

# HOUSE BILL REPORT

## SSB 6013

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to behavioral rehabilitation services.

**Brief Description:** Concerning behavioral rehabilitation services.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Darneille, Keiser, Palumbo, Kuderer and Hasegawa).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/21/18, 2/23/18 [DP].

**Brief Summary of Substitute Bill**

- Requires the Department of Social and Health Services and the Department of Children, Youth, and Families to convene a stakeholder workgroup to design a Behavioral Rehabilitation Services (BRS) rate payment methodology that is based on actual provider costs of care and submit a report on the workgroup's findings to the Legislature by November 30, 2018.
- Requires the Caseload Forecast Council to forecast the number of youth expected to receive support and treatment from BRS while involved in the foster care system.
- Requires that expenditures for BRS placements be forecasted and budgeted as maintenance level costs.

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### HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass. Signed by 13 members: Representatives Kagi, Chair; Senn, Vice Chair; Dent, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Eslick, Frame, Goodman, Griffey, Kilduff, Klippert, Lovick, Muri and Ortiz-Self.

**Staff:** Luke Wickham (786-7146).

**Background:**

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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.*

### *Operating Budget.*

A two-year biennial operating budget appropriates funding for the operation of state government and is adopted every odd-numbered year. Supplemental budgets frequently are enacted in each of the following two years after adoption of the biennial budget.

Although many elements of the budget process are contained in statute, others elements of the process reflect decisions made by the executive and legislative branches. In Washington, budget decisions are often categorized as being either a maintenance level or a policy level decision.

For the purposes of the four-year outlook, maintenance level has been defined to mean the estimated appropriations necessary to maintain the continuing costs of program and service levels either funded in the prior biennium or otherwise mandated by other state or federal law. Maintenance level items typically include adjustments for the forecasted changes in entitlement caseloads/enrollments and other mandatory expenses.

All other budget decisions are typically categorized as policy items. Examples include:

- creating a new program;
- eliminating a current program;
- increasing or decreasing vendor or employee payment rates;
- expanding or contracting program eligibility; and
- expanding or contracting the value of services provided by a program.

### *Temporary Out-of-Home Placements.*

If a Child Protective Services (CPS) social worker who responds to a report of child abuse or neglect determines that the child is unsafe in the home, the child may be removed and placed in a temporary out-of-home placement until he or she can return to the home safely or be placed in another safe and permanent living arrangement. There are multiple types of temporary out-of-home placements including:

- licensed family foster care;
- relative or kin placements; and
- Behavioral Rehabilitation Services (BRS).

### *Behavioral Rehabilitation Services.*

The BRS are designed to be temporary, intensive services that utilize a wraparound service approach for youth with high-level behavioral, medical, or mental health issues. Most BRS youth are served in out-of-home placements in congregate care settings or with specially trained foster families. However, some support and treatment from BRS may be provided as an in-home service. Contracted vendors provide BRS at monthly all-inclusive rates. On a case-by-case basis, the Department of Social and Health Services (DSHS) may enter into child-specific contracts with BRS vendors to provide rates that exceed the regular rate table. Regional DSHS BRS managers act as the gatekeepers for BRS referrals.

Two assessments are currently used for children in the BRS program. The Children's Functional Assessment Rating Scale must be completed by the BRS vendor for most youth within 14 days of BRS entry and within 30 days of exiting the BRS program. The Wraparound with Intensive Services (WISe) screen is completed upon BRS referral and

every six months during the youth's BRS stay to determine if the youth meets the eligibility criteria for WISE.

The child welfare services performed by the DSHS will transfer to the Department of Children, Youth, and Families (DCYF) on July 1, 2018.

*Caseload Forecast Council.*

The Caseload Forecast Council (CFC) is a state agency charged with preparing official state forecasts of the number of persons expected to meet entitlement requirements and to require the services of certain public assistance programs, including foster care, adoption support, the prison population, kindergarten through grade 12 students, Medicaid, and other specified programs. The CFC itself consists of two individuals appointed by the Governor, and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the Senate and the House of Representatives.

*Budgeting Processes for Child Welfare Services.*

Funding for some child welfare services are adjusted annually in maintenance level of the budget on the basis of actual and forecasted caseloads and per-capita costs. The DSHS child welfare services for which funding is currently adjusted in maintenance level of the budget in part using current caseload forecasts are:

- foster care maintenance payments;
- child-placing agency management fees;
- child care for children in foster care or relative placements when their foster parents are at work or school;
- case aides for children in foster care;
- support goods for children in foster care;
- extended foster care (EFC) maintenance payments and related EFC expenses; and
- adoption support and other adoption-related expenses.

Funding for BRS and for visitation services was adjusted in maintenance level through the forecast process until the 2009-11 Biennial Operating Budget and 2010 Supplemental Operating Budget, respectively, when the Legislature chose to begin treating all funding changes for these items as policy decisions.

Funding for staff including the CPS workers is not adjusted annually in maintenance level on the basis of actual and projected workload.

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**Summary of Bill:**

*Behavioral Rehabilitation Services Rate Payment Methodology Workgroup.*

The DSHS and the DCYF must convene a stakeholder workgroup in a collaborative effort to design a BRS rate payment methodology that is based on actual provider costs of care. The workgroup may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, the DCYF must submit a report with the workgroup's findings to the appropriate legislative committees.

*Caseload Forecast Council.*

The CFC must forecast the number of youth expected to receive support and treatment from BRS while involved in the foster care system.

*Behavioral Rehabilitation Services as Maintenance Level.*

Expenditures for BRS placements must be forecasted and budgeted as maintenance level costs.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The Senate is interested in solving the problems with BRS. The forecasting piece of this bill is vital to know the actual cost of BRS. In both the House and Senate budgets, there is a temporary increase in BRS rates. Many children are currently being sent out of state and are being placed in hotels, which is unacceptable. Both the Senate and House capital budgets include funding for BRS facilities. This bill goes a long way to solve the placement crisis in Washington for foster youth. The loss of beds has been due to a lack of reimbursement. The kids served by BRS are in the child welfare system but also have a compounding psychiatric condition, physical health disability, or cognitive disability. The steps taken in the bill are essential to maintaining BRS providers and expanding that service. Often these services are supplemented by philanthropy and the state is not currently reimbursing the actual rate of BRS. Children receiving BRS require the highest level of care, and that care is necessary to stabilize youth so they can return to the community. Increasing rates for BRS will improve outcomes for the youth served.

(Opposed) None.

**Persons Testifying:** Senator Frockt, prime sponsor; Karen Brady, Washington Association of Children and Families; and Chris Patterson, BreakThrough Inc.

**Persons Signed In To Testify But Not Testifying:** None.