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

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**HB 2365**

**Brief Description:** Increasing access to respite care for those with intellectual or developmental disabilities and their caregivers.

**Sponsors:** Representatives Barnard, Taylor, Robertson, Leavitt, Callan, Davis, Farivar, Nance, Reed, Jacobsen, Simmons, Goodman, Caldier, Pollet and Santos.

**Brief Summary of Bill**

- Requires the Department of Social and Health Services Developmental Disabilities Administration (DDA) to provide respite care as part of aggregate services available under the Basic Plus waiver and the Children's Intensive In-Home Behavioral Support waiver.
- Requires the DDA to apply to the Centers for Medicare and Medicaid services for corresponding waiver amendments by September 1, 2024, and to update the waivers to allow respite care as aggregate services within 30 days of approval.

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

**Staff:** Omeara Harrington (786-7136).

**Background:**

Home and Community-Based Services DDA Waivers.

The 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

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community. Home and community based services Medicaid waivers 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, Individual and Family Services, and Children's Intensive In-Home Behavior Supports (CIIBS). 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.

The Basic Plus waiver serves DDA clients of all ages. Services are provided in the client's own home, in an adult family home, or an adult residential center. The CIIBS waiver supports youth with challenging behaviors. In addition to other waiver eligibility criteria, to be eligible for CIIBS services, the family must agree to participate in the program, and the child must:

- be under age 21;
- have an assessed acuity score that indicates that the child's behavior puts the child or family at risk or is very likely to require an out-of-home placement; and
- reside in his or her family home or be in an out-of-home placement.

In addition to specified services and supports for which a DDA client is assessed and approved for a certain number of hours, the Basic Plus and CIIBS waivers also offer aggregate services, which refers to a combination of services subject to specified dollar limits.

#### Respite Care.

Respite care is short-term intermittent care to provide relief for a person who lives with a DDA client and is their primary care provider, whether paid or unpaid. For certain waivers, including the Basic Plus and CIIBS waivers, the client is assessed by the DDA and authorized for a maximum number of respite hours.

#### **Summary of Bill:**

The DSHS must provide respite care as part of the aggregate services available under both the Basic Plus DDA waiver and the CIIBS DDA waiver.

By September 1, 2024, the DSHS must submit a waiver amendment to the Centers for Medicare and Medicaid Services (CMS). Upon the approval from CMS, the DSHS must update the Basic Plus and CIIBS waivers within 30 days to allow respite care as part of the waivers' aggregate services.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17,2024.

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