**5201-S2 AMH ELHS H2510.2 - NOT FOR FLOOR USE**

**2SSB 5201** - H COMM AMD

By Committee on Early Learning & Human Services

**ADOPTED 04/12/2017**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  The legislature recognizes the need for person-centered services that enable developmentally disabled clients to have greater access to their community regardless of the degree of each client's disability or level of acuity. The legislature further recognizes that employment is highly effective for many and should be encouraged and offered at the outset for individuals age twenty-one and older. However, for others with significant barriers to employment the state likewise recognizes the need for the availability of community access services to enhance employment discovery prospects, provide skills development, or provide community involvement and meaningful activities.

The legislature intends to maximize the benefits that clients receive through supported employment through accountability measures. These transparency measures will allow supported employment providers to demonstrate successes and provide data on client outcomes.

**Sec.**  RCW 71A.12.290 and 2012 c 49 s 1 are each amended to read as follows:

(1) Clients age twenty-one and older who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. Enrollment in an employment program begins at the time the client is authorized to receive employment.

(2)(a) Prior approval by the department shall not be required to effectuate the client's choice to transition from an employment program to community access services after verifying nine months of participation in employment-related services.

(b) The department shall permit clients to enroll in a community access program without first engaging in nine months of employment services when:

(i) Medical or behavioral health records document a condition or a combination of conditions that prevent the client from successfully participating in, engaging in, and completing nine consecutive months of supported employment services;

(ii) Employment services were not provided to the client within ninety days of referral; or

(iii) The department otherwise determines that the client should be provided an exception to engaging in nine months of employment services.

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. The department shall inform clients and their legal representatives of the ability to request an exception to the employment services participation requirement and describe the process for requesting such an exception to clients in writing. The department shall provide a written response to clients who have requested such an exception within sixty days. This written response from the department shall include a description of the reason or reasons why the request was granted or denied. Information provided to the client and the client's legal representative must include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand ((~~the existing community access program, including the consideration of options that allow for alternative service settings outside of the client's residence. The program should emphasize support for the clients so that they are able to participate in activities that integrate them into their community and support independent living and skills~~)) employment services and other community access services. Community access services shall emphasize supports and activities that increase community involvement, maintain or improve skills and independence, and meet the diversity of person-centered needs.

((~~(5) The department shall develop rules to allow for an exception to the requirement that a client participate in an employment program for nine months prior to transitioning to a community access program~~)) (a) Beginning July 1, 2019, the department shall allow clients age twenty-one and older who are assessed as high acuity clients to transition into the community access program after ninety days of enrollment in an employment program and subject to federal waiver approval. The department shall inform clients assessed as high acuity of the ability to transition into the community access program no later than ten days after enrollment in an employment program. For purposes of this section, "high acuity clients" means clients of the department who are receiving developmental disability services; require support in the community at all times to maintain his or her health and safety; experience significant barriers to employment or community participation; and require frequent supervision, training, or full physical assistance with community activities most of the time.

(b) The department shall permit clients assessed as high acuity clients to enroll in a community access program without first engaging in ninety days of employment services when:

(i) Medical or behavioral health records document a condition or a combination of conditions that prevent the client from successfully participating in, engaging in, and completing ninety consecutive days of supported employment services;

(ii) Employment services were not provided to the client within ninety days of referral; or

(iii) The department otherwise determines that the client should be provided an exception to engaging in ninety days of employment services.

NEW SECTION. **Sec.**  A new section is added to chapter 71A.12 RCW to read as follows:

(1) By December 1, 2017, the department shall adopt accountability and outcome measures to determine whether supported employment providers are achieving the employment goals of the clients that they serve. At a minimum, these accountability and outcome measures must include the following information provided annually:

(a) A description of the supported employment services provided;

(b) The number of service hours billed per client;

(c) The number of clients who obtained employment; and

(d) Of those clients who obtained employment:

(i) The number of service hours provided to the client;

(ii) The number of service hours involving direct interaction with the client while employment was being secured;

(iii) The number of hours per month clients were employed;

(iv) The amount of wages earned; and

(v) The occupation types secured by clients.

(2) By July 1, 2019, the department shall require that counties entering into new contracts for supported employment services or renewing supported employment contracts include provisions in their contracts that incorporate the accountability and outcome measures adopted by the department pursuant to this section and mechanisms for reporting data to support the accountability and outcome measures.

NEW SECTION. **Sec.**  A new section is added to chapter 71A.12 RCW to read as follows:

(1) By December 1, 2017, the department shall report to the appropriate committees of the legislature and the governor the accountability measures that were adopted for ensuring that supported employment providers achieve the employment goals of the clients that they serve pursuant to section 3 of this act.

(2) This section expires July 1, 2018.

NEW SECTION. **Sec.**  A new section is added to chapter 71A.12 RCW to read as follows:

(1) Within existing resources, the department shall consult with the office of the superintendent of public instruction to identify best practices within schools for offering transition services and employment-related services to individuals with developmental disabilities. By December 1, 2017, the department shall post the results of this consultation on its web site, as appropriate.

(2) This section expires July 1, 2018."

Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Requires that DSHS allow high acuity clients to transition to community access services after participating in employment services for 90 days beginning July 1, 2019, and subject to federal waiver approval.

(2) Requires DSHS to allow clients to request an exception to the requirement that individuals engage in nine months of employment services before transitioning into a community access program. DSHS must provide clients with information about this exception in writing and respond to exception requests within 60 days with a written description of the reason why the request was granted or denied.

(3) DSHS shall permit clients to enroll in a community access program without first engaging in nine months of employment services when: (a) Medical or behavioral health records document a condition or combination of conditions that prevent the individual from successfully participating, engaging, and completing nine consecutive months of supported employment services; (b) employment services were not received by the client within 90 days of being referred for those services; or (c) the DSHS otherwise determines that the client should be provided an exception.

(4) DSHS shall permit clients assessed as high acuity to enroll in a community access program without first engaging in ninety days of employment services when: (a) Medical or behavioral health records document a condition or combination of conditions that prevent the individual from successfully participating, engaging, and completing ninety consecutive days of supported employment services; (b) employment services were not received by the client within 90 days of being referred for those services; or (c) the DSHS otherwise determines that the client should be provided an exception.

(5) Requires DSHS to adopt accountability and outcome measures for supported employment services and provide a report to the Legislature and the Governor on these measures by December 1, 2017.

(6) Requires that DSHS ensure counties entering into new contracts for supported employment services or renewing supported employment contracts include provisions in their contracts that incorporate the accountability and outcome measures adopted by DSHS and mechanisms for reporting data to support the accountability and outcome measures by July 1, 2019.

(7) Requires that DSHS consult with OSPI to identify best practices within schools for offering transition services to individuals with developmental disabilities and post the results of this consultation on the DSHS web site, if appropriate.