

# HOUSE BILL REPORT

## SHB 2363

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### As Amended by the Senate

**Title:** An act relating to home and community-based services programs for dependents of military service members.

**Brief Description:** Concerning home and community-based services programs for dependents of military service members.

**Sponsors:** House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Muri, Seaquist, Zeiger, Morrell, Freeman, Christian, Kochmar, Dahlquist and Appleton).

#### **Brief History:**

##### **Committee Activity:**

Community Development, Housing & Tribal Affairs: 1/21/14, 1/30/14 [DPS].

##### **Floor Activity:**

Passed House: 2/17/14, 96-0.

Senate Amended.

Passed Senate: 3/4/14, 49-0.

#### **Brief Summary of Substitute Bill**

- Allows dependents of military service members to retain eligibility for developmental disability services while living out of state due to military assignment.

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### HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Appleton, Chair; Sawyer, Vice Chair; Johnson, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Gregerson, Hope, Robinson, Santos and Young.

**Staff:** Sean Flynn (786-7124).

#### **Background:**

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*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.*

### Home and Community-Based Services.

The Department of Social and Health Services (DSHS), through the Developmental Disabilities Administration (DDA), offers services for children with developmental disabilities and their families. The DDA administers federal Medicaid funding for institutional services provided for developmentally disabled persons.

Clients may opt out of institutional services in favor of home and community-based services (HCBS) through certain Medicaid waiver programs, administered by the DDA. These HCBS waiver programs are provided to allow a client to receive services in-home and avoid out-of-home placement in an institutional facility.

The Children's Intensive In-Home Behavioral Support Waiver program allows children ages 8 to 20 years old, with a high or severe risk of out-of-home placement, to remain in his or her family home. Services provided through this program include:

- behavior management and consultation;
- environmental adaptations;
- motor vehicle adaptations;
- therapy equipment and supplies;
- personal care;
- specialized diet goods and services;
- in-home respite and planned out-of-home respite;
- intensive intervention training for families and other individuals and partners working with the child; and
- coordination and planning.

Other HCBS waivers administered by the DDA include Basic Cost Plus, Core, and Community Protection programs, which provide personal care and other home-based services.

The DDA determines a person's eligibility for Medicaid benefits, including HCBS, and maintains a database of eligible persons who are assessed for the level of service provided. Services are approved for eligible persons based on the level of service and need, as determined by the DDA.

### Military Health Services.

Active military members and their families and National Guard and Reserve members and their families are eligible for health care services managed by the federal Department of Defense. Military families with special needs are eligible for certain extended medical services while the member is in the military.

### **Summary of Substitute Bill:**

Children and spouses (dependents) of military service members who have been determined by the DDA to be eligible for developmental disability services retain eligibility so long as they remain legal residents of the state, regardless of whether they left the state due to the military member's assignment.

The DDA must provide services for an eligible dependent after an assessment and approval of services has been made, if the dependent provides the military member's discharge papers and proof of the member's residence in the state.

A dependent who has previously received services from the DDA may request services upon returning to the state from the military member's out-of-state assignment. The DDA must determine eligibility for the dependent upon return and allow for an appeal for any denial of services.

The Secretary of the DSHS must request a waiver from the appropriate federal agency, currently the Centers for Medicare and Medicaid, if necessary, to provide Medicaid services for this group of dependents.

**EFFECT OF SENATE AMENDMENT(S):**

If eligibility requirements change, a military service member dependent remains eligible until a reeligibility determination is made. The amendment removes the requirement that the dependent retains eligibility until he or she provides new information to the DDA.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill would allow military families to apply for Medicaid waiver services while on duty and progress in waiting for services along with other state residents before they return from duty. The eligibility is retained while the person is out of state as long as the military member maintains residency in the state. Waitlists for Medicaid waivers can last over four years.

(With concerns) All people that have needs deserve care. Washington does not have an entitlement program for its Medicaid waiver services. There are 15,000 people on the no-pay Medicaid caseload. Creating an entitlement would require a large amount of money.

(Opposed) The bill does not accomplish its intent, based on a wrong assumption that a Medicaid waitlist exists. Washington operates a system based on need, not based on time waiting for services. There are administrative and Medicaid compliance problems with establishing a priority that is not based on need. Further drafting may be able to address these issues.

**Persons Testifying:** (In support) Representative Muri, prime sponsor; and Mark San Souci, Department of Defense, State Liaison Office.

(With concerns) Donna Patrick, Developmental Disabilities Administration.

(Opposed) Evelyn Perez, Developmental Disabilities Administration; and Sue Elliot, Arc of Washington State.

**Persons Signed In To Testify But Not Testifying:** None.