

2SSB 5201 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED 04/12/2017

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the need for  
4 person-centered services that enable developmentally disabled clients  
5 to have greater access to their community regardless of the degree of  
6 each client's disability or level of acuity. The legislature further  
7 recognizes that employment is highly effective for many and should be  
8 encouraged and offered at the outset for individuals age twenty-one  
9 and older. However, for others with significant barriers to  
10 employment the state likewise recognizes the need for the  
11 availability of community access services to enhance employment  
12 discovery prospects, provide skills development, or provide community  
13 involvement and meaningful activities.

14 The legislature intends to maximize the benefits that clients  
15 receive through supported employment through accountability measures.  
16 These transparency measures will allow supported employment providers  
17 to demonstrate successes and provide data on client outcomes.

18 **Sec. 2.** RCW 71A.12.290 and 2012 c 49 s 1 are each amended to  
19 read as follows:

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

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

1 (b) The department shall permit clients to enroll in a community  
2 access program without first engaging in nine months of employment  
3 services when:

4 (i) Medical or behavioral health records document a condition or  
5 a combination of conditions that prevent the client from successfully  
6 participating in, engaging in, and completing nine consecutive months  
7 of supported employment services;

8 (ii) Employment services were not provided to the client within  
9 ninety days of referral; or

10 (iii) The department otherwise determines that the client should  
11 be provided an exception to engaging in nine months of employment  
12 services.

13 (3) The department shall inform clients and their legal  
14 representatives of all available options for employment and day  
15 services, including the opportunity to request an exception from  
16 enrollment in an employment program. The department shall inform  
17 clients and their legal representatives of the ability to request an  
18 exception to the employment services participation requirement and  
19 describe the process for requesting such an exception to clients in  
20 writing. The department shall provide a written response to clients  
21 who have requested such an exception within sixty days. This written  
22 response from the department shall include a description of the  
23 reason or reasons why the request was granted or denied. Information  
24 provided to the client and the client's legal representative must  
25 include the types of activities each service option provides, and the  
26 amount, scope, and duration of service for which the client would be  
27 eligible under each service option. An individual client may be  
28 authorized for only one service option, either employment services or  
29 community access services. Clients may not participate in more than  
30 one of these services at any given time.

31 (4) The department shall work with counties and stakeholders to  
32 strengthen and expand ~~((the existing community access program,~~  
33 ~~including the consideration of options that allow for alternative~~  
34 ~~service settings outside of the client's residence. The program~~  
35 ~~should emphasize support for the clients so that they are able to~~  
36 ~~participate in activities that integrate them into their community~~  
37 ~~and support independent living and skills))~~ employment services and  
38 other community access services. Community access services shall  
39 emphasize supports and activities that increase community

1 involvement, maintain or improve skills and independence, and meet  
2 the diversity of person-centered needs.

3 ~~((5) The department shall develop rules to allow for an~~  
4 ~~exception to the requirement that a client participate in an~~  
5 ~~employment program for nine months prior to transitioning to a~~  
6 ~~community access program)) (a) Beginning July 1, 2019, the department~~

7 shall allow clients age twenty-one and older who are assessed as high  
8 acuity clients to transition into the community access program after  
9 ninety days of enrollment in an employment program and subject to  
10 federal waiver approval. The department shall inform clients assessed  
11 as high acuity of the ability to transition into the community access  
12 program no later than ten days after enrollment in an employment  
13 program. For purposes of this section, "high acuity clients" means  
14 clients of the department who are receiving developmental disability  
15 services; require support in the community at all times to maintain  
16 his or her health and safety; experience significant barriers to  
17 employment or community participation; and require frequent  
18 supervision, training, or full physical assistance with community  
19 activities most of the time.

20 (b) The department shall permit clients assessed as high acuity  
21 clients to enroll in a community access program without first  
22 engaging in ninety days of employment services when:

23 (i) Medical or behavioral health records document a condition or  
24 a combination of conditions that prevent the client from successfully  
25 participating in, engaging in, and completing ninety consecutive days  
26 of supported employment services;

27 (ii) Employment services were not provided to the client within  
28 ninety days of referral; or

29 (iii) The department otherwise determines that the client should  
30 be provided an exception to engaging in ninety days of employment  
31 services.

32 NEW SECTION. Sec. 3. A new section is added to chapter 71A.12  
33 RCW to read as follows:

34 (1) By December 1, 2017, the department shall adopt  
35 accountability and outcome measures to determine whether supported  
36 employment providers are achieving the employment goals of the  
37 clients that they serve. At a minimum, these accountability and  
38 outcome measures must include the following information provided  
39 annually:

- 1 (a) A description of the supported employment services provided;
- 2 (b) The number of service hours billed per client;
- 3 (c) The number of clients who obtained employment; and
- 4 (d) Of those clients who obtained employment:
  - 5 (i) The number of service hours provided to the client;
  - 6 (ii) The number of service hours involving direct interaction
  - 7 with the client while employment was being secured;
  - 8 (iii) The number of hours per month clients were employed;
  - 9 (iv) The amount of wages earned; and
  - 10 (v) The occupation types secured by clients.

11 (2) By July 1, 2019, the department shall require that counties  
12 entering into new contracts for supported employment services or  
13 renewing supported employment contracts include provisions in their  
14 contracts that incorporate the accountability and outcome measures  
15 adopted by the department pursuant to this section and mechanisms for  
16 reporting data to support the accountability and outcome measures.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 71A.12  
18 RCW to read as follows:

19 (1) By December 1, 2017, the department shall report to the  
20 appropriate committees of the legislature and the governor the  
21 accountability measures that were adopted for ensuring that supported  
22 employment providers achieve the employment goals of the clients that  
23 they serve pursuant to section 3 of this act.

24 (2) This section expires July 1, 2018.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 71A.12  
26 RCW to read as follows:

27 (1) Within existing resources, the department shall consult with  
28 the office of the superintendent of public instruction to identify  
29 best practices within schools for offering transition services and  
30 employment-related services to individuals with developmental  
31 disabilities. By December 1, 2017, the department shall post the  
32 results of this consultation on its web site, as appropriate.

33 (2) This section expires July 1, 2018."

34 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Requires that DSHS allow high acuity clients to transition to community access services after participating in employment services

for 90 days beginning July 1, 2019, and subject to federal waiver approval.

(2) Requires DSHS to allow clients to request an exception to the requirement that individuals engage in nine months of employment services before transitioning into a community access program. DSHS must provide clients with information about this exception in writing and respond to exception requests within 60 days with a written description of the reason why the request was granted or denied.

(3) DSHS shall permit clients to enroll in a community access program without first engaging in nine months of employment services when: (a) Medical or behavioral health records document a condition or combination of conditions that prevent the individual from successfully participating, engaging, and completing nine consecutive months of supported employment services; (b) employment services were not received by the client within 90 days of being referred for those services; or (c) the DSHS otherwise determines that the client should be provided an exception.

(4) DSHS shall permit clients assessed as high acuity to enroll in a community access program without first engaging in ninety days of employment services when: (a) Medical or behavioral health records document a condition or combination of conditions that prevent the individual from successfully participating, engaging, and completing ninety consecutive days of supported employment services; (b) employment services were not received by the client within 90 days of being referred for those services; or (c) the DSHS otherwise determines that the client should be provided an exception.

(5) Requires DSHS to adopt accountability and outcome measures for supported employment services and provide a report to the Legislature and the Governor on these measures by December 1, 2017.

(6) Requires that DSHS ensure counties entering into new contracts for supported employment services or renewing supported employment contracts include provisions in their contracts that incorporate the accountability and outcome measures adopted by DSHS and mechanisms for reporting data to support the accountability and outcome measures by July 1, 2019.

(7) Requires that DSHS consult with OSPI to identify best practices within schools for offering transition services to individuals with developmental disabilities and post the results of this consultation on the DSHS web site, if appropriate.

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