

SENATE BILL REPORT

SB 5873

As Reported By Senate Committee On:
Health & Long-Term Care, March 5, 2003

Title: An act relating to the administration and management of services to developmentally disabled individuals.

Brief Description: Regarding the administration and management of services to developmentally disabled individuals.

Sponsors: Senators Deccio, Parlette, Prentice and Thibaudeau.

Brief History:

Committee Activity: Health & Long-Term Care: 3/4/03, 3/5/03 [DPS].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Staff: Rhoda Donkin (786-7198)

Background: The Department of Social and Health Services (DSHS) administers a biennial budget of \$1.2 billion to provide services to 31,000 individuals in this state with developmental disabilities. The services are predominantly provided in community settings, including to 22,000 people living in either their parents', other relatives', or their own homes. Approximately 1,100 individuals reside in five state-operated institutions. The mix of individuals served by the department break down to about 54 percent adults, 46 percent children.

In 1988, the definition of developmental disability was codified in law. RCW 71A.10.020 defines developmentally disabled as mental retardation, cerebral palsy, epilepsy, autism, or other neurological or other condition found by the secretary to be closely related to mental retardation, or to require similar treatment. These conditions must have occurred before age 18, be expected to continue indefinitely, and constitute a substantial handicap. In the past ten years, there has been an 87 percent increase in the total number of people who qualify as developmentally disabled under this definition. Of the 31,000 individuals who are state clients, about 8,000 receive no services.

Those who do receive services may get some, or several of the following: case management, personal care, residential placement in group homes and apartments with support services, employment support, family counseling and support, early intervention services for infants and toddlers, respite care, transportation, therapy services and equipment. Not all individuals with developmental disabilities receive services through the Developmental

Disabilities Division, now called the Aging and Disabilities Administration. Five other divisions at DSHS pay for, coordinate and provide services to individuals with developmental disabilities. The Office of Superintendent of Public Instruction is required by law to provide special education services to school age children up to age 21 who need assistance to be able to learn.

In the past two years, the division has been the subject of several audits, including one conducted by the federal Center for Medicare and Medicaid Services (CMS) which administers the federal Community Alternatives Program (CAP). The CAP program is a federal waiver program designed to provide home and community based services to approximately 11,000 individuals with developmental disabilities who would otherwise require 24-hour care in an institution. The CMS audit found the state has complied with any federal requirements, but also found, among other serious issues, ineligible people receiving services. CMS ordered the department to repay the federal government \$25 million in disallowed Medicaid services.

Other audits performed by and contracted through the Joint Legislative Audit and Review Committee (JLARC) found significant disparity between how peoples' needs are assessed and the services they receive. This has resulted in people with very similar needs getting very different levels of service, and many people getting no services at all. They also found antiquated, and inadequate information systems, inconsistent assessments processes, case management practices that were not standardized, and an overall credibility problem from a division facing increasing demands and limited resources.

Summary of Substitute Bill: The department is directed to assess the cost of developing a consolidated and uniform information system and report back to the Legislature the estimated cost.

Within available funds, the department must develop a comprehensive assessment tool for both children and adults who have developmental disabilities. The assessment must determine, as part of establishing need, the applicant's current family supports, services provided from other agencies, the financial status of children and the income and resources of their families.

The department must consider the ideas of families who receive services, and those who do not, to set priorities for the future allocation of services. DSHS must submit a report to the Legislature by December 1, 2003, on categories of priority populations.

The department must convene a work group of stakeholders to develop alternatives to current eligibility standards and report back to the Legislature by December 1, 2003.

Limits on funding may not be used as a reason by the department to deny services to Medicaid waiver applicants.

Substitute Bill Compared to Original Bill: The Legislature recognizes that advocates of people with developmental disabilities have invaluable insights into the needs of vulnerable people.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Advocates would like direct input into the department's decisions about allocating resources for services. This allows time for a dialogue between the department and advocates.

Testimony Against: It's time to move ahead and establish priorities in rule. This will delay the process by months, and we can't afford to wait.

Testified: PRO: L. Mike Freeman, Citizen Advocate (concerns); Diana Robistraw, Robert Wardel, People First; Sue Elliott, ARC of Washington; Dennis Eagle, Washington Federation of State Employees; Donna Patrick, DD Council; Pam Crone, Washington Protection & Advocacy System; CON: Lyle Rome, citizen; Kathy Leitch, DSHS -ADSA.