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## Early Learning & Human Services Committee

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### SSB 6384

**Brief Description:** Ensuring that persons with developmental disabilities be given the opportunity to transition to a community access program after enrollment in an employment program.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Parlette, Murray, Keiser, Fraser, Carrell, Kline, Pridemore, Frockt, Delvin, Harper, Fain, Honeyford, Benton, Hobbs, Hewitt, Shin, Regala, McAuliffe, Conway, Kohl-Welles, Roach, Haugen and Nelson).

#### Brief Summary of Substitute Bill

- Requires the Department of Social and Health Services to offer clients of the Division of Developmental Disabilities who are age 21 or older the option to transfer to a community access program after nine months of enrollment in an employment program and to transfer from a community access program to an employment program.

**Hearing Date:** 2/16/12

**Staff:** Linda Merelle (786-7092).

#### **Background:**

##### Division of Developmental Disabilities.

The Department of Social and Health Services' (DSHS) Division of Developmental Disabilities (DDD) assists individuals with developmental disabilities and their families to obtain services and support based on individual preference, capabilities, and needs. While some clients of the DDD live in Residential Habilitation Centers, in an institutional setting, most clients live in the community.

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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.*

Home and Community Based Services (HCBS) Waivers are designed to allow clients who live in community settings to receive same level of services that he or she would receive in an institutional setting. The DDD offers services under five Medicaid HCBS waivers. To be eligible for a HCBS waiver, the individual must be a client of the DDD; have a disability according to criteria established in the Social Security Act; have countable income that does not exceed 300 percent of the Social Security Income federal benefit standard and countable resources that do not exceed \$2,000 or be in the Health Care for Workers with Disabilities program; need the level of care provided in an Intermediate Care Facility for Individuals with Intellectual Disabilities; have an Individual Support Plan showing how the individual's health, safety, and habilitation needs can be met in the community with a monthly waiver service; and have agreed to accept home and community-based services as an alternative to institutional services.

The services provided to clients are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

### Employment Services.

Employment services provide ongoing support services and training for eligible persons with paid jobs in a variety of settings and work sites. These include individual supported employment, group supported employment, and prevocational services. Community access services assist individuals to participate in activities that promote individualized skill development, independent living, and community integration.

Since 2004 the DDD has had in place a policy that did not authorize services for clients age 21 through 61 if those services did not emphasize the pursuit or maintenance of employment in integrated settings. For an adult over age 21, but younger than 62, no community access services were available unless the DSHS granted an exception to its policy. In September 2011, the DDD modified its policy to allow services that do not emphasize the pursuit or maintenance of employment in integrated settings when the client has demonstrated that he or she has pursued employment for at least nine months through the DDD without satisfaction.

### **Summary of Bill:**

Under this bill, clients of the DDD age 21 and older who are receiving employment services must be offered the choice to transition to a community access program after nine months of enrollment in an employment program. They must also be provided the option to transition from a community access program to an employment program at any time. The clients or their legal representatives must be informed of their service options, including the amount, scope, and duration of service for which the client would be eligible.

The DSHS must work with counties and stakeholders to strengthen and expand the existing community access program. The program must emphasize support for the client so that clients are able to participate in activities that integrate them into their community and support independent living and skills.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.