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**SENATE BILL 5428**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Harris and Chapman

Read first time 01/22/25. Referred to Committee on Human Services.

1 AN ACT Relating to improving community inclusion services for  
2 individuals with developmental disabilities; amending RCW 71A.10.020,  
3 71A.12.110, 71A.12.290, 71A.14.060, and 18.88B.041; and adding a new  
4 section to chapter 71A.12 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.12  
7 RCW to read as follows:

8 (1) The department shall enter into contracts directly with  
9 service providers for the delivery of community inclusion services  
10 under home and community-based waivers.

11 (2) Administrative rules and provider contracts must align with  
12 the following standards for community inclusion services:

13 (a) Community inclusion services must include the provision of  
14 incidental personal care as needed by the client;

15 (b) Provider-client ratios may not be restricted to a one-to-one  
16 ratio, and the service must provide opportunities for peer group  
17 interaction;

18 (c) Providers may only bill for direct client services with the  
19 following exceptions:

20 (i) Reasonable fees may be billed for transportation to and from  
21 community inclusion services and between service settings; and

1 (ii) Up to 15 minutes per week may be billed per client for  
2 recordkeeping and other administrative tasks;

3 (d) Access to community inclusion services must be in the form of  
4 assessed service hours. Assessed community inclusion service hours  
5 may not be reduced in the event that community inclusion services are  
6 integrated into aggregate services that are subject to a specified  
7 dollar limit.

8 **Sec. 2.** RCW 71A.10.020 and 2022 c 277 s 2 are each amended to  
9 read as follows:

10 As used in this title, the following terms have the meanings  
11 indicated unless the context clearly requires otherwise.

12 (1) "Administration" means the department of social and health  
13 services developmental disabilities administration.

14 (2) "Assessment" means an evaluation is provided by the  
15 department to determine:

16 (a) If the individual meets functional and financial criteria for  
17 medicaid services; and

18 (b) The individual's support needs for service determination.

19 (3) "Community residential support services," or "community  
20 support services," and "in-home services" means one or more of the  
21 services listed in RCW 71A.12.040.

22 (4) "Crisis stabilization services" means services provided to  
23 persons with developmental disabilities who are experiencing  
24 behaviors that jeopardize the safety and stability of their current  
25 living situation. Crisis stabilization services include:

26 (a) Temporary intensive services and supports, typically not to  
27 exceed (~~sixty~~) 60 days, to prevent psychiatric hospitalization,  
28 institutional placement, or other out-of-home placement; and

29 (b) Services designed to stabilize the person and strengthen  
30 their current living situation so the person may continue to safely  
31 reside in the community during and beyond the crisis period.

32 (5) "Department" means the department of social and health  
33 services.

34 (6) "Developmental disability" means a disability attributable to  
35 intellectual disability, cerebral palsy, epilepsy, autism, or another  
36 neurological or other condition of an individual found by the  
37 secretary to be closely related to an intellectual disability or to  
38 require treatment similar to that required for individuals with  
39 intellectual disabilities, which disability originates before the

1 individual attains age (~~(eighteen)~~) 18, which has continued or can be  
2 expected to continue indefinitely, and which constitutes a  
3 substantial limitation to the individual. By June 30, 2025, the  
4 administration shall promulgate rules to further define developmental  
5 disability without the use of intelligence quotient scores.

6 (7) "Eligible person" means a person who has been found by the  
7 secretary under RCW 71A.16.040 to be eligible for services.

8 (8) "Habilitative services" means those services provided by  
9 program personnel to assist persons in acquiring and maintaining life  
10 skills and to raise their levels of physical, mental, social, and  
11 vocational functioning. Habilitative services include education,  
12 training for employment, and therapy.

13 (9) "Legal representative" means a parent of a person who is  
14 under (~~(eighteen)~~) 18 years of age, a person's legal guardian, a  
15 person's limited guardian when the subject matter is within the scope  
16 of the limited guardianship, a person's attorney-at-law, a person's  
17 attorney-in-fact, or any other person who is authorized by law to act  
18 for another person.

19 (10) "Notice" or "notification" of an action of the secretary  
20 means notice in compliance with RCW 71A.10.060.

21 (11) "Residential habilitation center" means a state-operated  
22 facility for persons with developmental disabilities governed by  
23 chapter 71A.20 RCW.

24 (12) "Respite services" means relief for families and other  
25 caregivers of people with disabilities, typically not to exceed  
26 (~~(ninety)~~) 90 days, to include both in-home and out-of-home respite  
27 care on an hourly and daily basis, including (~~(twenty-four)~~) 24 hour  
28 care for several consecutive days. Respite care workers provide  
29 supervision, companionship, and personal care services temporarily  
30 replacing those provided by the primary caregiver of the person with  
31 disabilities. Respite care may include other services needed by the  
32 client, including medical care which must be provided by a licensed  
33 health care practitioner.

34 (13) "Secretary" means the secretary of social and health  
35 services or the secretary's designee.

36 (14) "Service" or "services" means services provided by state or  
37 local government to carry out this title.

38 (15) "Service request list" means a list of eligible persons who  
39 have received an assessment for service determination and their

1 assessment shows that they meet the eligibility requirements for the  
2 requested service but were denied access due to funding limits.

3 (16) "State-operated living alternative" means programs for  
4 community residential services which may include assistance with  
5 activities of daily living, behavioral, habilitative, interpersonal,  
6 protective, medical, nursing, and mobility supports to individuals  
7 who have been assessed by the department as meeting state and federal  
8 requirements for eligibility in home and community-based waiver  
9 programs for individuals with developmental disabilities. State-  
10 operated living alternatives are operated and staffed with state  
11 employees.

12 (17) "Supported living" means community residential services and  
13 housing which may include assistance with activities of daily living,  
14 behavioral, habilitative, interpersonal, protective, medical,  
15 nursing, and mobility supports provided to individuals with  
16 disabilities who have been assessed by the department as meeting  
17 state and federal requirements for eligibility in home and community-  
18 based waiver programs for individuals with developmental  
19 disabilities. Supported living services are provided under contracts  
20 with private agencies or with individuals who are not state  
21 employees.

22 (18) "Vacancy" means an opening at a residential habilitation  
23 center, which when filled, would not require the center to exceed its  
24 biennially budgeted capacity.

25 (19) "Community inclusion services" means services provided to  
26 individuals with developmental disabilities that:

27 (a) Are provided in typical, integrated community settings;

28 (b) Are individualized;

29 (c) Promote skill development, independent living, and community  
30 integration to assist participants in learning how to actively and  
31 independently engage in their community; and

32 (d) Provide opportunities for participants to develop  
33 relationships and increase independence.

34 **Sec. 3.** RCW 71A.12.110 and 1988 c 176 s 211 are each amended to  
35 read as follows:

36 (1) The secretary may enter into agreements with any person,  
37 corporation, or governmental entity to pay the contracting party to  
38 perform services that the secretary is authorized to provide under  
39 this title, except for ~~((operation))~~:

1        (a) Operation of residential habilitation centers under chapter  
2 71A.20 RCW; and

3        (b) As provided in section 1 of this act.

4        (2) The secretary by contract or by rule may impose standards for  
5 services contracted for by the secretary.

6        **Sec. 4.** RCW 71A.12.290 and 2022 c 142 s 2 are each amended to  
7 read as follows:

8        (1) Clients age 21 and older who are receiving employment  
9 services must be offered the choice to transition to a community  
10 ((~~access~~)) inclusion program after nine months of enrollment in an  
11 employment program, and the option to transition from a community  
12 ((~~access~~)) inclusion program to an employment program at any time.  
13 Enrollment in an employment program begins at the time the client is  
14 authorized to receive employment.

15        (2) Prior approval by the department shall not be required to  
16 effectuate the client's choice to transition from an employment  
17 program to community ((~~access~~)) inclusion services after verifying  
18 nine months of participation in employment-related services.

19        (3) The department shall inform clients and their legal  
20 representatives of all available options for employment and day  
21 services, including the opportunity to request an exception from  
22 enrollment in an employment program. Information provided to the  
23 client and the client's legal representative must include the types  
24 of activities each service option provides, and the amount, scope,  
25 and duration of service for which the client would be eligible under  
26 each service option.

27        (4) The department shall work with counties and stakeholders to  
28 strengthen and expand the existing community ((~~access~~)) inclusion  
29 program, including the consideration of options that allow for  
30 alternative service settings outside of the client's residence. The  
31 program should emphasize support for the clients so that they are  
32 able to participate in activities that integrate them into their  
33 community and support independent living and skills.

34        (5) The department shall develop rules to allow for an exception  
35 to the requirement that a client participate in an employment program  
36 for nine months prior to transitioning to a community ((~~access~~))  
37 inclusion program.

1       **Sec. 5.** RCW 71A.14.060 and 1988 c 176 s 306 are each amended to  
2 read as follows:

3       The secretary by rule may authorize the county and the  
4 developmental disability board to provide any service for persons  
5 with developmental disabilities that the department is authorized to  
6 provide, except for ~~((operating))~~:

- 7       (1) Operating residential habilitation centers under chapter  
8 71A.20 RCW; and  
9       (2) As provided in section 1 of this act.

10       **Sec. 6.** RCW 18.88B.041 and 2024 c 322 s 1 are each amended to  
11 read as follows:

12       (1) The following long-term care workers are not required to  
13 become a certified home care aide pursuant to this chapter:

14       (a) (i) (A) Registered nurses, licensed practical nurses, certified  
15 nursing assistants or persons who are in an approved training program  
16 for certified nursing assistants under chapter 18.88A RCW, medicare-  
17 certified home health aides, or other persons who hold a similar  
18 health credential, as determined by the secretary, or persons with  
19 special education training and an endorsement granted by the  
20 superintendent of public instruction, as described in RCW  
21 28A.300.010, if the secretary determines that the circumstances do  
22 not require certification.

23       (B) A person who was initially hired as a long-term care worker  
24 prior to January 7, 2012, and who completes all of the training  
25 requirements in effect as of the date the person was hired.

26       (ii) Individuals exempted by (a) (i) of this subsection may obtain  
27 certification as a home care aide without fulfilling the training  
28 requirements in RCW 74.39A.074(1)(d)(ii) but must successfully  
29 complete a certification examination pursuant to RCW 18.88B.031.

30       (b) All long-term care workers employed by community residential  
31 service businesses.

32       (c) (i) An individual provider caring only for the individual  
33 provider's child or parent, including when related by marriage or  
34 domestic partnership; and

35       (ii) An individual provider caring only for the individual  
36 provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent,  
37 or grandchild, including when related by marriage or domestic  
38 partnership.

1 (d) A person working as an individual provider who provides 20  
2 hours or less of nonrespite care for one person in any calendar  
3 month.

4 (e) A person working as an individual provider who only provides  
5 respite services and works less than 300 hours in any calendar year.

6 (f) A long-term care worker providing approved services only for  
7 a spouse or registered domestic partner, pursuant to the long-term  
8 services and supports trust program established in chapter 50B.04  
9 RCW.

10 (g) A long-term care worker providing approved services only for  
11 a spouse or registered domestic partner and funded through the United  
12 States department of veterans affairs home and community-based  
13 programs.

14 (h) A long-term care worker providing only community inclusion  
15 services as described in section 1 of this act.

16 (2) A long-term care worker exempted by this section from the  
17 training requirements contained in RCW 74.39A.074 may not be  
18 prohibited from enrolling in training pursuant to that section.

19 (3) The department shall adopt rules to implement this section.

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