

HOUSE BILL REPORT

HB 1548

As Reported by House Committee On:

Human Services

Appropriations

Title: An act relating to creating the individual and family services program for people with developmental disabilities.

Brief Description: Creating the individual and family services program for people with developmental disabilities.

Sponsors: Representatives Pettigrew, Miloscia, Jarrett, O'Brien, Haler, Priest, Ormsby, Roberts, Eddy, Darneille, Appleton, Walsh, Sells, Barlow, Kenney, Conway, Kristiansen, Ericks, P. Sullivan, Goodman, Linville, Wood, Pearson, Moeller, Springer, Lovick, Lantz, Morrell and Santos.

Brief History:

Committee Activity:

Human Services: 1/31/07, 2/6/07 [DPS];

Appropriations: 3/1/07, 3/3/07 [DP2S(w/o sub HS)].

Brief Summary of Second Substitute Bill

- Creates the Individual and Family Services Program for individuals with developmental disabilities.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Ahern, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Division of Developmental Disabilities (DDD) provides support and services for children and adults with developmental disabilities. Approximately 35,700 people are currently enrolled with the DDD. Within the DDD, the Family Support (FS) Program provides assistance to families who have a family member with a developmental disability living at home. The FS Program currently administers multiple, separate programs to families receiving support. The multiple programs provide different levels of support for people with similar needs. The following are the current family support programs offered through the DDD, all of which are state-funded programs:

Traditional Family Support (TFS): The original program offering family support services. This program was designed to reduce or eliminate the need for out-of-home residential placements of individuals with developmental disabilities when it is in the best interest of the person to continue living with his or her family.

Family Support Opportunity (FSO): The FSO began in June 1996 in an effort to provide more resources to a greater number of families than TFS. It provides a standard amount of money to families that can be spent on a variety of services. Additional support may be available to families if they require extraordinary support by applying to the Serious Need Program.

Emergency Services: Emergency Services funding is designed to respond to a single incident, situation, or short-term crisis such as caregiver hospitalization, absence, or incapacity. Funds are provided for a limited period not to exceed two months.

Flexible Family Support Pilot Program: The pilot program was created by budget proviso for fiscal years 2006 and 2007. The intent of the pilot is to provide resources to families not being served by other DDD-funded sources.

Community Service Grants: The FS Program offers short- or long-term grants for communities or organizations to provide support and services for families. The resources are earmarked to sustain information and education activities such as sending out informational materials, fostering community programs to reach out to people with disabilities, lending equipment, and connecting families to other families who have children with similar disabilities.

Services provided through these FS Programs can include respite care, training and support, specialized equipment, behavior management, some nursing services, parent/family counseling, specialized utility costs, and other services depending on the program.

In 2005, a budget proviso required the Department of Social and Health Services (Department) to provide recommendations to the Legislature on strategies for integrating state-funded family support programs into a single program.

The Department convened the Family Support Workgroup, which included a stakeholder group, to provide input into the restructuring of the FS Program. In November 2006, the Department issued the State-Funded Family Support Programs Report which contained numerous recommendations. Among the recommendations was the recommendation to consolidate the TFS, FSO, and the pilot program into one FS Program. The report also

contained the recommendation that income continue to be used as an eligibility criteria and to base award determination upon need as determined by an assessment.

The stakeholders involved in the Family Support Workgroup submitted an addendum to the Department report that included issue areas in which the stakeholders and the Department did not agree. An area of disagreement included whether to include income as an eligibility criteria for services. The stakeholder report recommended that the family support services be based on a family's documented need, as determined by the assessment tool, without regard to income.

Summary of Substitute Bill:

The bill is to be known as the Lance Morehouse, Jr., Individual and Family Services Act and it creates the Individual and Family Services Program. The program replaces Family Support Opportunities, Traditional Family Support, and the Flexible Family Support Pilot Program. The Department is required to adopt rules for the program including the following:

Eligibility: Eligibility to receive services is to be determined based solely on an assessment of individual need.

Service Priority: Service priority levels and dollar amounts for each level are to be established.

Adjustments to Service Caps: The dollar caps at each service priority level are to be adjusted by the vendor rate increases authorized by the Legislature.

Allowable Services: Services available under the program include:

- respite care;
- therapies;
- architectural and vehicular modifications;
- equipment and supplies;
- specialized nutrition and clothing;
- excess medical costs not covered by another source;
- copays for medical and therapeutic services;
- transportation;
- training;
- counseling;
- behavior management;
- parent/sibling education;
- recreational opportunities; and
- community services grants.

In addition to the services provided to eligible persons in the Individual and Family Service Program, the Department shall provide for:

- one-time exceptional needs and emergencies for individuals and families not receiving the annual grants; and
- respite services for a parent providing in-home caregiver services to their adult son or daughter who has developmental disabilities.

If a person has more complex needs, the family is experiencing a prolonged crisis, or a person needs additional services, the Department should make every effort to move the person into a program that provides a federal match.

The Individual and Family Service Program must be operated within available funding and does not create an entitlement.

Substitute Bill Compared to Original Bill:

The substitute bill requires the Individual and Family Service Program to be operated within available funds and clarifies that no entitlement is created.

The service levels and dollar amounts set out in the bill are replaced by the requirement that the Department determine the service levels and maximum dollar amounts under the program.

The adjustments to the dollar caps for each service level are to be made based on vendor rate increases rather than based on the cost-of-living index.

Child care is removed as an eligible service.

Language is clarified that the respite which may be provided for families who are not otherwise eligible for the Individual and Family Service Program is available for parents who are caring for their adult son or daughter with developmental disabilities.

Language is added to clarify that the Department is required to assess an individual for placement in a waiver program if the person is in need of greater services.

Appropriation: None.

Fiscal Note: Available for original bill. New fiscal note requested on February 6, 2007.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support of original bill) Family Support is often the only service a family receives from the state. No matter how much you are willing to pay a babysitter, it is very difficult to find a person to care for your disabled child. The few hours of respite each month can be a lifeline for a family. It can be the difference in what keeps a child out of state care in an institution. Taxpayers get a great return by helping families in this way so the families can continue to care for their children in the community. If income is the determining factor, it can unfairly work against families with disabled children. Even if a family has a higher income, the costs

of raising a developmentally disabled child is great. It can cost over \$30,000 a year for expenses. Insurance often doesn't cover these expenses. Frequently one of the parents is required to quit work in order to provide care for the child. Distributing services based on need is a much fairer way to provide the services. Most states do not look at income as an eligibility requirement for services. Income is not considered when placing a child into an institution.

(With concerns on original bill) The Governor has put \$2.7 million into the Governor's budget for Family Support increases. The Department has already created a level system that has four levels rather than the three in the bill. The Department has given members requested language changes to include income as an eligibility requirement.

(Opposed) None.

Persons Testifying: (In support) Representative Pettigrew, prime sponsor; Cheri and Laura Goeres, DeeDee and Larry Garman, and Lacey Davis, Arc of Grays Harbor; Stacey Gillett and Sue Elliott, Arc of Washington; Cathy Schneider; Katrina Davis; and Betsy McAlister, Arc of King County.

(With concerns) Kathy Leitch, Aging and Disability Services Administration, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by 34 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Staff: Elisabeth Donner (786-7137).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Human Services:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Family support has always been handled in the budget through provisos. It would be helpful to have the program in statute. Parental income limits are not required in the state institutions because the federal rules do not allow it. We should not punish parents for keeping their children in their home. The bill allows the family member and the individual to receive respite services.

Sixty-seven percent of enrolled Division of Developmental Disabilities clients live with their families, who are providing care at no cost to the state. Partnering with the state through a family support program provides a savings to the state as costs are lower than with out of home care. Family support helps to reduce care giver burn-out and helps families cope. Family support is mainly used for co-pays and respite.

With the new computerized assessment, the state finds that 75 percent of families have high needs. Many families have limited insurance coverage and don't qualify for Medicaid. It is estimated that it costs families 2.2 times more to raise a child with developmental disabilities. We oppose parent income as the primary eligibility factor. The new Developmental Disabilities assessment will address an alternative for eligibility and includes a measure of care giver stress. Please pass without amendments.

(Opposed) None.

Persons Testifying: Lance Morehouse, ARC of Spokane; Margaret Lee Thompson, King County Parent Coalition for Developmentally Disabled and ARC of King County; Dee Dee Garmen, ARC of Grays Harbor; and Sue Elliot, ARC of Washington.

Persons Signed In To Testify But Not Testifying: None.