

# SENATE BILL REPORT

## SB 5358

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As Reported by Senate Committee On:  
Health Care, February 14, 2013

**Title:** An act relating to the no paid case load of the division of developmental disabilities.

**Brief Description:** Concerning people with disabilities who receive no paid services from the department of social and health services' division of developmental disabilities.

**Sponsors:** Senators Becker, Keiser, Conway, Schlicher, Dammeier, Cleveland, Bailey, Parlette, Ericksen, Shin, Kohl-Welles and Kline.

**Brief History:**

**Committee Activity:** Health Care: 2/12/13, 2/14/13 [DP-WM].

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### SENATE COMMITTEE ON HEALTH CARE

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

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Bailey, Cleveland, Frockt, Keiser, Ranking Member; Parlette and Schlicher.

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

**Background:** A person with a developmental disability is a person who has a disability attributable to an intellectual disability, cerebral palsy, epilepsy, autism, or another condition, neurological or otherwise closely related to intellectual disability or that requires treatment similar to that required for individuals with intellectual disabilities. This disability must have originated before the person attained the age of 18, must continue or can be expected to continue indefinitely, and results in substantial limitations to an individual's intellectual and/or adaptive functioning.

The Developmental Disabilities Services Administration (DDSA), renamed by a February 8, 2013, announcement of the Department of Social and Health Services' Secretary, provides a system of supports that reaches only 63 percent of the 38,000 Washington residents with a qualifying developmental disability. These are people who constitute the no paid services case load; individuals who are eligible for, but are not receiving, services from DDSA.

The Washington State Caseload Forecast Council must forecast the entitlement caseloads for our state. The adopted forecasts are the basis of the Governor's budget proposal and are used

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*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.*

by the Legislature in the development of biennial and supplemental appropriations. Two types of developmental disabilities services are forecasted: Personal Care Services; and Community Residential Services. The appropriations for Medicaid-funded Personal Care and Community Residential Services are increased or reduced depending on the forecasted caseload and per capita costs for these services. If the caseloads and/or per capita costs decline, the corresponding state and federal amounts from reduced caseloads are decreased in the DSHS budget. Likewise, if caseload and/or per capita costs increase, additional funding will be appropriated. Official forecasting is not done for other DDSA services.

On January 1, 2011, the Division of Developmental Disabilities stopped providing case management to clients who did not receive a paid service. Since that time, these groups of eligible persons have been supported through a toll-free information line with recorded messages. Calls from clients or their families are checked daily by regional staff and supervisors who determine the appropriate response. The DDSA response is typically one of three options: information and referral to other social services; a denial of requests for a DDSA service of which there are no resources available; or referral to a Case or Resource Manager to start or update an assessment if the client meets the financial criteria for Medicaid Personal Care, or is requesting a funded service or waiver consideration.

In 2011, the Legislature passed 2SSB 5459 which directed the creation of the Developmental Disabilities Service System Task Force (Task Force). Among the goals of the Task Force was to make recommendations on developing a system of services for persons with development disabilities in this state. On January 9, 2013, the Task Force issued its recommendations. One recommendation was to: direct DSHS to begin assessing the 14,000 clients on the no paid services caseload, within funds made available for this purpose; give authority to DSHS to prioritize assessments; and increase Basic Plus waiver capacity incrementally per biennium as funding allows.

**Summary of Bill:** Within funds provided for this purpose, DSHS must expand the Informing Families Building Trust communications project to provide information about the developmental disabilities system to individuals and families on the no paid services case load. The information should assist families in planning as their children reach transition points. Also within funds provided for this purpose, DSHS must hire the number of case managers necessary to conduct assessment to determine the level of needs of those who seek services.

For the fiscal year ending June 30, 2014, DSHS must provide respite care for 4000 individuals on the no paid services case load. An additional 4000 people must be provided these services for the fiscal year ending June 30, 2015. Respite care must be provided based on need and caregiver stress, with funding not to exceed \$4,000 per year per individual. Persons receiving respite care must account for the use of funds to their case manager and allocations of respite care funds are determined on a year by year basis.

The Caseload Forecast Council must forecast the no paid services case load to assist the Legislature in developing respite needs and budget requirements for the population of persons with developmental disabilities.

**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:** PRO: We need to address respite needs necessary to support the families of people with developmental disabilities in this state. The pressing need for families is respite which will help prevent families from going into crisis. We are concerned about the no paid services caseload. It looks like some people in the system received services because of luck and timing and others in the same position do not receive services because of when they applied. The number of people on the no paid services caseload continues to grow and the no paid services caseload will be around for a long time. We need to start addressing this now rather than with treatment and a safe environment. Respite also provides jobs for caregivers. Without respite, families breakup; some end in divorce or bankruptcy. We need to catch federal dollars; waiver eligible language should be added to the bill.

CON: We forgot who we are as a state and we act as if we have no obligation to meet the needs of people who live in the community. We need to examine all needs, not just the needs defined in the needs assessment.

**Persons Testifying:** PRO: Senator Becker, prime sponsor; Darla Helt, Clark County Parent Coalition; Ed Holen, Developmental Disabilities Council; Marcy Johnsen, Service Employees International Union 1199NW; Julianne Moore, WA Federation of State Employees; Marcie Taylor, Community Employment Alliance; Diane Larsen, Liz McKinnon, Stacey Klim, Jodie Kotrlik, citizens.

CON: Loren Freeman, Freeman and Associates.