

SENATE BILL REPORT

SB 6126

As of January 29, 2024

Title: An act relating to increasing access to respite care for those with intellectual or developmental disabilities and their caregivers.

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

Sponsors: Senators Kauffman, Boehnke, Frame, Wellman, Trudeau, Nobles, Conway, Hasegawa, Kuderer, Lovick, Nguyen, Randall, Saldaña, Valdez and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/18/24, 1/22/24 [DPS, w/oRec].
Ways & Means: 1/29/24.

Brief Summary of First Substitute Bill

- Directs the Department of Developmental Disabilities to provide respite care as part of the aggregate services under both the basic plus and the children's intensive in-home behavioral support waiver.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: That Substitute Senate Bill No. 6126 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame, Nguyen, Warnick and Wilson, J..

Minority Report: That it be referred without recommendation.

Signed by Senator Boehnke, Ranking Member.

Staff: Alison Mendiola 786-7488

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.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Maria Hovde (786-7474)

Background: The Developmental Disability Administration (DDA) within the Department of Social and Health Services (DSHS) serves people with developmental and intellectual disabilities. DDA provides employment services, assistance providing personal care, respite services, environmental modification, and housing.

Respite care is short-term intermittent care to provide relief for a person who lives with the client, is the client's primary care provider, and is:

- the client's family member and a paid or unpaid care provider;
- a nonfamily member who is not paid to provide care for the client;
- a contracted companion home provider paid by DDA to provide support to the client;
- or
- a licensed children's foster home provider paid by DDA to provide support to the client.

Home and community based services (HCBS) waivers are services approved by the Centers for Medicare and Medicaid Services (CMS) under section 1915(c) of the Social Security Act as an alternative to intermediate care facility for individuals with intellectual disabilities (ICF/IID). Certain federal regulations are waived enabling the provision of services in the home and community to individuals who would otherwise require the services provided in an ICF/IID. Each waiver has a capacity limit on the number of people who can be served in a waiver year. DDA has the authority to limit capacity based on availability of funding for new waiver participants.

A number of services are available under the basic plus waiver including aggregate services. Aggregate services include assistive technology, extermination of bedbugs, community engagement, environmental adaptations, occupational therapy, physical therapy, remote support, skilled nursing, specialized equipment and supplies, specialized habilitation, speech, hearing, and language services, staff and family consultation, transportation, and wellness education. Total costs must not exceed \$6,192 per year per participant.

A number of services are available under the children's intensive in-home behavioral support (CIIBS) waiver, including aggregate services. Aggregate services include assistive technology, environmental adaptations, nurse delegation, specialized clothing, specialized equipment and supplies, specialized habilitation, staff and family consultation, transportation, and vehicle modifications the total costs of which may not exceed \$15,000 per year in any combination.

Respite care is available in the basic plus and CIIBS waiver, as well as other waivers. Respite care limits are determined by a DDA assessment and are not part of aggregate services.

Summary of Bill (First Substitute): DDA is to provide respite care as part of aggregate services available under both the basic plus waiver and the CIIBS waiver.

By July 1, 2025, is to submit a waiver amendment to CMS. DDA shall provide information to eligible clients in multiple formats about tracking the use of respite hours as aggregate services.

If the waiver amendment is not approved, DDA shall notify the appropriate committees of the Legislature.

EFFECT OF CHANGES MADE BY HUMAN SERVICES COMMITTEE (First Substitute):

Date to submit amendment waiver pushed back to July 1, 2025. DDA shall provide information to eligible clients in multiple formats about tracking the use of respite hours as aggregate services. If the waiver amendment is not approved, DDA shall notify the appropriate committees of the Legislature. Language regarding DDA having 30 days to update the waivers to allow respite care as aggregate services upon approval of the waiver amendment is struck.

Appropriation: None.

Fiscal Note: Available.

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 on Original Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: Caring for those with developmental disabilities (DD) poses unique challenges. While there are support systems in place it is important to improve the quality of life for both the clients and caregivers and respite care provides that opportunity. Caregivers have an opportunity to recharge and clients can be involved with the community. This is a great bill that gets families more hours of respite care but without costing more money. Caregiving is a lifelong commitment. Often aggregate funds go unused so this would be great as it also provides for travel and recreational programs, like summer camp and art programs. Life is unpredictable and it's easy to run out of hours. Anything that helps is welcomed. Respite is the only DD service that can be provided in a group setting so this lets the clients connect with community programs and lets able bodied people join their friends in activities.

Persons Testifying (Human Services): PRO: Senator Claudia Kauffman, Prime Sponsor; Adrienne Stuart; Moses Perez, Open Doors for Multicultural Families; Sandra Gruberg; Cathy Murahashi, The Arc of Washington; Ivanova Smith, Atwork!; Linda Hyatt; Kelley

Nesbitt; Ryan Nesbitt.

Persons Signed In To Testify But Not Testifying (Human Services): PRO: Adana Protonentis, Kindred; Lelach Rave, WCAAP.

Staff Summary of Public Testimony (Ways & Means): PRO: Respite is the most practical primary service provided by the waivers. Respite services allow clients to participate fully in activities in the community and are absolutely critical to help families stay intact. The annual limit for aggregate services is currently underutilized, which can imply that the services are not needed or that the support is fully provided. The funding available through aggregate services should be used for respite service if needed.

Persons Testifying (Ways & Means): PRO: Kelley Nesbitt; Kim McLeod; Adrienne Stuart; Linda Hyatt.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.