
SENATE BILL 6381

State of Washington

65th Legislature

2018 Regular Session

By Senators Walsh, Conway, and Hasegawa

1 AN ACT Relating to ensuring access to community-based services
2 for developmentally disabled citizens currently served by the
3 developmental disabilities administration; and amending RCW
4 71A.12.290.

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

6 **Sec. 1.** RCW 71A.12.290 and 2012 c 49 s 1 are each amended to
7 read as follows:

8 (1) Clients age twenty-one and older who are receiving or have
9 received employment services must be offered the choice to transition
10 to a community access program after up to nine months of enrollment
11 in an employment program, and the option to transition from a
12 community access program to an employment program at any time.
13 Enrollment in an employment program begins at the time the client is
14 authorized to receive employment. Employment related activities such
15 as skill development, job coaching, mentorship, and other vocational
16 or work related educational programs or activities completed during
17 the client's special education transition period must be counted when
18 verifying sufficient participation in an employment program.

19 (2) Prior approval by the department shall not be required to
20 effectuate the client's choice to transition from an employment

1 program to community ((access)) inclusion services after verifying up
2 to nine months of participation in employment-related services.

3 (3) The department shall inform clients and their legal
4 representatives of all available options for employment and day
5 services, including the opportunity to request an exception from
6 enrollment in an employment program. Information provided to the
7 client and the client's legal representative must include the types
8 of activities each service option provides, and the amount, scope,
9 and duration of service for which the client would be eligible under
10 each service option. An individual client may be authorized for only
11 one service option, either employment services or community access
12 services. Clients may not participate in more than one of these
13 services at any given time.

14 (4) The department shall work with counties and stakeholders to
15 strengthen and expand the existing community ((access)) inclusion
16 programs, including the consideration of options that allow for
17 alternative service settings outside of the client's residence,
18 including settings where another developmental disabilities
19 administration client may be present. The program should emphasize
20 support for the clients so that they are able to participate in
21 activities that integrate them into their community, are based on
22 client choices and person-centered planning, and support independent
23 living and skills.

24 (5) The department shall develop rules to allow for an exception
25 to the requirement that a client participate in an employment program
26 for up to nine months prior to transitioning to a community access
27 program. The department shall issue an annual report due on December
28 1st of each year to the legislature that includes an analysis of the
29 number of exceptions sought and granted in each county in Washington,
30 as well as recommendations for how to make the exception process
31 easier to navigate for clients and families in each county.

32 (6) The department may not set up, promulgate, or implement
33 community-based service provider billing processes, criteria, or
34 rules that restrict provider ability to bill for providing federally
35 permitted community-based services, used by a developmental
36 disabilities administration client, in an integrated setting, or with
37 another developmental disabilities administration client in a
38 community setting.

39 (7) If a developmental disabilities administration client or the
40 client's legal representative identifies a lack of fully integrated

1 community inclusion service opportunities in the client's community
2 or the local jurisdiction does not have an adequate employment
3 infrastructure or employment opportunities to support the client's
4 employment goals under the client's person-centered plan, the
5 developmental disabilities administration must allow the client to
6 access community inclusion services in which another developmental
7 disabilities administration client may be present and must allow the
8 community inclusion provider to bill for the community inclusion
9 service provided. Regardless of whether the service provided is in a
10 fully integrated setting, the developmental disabilities
11 administration is required to reimburse community inclusion service
12 providers in accordance with RCW 71A.12.030, 71A.12.040, 71A.14.060,
13 71A.14.080, and other relevant state statutes.

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