

# HOUSE BILL REPORT

## HB 2863

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**As Reported by House Committee On:**  
Human Services

**Title:** An act relating to intensive behavior support services for children with developmental disabilities.

**Brief Description:** Providing for intensive behavior support services for children with developmental disabilities.

**Sponsors:** Representatives Kagi, Walsh, Dickerson, Pettigrew, Haler, Roberts, Priest, Anderson, Jarrett, Darneille, Liias, Clibborn, Morrell, Simpson, Lantz, Goodman, Hurst, Conway, Kenney, Ormsby and Wood.

**Brief History:**

**Committee Activity:**

Human Services: 1/24/08, 1/29/08 [DPS].

**Brief Summary of Substitute Bill**

- Creates a program to provide services for children with developmental disabilities who exhibit intense behaviors.

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### HOUSE COMMITTEE ON HUMAN SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, McCoy and O'Brien.

**Minority Report:** Do not pass. Signed by 1 member: Representative Bailey.

**Staff:** Linda Merelle (786-7092).

**Background:**

Under the Department of Social and Human Services (Department), the Division of Developmental Disabilities (DDD) offers several programs and services for children with developmental disabilities and their families. As an example, the Individual and Family

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Services Program supports families while they are caring for a family member with a developmental disability in their home. The program provides families with some of the support services necessary to keep eligible children at home with parents or relatives, including respite care, therapies, home and auto modifications, specialized nutrition and clothing, transportation, training, behavior management, education, and recreational opportunities. Residential services are insufficient for children with the most extreme behaviors. Families, who no longer have the ability to care for children with developmental disabilities and such behavior, increasingly seek to place such children in a facility outside of the home.

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### **Summary of Substitute Bill:**

The bill directs the Department to: (1) submit a federal waiver application through which services can be provided to a child with a developmental disability and intensive behaviors and (2) to implement a program for such services upon receipt of the waiver. The program would be developed through collaboration with appropriate stakeholders, and it would utilize best practices and evidence-based practices. Under this program, the Department would provide services either directly or by contract.

The eligibility criteria for such services would be: (1) the child is under the age of 21; (2) the child has a developmental disability and been determined eligible for services; (3) the child/family score on the behavior assessment conducted by the Department is high enough to indicate that the child's behavior puts the child or family at significant risk and/or is very likely to require an out-of-home placement; (4) the child meets the eligibility requirements for home and community-care waiver or waivers; (5) the child resides in the family home or is temporarily in an out-of-home placement with a plan to return home; (6) the family demonstrates a willingness to learn the skills necessary to participate in the services; and (7) the family is not subject to a pending child protective services referral.

The bill requires that the services be provided through a core team of highly-trained individuals either directly or by contract, which has the following characteristics: (1) expertise or access to expertise in behavior management, therapies, and children's crisis intervention; (2) ability to coordinate services and support needed to stabilize the family; (3) ability to conduct transition planning as the child and family leave the program; and (4) ability to authorize or coordinate the services in the family's home or school or neighborhood.

### **Substitute Bill Compared to Original Bill:**

The substitute bill increases the age of eligibility for services from 17 to 20. The substitute bill clarifies that the out-of-home placements are respite placements and it gives the Department more flexibility in determining the caseload-to-client ratio. Rather than a fixed ratio of one staff per 30 clients, an appropriate ratio would be determined by the Department.

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**Appropriation:** The sum of \$2.8 million for the Fiscal Year ending June 30, 2009, from the State General Fund to the Department of Social and Health Services.

**Fiscal Note:** Available. New fiscal note on the substitute bill requested on January 30, 2008.

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

**Staff Summary of Public Testimony:**

(In support) This bill is in response to a critical need that has come to light in the last year. There is a significant increase of community placement and institutional placement of children with very severe behavior. Parents are reaching a point where they are unable to keep their children. This bill represents a holistic approach. The legislation is preventative in nature. It is a huge transitional change to take children out of the home. They don't belong in institutions. This bill will help those "headed toward a cliff" as well as those "falling off the cliff." Cases of extreme behavior exceed the current amount available for services.

(In support with amendment) These situations are very difficult and families need expert advice; this tool is missing in Washington. The Governor acknowledges the need for these kinds of services but did not fund them in the budget at the level that is funded in the bill.

(Opposed) None.

**Persons Testifying:** (In support) Representative Kagi, prime sponsor; Ed Holen and Stan Fukui, Developmental Disabilities Council; and Diana Stadden, Arc of Washington.

(In support with amendment) Kathy Leitch, Department of Social and Health Services, Aging and Disabled Services Administration.

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