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**SENATE BILL 6381**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senators Walsh, Conway, Hasegawa, Chase, and Keiser

AN ACT Relating to ensuring access to community-based services for developmentally disabled citizens currently served by the developmental disabilities administration; and amending RCW 71A.12.290.

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

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

(1) Clients age twenty-one and older who are receiving or have received employment services must be offered the choice to transition to a community access program after up to nine months of enrollment in an employment program, and the option to transition from a community access program to an employment program at any time. Enrollment in an employment program begins at the time the client is authorized to receive employment. Employment related activities such as skill development, job coaching, mentorship, and other vocational or work related educational programs or activities completed during the client's special education transition period must be counted when verifying sufficient participation in an employment program.

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

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. Information provided to the client and the client's legal representative must include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand the existing community ((~~access~~)) inclusion programs, including the consideration of options that allow for alternative service settings outside of the client's residence, including settings where another developmental disabilities administration client may be present. The program should emphasize support for the clients so that they are able to participate in activities that integrate them into their community, are based on client choices and person-centered planning, and support independent living and skills.

(5) The department shall develop rules to allow for an exception to the requirement that a client participate in an employment program for up to nine months prior to transitioning to a community access program. The department shall issue an annual report due on December 1st of each year to the legislature that includes an analysis of the number of exceptions sought and granted in each county in Washington, as well as recommendations for how to make the exception process easier to navigate for clients and families in each county.

(6) The department may not set up, promulgate, or implement community-based service provider billing processes, criteria, or rules that restrict provider ability to bill for providing federally permitted community-based services, used by a developmental disabilities administration client, in an integrated setting, or with another developmental disabilities administration client in a community setting.

(7) If a developmental disabilities administration client or the client's legal representative identifies a lack of fully integrated community inclusion service opportunities in the client's community or the local jurisdiction does not have an adequate employment infrastructure or employment opportunities to support the client's employment goals under the client's person-centered plan, the developmental disabilities administration must allow the client to access community inclusion services in which another developmental disabilities administration client may be present and must allow the community inclusion provider to bill for the community inclusion service provided. Regardless of whether the service provided is in a fully integrated setting, the developmental disabilities administration is required to reimburse community inclusion service providers in accordance with RCW 71A.12.030, 71A.12.040, 71A.14.060, 71A.14.080, and other relevant state statutes.

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