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SECOND SUBSTITUTE SENATE BILL 5201

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State of Washington                      65th Legislature                      2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban,  
Darneille, and Zeiger)

READ FIRST TIME 02/24/17.

1            AN ACT Relating to individuals receiving both employment and  
2 community access services; amending RCW 71A.12.290; and creating a  
3 new section.

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

5            NEW SECTION.    **Sec. 1.**    The state recognizes the need for person-  
6 centered services that enable developmentally disabled clients to  
7 have greater access to their community, regardless of the degree of  
8 each client's disability or level of acuity. The state further  
9 recognizes that employment is highly effective for many and should be  
10 encouraged and offered at the outset for individuals age twenty-one  
11 and older. However, for others with significant barriers to  
12 employment that may or may not be overcome the state appreciates the  
13 need for community access services to be available instead of  
14 employment or as a complementary service to enhance employment  
15 discovery prospects, provide skill development, and provide community  
16 involvement and meaningful activities.

17            **Sec. 2.**    RCW 71A.12.290 and 2012 c 49 s 1 are each amended to  
18 read as follows:

19            (1)    (~~Clients age twenty-one and older who are receiving~~  
20 ~~employment services must be offered the choice to transition to a~~

1 ~~community access program after nine months of enrollment in an~~  
2 ~~employment program, and the option to transition from a community~~  
3 ~~access program to an employment program at any time. Enrollment in an~~  
4 ~~employment program begins at the time the client is authorized to~~  
5 ~~receive employment.~~

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

10 ~~(3))~~ Clients of the department age twenty-one and older must  
11 have the option to select employment services or community access  
12 services at the outset or at any point during the discovery process.  
13 The client must be able to opt in and out of either service at any  
14 time. Services shall be based on the client's person-centered plan  
15 and appropriate for the needs of the individual client. Services may  
16 include a variety of supports and providers that will enable  
17 individuals to have greater access to their community, regardless of  
18 the degree of each client's disability.

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

31 ~~(4))~~ (3) The department shall work with counties and  
32 stakeholders to strengthen and expand ((the existing community access  
33 program, including the consideration of options that allow for  
34 alternative service settings outside of the client's residence. The  
35 program should emphasize support for the clients so that they are  
36 able to participate in activities that integrate them into their  
37 community and support independent living and skills.

38 ~~(5)~~ The department shall develop rules to allow for an exception  
39 to the requirement that a client participate in an employment program  
40 for nine months prior to transitioning to a community access

1 ~~program~~) employment services and other community access services.  
2 Community access services should emphasize supports and activities  
3 that increase community involvement, maintain or improve skills and  
4 independence, and meet the diversity of person-centered needs.

5 (4) For the purposes of this section, "person-centered plan"  
6 means the individual support plan conducted and formulated for each  
7 client prior to receiving services. Clients must have the ability to  
8 revise their person-centered plan if it does not align with their  
9 individual needs.

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