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## Early Learning & Human Services Committee

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### 2SSB 5201

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

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Darneille and Zeiger).

#### Brief Summary of Second Substitute Bill

- Removes the requirement that clients of the Developmental Disability Administration participate in nine months of employment services before transitioning to community access services.

**Hearing Date:** 3/21/17

**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 preferences, capabilities, and needs.

While some DDA clients live in residential habilitation centers, an institutional setting, most clients live in the community.

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.

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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;
- not be 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 preemployment 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 aged 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 legislation was enacted that:

- 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 that the DDA 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:**

The requirement that clients of the DDA participate in nine months of employment services before becoming eligible for community access services is eliminated. Clients of the DDA age 21 and older have the option to select employment services or community access services at the

outset or at any point during the discovery process. The DDA clients may opt in and out of either service at an time.

The DDA must strengthen and expand community access and employment services. Services must be based on the client's person-centered plan and appropriate for the needs of the individual. Community access services should emphasize supports and activities that increase community involvement, maintain or improve skills and independence, and meet the diversity of person-centered needs.

Person-centered plan is defined to mean the individual support plan conducted and formulated for each client of the DDA before receiving services. Clients must have the ability to revise the person-centered plan if it does not align with his or her individual needs.

**Appropriation:** None.

**Fiscal Note:** Available.

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