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**SENATE BILL 5790**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Darneille, Roach, Conway, Hasegawa, Miloscia, O'Ban, Jayapal, Rolfes, McAuliffe, and Dammeier

AN ACT Relating to service options for individuals with developmental disabilities; amending RCW 71A.12.290; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature intends to assure that individuals with developmental disabilities and their families have flexibility and choice in employment and community access options.

**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) 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.

(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. 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.

(5) The department shall pilot a program that allows clients to be able to choose either a qualified home care agency subject to RCW 74.39A.325 and 74.39A.326 or individual provider to provide community access services. This pilot must include at least two different pilot sites that do not currently allow individual providers to provide community access services, with one rural pilot site and one urban pilot site. The department shall provide a report to the appropriate committees of the legislature by December 31, 2016, with detailed information regarding implementation of these pilots. At a minimum, this report must include the number of individual home care agency and individual providers who provided this service in the pilot sites, the number of clients in the pilot sites accessing community access services through individual providers, and a discussion of any issues that would need to be addressed before statewide implementation of these options.

(6) 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.

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