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## Early Learning & Human Services Committee

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### HB 1304

**Brief Description:** Concerning individuals receiving both employment and community access services.

**Sponsors:** Representatives Kilduff, Muri, Gregerson, Kagi, Jinkins, Santos, Young and Stambaugh.

#### Brief Summary of Bill

- Removes the requirement that clients of the Developmental Disability Administration (DDA) age 21 and older must enroll in employment services for nine months before receiving community access services.
- Removes the limitation that clients of the DDA may only receive one service at a time--either employment or community access services.
- Requires that clients of the DDA receive access to a schedule of at least 20 hours a week of participation in the community.

**Hearing Date:** 1/25/17

**Staff:** Luke Wickham (786-7146).

#### **Background:**

##### Developmental Disabilities Administration.

The Department of Social and Health Services' (DSHS) Developmental Disability Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preference, capabilities, and needs.

While some DDA clients live in Residential Habilitation Centers, an institutional setting, most clients live in the community.

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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 (HCBS) waivers are designed to allow clients who live in community settings to receive the same level of services that he or she would receive in an institutional setting. The DDA offers services under four Medicaid HCBS waivers. To be eligible for a HCBS waiver, the individual must:

- have a qualifying developmental disability;
- meet the intermediate care facility for individuals with an intellectual disability level of care;
- have a disability according to criteria established in the Social Security Act; meet financial eligibility criteria;
- choose to receive services in the community rather than in an intermediate care facility;
- have an Individual Support Plan showing how the individual's health, safety, and habilitation needs can be met in the community with a monthly waiver service;
- are not residing in a hospital, jail, prison, nursing facility, intermediate care facility, or other institution; and
- meet additional criteria for the Children's Intensive In-Home Behavioral Support Program.

The services provided to clients are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

#### Employment and Community Access Services.

Employment services provide ongoing support services and training for eligible persons in a variety of settings and work sites. These include individual supported employment, group supported employment, prevocational services, and pre-employment services.

Community access services assist individuals to participate in activities that promote individualized skill development, independent living, and community integration.

Since 2004 the DDA has had in place a policy that did not authorize services for clients age 21 through 61 if those services did not emphasize the pursuit or maintenance of employment in integrated settings. For an adult over age 21, but younger than age 62, no community access services were available unless the DSHS granted an exception to its policy.

In 2011 the DDA modified its policy to allow services that do not emphasize the pursuit or maintenance of employment in integrated settings when the client has demonstrated that he or she has pursued employment for at least nine months through the DDA without satisfaction.

In 2012 the Legislature enacted Substitute Senate Bill 6384, which:

- required that the DDA allow clients to transfer from employment services to community access services after nine months of enrollment;
- does not allow clients to enroll in both community access and employment services at one time; and
- required the DDA to establish rules for exceptions to the rule that clients enroll in employment services for nine months before transferring to community access services.

**Summary of Bill:**

Clients of the DDA aged 21 years and older are no longer required to enroll in employment services for at least nine months before receiving community access services.

Clients of the DDA must have access to both employment and community access services. The DDA clients must have access to a schedule of at least 20 hours a week of participation in the community.

The DDA must work with counties and stakeholders to strengthen and expand community access and employment services

**Appropriation:** None.

**Fiscal Note:** Available.

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