

SENATE BILL REPORT

SB 5510

As of February 22, 2019

Title: An act relating to choice in service for individuals eligible to receive employment and day program services.

Brief Description: Concerning choice in service for individuals eligible to receive employment and day program services.

Sponsors: Senators Walsh, Brown, Darneille, Keiser, Rolfes and Schoesler.

Brief History:

Committee Activity: Health & Long Term Care: 2/22/19.

Brief Summary of Bill

- Authorizes the Department of Social and Health Services to expand the services provided by day training centers to clients with developmental disabilities.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: LeighBeth Merrick (786-7445)

Background: Developmental Disabilities Administration Employment and Day Programs. The Developmental Disabilities Administration (DDA) is a subdivision of the Department of Social and Health Services (DSHS) and administers a broad range of programs that provide habilitative services to individuals with developmental disabilities in Washington State. Habilitative services provide individual's with the necessary life skills to raise the individual's level of physical, mental, social, and vocational functioning. They include education, training for employment, and therapy. DDA provides habilitative services through the Residential Habilitative Centers (RHCs) or through the community in residential services or employment and day programs.

Employment and day programs include individual supported employment, group supported employment, prevocational services, and community inclusion services. Individual supported employment assists clients with finding jobs in integrated community work places that pay at least minimum wage. Group supported employment is where no more than eight

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DDA clients work in a supervised integrated setting. Prevocational services include training and skilled development, and are provided in a facility where most employees are individuals with developmental disabilities. Community inclusion is a non-work service intended to support clients in making connections to people and activities in the community. Under current law, DDA clients cannot receive employment and community inclusion at the same time, and DDA clients cannot access community inclusion until they have tried employment for nine months.

The 2017 operating budget directed the Joint Legislative Audit and Review Committee (JLARC) to review DSHS' employment and community inclusion services. The report was issued to the Legislature in January 2019.

Day Training Centers. State law defines day training centers as facilities that operate at least three days per week on a non-profit basis to provide day-care, treatment, training, and maintenance of persons with developmental disabilities. Currently, DDA does not contract with day training centers to provide services to DDA clients.

Centers for Medicare and Medicaid Services Health Care Systems Settings Rule. In 2014, the Centers for Medicare and Medicaid Services (CMS) issued the Home and Community Based Services (HCBS) Settings rule which directed states to review services settings to ensure clients have full access to the greater community and receive services in the most integrated settings possible. DDA determined that prevocational settings are not compliant with the CMS HCBS Settings rule and will discontinue services by March 2019.

Summary of Bill: DSHS is required to ensure that the needs and choices of each individual receiving employment and day program services are being met through the provision of habilitative services. The services provided by day training centers are to be considered habilitative services and not be considered community inclusion services. DDA clients do not need to try employment for nine months before accessing day training center services.

DSHS is required to work with counties and stakeholders to expand day training center services. This includes seeking non-state funding for these services. By July 1, 2019, DSHS must amend its state plan and waiver services to include services provided by day training centers that are delivered in settings that comply with the CMS HCBS Settings rule.

By January 1, 2020 DSHS is required to develop and administer a grant program for day training center services. DSHS must report the outcomes of the grant program to the Legislature. This includes the number of clients served, the number of grants awarded, the amount of each grant, the number of monthly hours of services received by each client, and the counties that received grant funding. The grant program is subject to appropriation.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Requested on February 18, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.