

# SENATE BILL REPORT

## SSB 6384

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As Amended by House, February 29, 2012

**Title:** An act relating to ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program.

**Brief Description:** Ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Murray, Keiser, Fraser, Carrell, Kline, Pridemore, Frockt, Delvin, Harper, Fain, Honeyford, Benton, Hobbs, Hewitt, Shin, Regala, McAuliffe, Conway, Kohl-Welles, Roach, Haugen and Nelson).

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/01/12, 2/02/12 [DPS].

Passed Senate: 2/08/12, 44-0.

Passed House: 2/29/12, 98-0.

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

**Majority Report:** That Substitute Senate Bill No. 6384 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; Becker, Ranking Minority Member; Carrell, Frockt, Kline, Parlette, Pflug and Pridemore.

**Staff:** Kathleen Buchli (786-7488)

**Background:** The Department of Social and Health Services' (DSHS) Division of Developmental Disabilities (DDD) assists individuals with developmental disabilities and their families to obtain services and support based on individual preference, capabilities, and needs and which promote everyday activities, routines, and relationships common to most citizens. DDD provides individuals with a variety of services, including employment services and community access services, which are contracted with counties. Employment services provide ongoing support services and training for eligible persons with paid jobs in a variety of settings and work sites. These include individual supported employment, group supported employment, and prevocational services. Community access services assist

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individuals to participate in activities that promote individualized skill development, independent living, and community integration. Activities must provide individuals with opportunities to develop personal relationships with others in their local communities and to learn, practice, and apply life skills that promote greater independence and community inclusion.

Home and Community Based Services (HCBS) Waivers are designed to allow the provision of ICF/MR level services to clients in community settings. DDD offers services under five Medicaid HCBS waivers. To be eligible for a HCBS waiver, the individual must be a DDD client; have a disability according to criteria established in the Social Security Act; have countable income that does not exceed 300 percent of the Social Security Income federal benefit standard and countable resources that do not exceed \$2,000 or be in the Health Care for Workers with Disabilities program; need the level of care provided in an Intermediate Care Facility for Individuals with Intellectual Disabilities; have an Individual Support Plan showing how the individual's health, safety, and habilitation needs can be met in the community with a monthly waiver service; and have agreed to accept home and community-based services as an alternative to institutional services.

**Summary of Substitute Bill:** DDD clients who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program. They must also be provided the option to transition from a community access program to an employment program at any time. DDD clients must be informed of their service options. DSHS must work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so clients are able to participate in activities that integrate them into their community and support independent living and skills.

**Appropriation:** None.

**Fiscal Note:** Available.

**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:** PRO: Washington State is a leader in supported employment outcomes. Individuals with developmental disabilities should be given an opportunity to work. Washington State has the best employment rate for people with disabilities in the country. Once you give individuals with disabilities an opportunity for employment, you will be shocked at their abilities. We need to help individuals to be as successful and independent as possible; this bill will do that. There are people who get state-only funding, and this bill should apply to them. We should implement the results of the group that have already implemented a plan on community access. People should be able to get more than one service at a time and not be limited to only community access services or employment services. This bill is a good balance and focuses on employment to individuals with developmental disabilities; we hope community access programs will become more robust. We have to keep employment; half of the people who go into adult day health do not come out of it.

OTHER: Adult day health should be listed as one of the choices that are available to DDD clients. The final sentence of the bill should be modified to include support services to families that can help maintain the wellbeing of the family.

**Persons Testifying:** PRO: Senator Parlette, prime sponsor; Audrey Adams, parent; Margaret Lee Thompson, Community Employment Alliance; Ed Holan, Developmental Disabilities Council; Sue Elliot, ARC of WA State; Chris Christian, Community Employment Alliance; Craig Ishmeal; Kathy Ishmeal; Jessica Kenner; Darla Helt, The ARC of Clark county; Lance Morehouse, The ARC of King county; Marcie Taylor, Community Employment Alliance.

OTHER: Jeff Bradt, Elder and Adult Day Services; Dave Budd, Full Life.

**House Amendment(s):** Enrollment in an employment program begins at the time the client is authorized to receive employment. A client who seeks to transition from an employment program to community access services is not required to seek prior approval by DSHS. Options for employment and day services include the opportunity to request an exception from enrollment in an employment program. DSHS's work with counties and stakeholders to strengthen the existing community access program must include the consideration of options that allow for alternative service settings outside the client's residence. DSHS must adopt rules allowing for an exception to the requirement that a client participate in an employment program for nine months before transitioning to a community access program.