

HOUSE BILL REPORT

SHB 1980

As Passed Legislature

Title: An act relating to removing the prohibition on providing employment services and community access services concurrently.

Brief Description: Removing the prohibition on providing employment services and community access services concurrently.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Taylor, Caldier, Davis, Frame, Leavitt, Lekanoff, Ryu, Santos, Simmons, Ramel, Robertson, Bronoske, Paul, Peterson, Fitzgibbon, Goodman, Wicks, Johnson, J., Valdez, Bateman, Macri and Chopp).

Brief History:

Committee Activity:

Housing, Human Services & Veterans: 1/20/22, 1/28/22 [DP];
Appropriations: 2/4/22, 2/5/22 [DPS].

Floor Activity:

Passed House: 2/14/22, 97-0.
Passed Senate: 3/3/22, 46-0.
Passed Legislature.

Brief Summary of Substitute Bill

- Removes the prohibition on a client of the Developmental Disabilities Administration participating in Employment services and Community Access services concurrently.

HOUSE COMMITTEE ON HOUSING, HUMAN SERVICES & VETERANS

Majority Report: Do pass. Signed by 8 members: Representatives Peterson, Chair; Taylor, Vice Chair; Caldier, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Bateman, Chopp, Donaghy and Leavitt.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Lena Langer (786-7192).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Mary Mulholland (786-7391).

Background:

The Department of Social and Health Services' (DSHS) Developmental Disabilities 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.

The DDA provides individuals with a variety of services, which are contracted with counties, including Employment services, also known as "Supported Employment," and Community Access services, also known as "Community Inclusion." Employment services provide ongoing support services and training for eligible persons with paid jobs in a variety of settings and work sites. The DDA offers two services under Supported Employment: Individual Employment and Group Supported Employment. Community Inclusion services are offered after nine months of Supported Employment.

Individual Supported Employment services are a part of an individual's pathway to employment and are tailored to individual needs, interests, and abilities, and promote career development. These are individualized services necessary to help persons with developmental disabilities obtain and continue integrated employment at or above the state's minimum wage in the general workforce. These services may include intake, discovery, assessment, job preparation, job marketing, job supports, record keeping and support to maintain a job.

Group Supported Employment services are also a part of an individual's pathway to integrated jobs in typical community employment. These services are intended to be short term and offer ongoing supervised employment for groups of no more than eight workers with disabilities in the same setting. The service outcome is sustained paid employment leading to further career development in integrated employment at or above minimum

wage. Examples include enclaves, mobile crews, and other business models employing small groups of workers with disabilities in integrated employment in community settings.

Community Inclusion services are individualized services provided in typical integrated community settings. Services will promote individualized skill development, independent living and community integration for persons to learn how to actively and independently engage in their local community. These services may be authorized for individuals age 62 and older. These services may be authorized instead of Employment Support (Individual Employment or Group Supported Employment) for working age individuals who have received nine months of Employment Support.

In 2011, the Legislature revised its Work First policy to allow DDA clients to choose Community Inclusion, also known as Community Access, if they are not satisfied with Employment services after nine months in an employment program. In 2012, the Legislature passed legislation to support employment as the first choice for adults of working age; to incorporate the right to transition to a Community Inclusion, also known as Access, program after nine months in an Employment Service; and to receive only one service option at a time: Employment or Community Inclusion, also known as Access.

Summary of Substitute Bill:

The prohibition on a DDA client participating in Employment services, also known as "Supported Employment", and "Community Access", also known as "Community Inclusion" services concurrently is removed.

The bill is null and void if not funded in the omnibus appropriations act by June 30, 2022.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Housing, Human Services & Veterans):

(In support) Many self advocates have been frustrated by having to choose between employment or community access, otherwise known as inclusion activities. How the Legislature votes on this bill says a lot about society and who is centered. It is important that people have the ability to work as well as engage in the community; people should not have to choose between work or going to the bank, getting on the bus, or other activities that they need help with in the community. People eligible for these services want to have both employment and community supports. Clients of the DDA look forward to being in the community and deserve to live full and meaningful lives. Dual services are a step in the

right direction to provide people with supports that help keep people in their homes and enable their families to work. Other states offer more hours per week of day services. Washington state almost forces people into expensive out of home care. The state must decide who they serve, contractors or people with developmental disabilities.

The DDA assessment should distinctly capture both employment and community inclusion needs of individuals and provide additional funding for authorized hours. Washington is first in the nation for employment outcomes for people with developmental disabilities. Ensuring that there is enough funding to offer both services concurrently is the biggest concern. The fiscal note needs to reflect these two distinct pools of funding. There is also concern about capacity and whether there are enough providers available.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) Counties support concurrent services. More support for DDA clients is a good thing. It is important to sufficiently fund Employment and Community Inclusion services. Provider capacity and availability are a concern, especially in rural counties. Washington is an employment-first state, and that will not be taken away. It is recommended that the Legislature provide separate and distinct funding for Employment and Community Inclusion services.

(Opposed) None.

Persons Testifying (Housing, Human Services & Veterans): Representative Jamila Taylor, prime sponsor; Nikki Wegner, Chinook Enterprises; Juliana Roe, Washington State Association of Counties; Rebecca Bisbee; David Wilder; Moses Perez, Open Doors for Multicultural Families; Ivanova Smith, AtWork!; Michelle Williams; Sydney Krebsbach; Anthony Nash; Darci Ladwig; Tracie Hoppis; Wesley Shockey; Linda Hyatt; and Kyle Matheson.

Persons Testifying (Appropriations): Juliana Roe, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying (Housing, Human Services & Veterans): Carolina Landa; and Jo Simms.

Persons Signed In To Testify But Not Testifying (Appropriations): None.