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

HB 2184

Brief Description: Authorizing payment for parental caregivers of minor children with developmental disabilities.

Sponsors: Representatives Taylor, Rude, Senn, Leavitt, Simmons, Reed, Graham, Callan, Macri, Chopp, Barkis, Fosse, Couture, Goodman, Nance, Springer, Riccelli, Farivar, Reeves and Davis.

Brief Summary of Bill

- Requires the Department of Social and Health Services Developmental Disabilities Administration (DDA) to apply to the federal government for amendments to the Community First Choice program and relevant existing DDA Medicaid waivers to allow parent caregivers of minor children with developmental disabilities to receive payment.
- Provides that if the DDA's amendment requests are unsuccessful and cannot be cured, within 30 days of the denial the DDA must apply for a demonstration waiver to allow caregiver parents to receive payment.
- Requires DDA to commence payments immediately upon receiving approval.

Hearing Date: 1/10/24

Staff: Omeara Harrington (786-7136).

Background:

Personal Care Services for Persons with Developmental Disabilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Department of Social and Health Services Developmental Disabilities Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. While some DDA clients live in residential habilitation centers, an institutional setting, most clients live in the community. Clients of the DDA may receive services through the Community First Choice program under the Medicaid State Plan or through one of five DDA home and community-based services waivers. In general, DDA clients who receive personal care services receive those services under the Community First Choice program. Personal care services provide assistance with everyday tasks like bathing, dressing, and managing medication.

Medicaid payments are generally not authorized for personal care services provided by legally responsible individuals, such as spouses or parents of minor children. However, states may seek a waiver to allow legally responsible persons to receive payment for the provision of extraordinary care. Extraordinary care is described by the Centers for Medicare and Medicaid Services (CMS) as care exceeding the range of activities that a legally responsible individual would ordinarily perform in the household on behalf of a person of the same age without a disability or chronic illness, and which are necessary to assure the person's health and welfare and avoid their institutionalization.

Federal Demonstration Waivers.

Under section 1115 of the Social Security Act, the Secretary of Health and Human Services has authority to grant waivers from certain Medicaid requirements to allow states to demonstrate innovative approaches in their Medicaid programs. The purpose of section 1115 demonstration projects is to demonstrate and evaluate policy approaches such as expanding eligibility, providing services not typically covered, and using innovative service delivery systems.

Summary of Bill:

By October 1, 2024, the DDA must submit a request to the CMS for amendments to the Community First Choice program and to applicable DDA home and community-based services waivers that would allow natural, adoptive, and stepparents who provide personal care services to their minor children with developmental disabilities to receive payment for providing those services to the greatest extent allowable under federal law.

If the amendment requests are not accepted and cannot be cured, within 30 days of receiving notice of the denial, the DDA must apply to the CMS for a demonstration waiver for parental payment under the same circumstances.

The DDA must commence payments immediately upon receiving approval from the CMS.

Appropriation: None.

Fiscal Note: Requested on January 5, 2024.

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