
SENATE BILL 6387

State of Washington

63rd Legislature

2014 Regular Session

By Senators Hill, Hargrove, Ranker, Fain, Braun, Tom, Dammeier, Parlette, Becker, Schoesler, Hewitt, Bailey, King, Angel, Roach, Keiser, Litzow, Kohl-Welles, O'Ban, Conway, and Benton

Read first time 01/23/14. Referred to Committee on Health Care .

1 AN ACT Relating to reducing the number of individuals with
2 developmental disabilities who have requested a service but the
3 provision of a specific service would exceed program capacity; amending
4 RCW 71A.10.020 and 71A.16.050; creating a new section; and making
5 appropriations.

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

7 NEW SECTION. **Sec. 1.** In conjunction with recent findings from the
8 Washington state auditor's office, the legislature finds that there are
9 thousands of state citizens who have been determined eligible for
10 services through the department of social and health services'
11 developmental disability administration. For those who have asked for
12 help but are waiting for services, families may experience financial or
13 emotional hardships. The legislature intends to clarify and make
14 transparent the process for accessing publicly funded services for
15 individuals with developmental disabilities and their families. The
16 legislature intends to significantly reduce the number of eligible
17 individuals who are waiting for services by funding additional slots
18 and by implementing new programs that better utilize federal funding
19 partnerships.

1 **Sec. 2.** RCW 71A.10.020 and 2011 1st sp.s. c 30 s 3 are each
2 amended to read as follows:

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

5 (1) "Assessment" means an evaluation is provided by the department
6 to determine:

7 (a) If the individual meets functional and financial criteria for
8 medicaid services; and

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

10 (2) "Community residential support services," or "community support
11 services," and "in-home services" means one or more of the services
12 listed in RCW 71A.12.040.

13 (~~(+2)~~) (3) "Crisis stabilization services" means services provided
14 to persons with developmental disabilities who are experiencing
15 behaviors that jeopardize the safety and stability of their current
16 living situation. Crisis stabilization services include:

17 (a) Temporary intensive services and supports, typically not to
18 exceed sixty days, to prevent psychiatric hospitalization,
19 institutional placement, or other out-of-home placement; and

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

23 (~~(+3)~~) (4) "Department" means the department of social and health
24 services.

25 (~~(+4)~~) (5) "Developmental disability" means a disability
26 attributable to intellectual disability, cerebral palsy, epilepsy,
27 autism, or another neurological or other condition of an individual
28 found by the secretary to be closely related to an intellectual
29 disability or to require treatment similar to that required for
30 individuals with intellectual disabilities, which disability originates
31 before the individual attains age eighteen, which has continued or can
32 be expected to continue indefinitely, and which constitutes a
33 substantial limitation to the individual. By January 1, 1989, the
34 department shall promulgate rules which define neurological or other
35 conditions in a way that is not limited to intelligence quotient scores
36 as the sole determinant of these conditions, and notify the legislature
37 of this action.

1 ~~((+5+))~~ (6) "Eligible person" means a person who has been found by
2 the secretary under RCW 71A.16.040 to be eligible for services.

3 ~~((+6+))~~ (7) "Habilitative services" means those services provided
4 by program personnel to assist persons in acquiring and maintaining
5 life skills and to raise their levels of physical, mental, social, and
6 vocational functioning. Habilitative services include education,
7 training for employment, and therapy.

8 ~~((+7+))~~ (8) "Legal representative" means a parent of a person who
9 is under eighteen years of age, a person's legal guardian, a person's
10 limited guardian when the subject matter is within the scope of the
11 limited guardianship, a person's attorney-at-law, a person's
12 attorney-in-fact, or any other person who is authorized by law to act
13 for another person.

14 ~~((+8+))~~ (9) "Notice" or "notification" of an action of the
15 secretary means notice in compliance with RCW 71A.10.060.

16 ~~((+9+))~~ (10) "Residential habilitation center" means a state-
17 operated facility for persons with developmental disabilities governed
18 by chapter 71A.20 RCW.

19 ~~((+10+))~~ (11) "Respite services" means relief for families and
20 other caregivers of people with disabilities, typically not to exceed
21 ninety days, to include both in-home and out-of-home respite care on an
22 hourly and daily basis, including twenty-four hour care for several
23 consecutive days. Respite care workers provide supervision,
24 companionship, and personal care services temporarily replacing those
25 provided by the primary caregiver of the person with disabilities.
26 Respite care may include other services needed by the client, including
27 medical care which must be provided by a licensed health care
28 practitioner.

29 ~~((+11+))~~ (12) "Secretary" means the secretary of social and health
30 services or the secretary's designee.

31 ~~((+12+))~~ (13) "Service" or "services" means services provided by
32 state or local government to carry out this title.

33 ~~((+13+))~~ (14) "State-operated living alternative" means programs
34 for community residential services which may include assistance with
35 activities of daily living, behavioral, habilitative, interpersonal,
36 protective, medical, nursing, and mobility supports to individuals who
37 have been assessed by the department as meeting state and federal
38 requirements for eligibility in home and community-based waiver

1 programs for individuals with developmental disabilities. State-
2 operated living alternatives are operated and staffed with state
3 employees.

4 ~~((+14))~~ (15) "Supported living" means community residential
5 services and housing which may include assistance with activities of
6 daily living, behavioral, habilitative, interpersonal, protective,
7 medical, nursing, and mobility supports provided to individuals with
8 disabilities who have been assessed by the department as meeting state
9 and federal requirements for eligibility in home and community-based
10 waiver programs for individuals with developmental disabilities.
11 Supported living services are provided under contracts with private
12 agencies or with individuals who are not state employees.

13 ~~((+15))~~ (16) "Vacancy" means an opening at a residential
14 habilitation center, which when filled, would not require the center to
15 exceed its biennially budgeted capacity.

16 (17) "Service request list" means a list of eligible persons who
17 have received an assessment for service determination and their
18 assessment shows that they meet the eligibility requirements for the
19 requested service but were denied access due to funding limits.

20 **Sec. 3.** RCW 71A.16.050 and 1988 c 176 s 405 are each amended to
21 read as follows:

22 The determination made under this chapter is only as to whether a
23 person is eligible for services. After the secretary has determined
24 under this chapter that a person is eligible for services, the
25 individual may request an assessment for eligibility for medicaid
26 programs and specific services administered by the developmental
27 disabilities administration. The secretary shall make a determination
28 as to what services are appropriate for the person. The secretary shall
29 prioritize services to medicaid eligible clients. Services may be made
30 available to nonmedicaid eligible clients based on available funding.
31 Services available through the state medicaid plan must be provided to
32 those individuals who meet the eligibility criteria. The department
33 shall establish and maintain a service request list database for
34 individuals who are found to be eligible and have an assessed and unmet
35 need for programs and services offered under a home and community-based
36 services waiver, but the provision of a specific service would exceed
37 the biennially budgeted capacity.

1 NEW SECTION. **Sec. 4.** The sum of one hundred sixteen thousand
2 dollars is appropriated from the general fund--state for the fiscal
3 year ending June 30, 2015, and five hundred forty-two thousand dollars
4 is appropriated from the general fund--federal for the 2013-2015
5 biennium for the department of social and health services to develop
6 and implement a medicaid program to replace the individual and family
7 services program for medicaid-eligible clients no later than May 1,
8 2015. The new medicaid program must offer services that closely
9 resemble the services offered in fiscal year 2014 through the
10 individual and family services program. Funds provided are sufficient
11 to expand the client caseload beginning June 1, 2015. By June 30,
12 2017, the department shall increase the number of clients served in the
13 new medicaid program by four thousand additional individuals from the
14 numbers served in the 2014 individual and family support program. The
15 department is authorized in fiscal year 2015 to use general fund--state
16 dollars previously provided for the individual and family services
17 program to cover the costs of increasing the number of clients served
18 in the new medicaid program. To the extent possible, the department
19 shall use general fund--state savings from section 6 of this act to
20 offset costs for the increased client caseloads in fiscal years 2016,
21 2017, 2018, and 2019.

22 NEW SECTION. **Sec. 5.** The sum of twenty thousand dollars is
23 appropriated from the general fund--state for the fiscal year ending
24 June 30, 2015, and seventeen thousand dollars from the general fund--
25 federal for the 2013-2015 biennium for the department of social and
26 health services to increase the number served on the home and
27 community-based services basic plus waiver program. Funds provided are
28 sufficient to expand the client caseload beginning June 30, 2015. By
29 June 30, 2017, the department of social and health services shall
30 increase the number served on the home and community-based services
31 basic plus waiver program by one thousand additional individuals from
32 the numbers served in fiscal year 2014. The department is authorized
33 in fiscal year 2015 to use general fund--state dollars previously
34 provided for the individual and family services program to cover the
35 costs of increasing the number of clients served in the basic plus
36 waiver program. To the extent possible, the department shall use

1 general fund--state savings from section 6 of this act to offset costs
2 for the increased client caseloads in fiscal years 2016, 2017, 2018,
3 and 2019.

4 NEW SECTION. **Sec. 6.** The sum of three hundred one thousand
5 dollars is appropriated from the general fund--state for the fiscal
6 year ending June 30, 2015, and two hundred twenty-one thousand dollars
7 from the general fund--federal for the 2013-2015 biennium for
8 implementation of the community first choice option. The department of
9 social and health services shall refinance medicaid personal care
10 services under the community first choice option. Beginning July 1,
11 2014, the department shall seek stakeholder input on program and system
12 design prior to the submission of a proposal to the center for medicaid
13 and medicare services. The community first choice option must be fully
14 implemented no later than June 30, 2016. In fiscal year 2015, the
15 department shall use general fund--state savings from section 4 of this
16 act to cover the fiscal year 2015 general fund--state costs of this
17 section. For the 2015-2017 biennium and the 2017-2019 biennium, the
18 department shall use general fund--state savings from the refinance in
19 this section to offset costs related to sections 4 and 5 of this act
20 and any remaining general fund--state savings from the refinance shall
21 revert to the general fund.

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