



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

November 15, 2007

Department of Social & Health Services
Aging and Disability Services Administration
Division of Developmental Disabilities
PO Box 45310
Olympia, WA 98504-5310
(360) 725-3452
Fax: (360) 407-0955

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 a minimum of 236 clients including: 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 of, 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 waiver services CAP participants are assessed to need." In discussions that were held about Washington's applications for the current four new 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

**EXPANDED COMMUNITY SERVICES PROVISIO
FIRST QUARTER – JULY THROUGH SEPTEMBER 2007**

authorized in order to not 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, adult residential care 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 adult family homes or adult residential care 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 July through September 2007 quarter, DDD had placed 16 individuals on this proviso with an average daily rate of \$287.69 (see attached spreadsheet).

Following are descriptions of the needs of eight individuals who meet the criteria of clients without residential services and at risk for institutionalization, five individuals who meet the criteria of waiver clients assessed as having immediate need for increased services, one individual who meet the criteria of youth transitioning out of other state services and two individuals who meets 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.

**EXPANDED COMMUNITY SERVICES PROVISIO
FIRST QUARTER – JULY THROUGH SEPTEMBER 2007**

Without residential services at risk of institutionalization:

Client #1 is a 15 year old male diagnosed with Psychotic Disorder, Oppositional Defiant Disorder, Attention Deficit Disorder, Mental Retardation, Seizure Disorder, Hearing Disorder, and Obesity. He has a history of sexual inappropriateness, physical aggression, and fire-setting. Prior to placement he resided with his single mother and his two young siblings, all of which have special needs. Funds from this proviso are being utilized to provide supported living services.

Client #2 is a 10 year old male diagnosed with Autism. He has a history of aggression toward others, property destruction, inappropriate sexual behavior with young girls and animals, and screaming. He requires significant assistance with bathing, dressing, eating, toileting, and transfers, and is resistive to care. His family was no longer able to care for him in the family home due to his increasing size and personal care needs. They also were concerned about the safety of their other child. Funds from this proviso are being utilized to provide supported living services.

Client #5 is a 12 year old male diagnosed with Autism and Anxiety Disorder. He has a history of biting, hitting, kicking, pinching, self injurious behaviors, and property destruction. His parents were no longer able to support his needs in the family home and requested RHC placement if other services were not available. Funds from this proviso are being utilized to provide supported living services.

Client #8 is a 17 year old female diagnosed with Autism, Developmental Delay, and Seizure Disorder. She requires some physical assistance to complete personal care tasks such as bathing and food preparation. She is non-verbal and communicates using signs and gestures. She has a history of frequent and severe physical aggression toward her family members, which have placed them in fear for their safety. She caused an injury to her mother's back, attempted to strangle her cousin and has threatened family members with knives. Funds from this proviso are being utilized to provide supported living services.

Client #9 is a 20 year old male diagnosed with Generalized Anxiety Disorder, Cognitive Disorder, Bi-polar Disorder, and Mild Mental Retardation. He has a history of physical aggression toward his family members. He was arrested and charged with Assault 4 after assaulting his mother. He has also threatened his brother with a knife. His family has since filed and gained protection orders against him, therefore he is not able to return home. Funds from this proviso are being utilized to provide supported living services.

Client #13 is a 41 year old male diagnosed with Bi-polar Disorder and Cerebral Palsy. He has extraordinary and complex personal care needs and requires total care for all personal care tasks. He has a history of chronic urinary tract infections and pneumonia. He received supported living services in Washington

**EXPANDED COMMUNITY SERVICES PROVISIO
FIRST QUARTER – JULY THROUGH SEPTEMBER 2007**

State prior to moving to California. He has since returned to Washington State and researched adult family homes without success as all homes he has visited have determined that they are unable to serve and accommodate his needs. His mother is elderly and unable to provide care. Funds from this proviso are being utilized to provide supported living services.

Client #15 is a 68 year old female diagnosed with Mild Mental Retardation. She has historically refused mental health treatment and therefore has no formal mental health diagnoses. She has a history of aggression and hoarding items resulting in unsanitary conditions in her home. Medicaid Personal Care services and adult family home services have been attempted without success. Funds from this proviso are being utilized to provide supported living services.

Client #16 is an 18 year old male diagnosed with Autism, Anxiety Disorder, Mental Retardation, and Seizure Disorder. Prior to placement in a supported living program he resided with his parents, his twin brother also diagnosed with Autism, and another younger brother. He has a history of significant physical aggression and his parents were no longer able to provide the support he needs in the family home. Funds from this proviso are being utilized to provide supported living services.

Waiver client assessed as having immediate need for increased services:

Client #3 is a 14 year old male diagnosed with Autism. He has a history of hitting, kicking, and biting his mother and providers. He also has a history of eloping from his home. Attempts to hire respite and personal care providers have been unsuccessful. His mother has requested RHC admission if other supported living services were not available. Funds from this proviso are being utilized to provide supported living services.

Client #6 is a 42 year old male diagnosed with Delusional Disorder, Mood Disorder, Mild Mental Retardation, Seizure Disorder, Hypertension, Diabetes, elevated cholesterol, Macular Degeneration, and Gastro Esophageal Reflux Disease. He was convicted of First Degree Statutory Rape in 1987. He participated in sex offender treatment and is not believed to have reoffended. He was supported by his parents in their home, however, they were no longer able to provide support due to their own declining health. This client requires support to take his medications as prescribed and to manage his diabetes. Funds from this proviso are being utilized to provide supported living services and employment services.

Client #7 is a 35 year old female diagnosed with Bi-polar Disorder, Mild Mental Retardation, Down syndrome, Obesity, Sleep Apnea, and Asthma. Her mother was unable to provide continued support due to her need to work full time outside of the home. AFH services had been attempted without success. Funds from this proviso are being utilized to provide supported living services.

**EXPANDED COMMUNITY SERVICES PROVISO
FIRST QUARTER – JULY THROUGH SEPTEMBER 2007**

Client #11 is a 22 year old male diagnosed with Post Traumatic Stress Disorder and Moderate Mental Retardation. His former guardians requested diversion services at Lakeland Village reporting that he had significant behavior problems. He has displayed no behavior problems at Lakeland Village. His former guardians lost guardianship after it was determined that this client was residing in an abusive and neglectful home. Funds from this proviso are being utilized to provide supported living services.

Client #14 is a 32 year old male diagnosed with Mild Mental Retardation, Cerebral Palsy, Chronic Asthma, and Scoliosis. He requires assistance with many personal care tasks and will request assistance when needed. He resided with his grandmother nearly his entire life until her passing in spring 2007. He received occasional MPC support in his home. He has chosen to remain in the home he shared with his grandmother. Funds from this proviso are being utilized to provide supported living services and employment services.

Youth transitioning out of other state services.

Client #4 is a 20 year old male diagnosed with Oppositional Defiant Disorder, Mood Disorder, Post Traumatic Stress Disorder, Attention Deficit Disorder, and Mild Mental Retardation. He was physically and sexually abused and neglected as a child. He has a history of physical aggression, property destruction, self injurious behavior, and threatening behavior. A psychosexual assessment recommended he receive therapy services from a sex offender treatment provider. 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 #12 is a 39 year old male diagnosed with Anxiety Disorder, Post Traumatic Stress Disorder, Intermittent Explosive Disorder, Moderate Mental Retardation, and Frontal Lobe Damage. He has a history of property destruction, self injurious behaviors, eating unsafe food and non-edible items, screaming and aggression toward others. He has been served for several years in a supported living program, however, due to an increase in his mental and behavioral health symptoms, the program determined they were no longer able to support his significant needs. He was then admitted to Lakeland Village. Funds from this proviso are being utilized to provide supported living services.

Client #10 is a 14 year old male diagnosed with Autism, Attention Deficit Disorder, Impulse Control Disorder, and Moderate Mental Retardation. He has a history of physical aggression, property destruction, eloping, fire setting behaviors, and animal cruelty. His mother requested out of home placement as she is no longer able to support his increasing needs in the family home. Funds from this proviso are being utilized to provide supported living services.

**EXPANDED COMMUNITY SERVICES PROVISO
FIRST QUARTER – JULY THROUGH SEPTEMBER 2007**

<u>Community Residential & Support</u>						<u>Type of Services</u>				<u>Expenditures</u>		<u>Type of Proviso Request</u>
<u>Number</u>	<u>Region</u>	<u>Previous Residence</u>	<u>Previous Supports</u>	<u>Residential Start Date</u>	<u>Number of Days in Service</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	Family Home	Personal Care	05/03/07	150	\$ 407.99	\$ -	\$ -	\$ -	\$ 407.99	\$ 61,198.50	1
2	4	Family Home	Personal Care	05/03/07	150	\$ 519.15	\$ -	\$ -	\$ -	\$ 519.15	\$ 77,872.50	1
3	3	Family Home	Personal Care	07/12/07	71	\$ 405.73	\$ -	\$ -	\$ -	\$ 405.73	\$ 28,806.83	2
4	3	Foster Care	Residential Personal Care	07/19/07	64	\$ 225.20	\$ -	\$ -	\$ -	\$ 225.20	\$ 14,412.80	3
5	4	Family Home	Personal Care	07/31/07	62	\$ 392.14	\$ -	\$ -	\$ -	\$ 392.14	\$ 24,312.68	1
6	2	Family Home	MPC	08/01/07	61	\$ 196.06	\$ 17.09	\$ -	\$ -	\$ 213.15	\$ 13,002.15	2
7	6	RHC	Residential Personal Care	08/01/07	61	\$ 157.14	\$ -	\$ -	\$ -	\$ 157.14	\$ 9,585.54	2
8	4	Family Home	Personal Care	08/02/07	59	\$ 388.52	\$ -	\$ -	\$ -	\$ 388.52	\$ 22,922.68	1
9	3	Family Home	Diversion	08/06/07	56	\$ 244.59	\$ -	\$ -	\$ -	\$ 244.59	\$ 13,697.04	1
10	6	RHC	Residential Personal Care	08/14/07	48	\$ 200.70	\$ -	\$ -	\$ -	\$ 200.70	\$ 9,633.60	4
11	1	Family Home	Personal Care	09/04/07	27	\$ 222.82	\$ -	\$ -	\$ -	\$ 222.82	\$ 6,016.14	2
12	3	RHC	Residential Personal Care	09/04/07	27	\$ 421.77	\$ -	\$ -	\$ -	\$ 421.77	\$ 11,387.79	4
13	4	Own Home	None	09/04/07	27	\$ 251.84	\$ -	\$ -	\$ -	\$ 251.84	\$ 6,799.68	1
14	4	Family Home	Personal Care	09/10/07	21	\$ 237.65	\$ 23.89	\$ 4.93	\$ -	\$ 266.47	\$ 5,595.87	2
15	3	AFH	Residential Personal Care	09/17/07	14	\$ 76.90	\$ -	\$ -	\$ -	\$ 76.90	\$ 1,076.60	1
16	2	Family Home	Personal Care	09/18/07	13	\$ 207.63	\$ -	\$ 1.25	\$ -	\$ 208.88	\$ 2,715.44	1
Average for Proviso										\$ 287.69	\$ 309,035.84	

**TOTAL CLIENTS = 16
ALL DAYS IN SERVICE HAVE BEEN UPDATED FOR 1ST QUARTER**

**EXPANDED COMMUNITY SERVICES PROVISIO
FIRST QUARTER – JULY THROUGH SEPTEMBER 2007**

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**