

HOUSE BILL REPORT

HB 1390

As Reported by House Committee On:
Early Learning & Human Services

Title: An act relating to repealing the community protection program.

Brief Description: Repealing the community protection program.

Sponsors: Representatives Goodman, Farivar, Thai, Peterson, Reed and Salahuddin; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Early Learning & Human Services: 1/29/25, 2/7/25 [DPS].

Brief Summary of Substitute Bill

- Removes references to the Community Protection Program from statute effective January 1, 2026.
- Requires the Developmental Disabilities Administration to develop and implement a plan to transition all individuals participating in the Community Protection Program into other services or programs by December 31, 2025.

HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Bergquist, Chair; Cortes, Vice Chair; Eslick, Ranking Minority Member; Bernbaum, Goodman, Hill, Ortiz-Self, Penner and Taylor.

Minority Report: Without recommendation. Signed by 2 members: Representatives Burnett, Assistant Ranking Minority Member; Dent.

Staff: Luke Wickham (786-7146).

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.

Background:

Developmental Disability Services.

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 Medicaid waivers (waiver services) are designed to 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 Program, Individual and Family Services, and Children's Intensive In-Home Behavior Supports.

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, and 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.

Community Protection Program.

The Community Protection Program (CPP) provides services to DDA clients age 18 and older who are eligible for waiver services and who constitute a current risk to others as determined by a qualified professional and who have:

- been charged with or convicted of a crime of sexual violence, a crime involving sexual acts, or a violent crime; or
- a history of violent, stalking, sexually violent, predatory or opportunistic behavior which a qualified professional has determined demonstrates a likelihood to commit a violent, sexually violent, or predatory act.

If an eligible person is offered and refuses CPP services, the person may only receive case management services and personal care services.

Services through the CPP involve cooperation with 24-hour supervision, instruction, and support services that may include:

- assistance locating housing;

- assistance with community activities;
- assistance with establishing and maintaining appropriate relationships;
- money management;
- therapeutic treatment program based on assessed needs;
- assistance with learning household skills; and
- services and supports that attempt to reduce risk of re-offending, including interventions and restrictions designed to reduce opportunities to re-offend.

Individuals receiving CPP services may also receive the following restrictions:

- alarms on doors and windows;
- 24-hour supervision which may include line of sight supervision;
- participation in a therapy program;
- disclosure of risk to others as deemed appropriate;
- restrictions of activities (e.g., monitoring of television, magazines, telephone, computer, etc.);
- an approved chaperone;
- no drug or alcohol use;
- no violence or threats of violence and no property destruction;
- room searches based upon recommendations of therapist;
- housing location restriction and restricted access to victim populations; and
- assistance following court orders and registration if required.

Summary of Substitute Bill:

References to the Community Protection Program (CPP) are removed from statute.

The legislative intent of the bill is expressed as ending the CPP to allow clients of the Developmental Disabilities Administration (DDA) to obtain less restrictive service options and is not intended to reduce the supportive services that those clients receive.

The DDA must develop and implement a plan to transition all individuals participating in the CPP into other services or programs by December 31, 2025.

The effective date of the components of the bill that repeal the CPP is delayed until January 1, 2026.

Substitute Bill Compared to Original Bill:

The substitute bill creates an intent section indicating that the legislative intent of the bill is to end the Community Protection Program (CPP) to allow clients of the Developmental Disabilities Administration (DDA) to obtain less restrictive service options and not intended to reduce the supportive services that those clients receive.

The substitute bill requires the DDA to develop and implement a plan to transition all individuals participating in the CPP into other services or programs by December 31, 2025.

The substitute delays the effective date of the components of the bill that repeal the CPP until January 1, 2026.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) The intent of the Community Protection Program (CPP), which is for clients of the Developmental Disabilities Administration (DDA) to live safely and successfully in the community while minimizing the risk to public safety, sounds good. And yet, as the CPP has evolved, it has become coercive. It is described as voluntary, but once you're in, you can never get out. The No Way Out report from the Office of the Developmental Disabilities Ombuds, demonstrates that this program is not working as intended.

Of the 400 individuals who were in the program, about 10 ended up being released. So the other 390 are sort of trapped in the program. The CPP is quite coercive, and the services provided to them are really not individualized and are not person-centered. Also there are some conflicts between the program and federal law.

This is an agency request bill for Governor Inslee's administration.

This bill modernizes supports and services to individuals who are currently enrolled in the CPP. It focuses on person-centered services while continuing to ensure the health and safety of the needs of communities throughout the systems that are existing within DDA.

The DDA is restructuring all waivers and moving toward one residential waiver service.

Currently there are 324 individuals on the CPP waiver. This is a reduction from the 408 in 2023, and the clients that transitioned out of CPP are successfully being supported in the community.

This bill removes global program restrictions that are not related to personal and individualized assessed needs.

The DDA is working with the Centers for Medicare and Medicaid Services and the Office

of the Developmental Disabilities Ombuds to make services more person-centered.

This bill should be dedicated to Tony Hall.

This program was semi-detrimental because there was a lack of staff to get clients into the community.

Current CPP recipients should receive services without some of the restrictions.

The CPP should be repealed because people in the program are not able to graduate from the program. Clients do what is asked of them and aren't able to transition out of the restrictions. This program has too many restrictions on people's rights. People should be treated fairly and be included in the community.

The CPP may have been intended to support people in crisis, but the program has become too restrictive and people find it difficult to make it out of this program.

The main issues with the CPP are that clients must comply with DDA's often overly restrictive policies in the program or risk losing services altogether.

This program should be removed from statute and clients should be moved to other waiver program as a first step.

This program violates people's civil rights. People who are considered for the CPP program are often threatened with submitting to outside evaluations or risking loss of other services.

The risk assessment done for CPP goes on for hours. There is a 9 or 10 person secret panel who determines who goes on the risk assessment. Once you take a risk assessment, you go on the program. The CPP has a graduation rate of less than 10 percent.

(Opposed) None.

(Other) The stated intent of this legislation, to move toward person-centered service and removing restrictions, is good.

While the name goes away, the high level of supportive services that allows people to remain in the community should continue.

Persons Testifying: (In support) Representative Roger Goodman, prime sponsor; Kyle Matheson, Self advocate; Kyle Matheson, Self advocate; Courtney Thom; Courtney Thom; Shawn Latham, Self Advocates In Leadership; Noah Seidel, Office of Developmental Disabilities Ombuds; Victoria Walton Chirieleison; Kris Pederson, DSHS Developmental Disabilities Administration; and Courtney Thom, People first of Washington.

(Other) Sonja Hardenbrook, WDA/WACDL.

Persons Signed In To Testify But Not Testifying: None.