

HOUSE BILL REPORT

SSB 5117

As Passed House:

April 13, 2009

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

Brief Description: Establishing intensive behavior support services.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Hargrove, Kauffman, Stevens, Kline and Marr; by request of Department of Social and Health Services).

Brief History:

Committee Activity:

Human Services: 3/16/09, 3/19/09 [DP];

Health & Human Services Appropriations: 4/1/09, 4/3/09 [DP].

Floor Activity

Passed House: 4/13/09, 98-0.

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green, Klippert, Morrell, O'Brien and Walsh.

Staff: Linda Merelle (786-7092)

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking

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Minority Member; Appleton, Cody, Dickerson, Ericksen, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Staff: Trista Zugel (786-7157)

Background:

The Division of Developmental Disabilities (DDD) offers several programs and services for children with developmental disabilities and their families. One example is the state-funded Individual and Family Services Program which supports families while they are caring for a family member with a developmental disability in their home. This 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 motor vehicle modifications;
- specialized nutrition and clothing;
- transportation;
- training;
- behavior management;
- education; and
- recreational opportunities.

Residential services under the available programs are insufficient for children with the most extreme behaviors. Families who no longer have the ability to care for children with developmental disabilities and extreme behavior increasingly seek to place such children in a facility outside of the home.

Waiver.

The 2008 Legislature authorized a new waiver to be administered by the DDD, directing the Department of Social and Health Services (DSHS) to submit a waiver application and to implement a program for services. This authorization was made in the form of a budget proviso, rather than a bill.

Under the federal Medicaid statute, Title XIX, a person with a developmental disability has an entitlement to be placed in a Residential Habilitation Center (RHC). A person with a developmental disability, or their representative, may waive the right to be placed in an RHC and choose to receive services in the community instead. Washington has four waiver programs to provide services for individuals in the community: (1) Basic, (2) Basic Plus, (3) Core, and (4) Community Protection. The new waiver for intensive behavior services has been applied for, but has not yet been approved by the federal government.

Summary of Bill:

The Intensive Behavior Support Program (Program), previously authorized by the 2008 Legislature, is codified into statute. The House version of this bill, HB 1226, was passed by this committee. This Senate bill is nearly identical. To the extent that funding is

appropriated, intensive behavior support services may be provided by the DSHS directly or by contract to children who have developmental disabilities and their families.

Program Development.

The DSHS shall be the lead administrative agency for children's intensive behavior support services and shall:

- collaborate with appropriate parties to develop and implement the Program within the DDD;
- use best practices and evidence-based practices;
- provide coordination and planning for the implementation and expansion of intensive in-home services;
- contract for the provision of intensive in-home and planned out-of-home services;
- monitor and evaluate services to determine whether the Program meets standards identified in the service contracts;
- collect data regarding the number of families serviced and the costs and outcomes of the Program;
- adopt appropriate rules to implement the Program;
- license out-of-home respite placements on a timely basis; and
- maintain an appropriate staff-to-client ratio.

Eligibility.

A person is eligible for intensive behavior support services if:

- he or she is under the age of 21;
- has a developmental disability and has been determined to be eligible for services as a result of the developmental disability and meets the eligibility requirements for a home and community-based care waiver;
- an assessment by the DDD indicates that the child/family acuity scores are high enough to indicate a significant risk that an out-of-home placement may be required as a result of the child's behavior;
- the child resides in his or her family home or is temporarily in an out-of-home placement with a plan to return home;
- the family agrees to fully participate in the Program and complete the care and support steps outlined in the completed individual support plan; and
- the family is not subject to an unresolved child protective services referral.

Services Provided.

The intensive behavior support services shall be designed to enhance the child's and parent's skills to manage behaviors, increase the self-sufficiency of the family and the individual, improve functioning of the family, reduce stress on children and families, and assist the family in locating and using other community services. Out-of-home services as well as in-home services may be provided. These services are required to be provided through a core team of highly trained individuals, either directly or by contract. The core team shall have the following characteristics and responsibilities:

- expertise in behavior management, therapies, and children's crisis intervention;
- ability to coordinate the services and support needed to stabilize the family;

- ability to conduct transition planning as an individual and the individual's family leave the Program; and
- ability to authorize or coordinate the services in the family's home and other environments, such as schools and neighborhoods.

The Intensive Behavior Support Program would provide the following services:

- behavior management and consultation;
- environmental adaptations;
- motor vehicle adaptations;
- therapy, equipment, and supplies;
- personal care;
- specialized diet goods and services;
- in-home respite and planned out-of-home respite;
- intensive training to intervene effectively with the child for families and other individuals and partners working with the child; and
- coordination and planning.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Human Services):

(In support) This bill is nearly identical to a bill already passed by this committee and the whole Developmental Disabilities community supports this bill. This bill will allow a person to be much better prepared for the world of work eventually.

(Opposed) None.

Staff Summary of Public Testimony (Health & Human Services Appropriations):

(In support) This program is intended to support children with developmental disabilities and help their families keep them at home. From 2006 to the present, the Department of Social and Health Services (Department) has had a fairly large increase in requests for admission of children for institutional placement. There is a significant difference in costs to the state between in-home care and institutional costs. In response, the Legislature put a program into place to offer additional support for families who have children with very intensive and severe behaviors. The program was created by proviso during the 2008 session. This legislation simply puts the proviso language in statute. Other states have similar programs that have resulted in larger numbers of children served in the home. This legislation will allow the Department to partner with schools, friends, and families to make sure the child has the best interventions that met his or her needs. This program was originally developed by a coalition of groups and people who were interested in serving these families facing crisis.

(Opposed) None.

Persons Testifying (Human Services): Donna Patrick, Developmental Disabilities Council; and Candace O’Neill, Partnership 2020.

Persons Testifying (Health & Human Services Appropriations): Linda Rolfe, Division of Developmental Disabilities; and Donna Patrick, Developmental Disabilities Council.

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

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations): None.