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**Human Services, Youth, & Early  
Learning Committee**

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**HB 2279**

**Brief Description:** Concerning utilization of developmental disabilities waivers.

**Sponsors:** Representatives Farivar, Couture, Kloba, Taylor, Cheney, Peterson, Caldier, Barnard, Simmons and Macri.

**Brief Summary of Bill**

- Requires the Developmental Disabilities Administration (DDA) to prioritize certain populations when enrolling clients on home and community-based services waivers and for specific services.
- Requires the DDA, by July 1, 2027, to enroll eligible clients in unused waiver slots so that all available waiver slots are fully utilized, and expand waiver service provider capacity so that each client enrolled in a waiver has the opportunity to participate in the full array of services available through the waiver.
- Requires the DDA to report annually on current waiver utilization, waiver services that have inadequate provider capacity to meet demand, and progress toward the goal of full waiver utilization and service access.

**Hearing Date:** 1/24/24

**Staff:** Omeara Harrington (786-7136).

**Background:**

The DDA assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. While some DDA clients

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live in residential habilitation centers, an institutional setting, most clients live in the community. Home and community-based services Medicaid waivers allow clients who live in community settings to receive optional services at the same level as they would receive in an institutional setting.

The DDA offers services under five waivers: Core, Basic Plus, Community Protection, Individual and Family Services, and Children's Intensive In-Home Behavior Supports (CIIBS). The waiver services provided to DDA clients are designed to promote everyday activities, routines, and relationships, and may include services targeted at community integration, support services provided by contracted professionals, caregiving, equipment, supplies, and other specialized services.

To be eligible for waiver services, the individual must meet certain criteria, including:

- having a qualifying disability;
- meeting the intermediate care facility requirements for individuals with an intellectual disability level of care;
- meeting financial eligibility criteria;
- choosing to receive services in the community rather than in an intermediate care facility;
- and
- meeting other waiver-specific criteria.

Based on recent data, there is capacity to serve 26,346 individuals across all waivers, and there are 1,831 slots available. However, availability varies between waiver programs. For example, the Core waiver has 898 available slots, about 16 percent of its total capacity. In contrast, the CIIBS waiver is nearly at full capacity.

Once enrolled on a DDA waiver, an individual may or may not request services. A client is put on the no-paid services caseload once determined eligible for DDA services but are not receiving paid services. Legislation enacted in 2022 required the DDA to hire two permanent, full-time employees to regularly review and maintain the no-paid services caseload. Additionally, the DDA was required to provide clients on the no-paid services caseload with case resource management services, including contacting and responding to clients to discuss service needs and explain available options for services.

### **Summary of Bill:**

The DDA must prioritize specified populations when enrolling eligible clients in open home and community-based services waiver slots and for purposes of determining access to specific waiver services. In addition to any other statutorily prioritized populations, the DDA must prioritize eligible clients who are age 45 or older, clients who have remained in a hospital without medical necessity due to lack of availability of community-based services and supports at some point in the previous six months, and clients who are discharging from a residential habilitation center.

By July 1, 2027, the DDA must, within existing resources:

- enroll eligible clients in unused home and community-based services waiver slots so that all available waiver slots are fully utilized; and
- expand waiver service provider capacity so that each client enrolled in a home and community-based services waiver has the opportunity to participate in the full array of services available through the waiver.

By October 1, 2024, the DDA must report to the Legislature with the following information:

- current home and community-based services waiver utilization and the number of unused waiver slots for each type of waiver;
- services that are authorized under each home and community based services waiver, but that have inadequate provider capacity to enable every person on the waiver who wishes to access the services to do so; and
- a plan to achieve full utilization of home and community based services waivers and full access to waiver services by July 1, 2027, including a description of any barriers to identifying eligible clients for waiver enrollment and connecting enrolled clients with waiver services, as well as proposed solutions to overcome those barriers, including any necessary legislative, administrative, or fiscal changes.

Beginning with a report due October 1, 2025, and annually thereafter until October 1, 2027, the DDA must submit a report to the Legislature detailing its progress toward meeting the full utilization requirement.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2024.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.