

SENATE BILL REPORT

SB 5506

As of February 2, 2023

Title: An act relating to enhanced behavior support homes.

Brief Description: Establishing an enhanced behavior support homes model.

Sponsors: Senators Kauffman, Dhingra, Hasegawa, Keiser, Lovelett, Randall, Rivers, Saldaña, Shewmake, Wagoner and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/25/23, 2/02/23.

Brief Summary of Bill

- Establishes the Enhanced Behavior Support Homes Program.
- Directs the director of the Department of Commerce and other entities to assess the capacity of residential habilitation centers and group training homes to become licensed and certified.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Delika Steele (786-7486)

Background: The capital budget appropriates funding to the Department of Commerce (Commerce) for various housing programs. The largest housing program is funded by the Housing Trust Fund, which provides grants or loans to develop and preserve affordable housing to meet the needs of low-income and special needs populations.

The Department of Social and Health Services (DSHS) Developmental Disability Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. DDA clients live in residential habilitation centers (RHCs), an institutional setting, as well

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as in the community.

Eligibility for DDA services hinges on whether the client has a qualified developmental disability, has a functional need, and meets certain income and asset standards.

The services provided to clients are designed to promote everyday activities, routines, and relationships common to most people, and include employment services and community access services, which are contracted with counties.

Summary of Bill: Subject to amounts appropriated, the Enhanced Behavior Support Homes Program is established to provide enhanced behavioral services and support to individuals in a community setting rather than in an institution. Commerce, working with DDA and DSHS, must create standards for licensure or certification of enhanced behavior support homes. The Commerce director must license or certify enhanced behavior support homes that meet the following minimum standards:

- require 24-hour supervision of residents;
- provide an appropriate response to the acuity of the residents;
- establish requirements for the ability to use delayed egress devices of the time-delay type;
- establish resident rights substantially similar to the rights of residents in residential habilitation centers; and
- establish program standards, design requirements, staffing structure, staff qualifications, and training.

Training must include 40 hours of emergency intervention, and address the specialized needs of clients. Emergency intervention training should also emphasize positive behavior support and alternative techniques to physical restraints.

The Commerce director and the entities providing state and local services must:

- work with licensed residential habilitation centers and group training homes to assess their capacity to become licensed or certified under Commerce standards; and
- enter into contracts and payment arrangements with such centers and homes willing to provide support placements if licensed or certified facilities are available.

Enhanced behavior support home providers are responsible for coordinating the development and updating each client's individual behavior support plan with the client's individual behavior support team. The plan must be developed within 14 days of a client's admission to an enhanced behavior support home, and maximize the opportunities for resident independence, recovery, employment, amongst other things, and provide for minimally restrictive care and services.

Delayed egress means a device that gives staff awareness of movements within a facility. Except for temporary delays such as delayed egress consistent with state building code, door control systems must not prevent residents from leaving on their own accord.

An enhanced behavior support home is a residential facility or a group home that provides 24-hour nonmedical care to individuals with developmental disabilities who require enhanced behavior support, staffing, and supervision. These homes must have a maximum capacity of four clients and must be eligible for federal Medicaid funding.

Enhanced behavioral services and support means additional staffing supervision, facility characteristics, and psychiatric or other services and support. These services and support serve individuals in a community setting and address challenging behaviors, beyond what is typically available in other facilities or homes.

An individual behavior support plan:

- identifies and documents behavior and intensive support and service needs of a client;
- details the strategies and interventions to be employed and which services are required to address those needs; and
- includes the entity responsible for providing those services and timelines for when support will begin.

Individual behavior support team refers to the individuals who develop, monitor, and revise the individual behavior support plans. The team must, at a minimum, include:

- administration service coordinator or other administration representatives;
- client, or guardian or authorized representative, or both;
- service provider's board-certified behavior analyst or qualified behavior modification professional;
- enhanced behavior support home administrator;
- clients' rights advocate, unless the client objects; and
- others needed for developing a comprehensive and effective individual behavior support plan.

A residential habilitation center is a state-operated facility for persons with developmental disabilities. Service or services refers to those provided by state or local government to carry out the Developmental Disabilities Law.

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 January 23, 2023.

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

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is a thoughtful and elegant approach and is supported by specialists and behavior technicians. It allows people with

developmental disabilities to live safely within the community. Many homes and programs aren't taking on people with Developmental and Intellectual Disabilities and other mental health issues. Severe challenging behaviors prevent individuals from accessing residential facilities. Although these conditions are not life threatening, they may result in great personal injury, as behavior is the only way these individuals know how to communicate that they've been dysregulated. Behavioral issues can also lead to property destruction, and assaults on those who the individual love and care for most.

The individuals that are the focus of the bill need the wrap around team offered in enhanced homes. They can't get what is needed in the current system which only leads to further emotional distress. Many families are put in a difficult position because the state won't help with older kids that need this kind of care but will threaten to take younger kids living in the home. Issues continue to fester because there are no options and these issues were only exacerbated during the pandemic.

The homes described in the bill can help save lives. Many of the families who these homes would help have tried everything. They should have access to residential options available in the community. Trained behavior techs are needed to help them and these homes are the only ones that provide needed care. What is going on is appalling but we need to move things forward. It is difficult to find people capable and trained to work with these issues, and in rural communities it is essentially impossible. Therapeutic residential settings really work. Help families in despair and try to do something different.

How will people that need the behavioral care be able to survive when they're caretakers age and lose their ability to look after them? Please support this bill. The language might not be perfect or fix everyone's problem, but it's a start.

CON: Community services should be available, not a medical model setting. There shouldn't be behavioral teams that clients aren't even a part of.

OTHER: There are compelling reasons to support this bill. This bill needs work to address a few issues. This shouldn't be a facility bill and there are language issues. The inclusion of commerce is confusing. There needs to be a stronger section for crisis stabilization. The disabled population that needs adult family homes aren't having their needs met. We need to layer in tiered support in existing family services. There are issues with section four of this bill. There is a need for behavioral enhanced support services in communities, so people don't get stuck in hospitals and psych wards. This bill might create facilities that don't comply with federal regulation. There are concerns about the language around clients' rights. We shouldn't be making mini institutions. We need to make the community accessible to all who need the support.

Persons Testifying: PRO: Deborah Gill; Alan Gill; Beth Florea; Katrina Davis; Josephina García; Dawn Sidell, parent and northwest autism center; ARZU FOROUGH, Washington Autism Alliance; Leslie Moon; Katie Omri, Washington Autism Alliance.

CON: Krista Milhofer, People First of Washington.

OTHER: Ramona Hattendorf, The Arc of King County; Anita Hawks; Noah Seidel, Office of Developmental Disabilities Ombuds; Stacy Dym, The Arc of Washington State; Diana Stadden, The Arc of WA State; Ivanova Smith, Self advocate; Lillian Gomez.

Persons Signed In To Testify But Not Testifying: No one.