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**Human Services, Youth, & Early  
Learning Committee**

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**HB 2080**

**Brief Description:** Establishing day habilitation services for persons with developmental disabilities.

**Sponsors:** Representatives Leavitt, Taylor, Couture, Bronoske, Callan and Rule.

**Brief Summary of Bill**

- Requires the Department of Social and Health Services Developmental Disabilities Administration to apply to the Centers for Medicare and Medicaid Services for amendments to relevant waivers to establish day habilitation as a stand-alone waiver service.
- Requires, following approval of waivers to establish day habilitation services, persons enrolled in eligible waivers who are participating in day habilitation services be provided a minimum of 20 hours paid day habilitation services per week and the minimum reimbursement rate for those providers must be \$35 per participant per hour.

**Hearing Date:** 1/10/24

**Staff:** Luke Wickham

**Background:**

*Developmental Disability Services.*

The Developmental Disabilities Administration (DDA) of the Department of Social and Health Services (DSHS) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. While some DDA

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clients live in residential habilitation centers, an institutional setting, most clients live in the community.

Home and Community Based Services Medicaid waivers (waiver services) are designed to allow clients who live in community settings to receive optional services at the same level as they would receive in an institutional setting. The DDA offers services under five waivers: Core, Basic Plus, Community Protection Program, Individual and Family Services, and Children's Intensive In-Home Behavior Supports. The waiver services provided to DDA clients are designed to promote everyday activities, routines, and relationships, and may include services targeted at community integration, support services provided by contracted professionals, caregiving, and equipment, supplies, and other specialized services. To be eligible for waiver services, the individual must meet certain criteria, including:

- having a qualifying disability;
- meeting the intermediate care facility requirements for individuals with an intellectual disability level of care;
- meeting financial eligibility criteria;
- choosing to receive services in the community rather than in an intermediate care facility; and
- meeting other waiver-specific criteria.

### **Summary of Bill:**

The Department of Social and Health Services Developmental Disabilities Administration (DDA) must apply to the Centers for Medicare and Medicaid Services for amendments to relevant waivers to establish day habilitation as a stand-alone waiver service.

Once day habilitation is approved as a waiver service:

- within 120 days of approval, the DDA must directly contract with, pay, and manage day habilitation service providers;
- persons enrolled in eligible waivers who are participating in day habilitation services must be provided a minimum of 20 hours paid day habilitation services per week and the minimum reimbursement rate for those providers must be \$35 per participant per hour; and
- on an ongoing basis, the DDA must notify eligible clients and their primary caregivers of the availability of day habilitation services, its benefits, and contracted providers, and offer the choice to participate in the services.

Day habilitation is not considered a community access program and day habilitation services may be provided simultaneously with employment and respite services.

**Appropriation:** None.

**Fiscal Note:** Requested on January 4, 2024.

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

passed.