

SSB 6387 - H COMM AMD
By Committee on Appropriations

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** In conjunction with recent findings from
4 the Washington state auditor's office, the legislature finds that there
5 are thousands of state citizens who have been determined eligible for
6 services through the department of social and health services'
7 developmental disability administration. For those who have asked for
8 help but are waiting for services, families may experience financial or
9 emotional hardships. The legislature intends to clarify and make
10 transparent the process for accessing publicly funded services for
11 individuals with developmental disabilities and their families. The
12 legislature intends to significantly reduce the number of eligible
13 individuals who are waiting for services by funding additional slots
14 and by implementing new programs that better utilize federal funding
15 partnerships.

16 **Sec. 2.** RCW 71A.10.020 and 2011 1st sp.s. c 30 s 3 are each
17 amended to read as follows:

18 As used in this title, the following terms have the meanings
19 indicated unless the context clearly requires otherwise.

20 (1) "Assessment" means an evaluation is provided by the department
21 to determine:

22 (a) If the individual meets functional and financial criteria for
23 medicaid services; and

24 (b) The individual's support needs for service determination.

25 (2) "Community residential support services," or "community support
26 services," and "in-home services" means one or more of the services
27 listed in RCW 71A.12.040.

28 ((+2)) (3) "Crisis stabilization services" means services provided

1 to persons with developmental disabilities who are experiencing
2 behaviors that jeopardize the safety and stability of their current
3 living situation. Crisis stabilization services include:

4 (a) Temporary intensive services and supports, typically not to
5 exceed sixty days, to prevent psychiatric hospitalization,
6 institutional placement, or other out-of-home placement; and

7 (b) Services designed to stabilize the person and strengthen their
8 current living situation so the person may continue to safely reside in
9 the community during and beyond the crisis period.

10 ~~((3))~~ (4) "Department" means the department of social and health
11 services.

12 ~~((4))~~ (5) "Developmental disability" means a disability
13 attributable to intellectual disability, cerebral palsy, epilepsy,
14 autism, or another neurological or other condition of an individual
15 found by the secretary to be closely related to an intellectual
16 disability or to require treatment similar to that required for
17 individuals with intellectual disabilities, which disability originates
18 before the individual attains age eighteen, which has continued or can
19 be expected to continue indefinitely, and which constitutes a
20 substantial limitation to the individual. By January 1, 1989, the
21 department shall promulgate rules which define neurological or other
22 conditions in a way that is not limited to intelligence quotient scores
23 as the sole determinant of these conditions, and notify the legislature
24 of this action.

25 ~~((5))~~ (6) "Eligible person" means a person who has been found by
26 the secretary under RCW 71A.16.040 to be eligible for services.

27 ~~((6))~~ (7) "Habilitative services" means those services provided
28 by program personnel to assist persons in acquiring and maintaining
29 life skills and to raise their levels of physical, mental, social, and
30 vocational functioning. Habilitative services include education,
31 training for employment, and therapy.

32 ~~((7))~~ (8) "Legal representative" means a parent of a person who
33 is under eighteen years of age, a person's legal guardian, a person's
34 limited guardian when the subject matter is within the scope of the
35 limited guardianship, a person's attorney-at-law, a person's
36 attorney-in-fact, or any other person who is authorized by law to act
37 for another person.

1 ~~((+8+))~~ (9) "Notice" or "notification" of an action of the
2 secretary means notice in compliance with RCW 71A.10.060.

3 ~~((+9+))~~ (10) "Residential habilitation center" means a state-
4 operated facility for persons with developmental disabilities governed
5 by chapter 71A.20 RCW.

6 ~~((+10+))~~ (11) "Respite services" means relief for families and
7 other caregivers of people with disabilities, typically not to exceed
8 ninety days, to include both in-home and out-of-home respite care on an
9 hourly and daily basis, including twenty-four hour care for several
10 consecutive days. Respite care workers provide supervision,
11 companionship, and personal care services temporarily replacing those
12 provided by the primary caregiver of the person with disabilities.
13 Respite care may include other services needed by the client, including
14 medical care which must be provided by a licensed health care
15 practitioner.

16 ~~((+11+))~~ (12) "Secretary" means the secretary of social and health
17 services or the secretary's designee.

18 ~~((+12+))~~ (13) "Service" or "services" means services provided by
19 state or local government to carry out this title.

20 ~~((+13+))~~ (14) "State-operated living alternative" means programs
21 for community residential services which may include assistance with
22 activities of daily living, behavioral, habilitative, interpersonal,
23 protective, medical, nursing, and mobility supports to individuals who
24 have been assessed by the department as meeting state and federal
25 requirements for eligibility in home and community-based waiver
26 programs for individuals with developmental disabilities. State-
27 operated living alternatives are operated and staffed with state
28 employees.

29 ~~((+14+))~~ (15) "Supported living" means community residential
30 services and housing which may include assistance with activities of
31 daily living, behavioral, habilitative, interpersonal, protective,
32 medical, nursing, and mobility supports provided to individuals with
33 disabilities who have been assessed by the department as meeting state
34 and federal requirements for eligibility in home and community-based
35 waiver programs for individuals with developmental disabilities.
36 Supported living services are provided under contracts with private
37 agencies or with individuals who are not state employees.

1 (~~(15)~~) (16) "Vacancy" means an opening at a residential
2 habilitation center, which when filled, would not require the center to
3 exceed its biennially budgeted capacity.

4 (17) "Service request list" means a list of eligible persons who
5 have received an assessment for service determination and their
6 assessment shows that they meet the eligibility requirements for the
7 requested service but were denied access due to funding limits.

8 **Sec. 3.** RCW 71A.16.050 and 1988 c 176 s 405 are each amended to
9 read as follows:

10 The determination made under this chapter is only as to whether a
11 person is eligible for services. After the secretary has determined
12 under this chapter that a person is eligible for services, the
13 individual may request an assessment for eligibility for the individual
14 and family services program, medicaid programs, or specific services
15 administered by the developmental disabilities administration. The
16 secretary shall make a determination as to what services are
17 appropriate for the person. The secretary shall prioritize services to
18 medicaid eligible clients. Services may be made available to
19 nonmedicaid eligible clients based on available funding. Services
20 available through the state medicaid plan must be provided to those
21 individuals who meet the eligibility criteria. The department shall
22 establish and maintain a service request list database for individuals
23 who are found to be eligible and have an assessed and unmet need for
24 programs and services offered under the individual and family services
25 program or a home and community-based services waiver, but the
26 provision of a specific service would exceed budgeted capacity.

27 NEW SECTION. **Sec. 4.** The department of social and health services
28 shall develop and implement a medicaid program to replace the
29 individual and family services program for medicaid-eligible clients no
30 later than May 1, 2015. The new medicaid program must offer services
31 that closely resemble the services offered in fiscal year 2014 through
32 the individual and family services program. To the extent possible,
33 the department shall expand the client caseload on the medicaid program
34 replacing the individual and family services program. The department
35 is authorized in fiscal year 2015 to use general fund--state dollars

1 previously provided for the individual and family services program to
2 cover the cost of increasing the number of clients served in the new
3 medicaid program.

4 NEW SECTION. **Sec. 5.** If additional federal funds through the
5 community first choice option are attained, then it is the intent of
6 the legislature that at least four thousand clients will receive
7 services on the medicaid program replacing the individual and family
8 services program by June 30, 2017, and at least one thousand additional
9 clients will receive services on the home and community-based services
10 basic plus waiver by June 30, 2017."

11 Correct the title.

EFFECT: Removes the requirement that DSHS refinance Medicaid
personal care services under the Community First Choice Option (CFCO).

Removes the requirement that the DSHS increase the client caseload
on the new IFS waiver by 4,000 individuals, but indicates that the DSHS
shall expand the caseload to the extent possible within available
funds. Includes a statement of intent that at least 4,000 individuals
will receive services on the new IFS waiver by June 30, 2017, subject
to the availability of additional federal funds.

Removes the requirement that the DSHS expand the clients served by
the Basic Plus waiver program by 1,000 individuals. Includes a
statement of intent that at least 1,000 individuals will receive
services on the Basic Plus waiver program by June 30, 2017, subject to
the availability of additional federal funds.

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