

# SENATE BILL REPORT

## SB 6448

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As Reported By Senate Committee On:  
Health & Long-Term Care, January 30, 2008  
Ways & Means, February 12, 2008

**Title:** An act relating to intensive behavior support services for children with developmental disabilities.

**Brief Description:** Providing for intensive behavior support services for children with developmental disabilities.

**Sponsors:** Senators Marr, Zarelli, Keiser, Delvin, Kline, Brown, Brandland, Kohl-Welles, Fairley, Shin, Pflug, McAuliffe, Rasmussen and Kilmer.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/28/08, 1/30/08 [DP-WM].  
Ways & Means: 2/11/08, 2/12/08 [DPS].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

**Staff:** Rhoda Donkin (786-7465)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 6448 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

**Staff:** Chelsea Buchanan (786-7446)

**Background:** The Division of Developmental Disabilities (Division) has approximately 36,000 clients in the state who have developmental disabilities. Individuals who are eligible can receive services limited to available funding. Services include employment assistance, respite care to relieve care givers, specialized equipment, and adaptations to an individual's

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living space. Division clients who are eligible can receive entitlement services under the Medicaid Personal Care program for assistance with activities of daily living, including dressing, bathing, etc. Habilitative services, which can include personal care but also include the availability of 24/7 supervision and other services, are provided as an entitlement eligible to clients in the five state institutions, called Residential Habilitation Centers. Non-entitlement habilitative services are limited, and are provided in the community under the federal home and community-based waiver program.

In some cases, individuals with disabilities have behavior that is extremely difficult for families or care givers to manage. The behavior may exhibit at a very early age, or prove particularly difficult when the child grows up to be bigger and stronger than the care giver or parent. Destructive, explosive, and sometimes dangerous behaviors may cause families to seek help managing chronic problems. In the past, the Voluntary Placement Program provided an option for these families to retain custody of their child but have their child live in a group home or staffed residential home. In 2001 the program was capped. New placements are only available when other individuals served turn 21 years of age. Some waiver-based community residential services are also available, but these are also limited and must also serve adults with intensive needs.

There is some evidence that community resources are lacking to assist families with members who have extreme behaviors. In the last few years, 55 families have placed their children in Fircrest or Frances Haddon Morgan Residential Habilitation Centers, 20 of whom have requested permanent placement. It is estimated that about 100 families throughout the state have requested an out-of-home placement for a child with a developmental disability who has high behavior needs.

**Summary of Bill (Recommended Substitute):** The Department of Social and Health Services (DSHS) is directed to establish an in-home behavioral crisis support program for individuals with developmental disabilities. Eligibility criteria are described, including when a child's behavior is determined to put the child or the family at significant risk and/or is very likely to require an out-of-home placement. The program will offer such services as behavior consultation with parents, school districts, and others; minor home adaptations; motor vehicle adaptations; planning; and respite care.

Funding for the program is subject to funds appropriated for that specific purpose. If specific funding is not provided by June 30, 2008, the bill is null and void.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute):** The appropriation clause is removed and the program is limited to funding appropriated. A null and void clause is added. Specific references to staffing and caseload ratios are removed, and it is clarified that actual behavior support services will be contracted. Intensive behavior supports must also be designed to reduce the use of more costly out-of-home placement. The intent section is revised to mention state and national trends on institutionalization and availability of community services.

**Appropriation:** None.

**Fiscal Note:** Available on original bill; substitute requested on February 13, 2008.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Original Bill (Health & Long-Term Care):** PRO: This program will help families deal with extremely difficult children who have developmental disabilities. There are very few resources in the community to help families in crisis. This program will prevent families from resorting to institutional care and teach them ways to intervene before problems escalate. It has worked in Oregon, and this bill is modeled after what has been going on there.

**Persons Testifying (Health & Long-Term Care):** PRO: Ed Holen, Developmental Disabilities Council; Diana Stadden, parent; Linda Rolfe, Aging and Disability Services Administration, Division of Developmental Disabilities.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** PRO: This bill makes good fiscal sense. A program for in-home services is much less costly per person than an institutional service or other out-of-home placement.

**Persons Testifying (Ways & Means):** PRO: Ed Holen, Developmental Disabilities Council.