotline.</p>
SHB 1773	<p>Assisted outpatient treatment</p> <p>Establishes new standards and procedures under the Involuntary Treatment Act for commitment of persons in need of assisted outpatient treatment (AOT). Allows for a petition of up to 18 months of less restrictive alternative treatment (i.e. court-ordered treatment in the community, instead of an inpatient setting). Allows commitments based on AOT for adolescents aged 13 to 17.</p>
Budget Sec. 215 (93)	<p>Medical respite care for behavioral health Health Care Authority</p> <p>\$1,574,000 to contract with a program to provide medical respite care for individuals with behavioral health needs, with priority to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting.</p>
Budget Sec. 215 (111)	<p>Recovery and Mental Health Resources Health Care Authority</p> <p>\$250,000 to contract for services with a statewide recovery community organization. Services must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. The organization must prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.</p>

SHB 1800	<p>Behavioral health resources for minors</p> <p>Requires the Health Care Authority (HCA) to dedicate staff resources to connecting families, behavioral health providers, educators, and other stakeholders with current information about law and policy related to behavioral health services for minors. Requires HCA to create a parent portal.</p>
HB 1834	<p>Student Absences for Mental Health Reasons</p> <p>Requires that the rules of the Superintendent of Public Instruction (SPI) categorize a student absence from school for a mental health reason as an excused absence. Directs the SPI to develop implementation guidelines in consultation with a student advisory group.</p>
2SHB 1890	<p>Children Behavioral Health</p> <p>Requires the Children and Youth Behavioral Health Work Group to develop a behavioral health strategic plan for children, youth transitioning to adulthood, and their caregivers. Revises workgroup membership and allows stipends up to \$200 per day for members with lived experience.</p>
2SSB 5736	<p>Behavioral health services for minors</p> <p>HCA must add coverage for partial hospitalization and intensive outpatient services for persons under 21 years of age to the Medicaid State Plan by January 1, 2024, subject to federal approval.</p>
Budget Sec. 603 (74)	<p>Culturally Responsive Community Mental Health Services University of Washington</p> <p>\$400,000 for the CoLab for Community and Behavioral Health Policy, in collaboration with the Latino Center for Health and Allies in Healthier Systems for Health & Abundance in Youth, to convene a community coalition and design team to develop recommendations for the expansion of culturally responsive community mental health services focused on children and adolescents.</p>
Budget Sec. 229 (29)	<p>Childhood Mental Health Consultation Initiative Dept. of Children, Youth, and Families</p> <p>\$260,000 to implement an infant and early childhood mental health consultation initiative to support Tribal childcare and early learning programs.</p>
Budget Sec. 215 (107)	<p>Integrative cultural healing model Health Care Authority</p> <p>\$60,000 for HCA to provide a grant to develop an integrative cultural healing model, which is a behavioral health model developed for and by tribal and urban-based Native American partners in eastern Washington. The Confederated Tribes of the Colville Reservation will implement and manage the model.</p>

Housing & Homelessness

2SHB 1818	<p>Reentry and Rehabilitation</p> <p>Allows the Department of Corrections to provide housing vouchers to a person being released from any state correctional facility in certain situations and extends the period from 3 to 6 months. Requires an outcome evaluation and benefit-cost analysis of the expanded program. Eliminates supervision fees charged to persons who commit criminal offenses.</p>
2SHB 1860	<p>Behavioral health discharge</p> <p>Requires establishment of performance measures that track rates of homelessness and housing instability among medical assistance clients. Managed care organization (MCO) contracts must provide housing-related care coordination services to enrollees being discharged from inpatient behavioral health settings. To improve health outcomes and address health inequities, the Health Care Authority must evaluate options to increase collection of "Z codes" (related to identifying social determinants of health) on Medicaid claims.</p>
ESHB 1866	<p>Supportive housing</p> <p>Establishes the Apple Health and Homes Program to provide a permanent supportive housing benefit and a community support services benefit to persons who meet eligibility criteria related to income, medical risk factors, and barriers to finding stable housing. "Permanent supportive housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy.</p>
2SHB 1905	<p>Homelessness/youth discharge</p> <p>Requires the Department of Children, Youth, and Families to implement a rapid response team to support youth and young adults exiting a publicly funded system of care. Requires flexible funding and grants to support their housing needs.</p>
SB 5566	<p>Independent youth housing</p> <p>Expands eligibility for the Independent Youth Housing Program to youth who were formerly dependent at any time, are under the age of 25, and are receiving Extended Foster Care services.</p>
Budget Sec. 128 (151)	<p>Homeless service providers</p> <p>Dept. of Commerce</p> <p>\$55,000,000 of COVID-19 recovery funds to direct stipends to eligible homeless service provider employees for their immediate economic needs. \$500,000 is reserved for a study on the workforce needs of nonprofit organizations employing eligible employees, with the goal of developing state-level strategies for improving workforce retention.</p>

Language Access

E2SHB 1153	<p>Language access in schools</p> <p>Requires education entities (school districts, charter schools, the state School for the Blind, and the Center for Deaf and Hard of Hearing Youth) to collect data on language access and services. Requires certain entities to adopt a language access policy and procedures and to implement a language access program. Requires establishment of credentialing requirements for language interpreters working in public schools. Creates a Language Access Technical Assistance Program and a Language Access Advisory Committee.</p>
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Equity in Government

SHB 2057	<p>WA State Patrol workforce diversity</p> <p>Requires the Office of Equity to provide oversight of WSP's development and implementation of its Diversity, Equity, and Inclusion Strategic Recruitment and Retention plan.</p>
2SSB 5793	<p>State boards, etc./stipends</p> <p>Authorizes stipends and reimbursement of expenses, such as childcare and travel, for eligible members of certain state government boards and commissions.</p>
Budget Sec. 117 (9)	<p>Equity and inclusion resources for agency decision-making Governor's Office</p> <p>\$80,000 for the Office of Equity to develop resources and provide technical assistance to state agencies on best practices for engaging communities when creating equitable budget and policy recommendations.</p>
Budget Sec. 117 (14)	<p>Office of Equity's Community Engagement Board Governor's Office</p> <p>\$609,000 for the Office of Equity to convene a Community Engagement Board.</p>
Budget Sec. 128 (216)	<p>Collecting demographic and geographic info Dept. of Commerce</p> <p>\$300,000 to report on how Commerce will collect demographic and geographic information from organizations that receive direct or indirect grants from the agency.</p>
Budget Sec. 149 (4)	<p>Trial mapping project Dept. of Archeology and Historic Preservation</p> <p>\$150,000 to develop a trial mapping project that provides information that state and local planners may use to make land use and transportation decisions through an equity lens.</p>
SB 5929	<p>WorkFirst Poverty Task Force</p> <p>Expands membership to include a representative from each of the following: the Women's Commission, the LGBTQ Commission, and the Office of Equity.</p>

Budget Sec. 208 (6)	<p>Poverty Reduction Technical Advisory Group Dept. of Social and Health Services</p> <p>\$461,000 to create a technical advisory group responsible for: developing a statewide measurement and data framework that helps inform future budget and policy decisions; tracking the state's progress towards creating a just and equitable future; and incorporating input from communities experiencing poverty and the Office of Equity in data analysis.</p>
Budget Sec. 128 (144)	<p>Developmental Disabilities Council Dept. of Commerce</p> <p>\$631,000 for the Council to partner with racially diverse communities and support a coalition of intellectual and developmental disabilities self-advocates and advocates. Of that amount, \$500,000 is to contract with a BIPOC-led nonprofit organization to develop and implement strategies that reduce barriers and improve access to services for individuals with intellectual and developmental disabilities who are from immigrant communities, communities of color, and other underserved communities.</p>

Additional Determinants of Health & Equity

E2SHB 1015	<p>Equitable access to credit</p> <p>Establishes the Equitable Access to Credit Program. Authorizes the Department of Commerce to award grants to qualified lending institutions for lending or investing in historically underserved communities.</p>
E4SHB 1412	<p>Legal financial obligations</p> <p>Gives a court discretion to waive or reduce certain financial legal obligations (LFOs) if the person lacks the ability to pay. Provides a new definition of “indigent,” which is used to determine when LFOs may be imposed, waived, reduced, or enforced. Allows a defendant, based on their inability to pay, to request removal of fines and seek waiver of previously imposed criminal filing fees.</p>
SB 5763	<p>Minimum wage/disabilities</p> <p>Repeals the law allowing the Department of Labor and Industries to issue special certificates for the employment of individuals with disabilities at sub-minimum wages.</p>
E2SHB 1736	<p>Low-interest student loans</p> <p>Establishes the Washington State Student Loan Program to issue low-interest student loans to students with financial need, beginning with the 2024-25 academic year.</p>
Budget Sec. 128 (135)	<p>Outreach for the working families tax exemption Dept. of Commerce</p> <p>\$10,000,000 for outreach activities related to the working families tax exemption, including providing grants to community-based organizations. Commerce must provide oversight, technical assistance, and training for grant recipients; conduct language access activities; and create a statewide outreach plan.</p>

Budget Sec. 128 (201)	<p>Community Services Block Grant Program Dept. of Commerce</p> <p>\$7,300,000 to increase funding for the Community Services Block Grant Program. Distribution of funds to community action agencies must prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color and rural communities.</p>
HB 1755	<p>TANF time limit extensions</p> <p>Requires the Department of Social and Health Services to extend the five-year time limit for Temporary Assistance for Needy Families when the most recently published state unemployment rate is 7 percent or higher.</p>
SSB 5785	<p>Transitional food assistance</p> <p>The Department of Social and Health Services must provide transitional food assistance to a household that stops receiving Temporary Assistance for Needy Families (TANF) and is not in full-family sanction status.</p>
E2SHB 1723	<p>Telecommunications services/digital equity</p> <p>Requires the State Broadband Office to develop a state digital equity plan. Requires various state digital equity programs to promote broadband adoption and digital equity and inclusion throughout the state, including through grants. Allows the Digital Equity Forum to compensate persons with lived experience for their work connected to the Forum.</p>
Budget Sec. 128 (197)	<p>Digital equity and broadband access programs Dept. of Commerce</p> <p>\$50,000,000 for digital equity and broadband access programs. This may include programs to fulfill the recommendations of the Digital Equity Forum; programs to identified in the Statewide Broadband Office's digital equity plan; and programs to increase broadband access for low-income and rural communities.</p>
Proviso Sec. 128 (198)	<p>Electric vehicles Dept. of Commerce</p> <p>\$25,000,000 to implement programs and incentives promoting the purchase or conversion to alternative fuel vehicles. Commerce must prioritize programs and incentives that serve individuals living in an overburdened community; and low-income communities, communities with the greatest health disparities, and communities of color most likely to receive the greatest health benefits from the programs.</p>