

SENATE BILL REPORT

SB 6267

As of January 29, 2024

Title: An act relating to authorizing payment for parental caregivers of minor children with developmental disabilities.

Brief Description: Authorizing payment for parental caregivers of minor children with developmental disabilities.

Sponsors: Senators Randall, Braun, Conway, Fortunato, Gildon, Hasegawa, Kuderer, Lovelett, Lovick, McCune, Nobles, Saldaña, Stanford, Valdez and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/30/24.

Brief Summary of Bill

- Directs the Department of Social and Health Services Developmental Disabilities Administration (DDA) to submit a request to the Centers for Medicare and Medicaid Services (CMS) by October 1, 2024, for amendments to the Community First Choice Program and applicable DDA home and community-based waivers that would allow natural, adoptive, and stepparents who provide personal care services to their minor children with developmental disabilities to receive payment for providing those services.
- Directs DDA to submit a Section 1115 demonstration waiver to CMS, if the initial amendment is not accepted and cannot be cured, that would allow natural, adoptive, and stepparents who provide personal care services to their minor children with developmental disabilities to receive payment for providing those services.

SENATE COMMITTEE ON HUMAN SERVICES

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.

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Background: Personal Care Services for Persons with Developmental Disabilities. 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. Clients of DDA may receive services through the Community First Choice program under the Medicaid State Plan or through one of five DDA home and community-based services waivers. In general, DDA clients who receive personal care services receive those services under the Community First Choice program. Personal care services provide assistance with everyday tasks like bathing, dressing, and managing medication.

Medicaid payments are generally not authorized for personal care services provided by legally responsible individuals, such as spouses or parents of minor children. However, states may seek a waiver to allow legally responsible persons to receive payment for the provision of extraordinary care. Extraordinary care is described by the Centers for Medicare and Medicaid Services (CMS) as care exceeding the range of activities that a legally responsible individual would ordinarily perform in the household on behalf of a person of the same age without a disability or chronic illness, and which are necessary to assure the person's health and welfare and avoid their institutionalization.

Federal Demonstration Waivers. Under section 1115 of the Social Security Act, the Secretary of Health and Human Services has authority to grant waivers from certain Medicaid requirements to allow states to demonstrate innovative approaches in their Medicaid programs. The purpose of section 1115 demonstration projects is to demonstrate and evaluate policy approaches such as expanding eligibility, providing services not typically covered, and using innovative service delivery systems.

Summary of Bill: By October 1, 2024, DDA shall submit a request to CMS for amendments to the Community First Choice Program and to applicable DDA home and community-based services waivers that would allow natural, adoptive, and stepparents who provide personal care services to their minor children with developmental disabilities to receive payment for providing those services to the greatest extent allowed under federal law.

If the amendment is not accepted and cannot be cured, within 30 days of receiving notice of the denial, DDA is to apply to CMS for a Section 1115 demonstration waiver that would allow natural, adoptive, and stepparents who provide personal care services to their minor children with developmental disabilities to receive payment for providing those services to the greatest extent allowed under federal law.

DSHS is to start payments immediately upon receiving approval from CMS.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.