

HOUSE BILL REPORT

HB 2787

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to creation of the select committee on supported employment services for individuals with developmental disabilities.

Brief Description: Concerning creation of the select committee on supported employment services for individuals with developmental disabilities.

Sponsors: Representatives Caldier, Kilduff, Dent, Senn, Frame, Doglio, McDonald, Pollet and Santos.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/31/18, 2/2/18 [DPS].

Brief Summary of Substitute Bill

- Establishes a select committee on supported employment services for individuals with developmental disabilities.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Klippert, Lovick, Muri and Ortiz-Self.

Staff: Dawn Eychaner (786-7135).

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 preferences, capabilities, and needs.

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.

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 preemployment services. Community access services assist individuals to participate in activities that promote individualized skill development, independent living, and community integration. Supported employment services and community access services must be provided by a county, or an agency or an individual contracted with a county or the DDA.

The DDA must allow clients to transfer from employment services to community access services after nine months of enrollment. The DDA may make exceptions to the nine-month requirement if a client's medical or behavioral health records document a condition that prevents the client from completing nine consecutive months of DDA-supported employment services; or the client was referred to and was available for DDA-supported employment services, but the service was not delivered within 90 days of the referral.

A client may not be enrolled in both community access and employment services at the same time.

Summary of Substitute Bill:

A select committee on supported employment services for individuals with developmental disabilities is established. The committee consists of eight legislators, three family members of persons with developmental disabilities of varying acuity levels, a representative of the Office of the Governor (GOV), the Assistant Secretary of the DDA, three developmental disability self-advocates, and a representative from the Washington Association of County Officials.

The committee must be co-chaired by the representative of the GOV and a legislative member elected by the committee.

The committee must meet at least three times between July and October 2018 and produce a report by December 1, 2018, that includes a descriptive review of:

- group and individual supported employment programs and services;
- the availability of community access services; and
- how individuals navigate entry into community access services.

The report must include any suggested policy, administrative code, or statute changes that would allow for better outcomes for recipients of supported employment or community access services.

The bill expires on December 30, 2018.

Substitute Bill Compared to Original Bill:

The substitute bill modifies the committee membership. The number of family members of persons with developmental disabilities is reduced from four to three and the number of developmental disability self-advocates is increased from one to three.

Appropriation: None.

Fiscal Note: Requested on January 29, 2018.

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

Staff Summary of Public Testimony:

(In support) Parents have been expressing concerns with current supported employment services. This is a complex system, and there is a need for legislators to sit at the table with family members to discuss what is best for individuals. The cost of providing employment services is sometimes more than \$100 per hour, and the individual is only earning \$11 per hour. There are many bills surrounding the working age adult policy in our state. The nine-month employment first policy does not align with Centers for Medicare & Medicaid Services (CMS) requirements for person-centered planning and is not an equitable policy. This will allow that policy to be examined more closely and differs from the Joint Legislative Audit Review Committee (JLARC) study because families will be involved. The current work requirement is imposed equally on those with mild disabilities and those with profound disabilities. The DSHS data is skewed because the DSHS tracks those in supported employment only and does not include individuals who have opted out. People who are the most affected are left out of the discussions which are dominated by a few parties. The committee should consider "community inclusion" as well. The CMS defines community inclusion services as therapeutic and complementary, and most states incorporate these. Our overemphasis on employment has created an imbalance and vacuum in support. Adding a vocational rehabilitation expert to the committee will bring a science-based approach to the discussion. Employers do not understand that people with disabilities are taxpayers and do not just sit around.

(Opposed) None.

(Other) For many people, employment is a huge part of being supported and accepted by their community. The committee only includes one self-advocate. One person with a disability cannot communicate the experiences of others. Adding two or three additional self-advocates will bring parity to the committee. The committee should have a broader scope of work and include individuals with comparatively mild disorders who are not currently receiving DDA services. Many people on the autism spectrum or with other types of intellectual disabilities do not qualify for DDA services but still do not have jobs or have trouble meeting job qualifications. This group is being left behind in the workforce. The employment first policy ensures people with disabilities are encouraged to work. Kids with disabilities graduate from high school with no or limited options, and there is not enough money in the adult system to give people what they need and want. Another study will not

solve this problem because it is a resource issue. There is a large caseload of people eligible to receive services who are not being adequately served. It would be controversial for other marginalized groups to have just one representative of all people across the state, and including more family members and self-advocates would help address this. Another work group is not needed and will be duplicative of the work being done by the JLARC. If the two groups come to two different conclusions, parents will not have answers. Person-centered planning with employment first and community inclusion would be great.

Persons Testifying: (In support) Representative Caldier, prime sponsor; Kelly Nesbitt; Linda Hyatt; and Robert Wardell.

(Other) Zack Siddeek and Fred Kellogg, The Square Pegs Adult Autistic Meetup Group; Ivanova Smith and Shaun Bickley, Self Advocates in Leadership; Donna Patrick, Washington State Developmental Disabilities Council; and Rebecca Bisbee.

Persons Signed In To Testify But Not Testifying: None.