

SENATE BILL REPORT

HB 1130

As Reported by Senate Committee On:
Human Services, March 25, 2025

Title: An act relating to utilization of developmental disabilities waivers.

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 History: Passed House: 2/20/25, 90-7.

Committee Activity: Human Services: 3/17/25, 3/25/25 [DPA, w/oRec].

Brief Summary of Amended Bill

- Directs the Department of Social and Health Services Developmental Disability Administration (DDA) to prioritize specific populations when enrolling eligible clients in open home and community-based services waiver slots for the purposes of determining access to specific waiver services.
- Requires DDA to routinely collect specific data related to the prioritized populations and make the data available on its website.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended.

Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

Minority Report: That it be referred without recommendation.

Signed by Senators Christian, Ranking Member; Warnick.

Staff: Alison Mendiola (786-7488)

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: 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, 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 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.

DDA offers services under five waivers: Basic Plus, Children's Intensive In-Home Behavioral Supports, Community Protection, Core, and Individual and Family Services. 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.

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: (1) are or recently were subject to a dependency or receiving extended foster care services, and (2) is a parent of a child who is about to be placed for adoption or foster care, in order to promote the integrity of the family unit.

Summary of Amended Bill: When DDA enrolls eligible clients in open home and community-based services waiver slots for the purposes of determining access to specific waiver services, DDA must prioritize clients in the following populations:

- 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 discharging from institutional settings including residential habilitation centers and state hospitals;
- persons DDA 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 developmental disability;
- persons who have a child about to be placed for adopted or foster care, in order to

- promote the integrity of the family unit; and
- persons eligible for services through a community protection waiver, in the interest of enhancing the safety of the community, caretakers, and others.

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

- the number of people enrolled in each waiver;
- the capacity and waitlist, if any, for each waiver including the number of people from the prioritized populations who are on a waitlist for waiver enrollment;
- the number of people from the prioritized populations that have 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 services and the reason the request has not been fulfilled.

Persons who meet the criteria outlined in RCW 71A.12.370 shall be enrolled in waiver services, to the extent consistent with federal law and federal funding requirements.

EFFECT OF HUMAN SERVICES COMMITTEE AMENDMENT(S):

Persons who meet the criteria outlined in RCW 71A.12.370 are removed from the priority list DDA is to consider when enrolling eligible clients in open home and community-based services waiver slots. This population shall be enrolled in waiver services, to the extent consistent with federal law and federal funding requirements as provided in RCW 71A.12.370.

Persons eligible for services through a community protection waiver, in the interest of enhancing the safety of the community, caretakers, and others are added to the priority list DDA is to consider when enrolling eligible clients in open home and community-based services waiver slots.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This is a simple bill about making sure that populations that have traditionally fallen through the cracks of our system are prioritized to make sure they get the services and supports that they need. Some groups are

already a priority in statute, some have priority in code. The prioritized list in this bill is a combination of these two groups, including fine tuning some and reducing some based on what is happening in our communities and in the state. For example, the Trueblood population is included in this prioritized list. This priority list is not ranked so decisions are still made on individual circumstance. People should be fully supported in the community and the best way to do that is with waiver services. The data that will be collected under this bill is important as well.

Persons Testifying: PRO: Representative Darya Farivar, Prime Sponsor; Jessica Renner, Self Advocates in Leadership SAIL; Noah Seidel, Office of Developmental Disabilities Ombuds.

Persons Signed In To Testify But Not Testifying: No one.