

SENATE BILL REPORT

SB 5790

As of February 4, 2022

Title: An act relating to strengthening critical community support services for individuals with intellectual and developmental disabilities.

Brief Description: Strengthening critical community support services for individuals with intellectual and developmental disabilities.

Sponsors: Senators Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short and Wilson, L..

Brief History:

Committee Activity: Health & Long Term Care: 1/28/22, 1/31/22 [DP-WM].
Ways & Means: 2/04/22.

Brief Summary of Bill

- Increases supported employment and community inclusion medicaid rates for fiscal year 2023 and requires these rates be annually adjusted for inflation beginning in fiscal year 2024.
- Requires the Department of Social and Health Services to establish a school to work program and a statewide council to connect high school students with intellectual and developmental disabilities (IDD) to services provided by the Developmental Disabilities Administration.
- Requires the Office of Superintendent of Public Instruction to submit a list of students receiving special education services to state agencies working with individuals with IDD at least three years before the student leaves the school system.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass and be referred to Committee on Ways & Means.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson, Sefzik and Van De Wege.

Staff: LeighBeth Merrick (786-7445)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Maria Hovde (786-7474)

Background: Developmental Disabilities Administration. The Developmental Disabilities Administration (DDA) is a subdivision of the Department of Social and Health Services (DSHS) and administers a broad range of programs that provide habilitative services to individuals with intellectual and developmental disabilities (IDD) in Washington State. Habilitative services provide individual's with the necessary life skills to raise the individual's level of physical, mental, social, and vocational functioning. They include education, training for employment, and therapy. DDA provides habilitative services through the Residential Habilitative Centers (RHCs) or through the community in residential services or employment and day programs.

Employment and day programs include individual supported employment, group supported employment and community inclusion services. Individual supported employment assists clients with finding jobs in integrated community work places that pay at least minimum wage and has a base Medicaid rate of \$65.50. Group supported employment is where no more than eight DDA clients work in a supervised integrated setting and has a base Medicaid rate of \$56.78. Community inclusion is a non-work service intended to support clients in making connections to people and activities in the community and has a base Medicaid rate of \$35.

Division of Vocational Rehabilitation. The Division of Vocational Rehabilitation (DVR) is a subdivision of DSHS and helps adults with physical, mental or sensory disabilities obtain and maintain competitive, integrated employment. DVR partners with schools to provide high school transition services which assist students with disabilities ages 16 to 21 prepare for the transition from high school to the work place. Each student's transition team includes the student, parents, school staff, school transition counselors, and, in some cases, regional transition consultants. Transition teams help students identify their career interests and learn what skills and training may be necessary to prepare for those careers.

Office of Superintendent of Public Instruction. The Office of the Superintendent of Public Instruction (OSPI) oversees all school districts in the state. Students with disabilities who are receiving special education must have an Individualized Education Program (IEP). The IEP describes the amount of time the student will spend receiving special education, any related services the student will receive, and the academic, behavioral goals, and expectations for the year. The IEP must describe the student's transition services which are designed to facilitate the student's movement from school to postsecondary activities

including education, vocational education, integrated or supported employment, adult services, and independent living. A student with disabilities who has a High School and Beyond Plan may use it as the required transition plan.

2020 Transition Collaborative Summative Report. The 2018 and 2020 Supplemental Operating Budgets required OSPI, in collaboration with DDA and DVR, to develop an implementation plan for building statewide capacity among school districts to improve transition planning activities for students receiving special education services. A final report was submitted to the Legislature in November 2020. The report recommended implementing a system for OSPI, DDA and DVR to share data about students with IDD, establishing statewide funding for School To Work, developing supports to help individuals navigate the various services, and creating statewide and regional transition networks.

School To Work. The School To Work Program is a partnership among DVR, DDA, seven counties, school districts, and employment service providers who connect employment services to students with IDD while they are still accessing high school transition services. Funding for School To Work programs rely on county funding, which is used to pay providers a set rate to assist students in achieving employment. When a student establishes stability in a job, DVR pays the county an outcome fee. Once the student has graduated, DDA funding is then used to help the student maintain employment upon leaving school in June of the year the student turns age 21.

Summary of Bill: Supported employment and community inclusion Medicaid rates are increased. For state fiscal year 2023, the base medicaid rate for individual supported employment must be at least \$101.19; the group supported employment base Medicaid rate must be at least \$76.61; and the community inclusion base Medicaid rate must be at least \$43.17. Beginning in state fiscal year 2024, individual and group supported employment and community inclusion Medicaid rates must be annually adjusted for inflation using the Bureau of Labor Statistics' western region consumer price index for urban consumers.

DSHS must establish a School to Work Program in all counties in the state to connect IDD students who are receiving high school transition services to supported employment services. DSHS must establish regional interagency transition networks and a statewide council to oversee these networks. The statewide council must develop common guidelines and goals across regional interagency transition networks to ensure IDD students leaving the school system have equitable access to system navigation and services. The regional interagency transition networks must include representatives from schools, counties, DDA, DVR, service providers, community members, and students and families, and annually report their progress to the statewide council. The statewide council must also establish a referral and information system for connecting IDD students who are transitioning from high school to services and agencies that support the needs of adults with IDD. When establishing the statewide council, DSHS must collaborate with counties administering supported employment services and state agencies working with students with IDD.

OSPI must submit a list of students receiving special education services to state agencies working with individuals with IDD at least three years before the student leaves the school system. OSPI must have received the student's consent before submitting their information. The transition plan included in the student's IEP must be aligned with the student's High School and Beyond Plan. The High School and Beyond Plan can no longer be used as the transition plan.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Health & Long Term Care): PRO: The bill provides necessary Medicaid rate increases and it is important we establish a School to Work Program in every county. The bill features recommendations from OSPI's 2020 Transition Collaborative Summative Report including statewide and regional collaboration to provide more equitable access to employment services, critical system navigation supports and an agency data sharing system which will support a seamless transition from school to post school life and provide interagency linkages.

CON: The Medicaid rate increases would only benefit the service provider and not the client. It would be better if the services were redefined and time limited so that funding could be better utilized by the client.

Persons Testifying (Health & Long Term Care): PRO: Diana Stadden, The Arc of WA State; Adrienne Stuart, WA State Developmental Disabilities Council; Dr. Tania May, Office of Superintendent of Public Instruction (OSPI).

CON: Kelley Nesbitt.

Persons Signed In To Testify But Not Testifying (Health & Long Term Care): PRO: DARLA HELT, WWW.PEACENW.ORG; Jessica Renner, Self Advocates in Leadership (SAIL); Lance Morehouse, Sherwood Community Services; Heidi Zentz, Poulsbo RV; Debbie Meyers, SKCAC Industries and Employment Services; Julianna Roe, Washington State Association of Counties; Heather Evans, Morningside; Dana Floyd, Yakima ESD 105; Jeremy Norden-Paul, Developmental Disabilities Council; Senait Hall, Seattle Children's Hospital-Workforce Development and Planning People and Culture Division; Brandi Monts, Wise- TA and Training Director; Jason Peterson, Community Employment Alliance; Courtney Williams, Community Employment Alliance; David Mank Ph.D., Former Director Indiana Institute on Disability and Community; Phil McConnell,

Community Member; Jon Isom, Self Advocate; Noah Seidel, Office of Developmental Disabilities Ombuds; Isaaiah Pegues, Self Advocate; John Wennberg, Self Advocate; Jessica Lex, Special Education Transition Teacher; Justin Maxwell, Self advocate; David Mank, Indiana University.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill will provide critical navigation, transition, and employment supports; including agency partnerships and linkages to expand opportunities statewide. It is critical that students have equitable access to transition services. Fifty percent of students with intellectual and developmental disabilities are not engaged in any post-secondary activities one year after leaving high school. Having coordinated transition services not only provides a seamless transition into the adult world, but also protects the investments made in the school system to help students achieve post-secondary goals. When regional systems engage in partnerships to support transitions and employment of these individuals, they are three times more likely to be employed when they leave the school system. Access to services and supports is more prevalent in urban areas of the state and this bill will extend those services into rural areas. The rates for providers have not been increased significantly in 11 years. Job coaches teach their clients how to have a job and how to utilize community systems, such as public transportation, to participate in a job. There is a lot of turnover of the employees of these providers, which impacts clients. Increased rates are an important recruitment and staffing tool for providers to help create a more diverse and inclusive workforce.

CON: The rate paid is the same as what was paid seven years ago even though the job has never changed. There are no tiered rates for these services. The only option clients have is to work through these providers; they cannot hire outside of these providers and it can be challenging to work around personal care that is needed. For six months during 2001, the state paid \$24,000 for supported employment services to my son but my son only received \$2,000. Spending money for rate increases will take away from other services.

OTHER: I do support School to Work programs but am opposed to pay increases being put into statute and any plans to grow the bureaucracy associated with this industry. According to DDA and Centers for Medicare and Medicaid Services, job coach rates are negotiated directly with DDA, and counties and job coaches are contracted. This bill would interfere with that contractual relationship. Technically, the provider rate increases in the bill and the School to Work program are not related. School to Work is a program administered by DVR and is outcome based; they pay a contracted rate once a job is secured. DDA pays for the process which is indefinite and no outcome is required. It is illogical to pay for a job coach who earns just above minimum wage, which results in a high administrative rate for these providers. This is a creation of a pipeline that supports an industry over the client.

Persons Testifying (Ways & Means): PRO: Lance Morehouse, Sherwood Community Services; John Wennberg, Self Advocate-Work Opportunities; Jessica Lex, Special Education Teacher- Federal Way; Isaaiah Pegues, Self Advocate; Darla Helt, Parent; Heidi Zentz; Tania May, OSPI.

CON: Kelley Nesbitt, Ryan Nesbitt.

OTHER: Linda Hyatt.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.