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**SENATE BILL 5211**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Frame and Harris

AN ACT Relating to authorizing payment for parental caregivers of minor children with developmental disabilities; amending RCW 71A.12.---; adding new sections to chapter 71A.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

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

NEW SECTION. **Sec.**  The legislature finds that Washington has promised to fund home and community-based supports to help children with developmental disabilities grow up as fully included members of their families and communities. The legislature also finds that personal care hours have been allocated to these children on the basis of need, but have historically only been budgeted based on utilization. Efforts to increase the in-home care workforce to meet demand have never produced full employment, and 41 percent of authorized hours systemwide go unused.

The legislature further finds that the unique needs of children to have stable and familiar caregivers are complicated by the current caregiver workforce shortage. Additionally, while the child care crisis has widespread effects on Washington families, it is particularly acute for families of children with disabilities, who often cannot find the highly trained providers to meet their child's needs. Nationwide research has shown that families of children with disabilities often have to forgo income opportunities due to these care needs and that a lack of income has lasting impacts on those children.

The legislature further finds that long term in-home care services are a less costly alternative to institutional care, saving taxpayers significant amounts. Many other states have demonstrated the positive effects of employing parents as caregivers after being authorized to do so during the COVID-19 public health emergency. In these states, paid family caregiving leads to better outcomes for medically fragile children and lower costs to taxpayers in the form of fewer hospitalizations. Washington currently allows employment of parent caregivers for their adult children assuring their access to home and community-based services and avoiding more costly forms of care like institutionalization.

The legislature further finds that the centers for medicare and medicaid services has recently updated its guidance to instruct states to strongly consider allowing legally responsible individuals, such as parents, to be paid for their caregiving in order to meet the requirement placed on all states to provide for the delivery of needed services.

Therefore, the legislature intends to support children with developmental disabilities and their family caregivers through legislative actions that promote fair labor practices, equitable compensation, and comprehensive support systems.

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

(1) No later than January 31, 2026, and as necessary thereafter in order to comply with section 4 of this act, the administration shall submit requests to the centers for medicare and medicaid services for amendments to applicable developmental disabilities administration home and community-based services waivers to allow parents who provide personal care services to their minor children with developmental disabilities to receive payment for providing personal care services that qualify as extraordinary care.

(2) If amendments as described in subsection (1) of this section are approved by the centers for medicare and medicaid services, upon receiving approval, the administration shall authorize payments to parents providing extraordinary care services to their minor children.

(3) In implementing the authorization to pay parents for providing extraordinary care to their minor children:

(a) In addition to its existing rule-making authority, the administration may adopt rules for assessing and authorizing personal care hours for minors with compensated parental caregivers and other rules as necessary to comply with centers for medicare and medicaid services requirements related to payments to legally responsible individuals, such as parents;

(b) The administration must allow parental caregivers the option to be employed as individual providers, as defined in RCW 74.39A.240, subject to the same training and oversight requirements as other individual providers who are parents of the person for whom they are providing care; and

(c) The administration may only offer personal care services hours served by parent providers as a waiver service. All other assessed personal care services hours served by providers who are not parents must remain on the community first choice option.

(4) Nothing in this section shall be interpreted to affect the availability of personal care services hours assessed to persons who are not clients of the administration, or who are clients of the administration who are not minors, through the community first choice option.

(5) For purposes of this section:

(a) "Extraordinary care" means care provided to a minor child who is assessed in an E classification category or the B high classification category by the comprehensive assessment and reporting evaluation, that exceeds the range of activities that a legally responsible individual, such as a parent, would ordinarily perform in the household on behalf of a person without a disability or chronic illness of the same age, and is necessary to assure the health and welfare of the minor child and avoid their institutionalization.

(b) "Minor child" means a person who is under the age of 18 and who is a client of the administration.

(c) "Parent" means a natural parent, an adoptive parent, a stepparent, or a legal guardian.

**Sec.**  RCW 71A.12.--- and 2025 c ... s 2 (section 2 of this act) are each amended to read as follows:

(1) No later than January 31, 2026, and as necessary thereafter in order to comply with section 4 of this act, the administration shall submit requests to the centers for medicare and medicaid services for amendments to applicable developmental disabilities administration home and community-based services waivers to allow parents who provide personal care services to their minor children with developmental disabilities to receive payment for providing personal care services that qualify as extraordinary care.

(2) If amendments as described in subsection (1) of this section are approved by the centers for medicare and medicaid services, upon receiving approval, the administration shall authorize payments to parents providing extraordinary care services to their minor children.

(3) In implementing the authorization to pay parents for providing extraordinary care to their minor children:

(a) In addition to its existing rule-making authority, the administration may adopt rules for assessing and authorizing personal care hours for minors with compensated parental caregivers and other rules as necessary to comply with centers for medicare and medicaid services requirements related to payments to legally responsible individuals, such as parents;

(b) The administration must allow parental caregivers the option to be employed as individual providers, as defined in RCW 74.39A.240, subject to the same training and oversight requirements as other individual providers who are parents of the person for whom they are providing care; and

(c) The administration may only offer personal care services hours served by parent providers as a waiver service. All other assessed personal care services hours served by providers who are not parents must remain on the community first choice option.

(4) Nothing in this section shall be interpreted to affect the availability of personal care services hours assessed to persons who are not clients of the administration, or who are clients of the administration who are not minors, through the community first choice option.

(5) For purposes of this section:

(a) "Extraordinary care" means care provided to a minor child ((~~who is assessed in an E classification category or the B high classification category by the comprehensive assessment and reporting evaluation,~~)) that exceeds the range of activities that a legally responsible individual, such as a parent, would ordinarily perform in the household on behalf of a person without a disability or chronic illness of the same age, and is necessary to assure the health and welfare of the minor child and avoid their institutionalization.

(b) "Minor child" means a person who is under the age of 18 and who is a client of the administration.

(c) "Parent" means a natural parent, an adoptive parent, a stepparent, or a legal guardian.

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

(1) The department shall make timely requests to the centers for medicare and medicaid services for any waiver amendments that are necessary to expand the authorization to pay parents for the provision of extraordinary personal care services as described in section 2 of this act in accordance with the definition of extraordinary care in section 3 of this act.

(2) This section expires July 1, 2032.

NEW SECTION. **Sec.**  Section 2 of this act expires July 1, 2031.

NEW SECTION. **Sec.**  Section 3 of this act takes effect July 1, 2031.

**--- END ---**