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**SENATE BILL 5211**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Frame, Harris, Bateman, Christian, Cortes, Dhingra, Hasegawa, Krishnadasan, Lovelett, Nobles, Orwall, Saldaña, Salomon, Shewmake, Slatter, Trudeau, Valdez, Wagoner, and C. Wilson

Prefiled 01/09/25. Read first time 01/13/25. Referred to Committee on Human Services.

1 AN ACT Relating to authorizing payment for parental caregivers of  
2 minor children with developmental disabilities; amending RCW  
3 71A.12.---; adding new sections to chapter 71A.12 RCW; creating a new  
4 section; providing an effective date; and providing expiration dates.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington has  
7 promised to fund home and community-based supports to help children  
8 with developmental disabilities grow up as fully included members of  
9 their families and communities. The legislature also finds that  
10 personal care hours have been allocated to these children on the  
11 basis of need, but have historically only been budgeted based on  
12 utilization. Efforts to increase the in-home care workforce to meet  
13 demand have never produced full employment, and 41 percent of  
14 authorized hours systemwide go unused.

15 The legislature further finds that the unique needs of children  
16 to have stable and familiar caregivers are complicated by the current  
17 caregiver workforce shortage. Additionally, while the child care  
18 crisis has widespread effects on Washington families, it is  
19 particularly acute for families of children with disabilities, who  
20 often cannot find the highly trained providers to meet their child's  
21 needs. Nationwide research has shown that families of children with

1 disabilities often have to forgo income opportunities due to these  
2 care needs and that a lack of income has lasting impacts on those  
3 children.

4 The legislature further finds that long term in-home care  
5 services are a less costly alternative to institutional care, saving  
6 taxpayers significant amounts. Many other states have demonstrated  
7 the positive effects of employing parents as caregivers after being  
8 authorized to do so during the COVID-19 public health emergency. In  
9 these states, paid family caregiving leads to better outcomes for  
10 medically fragile children and lower costs to taxpayers in the form  
11 of fewer hospitalizations. Washington currently allows employment of  
12 parent caregivers for their adult children assuring their access to  
13 home and community-based services and avoiding more costly forms of  
14 care like institutionalization.

15 The legislature further finds that the centers for medicare and  
16 medicaid services has recently updated its guidance to instruct  
17 states to strongly consider allowing legally responsible individuals,  
18 such as parents, to be paid for their caregiving in order to meet the  
19 requirement placed on all states to provide for the delivery of  
20 needed services.

21 Therefore, the legislature intends to support children with  
22 developmental disabilities and their family caregivers through  
23 legislative actions that promote fair labor practices, equitable  
24 compensation, and comprehensive support systems.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12  
26 RCW to read as follows:

27 (1) No later than January 31, 2026, and as necessary thereafter  
28 in order to comply with section 4 of this act, the administration  
29 shall submit requests to the centers for medicare and medicaid  
30 services for amendments to applicable developmental disabilities  
31 administration home and community-based services waivers to allow  
32 parents who provide personal care services to their minor children  
33 with developmental disabilities to receive payment for providing  
34 personal care services that qualify as extraordinary care.

35 (2) If amendments as described in subsection (1) of this section  
36 are approved by the centers for medicare and medicaid services, upon  
37 receiving approval, the administration shall authorize payments to  
38 parents providing extraordinary care services to their minor  
39 children.

1 (3) In implementing the authorization to pay parents for  
2 providing extraordinary care to their minor children:

3 (a) In addition to its existing rule-making authority, the  
4 administration may adopt rules for assessing and authorizing personal  
5 care hours for minors with compensated parental caregivers and other  
6 rules as necessary to comply with centers for medicare and medicaid  
7 services requirements related to payments to legally responsible  
8 individuals, such as parents;

9 (b) The administration must allow parental caregivers the option  
10 to be employed as individual providers, as defined in RCW 74.39A.240,  
11 subject to the same training and oversight requirements as other  
12 individual providers who are parents of the person for whom they are  
13 providing care; and

14 (c) The administration may only offer personal care services  
15 hours served by parent providers as a waiver service. All other  
16 assessed personal care services hours served by providers who are not  
17 parents must remain on the community first choice option.

18 (4) Nothing in this section shall be interpreted to affect the  
19 availability of personal care services hours assessed to persons who  
20 are not clients of the administration, or who are clients of the  
21 administration who are not minors, through the community first choice  
22 option.

23 (5) For purposes of this section:

24 (a) "Extraordinary care" means care provided to a minor child who  
25 is assessed in an E classification category or the B high  
26 classification category by the comprehensive assessment and reporting  
27 evaluation, that exceeds the range of activities that a legally  
28 responsible individual, such as a parent, would ordinarily perform in  
29 the household on behalf of a person without a disability or chronic  
30 illness of the same age, and is necessary to assure the health and  
31 welfare of the minor child and avoid their institutionalization.

32 (b) "Minor child" means a person who is under the age of 18 and  
33 who is a client of the administration.

34 (c) "Parent" means a natural parent, an adoptive parent, a  
35 stepparent, or a legal guardian.

36 **Sec. 3.** RCW 71A.12.--- and 2025 c ... s 2 (section 2 of this  
37 act) are each amended to read as follows:

38 (1) No later than January 31, 2026, and as necessary thereafter  
39 in order to comply with section 4 of this act, the administration

1 shall submit requests to the centers for medicare and medicaid  
2 services for amendments to applicable developmental disabilities  
3 administration home and community-based services waivers to allow  
4 parents who provide personal care services to their minor children  
5 with developmental disabilities to receive payment for providing  
6 personal care services that qualify as extraordinary care.

7 (2) If amendments as described in subsection (1) of this section  
8 are approved by the centers for medicare and medicaid services, upon  
9 receiving approval, the administration shall authorize payments to  
10 parents providing extraordinary care services to their minor  
11 children.

12 (3) In implementing the authorization to pay parents for  
13 providing extraordinary care to their minor children:

14 (a) In addition to its existing rule-making authority, the  
15 administration may adopt rules for assessing and authorizing personal  
16 care hours for minors with compensated parental caregivers and other  
17 rules as necessary to comply with centers for medicare and medicaid  
18 services requirements related to payments to legally responsible  
19 individuals, such as parents;

20 (b) The administration must allow parental caregivers the option  
21 to be employed as individual providers, as defined in RCW 74.39A.240,  
22 subject to the same training and oversight requirements as other  
23 individual providers who are parents of the person for whom they are  
24 providing care; and

25 (c) The administration may only offer personal care services  
26 hours served by parent providers as a waiver service. All other  
27 assessed personal care services hours served by providers who are not  
28 parents must remain on the community first choice option.

29 (4) Nothing in this section shall be interpreted to affect the  
30 availability of personal care services hours assessed to persons who  
31 are not clients of the administration, or who are clients of the  
32 administration who are not minors, through the community first choice  
33 option.

34 (5) For purposes of this section:

35 (a) "Extraordinary care" means care provided to a minor child  
36 (~~(who is assessed in an E classification category or the B high~~  
37 ~~classification category by the comprehensive assessment and reporting~~  
38 ~~evaluation,~~) that exceeds the range of activities that a legally  
39 responsible individual, such as a parent, would ordinarily perform in  
40 the household on behalf of a person without a disability or chronic

1 illness of the same age, and is necessary to assure the health and  
2 welfare of the minor child and avoid their institutionalization.

3 (b) "Minor child" means a person who is under the age of 18 and  
4 who is a client of the administration.

5 (c) "Parent" means a natural parent, an adoptive parent, a  
6 stepparent, or a legal guardian.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 71A.12  
8 RCW to read as follows:

9 (1) The department shall make timely requests to the centers for  
10 medicare and medicaid services for any waiver amendments that are  
11 necessary to expand the authorization to pay parents for the  
12 provision of extraordinary personal care services as described in  
13 section 2 of this act in accordance with the definition of  
14 extraordinary care in section 3 of this act.

15 (2) This section expires July 1, 2032.

16 NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1,  
17 2031.

18 NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1,  
19 2031.

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