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**SUBSTITUTE HOUSE BILL 2790**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Walsh, Kilduff, Nealey, Kagi, Senn, Zeiger, Sawyer, Schmick, Dye, McBride, Pollet, Haler, Walkinshaw, and Tarleton)

READ FIRST TIME 02/04/16.

1 AN ACT Relating to employment and community access services for  
2 individuals with developmental disabilities; and amending RCW  
3 71A.12.290.

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

5 **Sec. 1.** RCW 71A.12.290 and 2012 c 49 s 1 are each amended to  
6 read as follows:

7 (1) Clients age twenty-one and older who are receiving employment  
8 services must be offered the choice to transition to a community  
9 access program after nine months of enrollment in an employment  
10 program, and the option to transition from a community access program  
11 to an employment program at any time. Enrollment in an employment  
12 program begins at the time the client is authorized to receive  
13 employment.

14 (2) Prior approval by the department shall not be required to  
15 effectuate the client's choice to transition from an employment  
16 program to community access services after verifying nine months of  
17 participation in employment-related services.

18 (3) The department shall inform clients and their legal  
19 representatives of all available options for employment and day  
20 services, including the opportunity to request an exception from  
21 enrollment in an employment program. Information provided to the

1 client and the client's legal representative must include the types  
2 of activities each service option provides, and the amount, scope,  
3 and duration of service for which the client would be eligible under  
4 each service option. An individual client may be authorized for only  
5 one service option, either employment services or community access  
6 services. Clients may not participate in more than one of these  
7 services at any given time.

8 (4) The department shall work with counties and stakeholders to  
9 strengthen and expand the existing community access program,  
10 including the consideration of options that allow for alternative  
11 service settings outside of the client's residence. The program  
12 should emphasize support for the clients so that they are able to  
13 participate in activities that integrate them into their community  
14 and support independent living and skills.

15 (5) The department shall develop and implement rules to allow for  
16 an exception to the requirement that a client participate in an  
17 employment program for nine months prior to transitioning to a  
18 community access program. This exception must take into consideration  
19 an individual's medical condition, an individual's history of care  
20 needs, the availability of employment, and allow for other good cause  
21 reasons for an exception.

22 (a) The department must ensure that clients, parents of clients,  
23 and guardians of clients are aware of the ability to apply for the  
24 exception permitted by this subsection (5).

25 (b) Beginning December 1, 2016, the department shall annually  
26 report electronically to the appropriate committees of the  
27 legislature, pursuant to RCW 43.01.036, the specific rules that allow  
28 individuals to receive an exception to the nine-month employment  
29 program participation requirement and the number of individuals  
30 provided an exception in each county.

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