

SENATE BILL REPORT

SHB 1390

As Reported by Senate Committee On:
Human Services, March 31, 2025
Ways & Means, April 8, 2025

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

Brief Description: Repealing the community protection program.

Sponsors: House Committee on Early Learning & Human Services (originally sponsored by Representatives Goodman, Farivar, Thai, Peterson, Reed and Salahuddin; by request of Department of Social and Health Services).

Brief History: Passed House: 3/3/25, 56-41.

Committee Activity: Human Services: 3/24/25, 3/31/25 [DPA-WM, DNP, w/oRec].
Ways & Means: 4/05/25, 4/08/25 [DPA (HS), DNP].

Brief Summary of Amended Bill

- Eliminates the Community Protection Program (CPP) and removes references to the CPP from statute effective January 1, 2026.
- Requires the Developmental Disabilities Administration to develop and implement a plan to transition all individuals participating in the CPP into other services or programs by December 31, 2025.
- Requires the Department of Social and Health Services (DSHS) to develop and maintain an internal system to identify individuals who were participating in the CPP and transitioned to other services or programs so that employees and contractors of DSHS are aware that the person was receiving services from the CPP, in order to protect individuals and the community who will be working with former participants in the CPP.

SENATE COMMITTEE ON HUMAN SERVICES

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.

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Wilson, C., Chair; Frame, Vice Chair; Orwall.

Minority Report: Do not pass.
Signed by Senator Christian, Ranking Member.

Minority Report: That it be referred without recommendation.
Signed by Senator Warnick.

Staff: Will Trondsen (786-7552)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services.
Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Cleveland, Conway, Dhingra, Hansen, Hasegawa, Kauffman, Pedersen, Riccelli, Saldaña, Wellman and Wilson, C..

Minority Report: Do not pass.
Signed by Senators Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Boehnke, Braun, Muzzall, Wagoner and Warnick.

Staff: Maria Hovde (786-7474)

Background: Developmental Disabilities Administration. The Department of Social and Health Services (DSHS) Developmental Disability Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and supports based on individual preference, capabilities and needs, which promote everyday activities, routines, and relationships. DDA clients may live in residential habilitation centers, however most live in the community.

DDA offers five home and community based services waivers, Basic Plus, Children's Intensive In-Home Behavioral Supports, Community Protection, Core, and Individual and Family Services. Each of the five waivers provides services tailored to the specific population they serve, waiver services provide additional support when Medicaid state plan services and other supports are not sufficient.

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) is an array of services specifically designed to support people who:

- have been determined to have a developmental disability;
- have been identified as a person who meets one or more of the following:
 - has been charged with or convicted of a crime of sexual violence as defined in statute;
 - has been charged with or convicted of a crime involving sexual acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization, or persons of casual acquaintance with whom no substantial personal relationship exists;
 - has been charged with or convicted of one or more violent crimes as defined in statute; or
 - has a history of violent, stalking, sexually violent, predatory, or opportunistic behavior which a qualified professional has determined a likelihood to commit a violent, sexually violent or predatory act; and
- constitute a current risk to others as determined by a qualified professional.

A refusal to participate in a risk assessment by an eligible person will result in the person only receiving case management services and personal care services.

Services Offered. The CPP offers services that involve cooperation with 24-hour supervision, instruction, and support services that may include:

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

Restrictions. Intervention and restrictive measures may include:

- 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 on activities—for example, monitoring of television, magazines, telephone, computer, and so on;
- 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 Amended Bill: The CPP is eliminated, effective January 1, 2026, and allows DDA clients in the CPP to obtain less restrictive service options.

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

DSHS is required to develop and maintain an internal system to identify individuals who were participating in the CPP and transitioned to other services or programs so that employees and contractors of DSHS are aware that the person was receiving services from the CPP, in order to protect individuals and the community who will be working with former participants in the CPP.

EFFECT OF HUMAN SERVICES COMMITTEE AMENDMENT(S):

- Requires DSHS to develop and maintain an internal system to identify individuals who were participating in the CPP and transitioned to other services or programs so that employees and contractors of DSHS are aware that the person was receiving services from the CPP, in order to protect individuals and the community who will be working with former participants in the CPP.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Substitute House Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: The services in the Community Protection Program are not person centered, or individualized, and are coercive to the individuals that are required to participate to receive any needed DDA services. The program has not worked since it began, and it is time to remove it from DDA, as DDA services should be voluntary. There are concerns that since a person is referred to the program at a young adult age, it often means that it is before a person even has had a chance to access other services. Often inappropriate services are recommended when there could be less restrictive alternatives. The graduation rate is very low, and most participants feel like they are trapped in the program. This bill helps ensure that existing waivers be utilized for this vulnerable population. Community Protection Program is not the same as the Community Protection Act, as the CPP is Medicaid funded and less than a

quarter of the participants are convicted of any offense. Participants are required to accept the program or risk receiving limited to no services. The DDA can provide services needed for the population that do not add labels or limit rights.

Persons Testifying (Human Services): PRO: Representative Roger Goodman, Prime Sponsor; Kris Pederson, DSHS Developmental Disabilities Administration; Noah Seidel, Office of Developmental Disabilities Ombuds; Kyle Matheson, Self advocate; Shawn Latham, Serlf Advocates In Leadership; Eric Matthes, Self-Advocate; Courtney Thom; Destinie Buzzard, DSHS Developmental Disabilities Administration.

Persons Signed In To Testify But Not Testifying (Human Services): No one.

Staff Summary of Public Testimony on Bill as Amended by Human Services (Ways & Means): PRO: The Office of Developmental Disabilities Ombuds wrote a report in 2021 called "No Way Out" which outlined some of the concerns of the Community Protection Program. DDA's CARE assessment already has records of those in CPP and part of those records include the history of the individual's service plan so the necessary providers would have access to this information.

Persons Testifying (Ways & Means): PRO: Noah Seidel, Office of Developmental Disabilities Ombuds.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.