

HOUSE BILL REPORT

HB 3078

As Reported by House Committee On:
Human Services

Title: An act relating to lifelong learning services for individuals diagnosed with severe to profound intellectual developmental disabilities.

Brief Description: Establishing a lifelong services program for persons with developmental disabilities.

Sponsors: Representatives O'Brien, Dickerson, Darneille, Haler, Roach, Wallace, Walsh, Roberts, Springer, Williams, Green, Simpson, Conway and Ormsby.

Brief History:

Committee Activity:

Human Services: 1/30/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services (DSHS) to implement rules to enable working-age adults with developmental disabilities to pursue and maintain employment in an integrated setting.
- Requires the DSHS to offer persons with a severe or profound developmental disability and persons nearing retirement age the option to participate in employment-related activities and non-employment-related community access services.
- Requires the DSHS to make every effort to maximize the use of federal funds to fund services authorized.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Linda Merelle (786-7092).

Background:

The Division of Developmental Disabilities, within the Department of Social and Health Services (DSHS), assists individuals with developmental disabilities and their families to obtain services and support based upon the preference, capabilities, and needs of the individual. The DSHS currently offers services through the Employment and Day Program which include employment services to provide ongoing services and training for eligible persons with paid jobs in a variety of settings and work sites.

Employment supports are the primary use of the Employment and Day Program funds for working age adults. Support to pursue and maintain gainful employment is the primary service option for working age adults. Pursuant to DSHS policy, if individuals of working age do not want to pursue or maintain gainful employment, then the authorization of county services will be discontinued and Case Resource Managers will provide those individuals with information about generic community services. Case Resource Managers will continue to authorize services that do not emphasize employment only for individuals who have been granted an exception to the DSHS's policy.

Summary of Substitute Bill:

This bill requires the DSHS to implement rules to provide services to allow persons with developmental disabilities to seek gainful employment and to offer those with severe or profound developmental disabilities or those who are nearing retirement age to receive services that are not related to employment.

Legislative Findings

- (1) A developmental disability is a natural part of the human experience and the presence of a developmental disability in the life of a person does not diminish or alter a person's rights or opportunity to participate fully in the life of the community. Providing continuous learning opportunities for individuals with severe and profound intellectual developmental disabilities supports both the individual and helps maintain the well-being of the family.
- (2) Gainful employment is an appropriate and desired goal for adults with developmental disabilities. For adults with severe and profound developmental disabilities or adults who are nearing retirement age, community access services should be available as an alternative, or in addition to, employment-related services.

Nature of Program

The DSHS shall adopt and implement rules to enable working age adults with developmental disabilities to pursue and maintain gainful employment in integrated settings and to offer persons with a severe or profound developmental disability and persons nearing retirement age

the option to participate in employment-related activities and non-employment-related community access services. Community access services may include, but are not limited to: (1) community participation; (2) social skills training; (3) self-advocacy training; (4) recreation; (5) continuing education classes; (6) personal assistance; and (7) transportation.

Substitute Bill Compared to Original Bill:

The substitute changes the original bill as follows:

- (1) Adds to the legislative finding that while gainful employment or involvement in employment-related activities is an appropriate and desired goal for adults with developmental disabilities, community access services should be available as an alternative or in addition to employment-related services for adults with severe and profound developmental disabilities or adults who are nearing retirement age.
- (2) Removes references regarding eligibility and requires the DSHS to adopt and implement rules that enable working age adults with developmental disabilities to pursue and maintain gainful employment in integrated settings.
- (3) Requires the DSHS, under the implemented rules, to provide that counties, under contract with the DSHS and within available funding, develop and make available services that offer support for working age adults with a developmental disability to pursue or maintain gainful employment, including support and technical assistance to achieve integrated employment.
- (4) Requires the DSHS, under the implemented rules, to offer persons with a severe or profound developmental disability and persons nearing retirement age the option to participate in employment-related activities and non-employment-related community access services.
- (5) The community access services to be offered to persons with severe or profound developmental disability or persons nearing retirement age no longer include independent living skills training.
- (6) Removes the appropriation clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support of original bill) Persons with disabilities should be given the opportunity to participate fully in activities in life. There are approximately 11,000 adults with a

developmental disability on the DSHS's case load. Approximately 6.5 percent of this population have a severe or profound intellectual disability. The purpose for wanting this bill to pass was to create a new service for those with severe-to-profound intellectual disability. Businesses have not been willing to hire these individuals. For these individuals, there are no community services or learning classes. The need for the bill is serious. There are close to 10,000 persons with developmental disabilities throughout the state who are not employed and not receiving services. These persons need care giving, choice, and an alternative to employment six hours per day, five days per week. They need continuing education because they can still learn. Don't forget about these people; some of them have no friends and no fun and it is not fair. There are no programs for them. If the bill passes, the services received as a result would make their lives more meaningful. The bill's importance is both social and financial. We need leadership from the DSHS. We can see what is coming; it is a black hole and we are scared. Persons with the more severe disabilities have a barren landscape. Community activity is limited. They miss socialization, friendship, networking and other benefits. The services provided need to be meaningful and appropriate. The current systems are not very efficient and could be made more efficient. Adults with more severe and profound disabilities are staying at home. Out of 100 adults, six are employed but only for two to four hours per week and that leaves a big gap. People need quality of life and meaning. In the last year, six adult clients entered back into Fircrest. That was not their first choice, but it was the only option they had according to the community supports available. This is very hard on the families. These individuals need services rather than leaving them unemployed in what is essentially community institutional care in their own home.

(With concerns on original bill) While agreeing with the concept of the bill, there are some technical issues that need to be addressed. Existing programs within the Division of Developmental Disabilities (DDD) can meet the needs of even the most significantly developmentally disabled persons, such as the Family Support Program, the Employment Community Access Program, and the Personal Care Program. The DDD has an existing assessment tool. The issue is really about resources. The existing programs could provide more services if the DDD had more resources.

(Information only) Every bill passed by this Legislature in the last 10 years has focused on getting employment for children coming out of high school. This state spends way less on day services and has the best outcome with respect to employment. Under the current policy of the DSHS, a community access program can be invoked only as an exception to the working age adult policy.

(Opposed) None.

Persons Testifying: (In support of original bill) Representative O'Brien, prime sponsor; Sue Elliot, The Arc of Washington; Cheri and Laura Goeres, Arc of Grays Harbor; Cindy O'Neill, Special Care Agency; and Nancy Mueller; Stacy Gillett; Martha Schulte; Kathy Evans; Bob Anderson; Amelia Anderson; Ron Ralph; and Sally Coomer.

(With concerns on original bill) Denise Rothleutner, Association of County Human Services.

(Information only) Linda Rolfe, Department of Social and Health Services, Division of Developmental Disabilities and Aging and Disability Services Administration.

Persons Signed In To Testify But Not Testifying: None.