
SUBSTITUTE SENATE BILL 6387

State of Washington

63rd Legislature

2014 Regular Session

By Senate Ways & Means (originally sponsored by Senators Hill, Hargrove, Ranker, Fain, Braun, Tom, Dammeier, Parlette, Becker, Schoesler, Hewitt, Bailey, King, Angel, Roach, Keiser, Litzow, Kohl-Welles, O'Ban, Conway, and Benton)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to reducing the number of individuals with
2 developmental disabilities who have requested a service but the
3 provision of a specific service would exceed program capacity; amending
4 RCW 71A.10.020 and 71A.16.050; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** In conjunction with recent findings from the
7 Washington state auditor's office, the legislature finds that there are
8 thousands of state citizens who have been determined eligible for
9 services through the department of social and health services'
10 developmental disability administration. For those who have asked for
11 help but are waiting for services, families may experience financial or
12 emotional hardships. The legislature intends to clarify and make
13 transparent the process for accessing publicly funded services for
14 individuals with developmental disabilities and their families. The
15 legislature intends to significantly reduce the number of eligible
16 individuals who are waiting for services by funding additional slots
17 and by implementing new programs that better utilize federal funding
18 partnerships.

1 **Sec. 2.** RCW 71A.10.020 and 2011 1st sp.s. c 30 s 3 are each
2 amended to read as follows:

3 As used in this title, the following terms have the meanings
4 indicated unless the context clearly requires otherwise.

5 (1) "Assessment" means an evaluation is provided by the department
6 to determine:

7 (a) If the individual meets functional and financial criteria for
8 medicaid services; and

9 (b) The individual's support needs for service determination.

10 (2) "Community residential support services," or "community support
11 services," and "in-home services" means one or more of the services
12 listed in RCW 71A.12.040.

13 (~~(+2)~~) (3) "Crisis stabilization services" means services provided
14 to persons with developmental disabilities who are experiencing
15 behaviors that jeopardize the safety and stability of their current
16 living situation. Crisis stabilization services include:

17 (a) Temporary intensive services and supports, typically not to
18 exceed sixty days, to prevent psychiatric hospitalization,
19 institutional placement, or other out-of-home placement; and

20 (b) Services designed to stabilize the person and strengthen their
21 current living situation so the person may continue to safely reside in
22 the community during and beyond the crisis period.

23 (~~(+3)~~) (4) "Department" means the department of social and health
24 services.

25 (~~(+4)~~) (5) "Developmental disability" means a disability
26 attributable to intellectual disability, cerebral palsy, epilepsy,
27 autism, or another neurological or other condition of an individual
28 found by the secretary to be closely related to an intellectual
29 disability or to require treatment similar to that required for
30 individuals with intellectual disabilities, which disability originates
31 before the individual attains age eighteen, which has continued or can
32 be expected to continue indefinitely, and which constitutes a
33 substantial limitation to the individual. By January 1, 1989, the
34 department shall promulgate rules which define neurological or other
35 conditions in a way that is not limited to intelligence quotient scores
36 as the sole determinant of these conditions, and notify the legislature
37 of this action.

1 ~~((+5))~~ (6) "Eligible person" means a person who has been found by
2 the secretary under RCW 71A.16.040 to be eligible for services.

3 ~~((+6))~~ (7) "Habilitative services" means those services provided
4 by program personnel to assist persons in acquiring and maintaining
5 life skills and to raise their levels of physical, mental, social, and
6 vocational functioning. Habilitative services include education,
7 training for employment, and therapy.

8 ~~((+7))~~ (8) "Legal representative" means a parent of a person who
9 is under eighteen years of age, a person's legal guardian, a person's
10 limited guardian when the subject matter is within the scope of the
11 limited guardianship, a person's attorney-at-law, a person's
12 attorney-in-fact, or any other person who is authorized by law to act
13 for another person.

14 ~~((+8))~~ (9) "Notice" or "notification" of an action of the
15 secretary means notice in compliance with RCW 71A.10.060.

16 ~~((+9))~~ (10) "Residential habilitation center" means a state-
17 operated facility for persons with developmental disabilities governed
18 by chapter 71A.20 RCW.

19 ~~((+10))~~ (11) "Respite services" means relief for families and
20 other caregivers of people with disabilities, typically not to exceed
21 ninety days, to include both in-home and out-of-home respite care on an
22 hourly and daily basis, including twenty-four hour care for several
23 consecutive days. Respite care workers provide supervision,
24 companionship, and personal care services temporarily replacing those
25 provided by the primary caregiver of the person with disabilities.
26 Respite care may include other services needed by the client, including
27 medical care which must be provided by a licensed health care
28 practitioner.

29 ~~((+11))~~ (12) "Secretary" means the secretary of social and health
30 services or the secretary's designee.

31 ~~((+12))~~ (13) "Service" or "services" means services provided by
32 state or local government to carry out this title.

33 ~~((+13))~~ (14) "State-operated living alternative" means programs
34 for community residential services which may include assistance with
35 activities of daily living, behavioral, habilitative, interpersonal,
36 protective, medical, nursing, and mobility supports to individuals who
37 have been assessed by the department as meeting state and federal
38 requirements for eligibility in home and community-based waiver

1 programs for individuals with developmental disabilities. State-
2 operated living alternatives are operated and staffed with state
3 employees.

4 ~~((+14))~~ (15) "Supported living" means community residential
5 services and housing which may include assistance with activities of
6 daily living, behavioral, habilitative, interpersonal, protective,
7 medical, nursing, and mobility supports provided to individuals with
8 disabilities who have been assessed by the department as meeting state
9 and federal requirements for eligibility in home and community-based
10 waiver programs for individuals with developmental disabilities.
11 Supported living services are provided under contracts with private
12 agencies or with individuals who are not state employees.

13 ~~((+15))~~ (16) "Vacancy" means an opening at a residential
14 habilitation center, which when filled, would not require the center to
15 exceed its biennially budgeted capacity.

16 (17) "Service request list" means a list of eligible persons who
17 have received an assessment for service determination and their
18 assessment shows that they meet the eligibility requirements for the
19 requested service but were denied access due to funding limits.

20 **Sec. 3.** RCW 71A.16.050 and 1988 c 176 s 405 are each amended to
21 read as follows:

22 The determination made under this chapter is only as to whether a
23 person is eligible for services. After the secretary has determined
24 under this chapter that a person is eligible for services, the
25 individual may request an assessment for eligibility for medicaid
26 programs and specific services administered by the developmental
27 disabilities administration. The secretary shall make a determination
28 as to what services are appropriate for the person. The secretary shall
29 prioritize services to medicaid eligible clients. Services may be made
30 available to nonmedicaid eligible clients based on available funding.
31 Services available through the state medicaid plan must be provided to
32 those individuals who meet the eligibility criteria. The department
33 shall establish and maintain a service request list database for
34 individuals who are found to be eligible and have an assessed and unmet
35 need for programs and services offered under a home and community-based
36 services waiver, but the provision of a specific service would exceed
37 the biennially budgeted capacity.

1 NEW SECTION. **Sec. 4.** The department of social and health services
2 shall develop and implement a medicaid program to replace the
3 individual and family services program for medicaid-eligible clients no
4 later than May 1, 2015. The new medicaid program must offer services
5 that closely resemble the services offered in fiscal year 2014 through
6 the individual and family services program. The department shall
7 expand the client caseload beginning June 1, 2015. By June 30, 2017,
8 the department shall increase the number of clients served in the new
9 medicaid program by four thousand additional individuals from the
10 numbers served in the 2014 individual and family support program. The
11 department is authorized in fiscal year 2015 to use general fund--state
12 dollars previously provided for the individual and family services
13 program to cover the costs of increasing the number of clients served
14 in the new medicaid program. To the extent possible, the department
15 shall use general fund--state savings from section 6 of this act to
16 offset costs for the increased client caseloads in fiscal years 2016,
17 2017, 2018, and 2019.

18 NEW SECTION. **Sec. 5.** The department of social and health services
19 shall expand the home and community-based services basic plus waiver
20 client caseload beginning June 30, 2015. By June 30, 2017, the
21 department of social and health services shall increase the number
22 served on the home and community-based services basic plus waiver
23 program by one thousand additional individuals from the numbers served
24 in fiscal year 2014. The department is authorized in fiscal year 2015
25 to use general fund--state dollars previously provided for the
26 individual and family services program to cover the costs of increasing
27 the number of clients served in the basic plus waiver program. To the
28 extent possible, the department shall use general fund--state savings
29 from section 6 of this act to offset costs for the increased client
30 caseloads in fiscal years 2016, 2017, 2018, and 2019.

31 NEW SECTION. **Sec. 6.** The department of social and health services
32 shall refinance medicaid personal care services under the community
33 first choice option. Beginning July 1, 2014, the department shall seek
34 stakeholder input on program and system design prior to the submission
35 of a proposal to the center for medicaid and medicare services. The
36 community first choice option shall be designed in such a way to meet

1 the federal minimum maintenance of effort requirements and all service
2 requirements as specified in federal rule. Without express legislative
3 authorization, the per capita cost of all services offered in the new
4 community first choice benefit design, to include required and optional
5 services, shall not exceed a three percent increase over the per capita
6 cost of the services provided to this population prior to the refinance
7 to the community first choice option. The community first choice
8 option must be fully implemented no later than August 30, 2015. In
9 fiscal year 2015, the department shall use general fund--state savings
10 from section 4 of this act to cover the fiscal year 2015 general fund--
11 state costs of this section. For the 2015-2017 biennium and the 2017-
12 2019 biennium, the department shall use general fund--state savings
13 from the refinance in this section to offset costs related to sections
14 4 and 5 of this act.

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