

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5117

61st Legislature
2009 Regular Session

Passed by the Senate March 3, 2009
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 13, 2009
YEAS 98 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5117** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5117

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Hargrove, Kauffman, Stevens, Kline, and Marr; by request of Department of Social and Health Services)

READ FIRST TIME 02/04/09.

1 AN ACT Relating to intensive behavior support services for children
2 with developmental disabilities; and adding a new chapter to Title 71A
3 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the number
6 of children who have developmental disabilities along with intense
7 behaviors is increasing, and more families are seeking out-of-home
8 placement for their children.

9 The legislature intends to create services and to develop supports
10 for these children, family members, and others involved in the
11 children's lives to avoid disruption to families and eliminate the need
12 for out-of-home placement.

13 The legislature directs the department to maintain a federal waiver
14 through which services may be provided to allow children with
15 developmental disabilities and intense behaviors to maintain permanent
16 and stable familial relationships. The legislature intends for these
17 services to be locally based and offered as early as possible to avoid
18 family disruption and out-of-home placement.

1 NEW SECTION. **Sec. 2.** (1) To the extent funding is appropriated
2 for this purpose, intensive behavior support services may be provided
3 by the department, directly or by contract, to children who have
4 developmental disabilities and intense behaviors and to their families.

5 (2) The department shall be the lead administrative agency for
6 children's intensive behavior support services and shall:

7 (a) Collaborate with appropriate parties to develop and implement
8 the intensive in-home support services program within the division of
9 developmental disabilities;

10 (b) Use best practices and evidence-based practices;

11 (c) Provide coordination and planning for the implementation and
12 expansion of intensive in-home services;

13 (d) Contract for the provision of intensive in-home and planned
14 out-of-home services;

15 (e) Monitor and evaluate services to determine whether the program
16 meets standards identified in the service contracts;

17 (f) Collect data regarding the number of families served, and costs
18 and outcomes of the program;

19 (g) Adopt appropriate rules to implement the program;

20 (h) License out-of-home respite placements on a timely basis; and

21 (i) Maintain an appropriate staff-to-client ratio.

22 (3) A child may receive intensive behavior support services when
23 the department has determined that:

24 (a) The child is under the age of twenty-one;

25 (b) The child has a developmental disability and has been
26 determined eligible for these services;

27 (c) The child/family acuity scores are high enough in the
28 assessment conducted by the division of developmental disabilities to
29 indicate the child's behavior puts the child or family at significant
30 risk or is very likely to require an out-of-home placement;

31 (d) The child meets eligibility for the home and community-based
32 care waiver;

33 (e) The child resides in his or her family home or is temporarily
34 in an out-of-home placement with a plan to return home;

35 (f) The family agrees to participate in the program and complete
36 the care and support steps outlined in the completed individual support
37 plan; and

1 (g) The family is not subject to an unresolved child protective
2 services referral.

3 NEW SECTION. **Sec. 3.** (1) Intensive behavior support services
4 under the program authorized in section 2 of this act shall be provided
5 through a core team of highly trained individuals, either directly or
6 by contract.

7 (2) The intensive behavior support services shall be designed to
8 enhance the child's and parent's skills to manage behaviors, increase
9 family and personal self-sufficiency, improve functioning of the
10 family, reduce stress on children and families, and assist the family
11 to locate and use other community services.

12 (3) The core team shall have the following characteristics and
13 responsibilities:

14 (a) Expertise in behavior management, therapies, and children's
15 crisis intervention, or the ability to access such specialized
16 expertise;

17 (b) Ability to coordinate the array of services and supports needed
18 to stabilize the family;

19 (c) Ability to conduct transition planning as an individual and the
20 individual's family leave the program; and

21 (d) Ability to authorize and coordinate the services in the
22 family's home and other environments, such as schools and
23 neighborhoods.

24 (4) The following types of services constitute intensive behavior
25 support services:

26 (a) Behavior management and consultation;

27 (b) Environmental adaptations;

28 (c) Motor vehicle adaptations;

29 (d) Therapy equipment and supplies;

30 (e) Personal care;

31 (f) Specialized diet goods and services;

32 (g) In-home respite and planned out-of-home respite;

33 (h) Intensive training to intervene effectively with the child for
34 families and other individuals and partners working with the child in
35 all domains, including the school and individualized education plan
36 team; and

37 (i) Coordination and planning.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
2 a new chapter in Title 71A RCW.

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