H-2369.2

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**HOUSE BILL 2080**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Representatives Leavitt, Taylor, Couture, Bronoske, Callan, Rule, Eslick, Orwall, Ortiz-Self, Reed, Barnard, Jacobsen, Chopp, Caldier, Simmons, Hutchins, Barkis, Goodman, Nance, Farivar, Macri, Shavers, Kloba, and Davis

AN ACT Relating to establishing day habilitation services for persons with developmental disabilities; and adding a new section to chapter 71A.12 RCW.

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

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

(1) By October 1, 2024, the administration shall apply to the centers for medicare and medicaid services for amendments to relevant waivers to establish day habilitation as a stand-alone waiver service.

(2) Once day habilitation is approved as a waiver service:

(a) Within 120 days of approval, the administration shall directly contract with, pay, and manage day habilitation service providers;

(b) Persons enrolled in eligible waivers who are participating in day habilitation services must be provided a minimum of 20 hours of paid day habilitation services per week*.* The minimum reimbursement rate of day habilitation services must be $35 per participant per hour; and

(c) On an ongoing basis, the administration shall notify eligible clients and their primary caregivers of the availability of day habilitation services, its benefits, and contracted providers, and offer the choice to participate in the services.

(3) Day habilitation is not considered a community access program for purposes of RCW 71A.12.290, and day habilitation services may be provided aside from, or simultaneously with, employment services and respite services.

(4) For purposes of this section, "day habilitation" means the provision of regularly scheduled activities in a nonresidential setting, separate from the participant's private residence or other residential living arrangement, such as assistance with acquisition, retention, or improvement in self-help, socialization, and adaptive skills that enhance social development and develop skills in performing activities of daily living and community living.

**--- END ---**