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**SUBSTITUTE SENATE BILL 5117**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Hargrove, Kauffman, Stevens, Kline, and Marr; by request of Department of Social and Health Services)

READ FIRST TIME 02/04/09.

1           AN ACT Relating to intensive behavior support services for children  
2 with developmental disabilities; and adding a new chapter to Title 71A  
3 RCW.

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

5           NEW SECTION.   **Sec. 1.** The legislature recognizes that the number  
6 of children who have developmental disabilities along with intense  
7 behaviors is increasing, and more families are seeking out-of-home  
8 placement for their children.

9           The legislature intends to create services and to develop supports  
10 for these children, family members, and others involved in the  
11 children's lives to avoid disruption to families and eliminate the need  
12 for out-of-home placement.

13           The legislature directs the department to maintain a federal waiver  
14 through which services may be provided to allow children with  
15 developmental disabilities and intense behaviors to maintain permanent  
16 and stable familial relationships. The legislature intends for these  
17 services to be locally based and offered as early as possible to avoid  
18 family disruption and out-of-home placement.

1        NEW SECTION.    **Sec. 2.**    (1) To the extent funding is appropriated  
2 for this purpose, intensive behavior support services may be provided  
3 by the department, directly or by contract, to children who have  
4 developmental disabilities and intense behaviors and to their families.

5        (2) The department shall be the lead administrative agency for  
6 children's intensive behavior support services and shall:

7        (a) Collaborate with appropriate parties to develop and implement  
8 the intensive in-home support services program within the division of  
9 developmental disabilities;

10        (b) Use best practices and evidence-based practices;

11        (c) Provide coordination and planning for the implementation and  
12 expansion of intensive in-home services;

13        (d) Contract for the provision of intensive in-home and planned  
14 out-of-home services;

15        (e) Monitor and evaluate services to determine whether the program  
16 meets standards identified in the service contracts;

17        (f) Collect data regarding the number of families served, and costs  
18 and outcomes of the program;

19        (g) Adopt appropriate rules to implement the program;

20        (h) License out-of-home respite placements on a timely basis; and

21        (i) Maintain an appropriate staff-to-client ratio.

22        (3) A child may receive intensive behavior support services when  
23 the department has determined that:

24        (a) The child is under the age of twenty-one;

25        (b) The child has a developmental disability and has been  
26 determined eligible for these services;

27        (c) The child/family acuity scores are high enough in the  
28 assessment conducted by the division of developmental disabilities to  
29 indicate the child's behavior puts the child or family at significant  
30 risk or is very likely to require an out-of-home placement;

31        (d) The child meets eligibility for the home and community-based  
32 care waiver;

33        (e) The child resides in his or her family home or is temporarily  
34 in an out-of-home placement with a plan to return home;

35        (f) The family agrees to participate in the program and complete  
36 the care and support steps outlined in the completed individual support  
37 plan; and

1 (g) The family is not subject to an unresolved child protective  
2 services referral.

3 NEW SECTION. **Sec. 3.** (1) Intensive behavior support services  
4 under the program authorized in section 2 of this act shall be provided  
5 through a core team of highly trained individuals, either directly or  
6 by contract.

7 (2) The intensive behavior support services shall be designed to  
8 enhance the child's and parent's skills to manage behaviors, increase  
9 family and personal self-sufficiency, improve functioning of the  
10 family, reduce stress on children and families, and assist the family  
11 to locate and use other community services.

12 (3) The core team shall have the following characteristics and  
13 responsibilities:

14 (a) Expertise in behavior management, therapies, and children's  
15 crisis intervention, or the ability to access such specialized  
16 expertise;

17 (b) Ability to coordinate the array of services and supports needed  
18 to stabilize the family;

19 (c) Ability to conduct transition planning as an individual and the  
20 individual's family leave the program; and

21 (d) Ability to authorize and coordinate the services in the  
22 family's home and other environments, such as schools and  
23 neighborhoods.

24 (4) The following types of services constitute intensive behavior  
25 support services:

26 (a) Behavior management and consultation;

27 (b) Environmental adaptations;

28 (c) Motor vehicle adaptations;

29 (d) Therapy equipment and supplies;

30 (e) Personal care;

31 (f) Specialized diet goods and services;

32 (g) In-home respite and planned out-of-home respite;

33 (h) Intensive training to intervene effectively with the child for  
34 families and other individuals and partners working with the child in  
35 all domains, including the school and individualized education plan  
36 team; and

37 (i) Coordination and planning.

1           NEW SECTION.   **Sec. 4.**   Sections 1 through 3 of this act constitute  
2   a new chapter in Title 71A RCW.

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