

SENATE BILL REPORT

SB 6381

As of January 31, 2018

Title: An act relating to ensuring access to community-based services for developmentally disabled citizens currently served by the developmental disabilities administration.

Brief Description: Ensuring access to community-based services for developmentally disabled citizens currently served by the developmental disabilities administration.

Sponsors: Senators Walsh, Conway, Hasegawa, Chase and Keiser.

Brief History:

Committee Activity: Human Services & Corrections: 1/30/18.

Brief Summary of Bill

- Requires the Developmental Disabilities Administration (DDA) to allow a client to transition to community inclusion services after up to nine months participation in employment services, which must include employment-related activities completed by the client during a special education transition period.
- Requires DDA to reimburse community inclusion service providers for all federally-allowed services and for services provided in community settings where another client receiving DDA services is present.
- Requires DDA to maintain access to federally-supported prevocational services and group supported employment services for as long as permitted by federal law.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: DDA is a subdivision of the Department of Social and Health Services. DDA administers programs designed to assist individuals with disabilities and their families to obtain services and support based on individual assessments, needs, and preferences, including residential services and home and community-based waiver services (HCBS). HCBS are Medicaid-supported services provided to eligible clients who prefer to get long-

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term care services and supports in their home and community, rather than in an institutional setting. HCBS services provided in Washington include employment services and community inclusion services.

Employment services are services which provide ongoing support services and training to eligible adults with developmental disabilities in a variety of settings and work sites. These services include supported employment, group supported employment, prevocational services, and pre-employment services. Settings in which employment services are delivered may be described as segregated, if the client works primarily with other persons receiving developmental disability services, or integrated, if the person works primarily with persons who are not receiving developmental disability services. Prevocational services typically occur in a segregated setting and are designed to prepare persons for employment in an integrated setting through training and skill development. Effective September 1, 2015, DDA stopped accepting new referrals for prevocational services. Clients who participate in prevocational services are not authorized to receive simultaneous employment support services or community inclusion services.

Community inclusion services, also known as community access services, are HCBS services which help adults with developmental disabilities participate in activities that promote individualized skill development, independent living, and community integration. Both employment services and community access services are provided through contracts with counties, which may in turn contract with service vendors. In Washington, a client must choose between enrollment in employment or community inclusion services. Enrollment in community inclusion services is not allowed unless the client first participates in nine months of employment services, unless the client requests and receives an exception from this rule from DDA.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): A client who is participating or has participated in employment services offered through the DDA must be offered the choice to transition to a community access program after up to nine months of enrollment in an employment program. Employment-related activities completed during the client's special education transition period must be counted towards this requirement, including but not limited to skill development, job coaching, mentorship, and other vocational or work-related educational programs or activities.

DDA must consider options for community inclusion program activities which include settings where another DDA client may be present. Community inclusion program activities must include support for activities that are based on client choices and person-centered planning.

DDA must issue an annual report to the Legislature due every December 1 which includes an analysis of the number of requests for exception to the requirement of participation in an employment program before transition to a community inclusion program that have been sought and granted in each county, and recommendations how to make the waiver process easier to navigate for clients and families in each county.

DDA must allow community-based services providers to bill for all federally-permitted community-based services which may be used by a DDA client in an integrated setting, or used with another DDA client in a community setting. DDA must allow a client to access community inclusion services in which another DDA client may be present and allow a community inclusion provider to bill for these services regardless of whether the service is provided in a fully integrated setting, if the client or their legal representative identify a lack of fully integrated community, inclusion service opportunities in their community or there are inadequate opportunities available to satisfy the client's employment goals.

DDA must maintain access in Washington to federally-supported prevocational and group supported employment services for as long as permitted by federal law.

Appropriation: None.

Fiscal Note: Requested on January 29, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: PRO: In a perfect world, everyone would get employment support in special education. This language may go too far in the direction of allowing non-integrated services. We do not want to encourage group segregated services. This bill takes steps to honor person-centered planning and individual service choice. It prevents DDA from over-interpreting federal law relating to service settings and choices. We do not want services to be eliminated without anything to replace them, leaving clients with the highest needs stuck at home without anything to support them, while only the highest functioning clients get service. My daughter with special needs graduated to a job, but her friends were not so lucky. If you have to stay home as a single parent to take care of your child with developmental disabilities, you are stuck in a life of poverty. DDA can overregulate people's lives. Phasing out sheltered workshops results in a reduction of hours for clients who want to be active in the community.

OTHER: The nine months requirement to try employment first is essential to help people imagine what employment means for them, and to give believing in themselves a chance. Providing services in groups would not allow for the breakthrough experiences I have seen others experience.

Persons Testifying: PRO: Loren Freeman, Freeman & Associates; Diana Stadden, The Arc Of Washington; Alan Gill, citizen; Donna Tracy, citizen; Cheryl Monk, Self Advocate in Leadership.

OTHER: Alicia McCoy, Employment Specialist, Work Opportunities.

Persons Signed In To Testify But Not Testifying: No one.