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## Appropriations Committee

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### HB 2261

**Brief Description:** Concerning services for persons with developmental disabilities.

**Sponsors:** Representatives Kagi and Cody.

#### Brief Summary of Bill

- Prioritizes services to persons with developmental disabilities provided by the Department of Social and Health Services (DSHS).
- Authorizes the DSHS to seek support from the parents or physical custodian of a child, including a child with a developmental disability, in out-of-home care.
- Clarifies the role and responsibilities of the state in serving people with developmental disabilities.

**Hearing Date:**

**Staff:** Amy Hanson (786-7118).

**Background:**

During the past 18 months, the Division of Developmental Disabilities (DDD) has undergone several major reviews. These reviews include a federal review of the Community Alternatives Program waiver by the Centers for Medicare and Medicaid Services, a legislatively mandated review by the Joint Legislative Audit and Review Committee (JLARC) on caseload and staffing, and a review mandated by the Governor and conducted by Sterling Associates, LLP on internal business practices. A legislatively mandated performance audit of the DDD by the JLARC is ongoing.

The reviews of the DDD have consistently focused on the following:

- The need to better define eligibility for services and scope of services;
- poorly defined and followed procedures for the use of assessment tools, which results in inconsistency;
- the failure of current assessment tools to link the assessment of service need with a service plan;
- lack of program controls and standards in procedures and practices; and

- problems with program data and data systems.

In October 2002 the DSHS announced the creation of an Aging and Disability Services Administration, which combined Developmental Disabilities and Aging and Adult Services under one administration.

The DSHS does not establish or enforce child support obligations for children in foster care, either through voluntary placement by the parents or by court order, who have been certified as eligible for services through the DDD. State law provides that no collection action may be taken against parents of children eligible for admission to, or who have been discharged from, a Residential Habilitation Center. For the period July 1, 1993, through June 30, 1995, a collection action was authorized to be taken against parents of children with developmental disabilities placed in community-based residential care. The amount of support that the DSHS was allowed to collect from the parents could not exceed one-half of the parents' support obligation accrued while the child was in community-based residential care.

### **Summary of Bill:**

The DSHS is required to identify priority populations based upon assessed need. Priorities will be based on the severity of an individual's disability and include an evaluation of any extraordinary behavioral issues, severe physical impairments, and the conditions surrounding the individual's caregiver.

The DSHS will establish a single point of referral for persons with developmental disabilities and develop a tool for the comprehensive assessment of need for services for persons with developmental disabilities. The DSHS is not required to meet all needs of a person with a developmental disability. The tool must identify natural supports and any services that would supplement the natural supports.

The DSHS will produce and maintain an individual service plan, which is reviewed annually and revised as needed, for each person with a developmental disability. It will identify which individuals and entities are responsible for providing services and must be developed collaboratively with the person with a developmental disability and his or her natural supports, and any other person considered integral to the service planning process. The service plan must be developed within a reasonable period of time following the needs assessment and authorization that the person with a developmental disability receive services. In addition, the DSHS must ensure that intake, eligibility, and the individual assessment process is implemented uniformly and completed within established time frames.

The DSHS must emphasize to the persons and entities, with which it contracts, the importance of recognizing the rights of a person with a developmental disability established under federal law. The DSHS must require contractees to post these rights and make them readily available to persons with a developmental disability.

The Secretary is required to establish minimum standards for services through the development of a quality assurance system.

Nonresidential services exceeding the cost of caring for an average individual at home, if

they are reasonably necessary for the care, treatment, maintenance, support, and training of persons with developmental disabilities, are to be prioritized to individuals identified as a priority population by the DSHS.

The duty of the DSHS to provide a service to a person with a developmental disability is limited by the funds specifically appropriated for that purpose. Limitations in funding can be the basis for denying services to a person with a developmental disability not enrolled in a federal Medicaid waiver program, and limitations in funding can be the basis for denying non-waiver services to a person with a developmental disability enrolled in Medicaid or a Medicaid waiver program.

An applicant for services who is enrolled in a Medicaid waiver or receiving waiver services must be eligible for Intermediate Care Facilities for People with Mental Retardation (ICF/MR) services. Accessing Medicaid for an applicant by enrolling an applicant in a Medicaid waiver is prohibited, unless the applicant is assessed to need waiver services and is a person assessed to meet the criteria of a priority population. The DSHS is required to evaluate Medicaid cost-sharing options for applicants enrolled in a Medicaid waiver, as well as available cost-effective options for covering an applicant assessed to need medical coverage.

The DSHS is required to coordinate with the Office of the Superintendent of Public Instruction to access funding to the fullest extent possible so that a person with a disability can achieve the maximum level of self-sufficiency, including employability. The DSHS is also required to coordinate with all other state agencies to achieve early intervention that may prevent the need for more complex and costly services later in the person's development.

When state or federal funds are expended for the care and maintenance of a child with a developmental disability, whether placed in care as a result of a dependency case or a voluntary placement agreement, the DSHS is required to refer the case to the Division of Child Support, unless the DSHS finds that there is good cause not to pursue collection of child support against the parent or parents of the child.

The DSHS is authorized to seek support from the parents of a child when state or federal funds are expended for the care and maintenance of that child, including a child with a developmental disability, or when the DSHS receives an application for services from the physical custodian of the child, unless the DSHS finds that there is good cause not to pursue collection of child support against the parent or parents.

Collection actions may be taken against parents of children eligible for admission to, or who have been discharged from, a Residential Habilitation Center.

**Appropriation:** None.

**Fiscal Note:** Requested on April 17, 2003.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.