

# SENATE BILL REPORT

## SB 5467

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 5, 2007  
Ways & Means, March 5, 2007

**Title:** An act relating to creating the individual and family services program for people with developmental disabilities.

**Brief Description:** Creating the individual and family services program for people with developmental disabilities.

**Sponsors:** Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/24/07, 2/05/07 [DPS-WM].  
Ways & Means: 2/20/07, 3/05/07 [DP2S, w/oRec].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** That Substitute Senate Bill No. 5467 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette.

**Staff:** Rhoda Donkin (786-7465)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5467 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Carrell, Honeyford and Parlette.

**Staff:** Chelsea Buchanan (786-7446)

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Most people with developmental disabilities who receive state services live with their families. Subject to appropriation, the Department of Social and Health Services Division of Developmental Disabilities (DSHS DDD) provides limited funding to families for contracted services such as respite care, therapies, adaptive equipment, counseling, and training. These services are administered through multiple programs administered by DSHS DDD, and are commonly known as "family support." Although DSHS is authorized to administer family support services in statute, the descriptions of the programs themselves and criteria for the programs are not. The current family support programs administered by DSHS DDD have varying criteria for who is eligible and do not use consistent assessment processes. Approximately 4,300 families currently receive family support. Another 10,000 families are on a waiting list for family support services, 4,200 of whom are documented as receiving some other service from DSHS DDD.

The 2005 Legislature, through the operating budget, provided funding for a family support pilot limited to families with gross incomes below 400 percent of Federal Poverty Level and a documented need for services. In January 2007, DSHS released a report on family support as required by the budget. The report made a number of recommendations, including consolidating the existing family support programs into one, using a new assessment tool to determine service need, and prioritizing the program based on financial need.

**Summary of Bill:** Current family support programs administered by DSHS are consolidated into one program and placed in statute. DSHS DDD is directed to transfer funding associated with existing family support programs into the new "individual and family services program."

Eligibility to receive services is determined solely by an assessment of individual need. Three service priority levels are identified and dollar caps are provided. Allowable services are described. Additional funding for exceptional and emergency needs and other specific circumstances is permitted.

Parents who are paid individual providers of Medicaid Personal Care services (to their adult children) are eligible for family support respite care in addition to the annual leave allowed under the collective bargaining agreement for home care workers.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Health & Long-Term Care):** Financial eligibility criteria for family support services are added. Eligibility will be based on the combined taxable income of parents and individuals with developmental disabilities at or below 300 percent of poverty, after deductions for expenses related to disability care are factored in. Needs assessment priorities are described. Dollar caps and levels would be set by rule by DSHS DDD. The section is removed that allows parents who are paid providers to their adult children to receive family support respite care.

**EFFECT OF CHANGES MADE BY RECOMMENDED SECOND SUBSTITUTE AS PASSED COMMITTEE (Ways & Means):** The income restriction for the family support program is changed to taxable income below 400 percent of Federal Poverty Level. It is clarified that what income applies depends on whether the person being cared for is a minor or an adult. For minors, both the child's and parents' income applies. For adults, only the adult's income applies.

Paid parent providers who care for their adult sons or daughters, who receive paid annual leave, are also eligible for respite care under family support.

DSHS must report to the Legislature by January 2008 on the number of people receiving services and the number of those denied services due to income.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony (Health & Long-Term Care):** PRO: Parents who care for their child with a disability need occasional relief and this program provides it. It is a relatively small amount of money per family, and goes a long way. This bill will combine current family support programs which will improve consumer access to them. There shouldn't be an income eligibility because need cuts across all income levels, and the costs of caring for a child with a developmental disability are very high. Most states don't have income eligibility for these programs. Family support services should be expanded to many more families so that they can continue to provide for their loved ones with disabilities for as long as possible.

OTHER: Some income eligibility for this program should be considered.

**Persons Testifying (Health & Long-Term Care):** PRO: Cheri L. Goeres and Laurs, parent and child; Diana Stadden, Pierce County Coalition for Developmental Disabilities; Sue Elliot, Association for Retarded Citizens (ARC) of Washington; Dee Dee Garman, Lacey Davis, parent and representing ARC of Grays Harbor; Kathy Schneider, parent; Paula Zamudio, parent; Cathy Schneider, Betsy McAlister, King County Parent Coalition; Mary Jo Magruden, ARC of King County.

OTHER: Kathy Leitch, DSHS.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Family support helps families stay together and be healthier. The state saves a lot of money by relying on families to care for their loved ones. Ten-thousand people are on the waiting list, so there has to be some way to prioritize them, including income and service need level.

OTHER: DSHS appreciates this policy discussion and is generally supportive of the bill as much of it matches their own family support recommendations. Using taxable income instead of gross income allows more people to qualify without being overly administratively burdensome. The income restriction isn't right, since income isn't looked at for institutional care. Respite for paid parent providers is for the unpaid hours of service these parents provide. If they didn't provide it, then their son or daughter would be in an institution, since waiver care isn't readily available. Paid parent providers need respite care, too, especially when the person they care for has violent behaviors.

**Persons Testifying (Ways & Means):** PRO: Senator Keiser, prime sponsor.

OTHER: Kathy Leitch, DSHS, Aging and Disability Services Administration; Dee Dee Garmon, parent, ARC of Grays Harbor; Sue Elliott, ARC of Washington State; Audrey Adams, parent, King County Parent Coalition; Catherine Hoffman, parent.