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## Early Learning & Human Services Committee

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### HB 1130

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

**Sponsors:** Representatives Farivar, Couture, Leavitt, Taylor, Reed, Callan, Doglio, Timmons, Simmons, Pollet, Fey, Ormsby, Salahuddin and Hill.

#### Brief Summary of Bill

- Requires the Department of Social and Health Services Developmental Disabilities Administration (DDA) to 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.
- Requires the DDA to routinely collect specified data related to waiver utilization and make the data publicly available on its website.

**Hearing Date:** 1/29/25

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

#### Background:

The Department of Social and Health Services Developmental Disabilities Administration (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 live in residential habilitation centers, an institutional setting, most clients live in the community. Home and community-based services waivers allow clients who live in community settings to receive optional services at the same level as they would receive in an institutional

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setting. Waiver services 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.

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).

To be eligible for waiver services, an 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 27,406 individuals across all waivers, and there are 1,676 slots available. However, availability varies between waiver programs. For example, the Core waiver has 692 available slots, about 12 percent of its total capacity. In contrast, the CIIBS waiver is nearly at full capacity.

Under DDA rules, when there is capacity on a waiver, first priority is given to current waiver participants assessed as needing a different waiver. From there, the DDA may consider other priority populations, such as those statutorily identified, those at immediate risk of institutionalization, those who pose a community safety risk, those who are being served with state-only funds, and others. There are also statutory requirements to provide waiver services to eligible individuals who are or recently were subject to a dependency or receiving extended foster care services. Statute additionally provides that if a person with developmental disabilities is the parent of a child who is about to be placed for adoption or foster care, the parent is eligible to receive services in order to promote the integrity of the family unit.

### **Summary of Bill:**

The Department of Social and Health Services Developmental Disabilities Administration (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. Specifically, the DDA must prioritize clients who are in the following categories:

- persons who are age 45 and older;
- persons who, within the previous six months, have remained in a hospital without a safe discharge plan;
- persons who are or were served in the dependency or extended foster care system and are entitled to services;
- persons who are discharging from institutional settings including residential habilitation centers and state hospitals;
- persons the administration has determined to be in immediate risk of admission to an

- intermediate care facility due to unmet health and welfare needs;
- persons who have been found incompetent to stand trial in a criminal matter due to a developmental disability; and
- persons who have a child about to be placed for adoption or foster care.

The DDA must routinely collect data on the following items related to these prioritized populations and make the data publicly available on its website:

- the number of people enrolled in each waiver;
- the capacity and wait list, if any, for each waiver, including the number of people from the prioritized populations who are on a wait list for waiver enrollment;
- the number of people from the prioritized populations that have been enrolled on each waiver since the last report;
- any requests for waiver services that have not been fulfilled and the reason the request has not been fulfilled; and
- any unfulfilled requests for waiver services from the prioritized populations, including the type of service and the reason the request has not been fulfilled.

**Appropriation:** None.

**Fiscal Note:** Available.

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