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**HOUSE BILL 2790**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Walsh, Kilduff, Nealey, Kagi, Senn, Zeiger, Sawyer, Schmick, Dye, McBride, Pollet, Haler, Walkinshaw, and Tarleton

AN ACT Relating to employment and community access services for individuals with developmental disabilities; and amending RCW 71A.12.290.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 71A.12.290 and 2012 c 49 s 1 are each amended to read as follows:

(1) Clients age twenty-one and older who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. Enrollment in an employment program begins at the time the client is authorized to receive employment.

(2) Prior approval by the department shall not be required to effectuate the client's choice to transition from an employment program to community access services after verifying nine months of participation in employment-related services.

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. Information provided to the client and the client's legal representative must include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand the existing community access program, including the consideration of options that allow for alternative service settings outside of the client's residence. The program should emphasize support for the clients so that they are able to participate in activities that integrate them into their community and support independent living and skills. The department shall use the same algorithm to determine the number of hours clients receive for employment and community access services.

(5) The department shall develop and implement rules to allow for an exception to the requirement that a client participate in an employment program for nine months prior to transitioning to a community access program. This exception must take into consideration an individual's medical condition, an individual's history of care needs, the availability of employment providers, and allow for other good cause reasons for an exception.

(a) The department must ensure that clients, parents of clients, and guardians of clients are aware of the ability to apply for the exception permitted by this subsection (5).

(b) Beginning December 1, 2016, the department shall annually report electronically to the appropriate committees of the legislature, pursuant to RCW 43.01.036, the specific rules that allow individuals to receive an exception to the nine-month employment program participation requirement and the number of individuals provided an exception in each county.

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