



The History of State and National Activities, Events and Policies Impacting People with Developmental Disabilities

For people with intellectual and developmental disabilities



As our state followed the Governor’s Stay-at-Home order and as businesses around the state closed, our economy tanked.

By May 2020, there was already projected to be at least a \$7 billion shortfall in the state budget. Agencies were told to cut their budgets by 15 percent. A special session would be called before the end of 2020 to either make more drastic cuts or find new revenue sources.



NOTES: _____

1970–1974

State

- ⇒ Governor Evans consolidated the Department of Institutions, Health; Public Assistance and Vocational Rehabilitation into the Department of Social and Health Services (DSHS) and services for people with developmental disabilities were placed there.
- ⇒ House Bill 90, “Education for All”, passed mandating special education legislation in Washington State.
- ⇒ Francis Haddon Morgan Center established to treat children with Autism.
- ⇒ Establishment of Case Services Section within the Office of Developmental Disabilities to provide and/or coordinate a comprehensive community based care service program that was readily accessible and responsive to the needs of people with developmental disabilities.

Federal

- ⇒ Federal “Education for All” (Public Law 94-142) was adopted.
- ⇒ Federal Title XIX regulations were finalized. Washington began accepting federal dollars.
- ⇒ Title XIX Amendment to the Social Security Act was passed, establishing Medicaid services.
- ⇒ The Rehabilitation Act was adopted.
- ⇒ The Mental Retardation Facilities Construction Act was adopted.
- ⇒ The Americans with Disabilities Administration was funded, providing each state with University Affiliated Programs, Protection and Advocacy and Developmental Disabilities Councils.



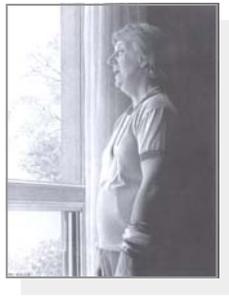
1975–1979

State

- ⇒ The Legislature authorized the Bureau of Developmental Disabilities to formulate a plan to reduce the populations in current institutions by moving people into community

facilities that meet new Title XIX requirements.

- ⇒ Home Aid program was established to provide family's therapy services and respite care both in and out of the home.
- ⇒ People First (a self-advocacy organization) created several chapters in Washington.



1980–1986

State

- ⇒ Funding was provided to establish "tenant support" residential placements in the community.
- ⇒ Depicted as "the worst [year] in recent memory for a disabled person." Budgetary cutbacks meant less money for support services in education; staff decreases at state institutions; and fewer monthly days of service at developmental centers.
- ⇒ Washington special education law amended to include preschoolers.
- ⇒ Child Abuse Amendments, which contained Baby Doe protections, were adopted.

Federal

- ⇒ The Omnibus Budget Reconciliation Act allowed the state to apply for waivers to Medicaid to allow for federal Medicaid funds to be utilized for community services.
- ⇒ Washington applied for and received a community alternatives waiver that provided Title XIX funding for community services.

1987–1993

State

- ⇒ State Developmental Disability statutes were revised to include the community services that had developed over recent years.
- ⇒ Title XIX surveyors decertified five of six state institutions and several large community nursing homes. The Legislature agreed to appropriate money to move people out of large facilities.

Below are the policy bills that impact people with DD which passed this session.

- ⇒ ESSB 6040 Adds Individual & Family Services waiver and Basic Plus waiver to caseload forecasting, assess the No Paid Services caseload
- ⇒ HB 2682 - Offers voluntary out-of-home services for a child needing it because of the child's developmental disability
- ⇒ ESSB 6419 Implements the recommendations of the workgroup from the Rethinking I/DD Policy report
- ⇒ 2SHB 1651 Identifies rights of people receiving state developmental disabilities services
- ⇒ SSB 6190 Updates and preserves the developmental disabilities community trust
- ⇒ SSB 6429 Person with DD can have designation on driver's license or identicard at no cost (Kendra's Law)
- ⇒ E2SSB 6205 Protects Individual Providers from Harassment, Abuse & Discrimination while working in clients' homes (HAD it! bill)
- ⇒ HB 2390 Revises language in a variety of statutes to use respectful language regarding people with DD
- ⇒ 2SHB 2737 Adds an organization representing those with DD to the children's mental health work group
- ⇒ SHB 2599 Repeals RCWs regarding services for children with multiple handicaps

By January 2020, the Coronavirus 2019 (COVID-19) pandemic began making its way around the world and targeted Washington State as its entrance to our country. At the end of the 2020 legislative session, the legislature knew that the impact was going to be having increasingly negative effects on our health, our healthcare delivery system and our economy.

The final budget included \$200 million in emergency funding to the Department of Health and local public health organizations.



- ⇒ Increase rate for community residential providers by 3% beginning January 1, 2021: \$2,922,000 State Funds; \$5,768,000 Total (includes Federal Funds)
- ⇒ 2 new State Operated Living Alternatives (SOLA) for 6 youth age 20 and younger: \$681,000 State Funds; \$1,323,000 Total (includes Federal Funds)
- ⇒ Community residential placements in 2 new SOLAs for 6 adults: \$1,194,000 State Funds; \$2,331,000 Total (includes Federal Funds)
- ⇒ Facilitate the timely discharge of clients from hospitals to appropriate community placements: \$1,353,000 State Funds; \$2,750,000 Total (includes Federal Funds)
- ⇒ Developmental Disabilities Community Trust Account: \$2,000,000 one-time funding and \$1,000,000 ongoing
- ⇒ 12 emergent beds and 21 long-term beds for youth with significant mental, behavioral or developmental needs: \$3,175,000 State Funds; \$5,292,000 Total (includes Federal Funds)
- ⇒ Automatic DD screening for foster children birth to three: \$255,000 State Funds Only
- ⇒ Rate enhancement for ECEAP providers who have students with special needs, behavioral challenges: \$2,220,000 State Funds Only
- ⇒ Conduct a Travis Alert outreach demonstration events in coordination with local jurisdictions: \$48,000 State Funds Only
- ⇒ The Capital Budget included funding for the Housing Trust Fund DD Set-aside for new construction projects in Spokane, Kelso and Blaine.
- ⇒ Foundation For the Challenged (FFC) New Construction \$1,384,000



Bills of Interest: what policy changes were made?

- ⇒ State Operated Living Alternatives (where state employees provide community residential services) established.
- ⇒ Naive Offender legislation was passed.
- ⇒ The Legislature decided some parts of state institutions should be certified as nursing homes.
- ⇒ The Legislature appropriated funding for students who were leaving public schools and transitioning into jobs or day programs.
- ⇒ The Legislative Budget Committee funded three different studies to review services and costs provided by the Division of Developmental Disabilities (DDD).
- ⇒ Interlake School at Medical Lake was closed.

Federal

- ⇒ The Americans with Disabilities Act (ADA) was passed federally.
- ⇒ Federal Title XIX regulations were revised.

1994—1999

State

- ⇒ SB 5800 was passed which allows any savings in the Division of Developmental Disabilities (DDD) system to stay in the system to be used for the unserved.
- ⇒ The Birth to Three project was placed under DDD management.
- ⇒ Management of adult family home funding for people with developmental disabilities was transferred from Aging and Adult Services to DDD.
- ⇒ SB 6751 was passed which calls for a choice driven service system and a long range plan to serve all people with developmental disabilities over the next six years.
- ⇒ Management of foster homes for children with developmental disabilities, who were not under child protective services, was transferred from the Children's Administration to DDD.



- ⇒ SB 5693 established the Developmental Disabilities Endowment Trust Fund.
- ⇒ The Arc of Washington State filed a suit against the state of Washington claiming discrimination against people with developmental disabilities in receiving Medicaid services.
- ⇒ The Allen lawsuit, filed by WA Protection and Advocacy System was settled.



Federal

- ⇒ On June 22nd the US Supreme Court issued the “Olmstead v. L.C.” decision, re-affirming the right of persons with disabilities to move out of institutions and receive care in the community.
- ⇒ The Federal Rehabilitation Act was reauthorized for five more years.
- ⇒ The Individuals with Disabilities Education or All Act (IDEA) was reauthorized.

2000

State

- ⇒ 4 cottages closed in the state institutions.
- ⇒ Expanded nurse delegations to group homes.
- ⇒ Added additional training requirements for adult family homes, boarding homes and group homes that serve people with developmental disabilities.
- ⇒ The Attorney General of Washington signed onto an amicus brief supporting the ADA against attack in the Garret case heard before the Supreme Court.
- ⇒ Amended the state Constitution to allow trust fund monies in the Washington State DD Endowment Trust Fund to be invested in a portfolio.



Federal

- ⇒ The federal Developmental Disabilities Act, including a family support section, was reauthorized for another seven years.

regarding their adolescent child

2020

What an unusual legislative session!

For the first time, advocates for developmental disability (DD) services began educating policy-makers about the need to Caseload Forecast state services for the Developmental Disabilities Administration (DDA). Caseload Forecasting lets legislators know how many people are entitled to receive state services. Other than personal care and early intervention services (funded under other agencies that are forecasted), services for DD are not caseload forecast. This is the reason that DDA is the only state agency with a long waiting list for services.

A report was submitted to legislators entitled “Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services”. This was an historic agreement between both community and RHC advocates that has been 50 years in the making. An expanded task force will continue work to implement the recommendations and come up with a plan to finance them. The recommendations in the report became a bill, SB 6419, which passed the legislature to begin the process of moving all long-term residents out of the Residential Habilitation Centers (RHC).



What did get funded in the Operating Budget?

- ⇒ SB 6419 Continue the “Rethinking and Modernizing the DD Service System” Task Force: \$180,000 State Funds; \$300,000 Total (includes Federal Funds)
- ⇒ Add 200 slots to Individual & Family Services and Basic Plus waivers, update No Paid Services list: \$1,409,000 State Funds; \$2,619,000 Total (includes Federal Funds)
- ⇒ Family Mentors (2 additional mentors): \$225,000 State Funds Only

delays or disabilities

- ⇒ **2SSB 5437**—ECEAP expansion - Allows up to 200% federal poverty, sets up birth to 3 pilot
- ⇒ **SHB 1065**—Surprise billing Ins. Comm. Request - Protecting consumers from charges for out-of-network health care services
- ⇒ **HB 1199**—Healthcare for disabilities - No eligibility restrictions for the buy-in program based upon a person's income or maximum age
- ⇒ **SSB 5405**—Organ Transplants - Covered providers for I/DD cannot deny organ transplants just because of disability
- ⇒ **SHB 1394**—BHO options Governor Request - Report by 12/1/19 on youth short-term residential intensive DD services (section 10)
- ⇒ **SSB 5432**—BHO implementation Governor Request Fully implement behavioral health integration, mentions developmental disabilities
- ⇒ **SHB 1605**—TBI evaluations of children entering the foster care system must be evaluated for traumatic brain injury (TBI)
- ⇒ **SSB 5163**—Wrongful Death Allows damages for parents/siblings in the wrongful death of a family member
- ⇒ **EHB 1175**—Informed consent Expands options for who can provide informed consent to health care on behalf of a patient
- ⇒ **SSB 5604**—Uniform Guardianship Act Includes Supported Decision-making as a guardianship alternative
- ⇒ **SHB 1329**—Supported Decision-making—Expand Office of Public Guardianship (OPG) to allow use of supported decision-making
- ⇒ **SSB 5444**—Competency Evals Governor Request Provide timely competency evaluations and restoration services per the Trueblood Lawsuit
- ⇒ **SHB 1874**—Mental health treatment Allows parents to get certain mental health treatment information



2001

State

- ⇒ DDD received a 12.1 per cent increase in its budget, raising it to \$1.18 billion.
- ⇒ Ticket to Work established to maintain medical coverage for people who go to work.
- ⇒ Gives DSHS responsibility to notify relevant agencies of investigative outcomes.
- ⇒ DSHS has authority to develop a program to mitigate dislocation of residents of adult family homes.
- ⇒ Arc vs. Quasim lawsuit settled.

2002

State

- ⇒ Passage of school district anti-bullying legislation. This law requires school districts to develop policies that prohibit harassment, intimidation, and bullying on school grounds and at school activities.
- ⇒ Legislature appropriated \$14 million as first phase of Arc vs. Quasim wait list suit.
- ⇒ Legislature converted \$21 million of DDD state Family Support and Transition service dollars into a “cash subsidy” (SSP).
- ⇒ Legislature eliminated state SSI supplement and other important state funded services due to economic downturn associated with September 11 attacks on World Trade Center and the passage of several Washington state initiatives that reduced state revenue sources.

2003

State

- ⇒ State faced a \$2.6 billion dollar shortfall; unemployment second highest in USA. Adult Medicaid dental cut by 25%, eliminating essential dental coverage; children's health care premiums used to balance the budget; no new funding for graduating high school transition students to receive employment services.



- ⇒ Budget provided funding to “downsize” Fircrest.
- ⇒ \$2.5 million increase in community residential for up to 14 persons in crisis.
- ⇒ \$17.3 million to provide a 75 cent wage increase for home care workers.
- ⇒ Waiting list for Family Support grew to 8,000.
- ⇒ Judge dismissed The Arc of Washington State, et al v. Quasim lawsuit; Arc appealing.



- ⇒ includes Federal Funds
- ⇒ Expanding Parent to Parent to the remaining 5 counties (Ferry County, Pend Oreille County, Stevens County, San Juan County, and Wahkiakum County) \$100,000 State Funds; \$100,000 total
- ⇒ Implementing HB 1199, which expands eligibility for Healthcare for Workers with Disabilities \$33,000 State Funds; \$56,000 total that includes Federal Funds



Federal

- ⇒ President’s Committee on Mental Retardation changed its name to President’s Committee on Intellectual Disabilities.

2005

State

- ⇒ In the closest Governor’s race ever, the Secretary of State and Legislature certified democrat Christine Gregoire, Governor of the state.
- ⇒ State faced a projected \$2.2 billion deficit.
- ⇒ Creating community developmental disabilities trust account (aka the Dan Thompson Memorial Trust Account) with proceeds from unused property at Rainer School and Lakeland Village.
- ⇒ Revises marking requirements for parking places for persons with disabilities to remove “disabled” language. This is legislation initiated by Self Advocates in Leadership (SAIL).
- ⇒ Expands the voting rights of persons under guardianship.
- ⇒ Provides accommodations to dependent persons who are victims and witnesses.
- ⇒ Creates an Autism Task Force.
- ⇒ Increases state participation in public transportation.
- ⇒ \$4.1 million to support 600 students graduating from high school.
- ⇒ \$2.5 million for 1,500 low income families to be served by Family Support pilot.



Bills of Interest: what policy changes were made?

Below are the policy bills that impact people with DD which passed this session.

- ⇒ **SSB 5403**—Safe egress in AFH DSHS Request - Ensure non-ambulatory residents in AFH can exit to a public right-of-way without using stairs, elevators, etc.
- ⇒ **SSB 5672**—Adult Family Home (AFH) DD Specialty - Create specialty contract for AFH that only serve people with a developmental or intellectual disability
- ⇒ **SB 5359**—Supported Living DSHS Request - Funding by fees to investigate & resolve complaints of abuse, neglect, abandonment & financial exploitation
- ⇒ **HB 1706**—Sub-minimum wage - Removes the permit allowing less than minimum wage pay from state agencies who employ people with disabilities
- ⇒ **SHB 1130**—Language Access - Create a workgroup to look at technical assistance program for language access
- ⇒ **SSB 5082**—Social emotional learning - Create a committee to promote and expand social emotional learning
- ⇒ **SB 5091**—Special education funding - Increases the special education funding multiplier from 0.9609 to 0.995
- ⇒ **SB 5089**—Early learning - Increase early learning access for children ages 30 + months with developmental



- Funds
- ⇒ Move 40 residents from the RHCs to SOLAs over 2 years, cost offset is assumed for RHC beds that will no longer be used when residents move: Savings of \$6,264,000
- ⇒ 63 Rainier residents who no longer benefit from active treatment move to other RHCs nursing or SOLA, additional staff at the RHCs and SOLAs to comply with CMS requirements: \$11,468,000 State Funds; \$22,936,000 total that includes Federal Funds
- ⇒ To address people with DD and challenging behaviors who are stuck in hospitals, the legislature funded these items:
- ⇒ 6 State-operated Behavior Health short-term beds as alternative to hospital stays: \$1,029,000 State Funds; \$1,029,000 total
- ⇒ 15 SOLA beds for when provider is unable to manage client's care after crisis stabilization services (also can be used for Rainier PAT A clients who want to move to the community): \$4,220,000 State Funds; \$8,439,000 total that includes Federal Funds
- ⇒ Increases were also provided for respite care to give families a break from full-time caregiving of their loved one with DD, both an increase in the number of beds to be available as well as an increase in pay for community respite providers. Increase daily rate for community respite beds from \$350-\$448 to \$400-\$510 for adults & from \$374 to \$450-\$550 for children: \$903,000 State Funds; \$1,081,000 total that includes Federal Funds
- ⇒ Expand Overnight Planned Respite (EOPR) for adults, Enhanced Respite (ERS) for children by at least 5 beds each: \$3,712,000 State Funds; \$4,414,000 total that includes Federal Funds



Aside from the residential funding, other items of interest in the DDA budget included:

- ⇒ Funding for 350 High School Transition Students on Basic Plus waiver: \$2,232,000 State Funds \$4,029,000 total that

- ⇒ \$4.2 million to expand community residential services for 39 people.
- ⇒ \$182,000 to create a DD Advisory Council to the Governor to study a "preferred continuum of developmental disabilities residential services".
- ⇒ Fircrest was "downsized" to 190 residents.
- ⇒ Ninth Circuit rules on Arc vs. Quasim lawsuit that the state has the right to limit the number of people on the Home and Community based waivers.

2006

State

- ⇒ For the first time in several years, the state did not face a deficit. Instead, it had a \$1.5 billion surplus, though most of it needed to go to entitlement programs, collective bargaining agreements and pension funds.

Bills:

- ⇒ Mandates school district participation in birth-to-three early intervention services for children with disabilities by the year 2009.
- ⇒ Places DD Community Protection Program policy into state statute.
- ⇒ Requires all counties to provide disability access voting 20 days prior to (and including the day of) an election. It also requires county elections advisory councils that include people with disabilities.
- ⇒ Gives independent providers the right to collectively bargain over personal care hours.
- ⇒ Prohibits vaccinating pregnant women and children under three with vaccines that contain mercury.
- ⇒ Imposes fines and actions against DD residential service providers who are out of compliance with certification standards.
- ⇒ Expands the definition of criminal mistreatment to include the withholding of basic necessities of life by a person responsible for providing those necessities.



- ⇒ Allows public bodies that have purchased or improved properties under Referendums 29 and 37 to transfer those properties to non-profits serving people with disabilities.

Budget Highlights:

- ⇒ \$ 1.4 million to support 250 students graduating from high school.
- ⇒ \$ 1.4 million for additional case management support.
- ⇒ \$ 2.0 million Supported Living rate increase.
- ⇒ \$ 784 thousand to expand community residential and support services for 12 individuals.
- ⇒ \$ 483 thousand to provide community residential and support services for 7 clients.
- ⇒ \$ 300 thousand to fund DD Community Protection legal services for clients entering or receiving services in this program.
- ⇒ \$ 1.1 million to respond to a Special Education lawsuit.

2007

State

- ⇒ State again finds itself with surplus funds.

Bills:

- ⇒ Individual & Family Services, also known as the Lance Morehouse Jr. bill - Puts in state law the Individual and Family Services Program. Program is without regard to parental income and allows the provision of respite to Medicaid Personal Care Parent Providers.
- ⇒ Graduation Ceremonies; also known as Kevin's Law" allows students receiving Special Education services to participate in graduation ceremonies with their peers.
- ⇒ Training for In Home Care Providers; creates a committee to develop the curriculum and hours necessary to be an individual provider.
- ⇒ Creates a pilot program using public guardians.



Lance Morehouse, Jr.

offer crisis stabilization/respite as needed in catchment area or emergencies;
develop community respite.



2018-2019

Another legislative session is finished... on time!

Although the Washington State Legislature has needed extra time to finish their job for the last few years, this year the budget was completed within the 105 days allotted for the regular session.

The Operating Budget was actually fairly good in regards to many of the services for people with developmental disabilities (DD). Our primary issue was the rate that the legislature sets for Direct Service Professionals (DSP) that staff community residential programs. There are not enough community residential placements for people with DD because entry wages are barely above minimum wage.

What did get funded in the Operating Budget?

Community residential providers will receive a rate increase of 13% in January 2020: \$62,176,000 State Funds; \$123,152,000 total that includes Federal Funds.

- ⇒ Continue the Family Mentor Program that helps families of those in RHCs successfully transition their loved one to a community setting: \$138,000 State Funds; \$275,000 total that includes Federal Funds
- ⇒ Rainier PAT A residents to move to other PATs or RHCs \$528,000 State Funds; \$611,000 total that includes Federal Funds
- ⇒ Continue transitioning 47 people from the RHCs to SOLAS: \$6,388,000 State Funds; \$12,634,000 total that includes Federal



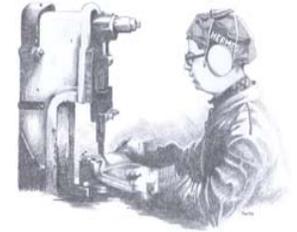
directed approaches

- ⇒ **HB 1671**—Expands definition of ADLs to include medication assistance
- ⇒ **SB 5118**—Provide increases to personal needs allowance for Medicaid eligible elderly and people with disabilities
- ⇒ **HB 1322**—Reduce training hours for respite provider caring for a person with DD and working less than 300 hours a year
- ⇒ **HB 1258**—Design statewide training for first responders and 911 personnel, assess 911 system to add disability info
- ⇒ **SB 5177**—LTC worker training. Require long term care workers to be trained to recognize hearing loss
- ⇒ **HB 1262**—Van accessible spaces must have at least 96" access aisle with a sign prohibiting parking there
- ⇒ **HB 1515**—Doctor must write authorization on prescription pad, office letterhead or electronically
- ⇒ **SB 5018**—Study of whether wheelchair accessible taxicabs having access to HOV lanes causes excessive traffic in them
- ⇒ **HB 2003**—Allow special parking privileges for organizations that dispatch taxicabs for persons with disabilities
- ⇒ **HB 1153**—Increase penalties for financial exploitation and financial abuse of vulnerable people (AG request)
- ⇒ **HB 1676**—Includes service dogs in training to the state regarding crimes against service dogs
- ⇒ **HB 1401**—Removal for making a false statement under oath, match child with special needs with a trained guardian ad litem (GAL)
- ⇒ **HB 1402**—Guardian isolation. Guardian cannot restrict contact for an individual from others without good cause and court approval
- ⇒ **SB 5691**—Court may modify or terminate guardianship if less restrictive option is better
- ⇒ **SB 5646**—Close Yakima Valley when 8 residents left,



Budget Highlights:

- ⇒ \$ 5.0 million for employment of 748 graduates and other adults.
- ⇒ \$ 1.1 million for 40 adults living with senior parents.
- ⇒ Definition of Disability; reinstates a group of individuals with a disability back into the ADA definition.
- ⇒ \$ 4.9 million for 1,300 families to receive Family Support.
- ⇒ \$ 14.2 million for 236 individuals to be supported in the community.
- ⇒ \$ 125 thousand to create a DVD for professionals and parents of children with autism.
- ⇒ \$ 60 thousand for Autism Parent Support in Eastern Washington.
- ⇒ \$ 8.8 million for 112 individuals needing community protection.
- ⇒ \$ 500 thousand for legal services.
- ⇒ \$ 15.3 million for provider wage increases.



Other:

- ⇒ A very controversial medical intervention provided to a 6 year old girl with profound disabilities was performed. It consisted of high doses of estrogen to bring about permanent attenuation of her size, removal of her breast buds and a hysterectomy.
- ⇒ The American College of Obstetricians and Gynecologists recommend that all pregnant women, regardless of age, be given a prenatal test to detect Down Syndrome.

2008

State

- ⇒ Adds excess property identified at Francis Haddon Morgan Center, Yakima, Lakeland and Rainer Residential Habilitation Centers to the Dan Thompson Trust account. Proceeds in the account provide Family Support and Employment services to unserved individuals.

- ⇒ Establishes October for Disability History month established in K-12 and higher education.
- ⇒ Recommend an autism supplement for educational plans regarding autism
- ⇒ Awareness of autism through Childfind
- ⇒ Direct OSPI to submit a plan for teacher training on autism by November 2008
- ⇒ Establishes an access coordinator for the administrative office of the courts.



Budget Highlights:

- ⇒ \$1.9 million to create an Intensive Behavior Support program to provide in-home services that assist families with children with behavior issues to avoid out of home placement.
- ⇒ \$15 million dollars appropriated to implement “shared living” lawsuit settlement.

Since the Legislature could not agree on the number of hours of training a Home Care provider should receive, the citizens of the state passed Initiative 1029. Individual Home Care providers are now going to receive 75 hours of training instead of 34 hours and Parent Providers will have 12 hours of required training instead of 10 hours. Unfortunately, no funding was included with the passage of the Initiative.

2009

State

Once again our country and state faced a huge economic downturn.

The unemployment rate for the state was 9.3% and Governor Gregoire and the legislature faced an \$8 billion dollar deficit. The federal government intervened by providing states federal stimulus money so more jobs could be created to get the economy moving. The legislature took a different tactic and took state dollars from the state budget and replaced them with federal funding that ends in 11 months. This helped stopped some of the more drastic cuts from happening but



- retirement trusts; an increase in paid time off; a health and safety benefit study; and 15 minutes of paid administrative time per IP per two-week pay period.
- ⇒ \$481,000 - The work week limit on certain individual providers (IPs) is maintained at 65 hours per week rather than 60 hours per week in FY 2018.
- ⇒ \$6.5 million - Funding is provided for additional state-operated living alternative beds for transitioning clients ready for discharge from the state psychiatric hospitals.
- ⇒ \$590,000 - Discharge case managers will focus on transitioning clients ready for discharge from the state psychiatric hospitals into state-operated living alternatives.
- ⇒ \$22.7 million - Beginning with the 2017-18 school year, funding is provided to support an expansion of the state's special education program, increasing maximum state-funded enrollment from 12.7% to 13.5%.



The Capital budget was an even more contentious process. The legislature only came to agreement for a one-year capital budget of re-appropriations, which included:

- ⇒ \$540,000 for the Housing Trust Fund DD set-aside
- ⇒ \$4.9 million for the back-up power and electrical feeders at Fircrest
- ⇒ \$1 million for infrastructure upgrades at Lakeland Village

Policy bills passed:

- ⇒ **HB 1115**—Setting employment standards for para-educators to get a para-educator associate of arts degree
- ⇒ **HB 1719**—Update early learning advising and contracting, add DD representative to Early Learning Advisory Council
- ⇒ **HB 2037**—Reconvene workgroup to look at obstacles for people with disabilities in higher education
- ⇒ **SB 5976**—Exceptions provided for payment of overtime hours up to 65 hours a week extended through 2018
- ⇒ **SB 5867**—Joint Legislative Committee on Aging and Disability to make recommendations on consumer-

residential homes - \$1.25 per hour effective July 1, 2017, and an additional \$1.00 per hour effective July 1, 2018, for a total \$2.25 per hour increase. The rate increases will bring the statewide hourly average benchmark rate from approximately \$16.80 to \$19.05.



- ⇒ \$9.5 million - Service providers for individuals with developmental disabilities, will receive vendor rate increases of 2% on July 1, 2017, and an additional 2% on July 1, 2018. These increases apply to assisted living facilities; area agencies on aging; service providers specializing in employment support, respite, and other community-based services, but do not apply to the vendor rate for individual providers, agency providers, adult family homes, nursing homes, community residential service providers, or nurse delegators.
- ⇒ \$7.5 million - Funding is provided for (DDA) Developmental Disabilities Administration clients who will be leaving high school, but are not currently receiving services authorized under a Medicaid waiver, to participate in employment programs in the 2017-19 biennium. Roughly 600 clients will receive employment services through this funding.
- ⇒ \$40,000 - Personal Needs Allowance Funding is provided for an annual cost-of-living adjustment (COLA) to the Personal Needs Allowance (PNA) of Medicaid clients in community and institutional settings per Senate Bill 5118. The PNA is the amount of a client's own income that he or she may keep to spend on small personal items, rather than contributing it to the cost of care.
- ⇒ \$52.8 million - Funding is provided to implement the 2017-19 collective bargaining agreement with individual providers (IPs) of in-home personal care services. The agreement includes phased-in wage increases to raise the seniority-based wage scale to a minimum of \$15 per hour by January 2019. The agreement also includes increases in contributions to the health care, training and



when the federal monies are gone there will be huge state budget shortfalls.

In regard to cuts in (DDD) Division of Developmental Disabilities, \$88 million dollars of state funding has been eliminated.

Reductions were:

- ⇒ Medicaid Personal Care (MPC) hours reduced by 3%
- ⇒ Individual and Family Support reduced by \$1 million
- ⇒ Service providers and counties were cut on average 3%
- ⇒ Legal services for Community Protection eliminated
- ⇒ Adult Day Health reduced by \$1.8 million
- ⇒ Medicaid vision/hearing eliminated (dental rates reduced back to 2005 rates)
- ⇒ DD institutions consolidated cottages and reduced staff
- ⇒ 9 DD central office positions were eliminated
- ⇒ Once again the closure of a state institution failed to pass the House, even though the Governor and Senate supported it.



On the positive side funding was provided for 60 people to have an alternative other than a state institution; funding was provided for 32 people with community protection needs, and about 1,000 people who had been "state only" funded for employment or residential were placed on the waiver to obtain the federal Medicaid match.

In regards to bills supported, passed and signed by the Governor, they included:

- ⇒ Intensive In-home Behavior Supports to help families learn how to support their child at home
- ⇒ Allows siblings and grandparents who are primary caregivers to receive respite
- ⇒ Prohibits in-home care providers who are family members to become agency providers
- ⇒ Replaces the term "mental retardation" to "intellectual disabilities" in our state statutes

- ⇒ Initial work for adults with developmental disabilities who are in jail to be served properly by jail staff (develop a screening tool and training for adults with DD in jails or correctional facilities)

In addition, a JLARC (Joint Legislative Audit and Review Committee) study on county administered services such as employment day and child development services will be conducted.

The report, due September 1, 2010, must provide a description of how funds are used and the rates paid to vendors, and a recommendation on best practices the agency may use for the development of a consistent, outcome-based contract for services provided under contract with the counties. DDD must develop and implement the use of a consistent, statewide outcome-based vendor contracts for employment and day services by April 1, 2011. The rates paid to vendors under this contract must also be made consistent.

The legislators also directed the Office of Financial Management (OFM) to do a study of the feasibility of closing state institution beds by contracting with consultants with expertise in this area. They need to consider alternate facilities, the cost of operating the facility, impact of the facility on the local economy and alternative uses for a facility recommended for closure.

They will also look at the impact on clients in the facility and their families. OFM has to submit a final report by November 1, 2009. The report must provide a recommendation and a plan to eliminate 250 funded beds in the residential habilitation centers through closure or consolidation of facilities.



2009 - 2010

State

- ⇒ National recession creates a state \$12 billion dollar deficit that is made whole by tax increases and state service cuts.

- ⇒ **HB 2545** the Toxic-Free Kids and Families Act passed after five years of trying. This bill bans five of the worst flame retardants (TDCPP; TCEP; HBCD; Decabromodiphenyl ether; Additive TBBPA) in children's products and furniture, including the first ban in the nation on TBBPA.
- ⇒ **HB 6564** Do unannounced home visits for vulnerable clients.
- ⇒ **HB 2323** Creates the Achieving a Better Life Experience savings program for people with disabilities
- ⇒ **HB 2394/SB 6329** Puts the Parent to Parent program into statute
- ⇒ **HB 2403** Creates evidence-based information about Down Syndrome to give parents/pre-parents who receive a positive diagnosis
- ⇒ **SB 6466** Creates a workgroup about transfer students' core services provided at previously attended colleges
- ⇒ **HB 2908** Creates a joint legislative task force on the use of deadly force in community policing (Representative Ryu)
- ⇒ **HB 1725** Establishes criteria for the number of hours per week DSHS may pay any single provider
- ⇒ **HB 2545** Toxic Free Kids & Family Act restricts use of harmful flame retardants in certain products

July 25, 2017

2017 session is finally wrapped up!

After a 105-day regular session plus three 30-day special sessions, the state legislature has finally called an end to their work for 2017. Fortunately, services for people with developmental disabilities were well-funded, a relief after months of tense waiting.

Here are some of the notable budget items (amounts listed are total of state and federal funds):

- ⇒ \$79.1 million - Increase the hourly benchmark rate for community residential service providers including supported living, group homes, and licensed staffed



meeting or hearing") on March 29, 2016. It has been an unusual legislative session, partly because they went into special session before they could agree on a supplemental budget.



Budget Highlights:

- ⇒ Individual provider overtime per recent rule from US Department of Labor (HB 1725) \$7.3 million GFS - \$9.0 million GFF
- ⇒ New case managers to increase number of visits, do fatality reviews (SB 6564) \$901,000 GFS - \$601,000 GFF
- ⇒ 31.2 Full Time Employees (FTEs) to comply with caseload growth \$6.2 million GFS - \$4.2 million GFF
- ⇒ 3.3 FTEs for financial eligibility for increased caseloads in Community First Choice \$140,000 GFS - \$414,000 GFF
- ⇒ Funding for greater utilization of DD residential services, acuity changes in clients \$17.5 million GFS - \$17.2 million GFF
- ⇒ Fund existing Parent to Parent program (HB 2394/SB 6329) \$46,000 GFS
- ⇒ Fund Individual & Family Services Health Care Costs (DDA clients) \$11.2 million GFS - \$13.5 million GFF
- ⇒ Increase reimbursement rate by \$10 hour for RNs and LPNs in the Medically Intensive Care Program \$3.1 million GFS - \$3.0 million GFF
- ⇒ Increase spending authority for DD Endowment Trust Fund \$210,000 Fees
- ⇒ Create the Office of the DD Ombuds (SB 6564) \$693,000 GFS
- ⇒ Create the Achieving a Better Life Experience (ABLE) savings program (HB 2323) \$572,000 GFS
- ⇒ Professional development for classroom para-educators \$1.75 million GFS
- ⇒ Fund 15 staff and 8 additional planned respite beds at Yakima Valley (RHC) \$834,000 GFS - \$833,000 GFF

Bills:

- ⇒ **SB 6466** creates a workgroup to look at the difficulties students have with core services provided when they transfer from a previously attended college.

Bills:

- ⇒ Establishes the Children’s Intensive Behavior Support program to provide in-home assistance for children with significant behavioral challenges and their families.
- ⇒ Allows respite care for primary care providers who receive the state only Individual/Family Support Program.
- ⇒ Provides for equitable access to mental health services for children.
- ⇒ Replaces the term “mental retardation” with “intellectual disabilities” in state statutes.



Budget Highlights:

- ⇒ Added state only funded employment participants to the Basic Medicaid waiver to retain their services and gain federal financial funding
- ⇒ Reduce state institution expenditures but failed to close either Yakima Valley Nursing Facility or Francis Haddon Morgan
- ⇒ \$500,000 to study consolidation/closure of state institutions
- ⇒ Reduce employment and residential providers by 3%
- ⇒ Fund Joint Legislative Audit and Review Committee to study county employment services
- ⇒ Directs DSHS to assess all state institution clients with same assessment as used for individuals in community services
- ⇒ Provides employment funding for ‘09 and ‘10 high school graduates

Federal Highlights:

- ⇒ Congress and the President pass federal stimulus funding to help states deal with their budget crisis
- ⇒ Congress and the President pass major health care overhaul
- ⇒ Congress passed Rosa’s Law regarding Respectful Language

2010–2011

State

Before the 2011 legislative session started, Governor Gregoire made 6.287% across-the-board cuts to all agencies.



The 2011 supplemental budget addressed the loss of expected state revenue, resulting in DDD programs being dramatically affected.

The Individual and Family Services (IFS) program, a low cost - high impact program that provides families with a little bit of respite, among other things, was completely suspended.

The Children's Intensive In-home Behavior Supports (CIIBS) program was put on hold.

The supplemental budget also had reductions of 6% - 18% in Medicaid Personal Care (MPC) hours, cuts to employment and day services, community residential vendor rates as well as the elimination of vision, dental and therapy services.

The legislature did finally agree on a biennial budget that restored the IFS program, though with a 10% cut.

The CIIBS program was restored and will continue to enroll eligible families. Parent to Parent was also restored. The Housing Trust Fund received an additional \$3 million for the DD Set-aside.

MPC hours did not take additional cuts, but the cuts made in the special session 2010 supplemental budget continue. Community residential vendor rates continue the 1% reduction taken in the supplemental budget.

Dental services were eliminated except for people who are on a Home and Community Based Services (HCBS) Waiver or

- ⇒ **HB 1531 Respite providers** - Removes expiration date on 300 hours a year for respite providers (DSHS request)
- ⇒ **HB 2063 Achieving a Better Life Experience** - Create 529A savings accounts for people with disabilities per the federal ABE Act
- ⇒ **SB 5311 Crisis intervention training** - Create crisis intervention training for all law enforcement, includes interaction with people with DD, standards for outside trainers
- ⇒ **SB 5317 Autism screening** - Requiring screening and payment for autism and developmental delays for children in Medicaid programs
- ⇒ **SB 5488 ABA licensure** - Establishing licensure for the practice of applied behavior analysis (ABA)
- ⇒ **SB 5600 Abuse definitions** - Refine definitions of mental abuse and restraints used in DSHS facilities (DSHS request)
- ⇒ **SB 5607 Guardianship complaints** - Create a standard form for guardianship complaints; clarify the complaint process, cost for families
- ⇒ **SB 5647 Courthouse facilitators** - Allows counties to create guardianship courthouse facilitator programs
- ⇒ **SB 5679 Transition services** - Clarifies transition services to be included in transition plans at age 16, but as young as 14
- ⇒ **SB 5999 Adds Early Childhood Education and Assistance Program (ECEAP) to the Caseload Forecast Council**
- ⇒ **SR 8656 Autism** - Honor and support individuals with autism, acknowledge the tremendous courage that they and their families put forth every day
- ⇒ **SR 8657 Down Syndrome** - Recognize and honor exemplary individuals with Down syndrome and the dedicated communities that support them



2016

State

The 1st Special Session adjourned sine die (from the Latin "without day", meaning "without assigning a day for a further

However, two major state Supreme Court decisions 1) not meeting our educational responsibilities for K-12 students and 2) not meeting the needs of individuals in our state mental health system need to be financed.

Budget Highlights:

- ⇒ Supported Living Provider rate
- ⇒ increase - 60 cents/hour each year for the next two years
- ⇒ Increase in the Basic Plus Waiver slots - 1,000 individuals
- ⇒ Increase in the Individual and Family Services program - 4,000 individuals
- ⇒ Expand enhanced respite in the community for children - 8 beds
- ⇒ Create community respite for adults - 8 beds
- ⇒ Increase Individual Provider rates - wages, health care, training, personal time, retirement
- ⇒ Increase Agency Provider rates for parity with Individual Providers
- ⇒ Fund early intervention services
- ⇒ Increase food stamp benefit from 75% of the federal level to 100% of the federal level beginning July 1, 2015



Some provisos were directed within existing funding:

- ⇒ Develop rules for Adult Family Homes that specialize in young adults with developmental disabilities
- ⇒ Don't move people from sheltered workshops until end of 2016 session unless person/guardian agrees; report on impact of those who do move by January 1, 2016
- ⇒ Provide community respite utilization report by January 1, 2016
- ⇒ Standardize Community Residential admin rate; cost reports to include health insurance, wages, number of positions and turnover rates



Bills:

- ⇒ **HB 1240 Restraints in schools** - Prohibit the planned use of aversive interventions, no restraints and isolation unless serious harm is likely

access dental services through the DECOD program at the University of Washington.

Vision services were eliminated, but advocates got a bill passed that allows Medicaid recipients to get their glasses "at cost", which should be \$10 - \$20.

Medicare Part D Co-payments for dually eligible adults was also eliminated which means adults will pay \$1–\$6 co-pay for medications.

Employment services underwent a lot of discussion around the Working Age Adult Policy (WAAP). The final budget reduced counties by 3% and created two task forces. One task force is to develop a more robust Community Access program and the second task force to provide recommendations about employment, community access and the possible creation of some new type of day service. For the first time in years, unless on a waiver, students graduating from high school needing employment services will receive no supports.

The budget made a significant change for 900 adults with developmental disabilities who are receiving Adult Day Health services through the Aging and Adult System. People will have to choose to either stay within the DD system or move to the Aging and Adult system.

Consolidation of the RHCs was a big topic throughout the session. In the final budget, Francis Haddon Morgan Center will close by December 31, 2011 and there will be no more admissions to Yakima Valley. Residents at Yakima Valley will be able to continue to live there. Once the facility reaches only 16 residents, Yakima Valley will then close.

Senate Bill 5459 provided that by 2012, children under 21 will no longer be placed in the RHCs except for 16-21 year olds, who may be admitted for crisis stabilization or respite.



The legislature funded a Family to Family Mentor who will be a family member who has already moved their relative out of a RHC, who has experienced all the fears and concerns, but who has made the successful transition to a community setting.



People can move to a State Operated Living Alternative (SOLA), or a home in a community near their family; or move to another RHC.

Senate Bill 5459 allows Yakima Valley to continue to operate respite beds and establishes eight state staffed crisis stabilization beds and eight state staffed respite beds in areas of the state where there is the most need for them.

Additionally, a developmental disabilities task force will develop a system of services looking at the state's long term need for RHCs, plan the efficient consolidation of institutional capacity and create a mechanism through which savings can be used to create additional community based capacity.

It will also look at the use of surplus properties at the RHCs and at reframing the mission of Yakima Valley.

The task force will report back to the Legislature by December 1, 2012.

Bills:

- ⇒ SB 5459 consolidating the RHCs and putting age restrictions on the facilities.
- ⇒ SB 5352 replaces the elimination of vision/glasses by allowing people on Medicaid to get them at cost.
- ⇒ HB 1163 is another step forward on preventing bullying in schools.
- ⇒ HB 1053 provides for free training for family members who become legal guardians of an individual.

Bills:

- ⇒ SB 6387, creates a new Medicaid Individual & Family Services program, adds people to Basic Plus waiver and changes respite provider training requirements to intermittent providers working 300 hours per year instead of 20 hours per month, minimizing the training requirements for certain respite providers;
- ⇒ HB 2746, refinances the Medicaid Personal Care through the Community First Choice Option, bringing an extra 6% in matching federal funds and allowing people with DD to be taught how to do some of their own personal care tasks, if possible, instead of just receiving the care;
- ⇒ HB 2616, requires Children's Administration to make reasonable efforts to work with the (DDA) Developmental Disability Administration to create a plan to assist parents who have developmental disabilities who are going through dependency hearings;
- ⇒ SB 5958, requires accountability for providing opportunities for students receiving special education services to participate in transition services;
- ⇒ SB 6129, directs a work group to create training for para-educators;
- ⇒ HB 2544, requires that a blood sample for disorders leading to intellectual disabilities be taken within 48 hours of birth;
- ⇒ HB 2363, allows dependents of military service members to retain eligibility for DD services in Washington State while transferred out-of-state.



2015

State

The legislature held the regular session and then two special sessions. It did not actually end until the second week of July. The state is slowly regaining some of the financial losses of the past several years.

- ⇒ DSHS will convert Individual & Family Services program to a Medicaid program for a federal match, add 4,000 new people with DD by June 2017;
- ⇒ \$3,000,000 GFS / \$2,900,000 GFF ~ After a number of years of some cuts and no increases, the supported living provider rate will increase by 30 cents per hour
- ⇒ \$459,000 GFS ~ OSPI will create a para-educator training work group with the State Board for Community and Technical Colleges and Professional Educator Standards Board
- ⇒ \$561,000 GFS / \$695,000 GFF ~ The Health Care Authority will add reimbursement for developmental and autism screenings to the Medicaid plan (Apple Health)
- ⇒ \$200,000 GFS ~ Reinstates some funding that was taken away last session from the Office of Public Guardianship
- ⇒ \$8,241,000 GFS / \$7,221,000 GFF ~ Implements commitments in the Children's Mental Health settlement to settle a lawsuit. Provides intensive wrap-around mental health services for Medicaid-eligible children per SB 6558.
- ⇒ \$738,000 GFS / \$1,452,000 GFF ~ Lakeland Village, a Residential Habilitation Center, was found out of compliance and fined by CMS for improperly reclassifying Intermediate Care Facility patients to nursing home patients. This funding is to provide appropriate screening and review for nursing home clients in RHCs and provide the specialized services they have not been receiving. (The state is still out of compliance.)
- ⇒ \$611,000 GFF ~ Directs the Department of Ecology to conduct consumer product testing on children's products and furniture for toxic flame retardants and report back to the legislature.



2011-2013

State

The continued economic downturn nationally had a huge impact on our state budget.

Legislators held their 2011 regular legislative session (105 days) from January 10th through April 24th without being able to agree on a final biennial budget.

Since no budget agreement had been reached during regular session, the Governor called a thirty day Special Session from April 26, 2011 - May 25, 2011 and a budget was finalized. The negative September 2011 revenue forecast prompted Governor Gregoire to release her supplemental budget proposal in October 2011, which included drastic cuts such as eliminating 48% of clients from receiving Medicaid Personal Care and Waiver services that people with developmental disabilities desperately need. The Governor called the Legislature back for another 30 day special session (2nd special session) on November 28, 2011 but legislators left on December 12, 2011 without finalizing a budget.

Legislators returned on January 9, 2012 for the sixty day supplemental budget session which was to end on March 8, 2012. A surprise move by the minority party in the Senate turned the budget upside down and no agreement could be reached.

The Governor called for a 2012 special session to begin on March 12, 2012, but little was accomplished until the last day, April 10, 2012.

The Governor directed legislators to stay through the night, calling for 2012, 2nd Special Session at midnight on April 11, 2012. This lasted for about six hours until a final budget compromise was reached around 6:00 am on April 11, 2012.



Overall, services for people with developmental disabilities were well supported in the final legislative budget proposals. This was due, in major part, because of the successful, statewide grassroots advocacy efforts we have in our state.



Specific services retained at their current level included: Medicaid Personal Care, Individual/Family Support, Residential and Employment services and provider rates, and health and dental benefits.

Bills:

- ⇒ SSB 6384 “employment first” policy whereby individuals with developmental disabilities are given the opportunity to become employed;
- ⇒ SSB 6403 creates detention and intake standards

2013

The 2013 Washington State Legislature convened on January 14, 2013 with the last scheduled day to be April 28, 2013. The budget is the one thing the legislature is required to have in place by July 1, 2013, but it was nowhere to be found. The Senate released their budget proposal, balancing their budget with no new revenue, while the House budget proposal included extending some taxes and closing some loopholes. With both sides far apart, newly elected Governor Inslee had to call a thirty day special session that began on May 13th. A second special session was called and just days before the threat of a government shutdown, the legislature finally came to a budget compromise.

Budget Highlights:

- ⇒ \$1.5 million in new funding for the Individual and Family Services program to serve some of the individuals who



have been waiting for some type of service on the No Paid Services caseload.

- ⇒ Funding for high school graduates to receive employment services, crisis stabilization services for children in community settings, two new State Operated Living Alternatives (SOLA), and an enhanced “Exception To Rule” (ETR) process for Medicaid Personal Care.
- ⇒ With insurance companies now being required to provide Applied Behavior Analysis (ABA) services, the budget proposals also included funding for ABA services through Apple Health for Kids.

Bills:

- ⇒ HB 1688 requires schools to notify parents if their child is restrained or placed in seclusion at school
- ⇒ SB 5556 nicknamed Kimmie’s Law, provides parameters for law enforcement regarding our state’s Endangered Missing Person’s Advisory that has the activation of the EMPA happen within six hours of a person meeting specified criteria going missing.
- ⇒ SB 5551 helps to address a backlog of people who have a developmental disability that have been arrested, but have not received an evaluation in order for their case to move forward.



2014

The 2014 supplemental legislative session ended on March 13, 2014, right on time.

Budget Highlights:

- ⇒ \$204,000 GFS / \$208,000 GFF ~ DSHS is to begin moving Medicaid Personal Care to the new Community First Choice Option to get an additional 6% federal match and use some of the additional funds to add 1,000 openings to the Basic Plus waiver;