

# HOUSE BILL REPORT

## 2SSB 5467

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### As Passed House - Amended:

April 5, 2007

**Title:** An act relating to creating the individual and family services program for people with developmental disabilities.

**Brief Description:** Creating the individual and family services program for people with developmental disabilities.

**Sponsors:** By Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach).

### Brief History:

#### Committee Activity:

Human Services: 3/22/07, 3/26/07 [DPA];

Appropriations: 3/29/07 [DPA(HS)].

#### Floor Activity:

Passed House - Amended: 4/5/07, 97-0.

### Brief Summary of Second Substitute Bill (As Amended by House)

- Creates the Individual and Family Services Program for individuals with developmental disabilities.

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## HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

**Staff:** Sonja Hallum (786-7092).

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## HOUSE COMMITTEE ON APPROPRIATIONS

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*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.*

**Majority Report:** Do pass as amended by Committee on Human Services. Signed by 32 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist and Walsh.

**Staff:** Elisabeth Donner (786-7137).

**Background:**

The Division of Developmental Disabilities (DDD) provides support and services for children and adults with developmental disabilities. Approximately 35,700 people are currently enrolled with the DDD. Within the DDD, the Family Support (FS) Program provides assistance to families who have a family member with a developmental disability living at home. The FS Program currently administers multiple, separate programs to families receiving support. Multiple programs provide different levels of support for people with similar needs. The following are the current family support programs offered through the DDD, all of which are state-funded programs:

Traditional Family Support (TFS): This is the original program offering family support services. This program was designed to reduce or eliminate the need for out-of-home residential placements of individuals with developmental disabilities when it is the best interest of the person to continue living with his or her family.

Family Support Opportunity (FSO): The FSO began in June 1996 in an effort to provide more resources to a greater number of families than TFS. It provides a standard amount of money to families that can be spent on a variety of services. Additional support may be available to families if they require extraordinary support by applying to the Serious Need Program.

Emergency Services: Emergency Services funding is designed to respond to a single incident, situation, or short-term crisis such as caregiver hospitalization, absence, or incapacity. Funds are provided for a limited period not to exceed two months.

Family Support Pilot: The pilot program was created by budget proviso for fiscal years 2006 and 2007. The intent of the pilot is to provide resources to families not being served by other DDD-funded sources.

Community Service Grants: The FS Program offers short- or long-term grants for communities or organizations to provide support and services for families. The resources are earmarked to sustain information and education activities such as sending out informational materials, fostering community programs to reach out to people with disabilities, lending equipment, and connecting families to other families who have children with similar disabilities.

Services provided through these FS Programs can include respite care, training and support, specialized equipment, behavior management, some nursing services, parent/family counseling, specialized utility costs, and other services depending on the program.

In 2005, a budget proviso required the Department of Social and Health Services (Department) to provide recommendations to the Legislature on strategies for integrating state-funded family support programs into a single program.

The Department convened the Family Support Workgroup which included a stakeholder group to provide input into the restructuring of the FS Program. In November 2006, the Department issued the State-Funded Family Support Programs Report which contained numerous recommendations. Among the recommendations was the recommendation to consolidate the TFS, FSO, and the pilot program into one Family Support Program. The report also contained the recommendation that income continue to be used as an eligibility criterion and to base award determination upon need as determined by an assessment.

The stakeholders involved in the Family Support Workgroup submitted an addendum to the Department report that included issue areas in which the stakeholders and Department did not agree. An area of disagreement included whether to include income as an eligibility criteria for services. The stakeholder report recommended that the family support services be based on a family's documented need, as determined by the assessment tool, without regard to income.

### **Summary of Amended Bill:**

The bill is to be known as the Lance Morehouse, Jr. Individual and Family Services Act (Act) and it creates the Individual and Family Services Program (Program). The Program replaces Family Support Opportunities, Traditional Family Support, and the Flexible Family Support Pilot Program. The Department is required to adopt rules for the Program including the following:

Eligibility: Eligibility to receive services is to be determined based solely on an assessment of individual need.

Service Priority: Service priority levels are to be established by the Department that specify a maximum amount of dollars for each person per level per year.

Adjustments to Service Caps: The dollar caps at each service priority must be adjusted by the vendor rate increases authorized by the Legislature.

Allowable Services: Services available under the program include:

- respite care;
- therapies;
- architectural and vehicular modifications;
- equipment and supplies;
- specialized nutrition and clothing;
- excess medical costs not covered by another source;

- copays for medical and therapeutic services;
- transportation;
- training;
- counseling;
- behavior management;
- parent/sibling education;
- recreational opportunities; and
- community services grants.

Funding for one-time exceptional needs and emergencies is also available for individuals and families not receiving the annual grants. Respite care is available to a parent who provides personal care in the home to his or her adult son or daughter with developmental disabilities.

If a person has more complex needs, the family is experiencing a prolonged crisis, or a person needs additional services, the Department must assess the individual to determine if placement in a waiver program would be appropriate.

No entitlement or judicial authority to order services is created by the Act.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:** (Human Services)

(In support on original bill) The bill combines three disparate programs into one program, puts it into statute rather than budget proviso, and sets out language for standards. For every family who cares for a child at home, it is one person the state doesn't have to care for. It doesn't make sense to put the care onto the parent but not give them support. There are 10,000 people on the waiting list and 5,000 people who are receiving no services at all. The income threshold was intended to stretch the program a little farther. The income is based on taxable income at a level that a family of four with an income of \$100,000 would qualify for services. Verifying income based on tax returns is not a burdensome process.

(In support with amendments on original bill) Many families are overwhelmed and struggle to get support. There are many high costs that are not paid by insurance. Many new treatments can't be written off tax returns. Middle income families are struggling. They earn too much to qualify for state services, but don't earn enough to benefit from writing off costs. The costs to care for a child can be enormous, including as much as \$30,000 per year for treatments. We lost our home and had to declare bankruptcy because of the costs. Parents just need a little help. Services should be based on need. There may be families with low income but many family supports, as compared to a family with more income but very little family support. Parents of children in an institution don't have an income requirement and now there are 17

more children at Fircrest. We are unable to find any articles linking income to a parent's ability to care for a child.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations)

(In support) We need the bill to have good policy to distribute funding to the families. Sixty-seven percent of individuals with disabilities live with their families. We like how it was amended and request that it pass out of committee.

(Opposed) None.

**Persons Testifying:** (Human Services) (In support on original bill) Senator Keiser, prime sponsor; and Kathy Leitch, Department of Social and Health Services, Aging and Disability Services Administration.

(In support with amendments on original bill) Diana Stadden, Pierce County Coalition for Development Disabilities; Carolee Densley; Sue Elliott, Arc of Washington; Ed Holen, Developmental Disabilities Council; and Margaret-Lee Thompson, King County Parent Coalition for Developmental Disabilities and Arc of King County.

**Persons Testifying:** (Appropriations) (In support) Margaret Lee Thompson, The ARC of King County and King County Parent Coalition; and Ed Holen, Developmental Disabilities Council.

**Persons Signed In To Testify But Not Testifying:** (Human Services) None.

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