



Report to the Legislature

Expanded Community Services Proviso

Services to Persons with Disabilities who are Residents of Residential Habilitation Centers (RHC) who are Able to be Cared for and Choose to Live in Community Settings, Persons with Disabilities who are Without Residential Services and at Immediate Risk of Institutionalization, or are Children Aging Out of Other State Services, or are Community Based Waiver Clients Assessed as Having Immediate Need for Increased Services

Chapter 518, Laws of 2007, Section 205(1)(c) Uncodified

February 15, 2008

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EXECUTIVE SUMMARY

Chapter 518, Laws of 2007, Section 205(1) (c) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients. In the 2007-09 Biennium, the Legislature provided funds to provide community residential and support services for 236 clients not to exceed an average daily rate of \$300. Funding for 56 of those clients is for individuals the Legislature allocated resources for in the FY 2007 Supplemental Budget and were approved for the proviso toward the end of the 2005-07 Biennium. There are 180 "new" proviso placements available for the 2007-09 Biennium which will be tracked in the quarterly Legislative Proviso Reports. The Legislature has directed the Department to utilize these proviso placements for: 1) residents of Residential Habilitation Centers (RHC) who are able to be adequately cared for in community settings and who choose to live in those community settings; 2) clients without residential services who are in crisis or immediate risk of needing an institutional placement; 3) youth who are aging out of other state services; and 4) current home and community-based waiver program clients who have been assessed as having an immediate need for residential services or increased support services.

BACKGROUND

Clients without residential services who are in crisis or immediate risk of needing an institutional placement: Providing community services options to divert the need for institutionalization for persons with developmental disabilities is a long-term state and national trend. A number of DDD clients who are eligible for and have the right to services in an Intermediate Care Facility for the Mentally Retarded (ICF/MR) experience a crisis due to the loss or lack of needed supports that places their health and safety at risk. This may occur when they lose a caregiver such as an elderly parent or a contracted community provider is no longer able to meet their significant support needs. These persons are at risk of institutionalization without sufficient community supports to meet their health and safety needs.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services: A review of DDD's CAP Waiver was conducted by the Center for Medicare Medicaid Services (CMS) July 2001 – January 2002. The CMS report from this review states in Recommendation #4: "Remove all provisions from existing laws, regulations, policies and procedures that support or encourage denying CAP waiver clients access to needed waiver services due to funding limitations. At the same time, laws and policies should be implemented recognizing the need to fully fund the

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waiver services CAP participants are assessed to need.” In discussions that were held about Washington’s applications for the four current DDD Home and Community Based Waivers (HCBS), federal officials in Baltimore asked for assurance that Washington State will meet waiver participant needs. As the CMS required annual Plans of Care are completed for waiver participants, clients are assessed as having unmet health and safety needs. It is imperative services be authorized in order not to jeopardize continued federal funding (FFP) for Washington State under the current four DDD HCBS waivers.

Youth who are aging out of other state services: Children age out of DSHS Children’s Administration (CA) services between the ages of 18 and 21. Children age out of DSHS Juvenile Rehabilitation Administration (JRA) services at age 18. Funding for their services through CA and JRA is specific to child serving administrations and dependent on these federal funding sources. The funds cannot accompany the child into DDD adult services.

Children enter CA services due to abuse and/or neglect in their family home and therefore are not able to be supported by their family. A number of the youth with developmental disabilities aging out of CA have medical or behavioral issues which cannot be adequately supported in adult family homes (AFH), adult residential care (ARC) facilities, or with Medicaid Personal Care. These youth require a more intensive level of support such as the DDD Supported Living Program.

Children enter JRA services due to criminal charges. A number of the youth with developmental disabilities aging out of JRA services have community protection issues including sexual offenses or violent crimes. They require 24-hour close supervision in order to maximize community safety. Families generally are not able to provide this level of support. They cannot reside in AFH or ARC facilities due to the risk they would present for other residents. These youth require supports at the level of a DDD 24-hour community protection program.

Residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings: Through a process adopted by DDD to implement Olmstead during the 2001-03 Biennium and carried forward in the 2007-09 Biennium, each individual living in an RHC, their guardian or close relative(s) will be asked annually whether they want to move to the community. If a person wants to move, the division will facilitate the move.

STATUS

For the October through December 2007 quarter, DDD has placed 20 individuals on this proviso with an average daily rate of \$278.62 (see attached spreadsheet).

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Following are descriptions of the needs of the twenty individuals placed this quarter: twelve individuals met the criteria of clients without residential services and at risk for institutionalization, five individuals met the criteria of waiver clients assessed as having immediate need for increased services, one individual met the criteria of youth transitioning out of other state services and two individuals met the criteria resident of a RHC who chooses to live in the community. These client descriptions are provided to offer information about this particular population.

Without residential services at risk of institutionalization:

Client #20 is a 27 year old female diagnosed with oppositional defiant disorder and mild mental retardation. She has a history of assaulting her mother and sister and threatening others, as well as stealing food, toys, and money. She has an obsession with food and will do anything to obtain it including destroying property to break into locked areas. She has attempted to eat dangerously large quantities of food and will also eat non-edible items. Attempts to secure an AFH were unsuccessful. Funds from this proviso are being utilized to provide supported living services and therapy.

Client #21 is a 24 year old female diagnosed with major depression, borderline personality disorder, mild mental retardation, chronic pancreatitis, fetal alcohol syndrome, and irritable bowel syndrome. She has attempted to live independently in the community without long-term success due to drug use, chronic physical and mental illness, and exploitation from former housemates and boyfriends. Funds from this proviso are being utilized to provide supported living services.

Client #22 is a 4 year old female diagnosed with Albright syndrome, hereditary osteodystrophy, morbid obesity, and hypothyroidism. She was hospitalized five times for aspiration pneumonia in the last two years and currently receives ventilator support through a tracheotomy. This client's parents are both enrolled within the Division of Developmental Disabilities and unable to support her complex medical needs in their home. Funds from this proviso are being utilized to provide supported living services.

Client #25 is a 21 year old female diagnosed with severe mental retardation, Jacobsen disease, incontinence of bladder and bowel, constipation, cardiac murmurs, perforated eardrum, and amblyopia. She has a history of wandering and exit-seeking, physical aggression towards family members and personal care providers, inappropriate toileting, resistance to personal care, self-injurious behaviors, and property destruction. Her family is no longer able to support her in the family home. Attempts to secure an AFH were unsuccessful. Funds from this proviso are being utilized to provide supported living services and employment services.

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Client #27 is a 13 year old male diagnosed with autism, mild mental retardation, and Pica. He has a history of hitting and biting family and care providers, significant property destruction, inappropriate urination, fecal smearing, and eating items such as bark, flowers, sand, and gravel,. His mother passed away when he was five years old and his father has raised him and his sister alone since her passing. His father is no longer able to support him in the family home. Funds from this proviso are being utilized to provide supported living services.

Client #31 is an 8 year old male diagnosed with autism and moderate mental retardation. He is non-verbal and requires line of sight supervision and a consistent and structured routine to ensure his and others safety. His challenging behaviors include property destruction, self-injurious behavior, assault to others, inappropriate toileting, disrobing in public, ingesting inedible items, and sleep disturbances. Medication trials and a development of a positive behavior support plan were attempted without success. The family was at risk of losing their Section 8 housing due to his behaviors. Funds from this proviso are being utilized to provide supported living.

Client #32 is a 44 year old female diagnosed with depression, bipolar disorder, Schizophrenia, fibromyalgia, and a history of head injuries. She has an addiction to pain medications. She will often refuse to take her anti-psychotic medications which results in increased paranoia and delusions. She has attempted to reside independently in her own apartment in the community without success. Funds from this proviso are being utilized to provide supported living services and employment services.

Client #33 is a 13 year old female diagnosed with depression, obsessive compulsive disorder, moderate mental retardation, cerebral palsy, seizure disorder, Peter syndrome, and asthma. She is non-ambulatory and requires full physical assistance for all personal care tasks. She has a history of becoming physically combative to her parents resulting in injuries, therefore eliminating the option of AFH services. Funds from this proviso are being utilized to provide supported living services.

Client #34 is a 23 year old female diagnosed with depression, obsessive compulsive disorder, post traumatic stress disorder and moderate mental retardation. She has a significant history of behavioral challenges to include self-injurious behavior, assault toward others, property destruction, screaming, and verbal abuse. She requires constant supervision including overnight support. Numerous attempts at support through AFHs, ARCs, boarding homes, and mental health housing agencies were unsuccessful. Funds from this proviso are being utilized to provide supported living services, therapy and employment services.

Client #35 is an 18 year old male diagnosed with conduct disorder, pervasive developmental disorder, and cerebral palsy. He has a history of physical aggression, stealing, lying, poor social skills, and exposing himself to a 4 year old

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child. He has been psychiatrically hospitalized as well as arrested on several occasions due to assault with a weapon. A risk assessment recommended out of home placement in a residential program with 24-hour supervision. Funds from this proviso are being utilized to provide supported living services.

Client #36 is a 23 year old male diagnosed with depression, mild mental retardation, learning disability, and insomnia. He has resided in his own apartment with Medicaid Personal Care services. However, despite the support, his mental health stability and his ability to maintain his self-care and household needs deteriorated. Funds from this proviso are being utilized to provide supported living services.

Client #37 is an 18 year old female diagnosed with autism, mental retardation, trisomy 9, and severe seizure disorder. She is non-verbal and understands a few signs and about 20 words. She has a history of assault, property destruction, self-injurious behaviors, and impulsivity. She was successfully supported in a supported living program until their emergency closure last fall. Funds from this proviso are being utilized to provide supported living services.

Waiver client assessed as having immediate need for increased services:

Client #19 is a 67 year old male diagnosed with moderate mental retardation and was recently diagnosed with leukemia. He has a history of institutionalization in his early life and several attempts at independent living without long-term success. This client requires assistance with personal care tasks and money management. He is also now showing initial signs of dementia. Funds from this proviso are being utilized to provide supported living services.

Client #24 is a 63 year old male diagnosed with anxiety, mild mental retardation, Parkinson disease, and hypertension. He has received supported living services since 2002; however, he recently experienced a drastic change in his physical health resulting in a significant increase in the level of support he requires. Funds from this proviso are being utilized to provide an increase in supported living services.

Client #28 is a 37 year old male diagnosed with moderate mental retardation, seizure disorder, and hypertension. He has a history of yelling, intimidation, public masturbation, and smearing of body fluids. He was arrested in 2002 for voyeurism, however the charges were later dropped. An attempt at independent living was not successful and his current behavioral presentation was not appropriate for an AFH setting. Funds from this proviso are being utilized to provide supported living services, employment services and therapy.

Client #30 is a 19 year old male diagnosed with anxiety disorder, moderate mental retardation, and fragile X syndrome. He has a history of physical aggression, repetitive movement, and pacing. He requires significant assistance with

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toileting, eating, bathing, and personal hygiene. His mother was no longer able to support him in the family home due to her own mental health struggles. Funds from this proviso are being utilized to provide supported living services.

Client #38 is a 32 year old male diagnosed with seizure disorder, cerebral palsy, and gastro-esophageal reflux disease. His parents were dissatisfied with the services of their son's AFH and identified a group home to support their son. This client requires 24 hour support due to a history of grand mal seizures. Funds from this proviso are being utilized to provide residential group home services in the community.

Youth transitioning out of other state services:

Client #29 is an 18 year old female diagnosed with autism and mental retardation. She has a history of physical assaultiveness, property destruction, and self-injurious behaviors. She received staffed residential services until turning 18 in November. Funds from this proviso are being utilized to provide supported living services.

Resident of a Residential Habilitation Center choosing to live in the community:

Client #23 is a 16 year old male diagnosed with moderate mental retardation and fragile X syndrome. He has a history of significant physical aggression toward family members. His father was at risk of losing his job due to his need to frequently remain at home. His mother is currently struggling with her own physical and mental health issues. He was placed at Fircrest School due to his family's inability to continue to support him in the family home. Funds from this proviso are being utilized to provide supported living services.

Client #26 is a 14 year old female diagnosed with autism, sleep apnea, and a congenital heart condition. She has a history of physical aggression toward care providers, property destruction, inappropriate toileting, and self-injurious and exit-seeking behaviors. Her mother and step-father recently separated, resulting in an increase in the above mentioned behaviors. This client's mother was at risk of losing her job and apartment due to her behaviors. Respite at Yakima Valley School was utilized until a provider was identified. Funds from this proviso are being utilized to provide supported living services.

The following are descriptions of 10 clients inadvertently left off the 1st quarter report:

Without residential services at risk of institutionalization:

Client #1 is a 15 year old female diagnosed with autism and bipolar affective disorder. She has a history of physical aggression toward others and self-injurious behaviors. Her mother was no longer able to support her in the family

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home due to the physical harm she was causing to her mother and younger siblings. Funds from this proviso are being utilized to provide supported living services.

Client #5 is a 16 year old male diagnosed with mental retardation, microcephalus, a congenital heart defect (Tetralogy of Fallot), and constipation. He receives most of his nutrition through a G-tube and requires pureed foods and close supervision when eating to monitor for choking. He requires prompting to toilet, and physical assistance with most personal care tasks. He is fascinated with electrical items such as TVs, video players, hair dryers, microwave ovens, and automobiles. Such items need to be carefully secured to eliminate his access as he will dismantle and destroy the items. This client's father passed away two years ago and his mother is no longer able to support him in the family home due to his significant supervision and support needs. Funds from this proviso are being utilized to provide supported living.

Client #7 is an 18 year old male diagnosed with moderate mental retardation. He has a long and significant history of property destruction, assault, and self-injurious behaviors, including tearing wood trim from walls and doors, head butting, and placing sharp objects in his nose and rectum. Funds from this proviso are being utilized to provide supported living services.

Client #16 is a 23 year old female diagnosed with depression, borderline personality disorder, moderate mental retardation, and cerebral palsy. Two attempts at support through an AFH were unsuccessful due to incidents of this client becoming verbally abusive, threatening to harm herself, and running into others with her wheelchair. Funds from this proviso are being utilized to provide supported living services and employment services.

Client #18 is an 18 year old male diagnosed with Post Traumatic Stress Disorder, depression, anxiety disorder, autism, mild mental retardation, history of nosebleeds, acne, and a non-healing fracture in left hand. He has a history of self-injurious behaviors, stealing, sexually inappropriate behavior, running away, and verbal aggression. Referrals to AFHs were unsuccessful. Funds from this proviso are being utilized to provide supported living services and therapy.

Waiver client assessed as having immediate need for increased services:

Client #8 is a 45 year old female diagnosed with bipolar disorder, mild to moderate mental retardation, and obesity. She resided with her parents until her mother's passing in 2003 and then moved into a companion home. This client has a history of physical and verbal aggression against care providers, job coaches, and peers. She was arrested after assaulting her companion home provider, who in turn chose to end her contract to provide further services. Funds from this proviso are being utilized to provide supported living services.

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Client #14 is a 10 year old male diagnosed with autism. He has a history of kicking, biting, pinching, scratching, and running from providers into traffic. Prior to placement he resided with his single mother and his younger brother who also has special needs. His mother was no longer able to support him in the family home due to his significant support needs. Funds from this proviso are being utilized to provide supported living services.

Youth transitioning out of other state services:

Client #4 is a 20 year old male diagnosed with mental retardation and pervasive developmental disorder. He has a history of physical aggression toward others, wandering, and property destruction. He has global delays, especially in adaptive skills, and requires a highly structured environment with predictable routines. Funds from this proviso are being utilized to provide supported living services.

Client #9 is a 21 year old male diagnosed with autism, mental retardation, and Pica. He is nonverbal, but uses signs to communicate. He has a history of severe self-abusive behaviors and physical aggression when frustrated. He was placed at Francis Haddon Morgan Center on an emergency diversion after a change in circumstances at his prior placement. Funds from this proviso are being utilized to provide supported living services and employment services.

Resident of a Residential Habilitation Center choosing to live in the community:

Client #17 is a 45 year old male diagnosed with bipolar disorder, mild mental retardation, and cerebral palsy. He is nonverbal, nonambulatory and is G-tube dependent for all nutrition. He has a history of self-abuse to include pulling out his G-tube, throwing items, and assaulting people with his wheelchair. He was placed at Lakeland Village for a behavioral and medication evaluation. Funds from this proviso are being utilized to provide supported living services.

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<u>Number</u>	<u>Region</u>						<u>Residential Daily Rate</u>	<u>Day Services Daily Rate</u>	<u>Other Daily Rate</u>	<u>Therapies Daily Rate</u>	<u>Total Daily Expend.</u>	<u>Total Expend. To Date</u>	
1	4	Parent's Home	Mental Health	07/01/07		184	\$ 390.52	\$ -	\$ -	\$ -	\$ 390.52	\$ 71,855.68	1
2	3	Foster Care	Residential	07/19/07		166	\$ 225.20	\$ -	\$ -	\$ -	\$ 225.20	\$ 37,383.20	3
3	4	Family Home	Personal Care	07/31/07	09/30/07	61	\$ 392.14	\$ -	\$ -	\$ -	\$ 392.14	\$ 23,920.54	1
4	4	VPP	Residential	08/01/07		153	\$ 202.65	\$ -	\$ -	\$ -	\$ 202.65	\$ 31,005.45	3
5	5	Parent's Home	Personal Care	08/01/07		153	\$ 297.54	\$ -	\$ -	\$ -	\$ 297.54	\$ 45,523.62	1
6	3	Family Home	Diversion	08/06/07		148	\$ 244.59	\$ -	\$ -	\$ -	\$ 244.59	\$ 36,199.32	1
7	3	DCFS staffed res.	DCFS supports	08/07/07		147	\$ 301.11	\$ -	\$ -	\$ -	\$ 301.11	\$ 44,263.17	1
8	5	Companion Home	Residential	08/16/07		138	\$ 307.41	\$ -	\$ 0.33	\$ -	\$ 307.74	\$ 42,468.12	2
9	5	RHC	Residential	08/30/07		124	\$ 276.43	\$ 19.69	\$ 2.67	\$ -	\$ 298.79	\$ 37,049.96	3
10	1	Family Home	Personal Care	09/04/07		119	\$ 222.82	\$ -	\$ -	\$ -	\$ 222.82	\$ 26,515.58	2
11	3	RHC	Residential	09/04/07		119	\$ 421.77	\$ -	\$ -	\$ -	\$ 421.77	\$ 50,190.63	4
12	4	Family Home	Personal Care	09/10/07		113	\$ 237.65	\$ 23.89	\$ 4.93	\$ -	\$ 266.47	\$ 30,111.11	2
13	7	AFH	Residential	09/17/07		106	\$ 76.90	\$ -	\$ -	\$ -	\$ 76.90	\$ 8,151.40	1
14	4	Parent's Home	Personal Care	09/17/07		106	\$ 366.55	\$ -	\$ -	\$ -	\$ 366.55	\$ 38,854.30	2
15	2	Family Home	Personal Care	09/18/07		105	\$ 207.63	\$ -	\$ 1.25	\$ -	\$ 208.88	\$ 21,932.40	1
16	1	Nursing Facility	Nursing Services	09/18/07		105	\$ 253.27	\$ 17.06	\$ 5.36	\$ -	\$ 275.69	\$ 28,947.45	1
17	3	RHC	Residential	09/24/07		99	\$ 423.00	\$ -	\$ 1.25	\$ -	\$ 424.25	\$ 42,000.75	4
18	2	Rainier	Residential	09/28/07		95	\$ 223.20	\$ -	\$ -	\$ 4.28	\$ 227.48	\$ 21,610.60	1

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<u>Number</u>	<u>Region</u>						<u>Residential Daily Rate</u>	<u>Day Services Daily Rate</u>	<u>Other Daily Rate</u>	<u>Therapies Daily Rate</u>	<u>Total Daily Expend.</u>	<u>Total Expend. To Date</u>	
19	1	Supported Living	Residential	10/01/07		92	\$ 193.48	\$ -	\$ -	\$ -	\$ 193.48	\$ 17,800.16	2
20	4	Parent's Home	Personal Care	10/18/07		75	\$ 305.62	\$ 24.35	\$ -	\$ 11.83	\$ 341.80	\$ 25,635.00	1
21	6	Parent's Home	Mental Health	10/30/07		63	\$ 163.94	\$ -	\$ 1.25	\$ -	\$ 165.19	\$ 10,406.97	1
22	1	Family Home	Nursing Services	11/01/07		61	\$ 79.40	\$ -	\$ -	\$ -	\$ 79.40	\$ 4,843.40	1
23	3	Family Home	Respite	11/01/07		61	\$ 230.62	\$ -	\$ -	\$ -	\$ 230.62	\$ 14,067.82	4
24	4	Supported Living	Residential	11/01/07		61	\$ 286.93	\$ -	\$ -	\$ -	\$ 286.93	\$ 17,502.73	2
25	6	Parent's Home	Personal Care	11/12/07		50	\$ 209.46	\$ 19.72	\$ -	\$ -	\$ 229.18	\$ 11,459.00	1
26	3	Family Home	Respite	11/13/07		49	\$ 439.83	\$ -	\$ -	\$ -	\$ 439.83	\$ 21,551.67	4
27	1	Parent's Home	Respite	11/14/07		48	\$ 359.53	\$ -	\$ -	\$ -	\$ 359.53	\$ 17,257.44	1
28	2	RHC	Residential	11/20/07		42	\$ 126.54	\$ 24.65	\$ 1.25	\$ 4.27	\$ 156.71	\$ 6,581.82	2
29	1	Foster Home	Foster Care	11/27/07		35	\$ 241.05	\$ -	\$ 0.36	\$ -	\$ 241.41	\$ 8,449.35	3
30	4	RHC	Residential	11/27/07		35	\$ 297.92	\$ -	\$ 1.31	\$ -	\$ 299.23	\$ 10,473.05	2
31	3	Family Home	Personal Care	11/30/07		32	\$ 122.00	\$ -	\$ -	\$ -	\$ 122.00	\$ 3,904.00	1
32	2	Family Home	Personal Care	12/01/07		31	\$ 421.26	\$ 18.08	\$ 6.18	\$ -	\$ 445.52	\$ 13,811.12	1
33	3	Family Home	Personal Care	12/02/07		30	\$ 307.47	\$ -	\$ -	\$ -	\$ 307.47	\$ 9,224.10	1
34	4	AFH	Residential	12/07/07		25	\$ 305.62	\$ 24.35	\$ -	\$ 11.83	\$ 341.80	\$ 8,545.00	1
35	4	Parent's Home	Respite	12/10/07		23	\$ 349.43	\$ -	\$ -	\$ -	\$ 349.43	\$ 8,036.89	1

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<u>Number</u>	<u>Region</u>						<u>Residential Daily Rate</u>	<u>Day Services Daily Rate</u>	<u>Other Daily Rate</u>	<u>Therapies Daily Rate</u>	<u>Total Daily Expend.</u>	<u>Total Expend. To Date</u>	
36	1	Own Home	MPC	12/14/07		19	\$ 162.13	\$ 16.44	\$ 1.07	\$ 13.15	\$ 192.79	\$ 3,663.01	1
37	6	VPP	Residential	12/17/07		16	\$ 477.34	\$ -	\$ 18.08	\$ -	\$ 495.42	\$ 7,926.72	1
38	4	Family Home	Employment	12/21/07		11	\$ 158.69	\$ -	\$ -	\$ -	\$ 158.69	\$ 1,745.59	2
							\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Average for Proviso											\$ 278.62	\$ 860,868.12	

Total Clients = 38

All days in service have been updated for 2nd quarter.

Code Type of Proviso Request

- 1 Without residential services and at risk of institutionalization.
- 2 Waiver client assessed as having immediate need for increased services.
- 3 Youth transitioning out of other state services.
- 4 Residents of Residential Habilitation Centers who choose to live in the community.