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SENATE BILL 5358

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Becker, Keiser, Conway, Schlicher, Dammeier, Cleveland, Bailey, Parlette, Ericksen, Shin, Kohl-Welles, and Kline

Read first time 01/28/13. Referred to Committee on Health Care .

1 AN ACT Relating to the no paid case load of the division of  
2 developmental disabilities; amending RCW 71A.12.161 and 43.88C.010;  
3 adding new sections to chapter 71A.12 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds as follows:

6 (a) Over fifteen thousand individuals have been determined by the  
7 department of social and health services' division of developmental  
8 disabilities to be eligible for services but are currently not  
9 receiving paid services or supports;

10 (b) There is not a significant difference between the division of  
11 developmental disabilities case loads of those who receive and those  
12 who do not receive services; and

13 (c) Most people with developmental disabilities live with their  
14 parents, even into adulthood, and supporting and providing care by  
15 parents can be a stressful activity especially as the parents  
16 themselves age.

17 (2) Therefore, the legislature intends that fairness and equity be  
18 applied in cases between those who receive no paid services from the

1 division of developmental disabilities and those who do receive  
2 services.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12 RCW  
4 to read as follows:

5 Within funds provided by the legislature for this purpose, the  
6 department must expand the informing families building trust  
7 communication project to provide information to individuals and  
8 families on the no paid services case load about the developmental  
9 disabilities system. The information should assist families in  
10 planning as their children reach points of transitions. The department  
11 must assist the developmental disabilities council to reach clients on  
12 the no paid services case load and to assure that funds provided for  
13 this purpose will be matched with medicaid funds.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.12 RCW  
15 to read as follows:

16 Within funds provided by the legislature for this purpose, the  
17 department must hire the number of case managers necessary to conduct  
18 assessments to determine the level of needs of those who ask for  
19 services and those who may appear eligible for medicaid personal care.

20 **Sec. 4.** RCW 71A.12.161 and 2009 c 312 s 1 are each amended to read  
21 as follows:

22 (1) The individual and family services program for individuals  
23 eligible to receive services under this title is established. This  
24 program replaces family support opportunities, traditional family  
25 support, and the flexible family support pilot program. The department  
26 shall transfer funding associated with these existing family support  
27 programs to the individual and family services program and shall  
28 operate the program within available funding. The services provided  
29 under the individual and family services program shall be funded by  
30 state funding without benefit of federal match.

31 (2) The department shall adopt rules to implement this section.  
32 The rules shall provide:

33 (a) That eligibility to receive services in the individual and  
34 family services program be determined solely by an assessment of  
35 individual need;

1 (b) For service priority levels to be developed that specify a  
2 maximum amount of dollars for each person per level per year;

3 (c) That the dollar caps for each service priority level be  
4 adjusted by the vendor rate increases authorized by the legislature;  
5 and

6 (d) That the following services be available under the program:

7 (i) Respite care;

8 (ii) Therapies;

9 (iii) Architectural and vehicular modifications;

10 (iv) Equipment and supplies;

11 (v) Specialized nutrition and clothing;

12 (vi) Excess medical costs not covered by another source;

13 (vii) Copays for medical and therapeutic services;

14 (viii) Transportation;

15 (ix) Training;

16 (x) Counseling;

17 (xi) Behavior management;

18 (xii) Parent/sibling education;

19 (xiii) Recreational opportunities; and

20 (xiv) Community services grants.

21 (3) In addition to services provided for the service priority  
22 levels under subsections (1) and (2) of this section, the department  
23 shall provide for:

24 (a) One-time exceptional needs and emergency needs for individuals  
25 and families not receiving individual and family services annual grants  
26 to assist individuals and families who experience a short-term crisis;  
27 and

28 (b) Respite services based on the department's assessment for:

29 (i) A parent who provides personal care in the home to his or her  
30 adult son or daughter with developmental disabilities; or

31 (ii) A family member who replaces the parent as the primary  
32 caregiver, resides with, and provides personal care in the home for the  
33 adult with developmental disabilities.

34 (4)(a) For the fiscal year ending June 30, 2014, and within funds  
35 provided by the legislature for this purpose, the department must  
36 provide respite care for four thousand individuals on the no paid  
37 services case load.

1       (b) For the fiscal year ending June 30, 2015, and within funds  
2 provided by the legislature for this purpose, the department must  
3 provide respite care for four thousand individuals on the no paid  
4 services case load.

5       (c) Respite care provided under this subsection must be based on  
6 need and caregiver stress. Funding for respite care may not exceed  
7 four thousand dollars per individual per year. Funding is to be  
8 provided in a flexible manner, but persons receiving respite care must  
9 account for the use of the funds to their case manager the year  
10 following the allocation. Allocation must be determined on a year-by-  
11 year basis.

12       (5) If a person has more complex needs, a family is experiencing a  
13 more prolonged crisis, or it is determined a person needs additional  
14 services, the department shall assess the individual to determine if  
15 placement in a waiver program would be appropriate.

16       **Sec. 5.** RCW 43.88C.010 and 2012 c 217 s 3 are each amended to read  
17 as follows:

18       (1) The caseload forecast council is hereby created. The council  
19 shall consist of two individuals appointed by the governor and four  
20 individuals, one of whom is appointed by the chairperson of each of the  
21 two largest political caucuses in the senate and house of  
22 representatives. The chair of the council shall be selected from among  
23 the four caucus appointees. The council may select such other officers  
24 as the members deem necessary.

25       (2) The council shall employ a caseload forecast supervisor to  
26 supervise the preparation of all caseload forecasts. As used in this  
27 chapter, "supervisor" means the caseload forecast supervisor.

28       (3) Approval by an affirmative vote of at least five members of the  
29 council is required for any decisions regarding employment of the  
30 supervisor. Employment of the supervisor shall terminate after each  
31 term of three years. At the end of the first year of each three-year  
32 term the council shall consider extension of the supervisor's term by  
33 one year. The council may fix the compensation of the supervisor. The  
34 supervisor shall employ staff sufficient to accomplish the purposes of  
35 this section.

36       (4) The caseload forecast council shall oversee the preparation of  
37 and approve, by an affirmative vote of at least four members, the

1 official state caseload forecasts prepared under RCW 43.88C.020. If  
2 the council is unable to approve a forecast before a date required in  
3 RCW 43.88C.020, the supervisor shall submit the forecast without  
4 approval and the forecast shall have the same effect as if approved by  
5 the council.

6 (5) A councilmember who does not cast an affirmative vote for  
7 approval of the official caseload forecast may request, and the  
8 supervisor shall provide, an alternative forecast based on assumptions  
9 specified by the member.

10 (6) Members of the caseload forecast council shall serve without  
11 additional compensation but shall be reimbursed for travel expenses in  
12 accordance with RCW 44.04.120 while attending sessions of the council  
13 or on official business authorized by the council. Nonlegislative  
14 members of the council shall be reimbursed for travel expenses in  
15 accordance with RCW 43.03.050 and 43.03.060.

16 (7) "Caseload," as used in this chapter, means:

17 (a) The number of persons expected to meet entitlement requirements  
18 and require the services of public assistance programs, state  
19 correctional institutions, state correctional noninstitutional  
20 supervision, state institutions for juvenile offenders, the common  
21 school system, long-term care, medical assistance, foster care, and  
22 adoption support;

23 (b) The number of students who are eligible for the Washington  
24 college bound scholarship program and are expected to attend an  
25 institution of higher education as defined in RCW 28B.92.030.

26 (8) The caseload forecast council shall forecast the temporary  
27 assistance for needy families and the working connections child care  
28 programs as a courtesy.

29 (9) The caseload forecast council shall forecast the no paid  
30 services case load portion of the department of social and health  
31 services' division of developmental disabilities to assist the  
32 legislature in developing respite needs and budget requirements for the  
33 population of persons with developmental disabilities.

34 (10) Unless the context clearly requires otherwise, the definitions  
35 provided in RCW 43.88.020 apply to this chapter.

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