



Report to the Legislature

**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 2005, Section 205(1)(c) Uncodified

August 15, 2006

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 2005, 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 moving into community settings through this section and the actual expenditures for all community services to support those residents. In the 2005-2007 Biennium, the Legislature provided funds to provide community residential and support services for a minimum of 39 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) children 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. In the Supplemental 06 budget year, the Legislature appropriated funds to support an additional 12 individuals, for a total of 51 individuals with an average daily rate of \$300.

BACKGROUND

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 2001-2003 biennium and carried forward in the 2005-2007 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.

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 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.

Children 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.

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, federal officials in Baltimore separately asked for assurance that Washington will meet waiver participant needs. As the CMS required yearly 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 to not jeopardize continued federal funding (FFP) for Washington State under the current four DDD HCBS waivers.

STATUS

The Division of Developmental Disabilities has designated as proviso placement a total of fifty (50) clients since July 2005, with an average daily rate of \$257.80 (see attached spreadsheet). For the fourth quarter April through June 2006, DDD has designated thirty (30) clients as proviso placements.

Following is a description of the needs of six (6) individuals who meet the criteria of "children who are aging out of other state services", four (4) individuals who meet the criteria "clients without residential services who are in crisis or immediate risk of needing an institutional

placement”, one (1) individual who meets the criteria of “residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings”, and nineteen (19) individuals who meet the criteria of “current waiver clients who have been assessed as having an immediate need for residential services or increased support services”. These client descriptions are provided to offer information about this particular population.

Children who are aging out of other state services:

Client # 33 is a nineteen year old male with a diagnosis of Severe mental retardation, Microencephaly and Epilepsy who had been receiving services through the Children’s Administration (CA) and residing at the Fodor Home after having been court ordered into specialized foster care. Client # 33 is extremely assaultive and is not appropriate for placement into an Adult Family Home (AFH). Because he is aging out of other state services, funds from this proviso are being used to provide certified supported living residential services.

Client # 34 is a twenty year old male with a diagnosis of Autism and Seizure Disorder who had been residing in a CA staffed residential placement with Fodor Homes after being placed out of the family home in 1997 due to uncontrollable life-threatening behaviors including hitting and attacking others as well as himself. Because he is aging out of other state services, funds from this proviso are being used to provide certified supported living residential services.

Client # 35 is a twenty year old male with a diagnosis of Mild mental retardation and Down Syndrome who had been receiving services through the CA and residing at the Fodor Home. Client # 35 requires a significant amount of support with completing his Activities of Daily Living (ADLs) and has significant behavior issues. Because he is aging out of other state services, funds from this proviso are being used to provide certified supported living residential services.

Client # 37 is an eighteen year old male with a diagnosis of Down Syndrome and Autism who had been receiving services through the Children’s Administration and residing at the Fodor Home. Client # 37 requires a significant amount of support with completing his ADLs and has significant behavior issues such as hitting, biting, kicking and choking others. Because he is aging out of other state services, funds from this proviso are being used to provide certified supported living residential services.

Client # 43 is an eighteen year old female with a diagnosis of Mild mental retardation, Reactive Attachment Disorder, Post Traumatic Stress Disorder (PTSD), Attention Deficit Hyperactivity Disorder (ADHD) and Rule-out Bipolar Disorder who has had multiple placement disruptions due to behavioral issues. She was recently in a diversion bed funded by CA until a supported living placement could be developed. Client # 43 has also been the victim of multiple episodes of sexual and physical abuse by her biological father and physical abuse by several foster

parents. Funds from this proviso are being used to provide certified supported living residential services.

Client # 50 is a twenty year old male with a diagnosis of Severe mental retardation and Seizure Disorder who had been in a Division of Child and Family Services (DCFS) foster care placement since 2002. Because he engages in significant self-injurious behaviors and is assaultive he cannot be served in an AFH. Funds from this proviso are being used to provide certified supported living residential services.

Clients without residential services who are in crisis or immediate risk of needing an institutional placement:

Client # 29 is a twenty-one year old female with a diagnosis of Moderate mental retardation and Autism who had been living at home until her mother requested out of home placement due to bizarre behaviors and fears that she would continue to hurt her siblings, which she has started to do. After leaving the family home she began receiving services in an AFH but this was not a successful placement due to her high level of aggression. Funds from this proviso are being used to provide certified supported living residential services, vocational services and specialized therapies for treatment of her autism.

Client # 32 is a five-year old boy with multiple disabilities associated with a primary diagnosis of Mitochondrial Disorder. In addition, he has sleep apnea, epilepsy, Gastric Esophageal Reflux Disease, blindness, encephalopathy, hypotonia, and uses a G-tube. Client # 32 resides in a specialized group home and has increased needs. Funds from this proviso are being used to provide an increase in the group home services and supports through the Medical Intensive Program (MIP) so that the client can maintain his current placement.

Client # 45 is a forty-one year old male with a diagnosis of Severe mental retardation and Autism who was removed by Adult Protective Services (APS) from the home of his personal care provider after allegations of sexual abuse were made. Due to significant behavioral issues, an AFH placement is not possible. Funds from this proviso are being used to provide certified supported living residential services.

Client # 47 is a twenty-eight year old male with a diagnosis of Mild mental retardation, Cerebral Palsy and Deafness who had been residing with his elderly parents. Due to their deteriorating health they could no longer continue to care for him and his increasingly complex needs. The region offered technical assistance to any AFH willing to support him but were unable to locate any. Funds from this proviso are being used to provide certified supported living residential services with an agency that has staff skilled in communicating through sign language.

Residents of RHCs who are able to be adequately cared for in community settings and who choose to live in those community settings:

Client # 44 is an eighteen year old male with a diagnosis of Dandy Walker Syndrome, Cerebral Palsy, Hydrocephalus and blindness in the left eye who had been placed at Fircrest School after his foster home placement disrupted in February 2006. In 1998 his care was transferred from CA to the DDD Voluntary Placement Program (VPP). After his guardian passed away he was again transferred back to CA prior to his placement disrupting. Because he cannot be placed into an AFH due to the severity of his behaviors, funds from this proviso are being used to provide certified supported living residential supports.

Current waiver clients who have been assessed as having an immediate need for residential services or increased support services

Client # 21 is a twenty-five year old female with a diagnosis of Mild mental retardation, Bipolar Disorder, ADHD and Oppositional Defiant Disorder who was physically, sexually and verbally abused by her family. She had been receiving Personal Care and Attendant Care from the same caregiver for twelve years. Client # 21 began exhibiting increased aggression and sexual acting out. Her current Medicaid Personal Care (MPC) and AL supports were not enough to address her increased need for supervision and her caregiver was willing to become a contracted Companion Home. Funds from this proviso are being used to provide residential services and supports in a Companion Home.

Client # 22 is a fifty-three year old male with a diagnosis of Severe mental retardation and Atrial Fibrillation whose heart condition worsened recently, requiring an increase in residential supports. Funds from this proviso are being used to provide certified supported living residential services within the same agency that provided his group home services.

Client # 23 is a thirty year old female with a diagnosis of Moderate mental retardation and Sotos Syndrome, a rare genetic disorder manifesting in excessive physical growth during the first two to three years of life, delayed motor, cognitive and social development, hypotonia and macrocrania, clumsiness, and unusual aggression. Recently, client # 23 threw boiling water on her housemate's back causing third degree burns. After this, she was given psychoactive medications and now is in need of increased services and supports. Funds from this proviso are being used to provide certified supported living residential services and vocational services.

Client # 24 is a thirty-seven year old male with a diagnosis of Mild mental retardation, Autism, Obsessive Compulsive Disorder, Depression and Diabetes who was recently evaluated by a Sex Offender Treatment Professional (SOTP) who assessed him as needing an increase in supported living services but not in need of community protection program services. Funds from this proviso are being used to provide certified residential supported living services and vocational services in his current setting.

Client # 25 is a thirty-nine year old male with a diagnosis of Mild mental retardation and Chronic Schizophrenia who was most recently receiving waiver personal care services and residing in an Alternative Living setting. Recently however, client # 25 overdosed on alcohol and was admitted to a rehabilitation center. Because AL services do not adequately support client # 25's health and safety needs, funds from this proviso are being used to provide certified supported living residential services and vocational services.

Client # 26 is an eighteen year old male with a diagnosis of Severe mental retardation, Autism, and Epilepsy who had been residing with a foster family as part of the Voluntary Placement Program (VPP) since age six due to abuse and neglect in the family home. His current foster home provider no longer felt that they could adequately support client #26 due to his increasing aggression. As a result, the foster family requested immediate out of home placement in order to protect other vulnerable clients in the home. Funds from this proviso are being used to provide certified supported living residential services.

Client # 27 is a twenty-two year old male with a diagnosis of Autism and Oppositional Defiant Disorder who had been residing with his single mother and younger brother who also has autism. Client # 27's mother requested that out of home placement because she could not care for both children. Funds from this proviso are being used to provide certified residential supported living services and vocational services.

Client # 28 is a thirty year old male with a diagnosis of Moderate mental retardation and Cerebral Palsy who had been receiving minimal supported living program services until he was admitted for respite at Yakima Valley School (YVS) due to multiple behavioral issues. Funds from this proviso are being used to provide increased certified residential supported living services.

Client # 30 is an eleven year old girl with a diagnosis of Mild mental retardation, Autism, Behavior Disorder NOS and Epilepsy who had been residing at home with her family. Last year, the family requested placement in an ICF/MR and supports were put in place to assist the family in keeping the client in the home. Several months later, due to increasing aggression, the family again requested ICF/MR services. As an alternative, the family agreed to community placement in a supported living program. Funds from this proviso are being used to provide certified supported living residential services.

Client # 31 is a seventeen year old female with a diagnosis of Mild mental retardation, Depression, Adjustment Disorder, Oppositional Defiant Disorder ADHD and Selective Mutism who had been receiving staffed residential services until she became assaultive towards staff and clients and had destroyed property. Additional supports were given to the agency in an effort to

stabilize her residential services but the agency terminated services with her. As a result, funds from this proviso are being used to provide certified residential supported living services.

Client # 36 is a twenty year old male with a diagnosis of mild mental retardation who had been residing in foster care receiving twenty-four hour supervision and weekly counseling from an SOTP. A psychosexual evaluation that was completed in 2004 indicated that he met criteria for the Community Protection Program (CPP). Upon aging out of the VPP program, funds from this proviso are being used to provide certified community protection supported living residential services and specialized therapies from an SOTP.

Client # 38 is a twenty year old male with a diagnosis of mental retardation and Landau-Kleffner Syndrome, a rare seizure disorder that results in grand mal seizures and requires a very specialized gluten and casein free diet. Client # 38 had been residing with his family but they can no longer support him as he requires constant supervision, redirection and care. Client # 38 inherited a home from his grandmother and would like to reside in this home and has offered up the home to two other supported living clients, thereby eliminating the need for supported living allowances for the two other clients. Funds from this proviso are being used to provide certified residential supported living services.

Client # 39 is a twelve year old male with a diagnosis of Autism who had been residing with his father after the Fodor Home he had been residing in closed. The client's father agreed to care for his son until an alternative placement could be developed, however the father reported to DDD that he can no longer care for him due to the client's aggressive behaviors of biting, choking others and constant screaming. Funds from this proviso are being used to provide certified supported living residential services.

Client # 40 is a twenty-seven year old female with a diagnosis of Severe mental retardation and Cri du chat Syndrome who had been living with her parents since her last placement disrupted. Her parents notified DDD that they are no longer able to provide the intensive level of behavioral support that she needs. Funds from this proviso are being used to provide certified supported living residential services.

Client # 41 is an eighteen year old male with a diagnosis of Moderate mental retardation, bilateral glaucoma and optic atrophy, blindness, Asthma, Obsessive-Compulsive Disorder, Nephrolithiasis, and urinary tract infections who had been residing with his family who are no longer able to care for him due to increasing support needs. Funds from this proviso are being used to provide certified supported living residential services.

Client # 42 is a thirty-four year old male with a diagnosis of Mild mental retardation, Multiple Sclerosis, Cerebral Palsy, and Hypothyroidism who had been residing with his mother in the Port Angeles area until she recently passed away. Since his mother's passing, he had been residing in

his own apartment with personal care services however these services were not enough to meet his health and safety needs. Funds from this proviso are being used to provide certified supported living residential services.

Client # 46 is a nineteen year old male with a diagnosis of Severe mental retardation, Duane's Syndrome, Cerebral Palsy and Epilepsy who had been living with his biological father until his father reported that he could no longer meet his son's needs. Because he requires a high level of supervision and behavioral interventions, funds from this proviso are being used to provide certified supported living residential services.

Client # 48 is forty-eight year old male with a diagnosis of Moderate mental retardation, Psychosis Not Otherwise Specified (NOS) and Generalized Anxiety Disorder who had been residing with her elderly mother. Client # 48 has a history of assaulting her mother, responding to command hallucinations, refusing to eat or take prescribed medications and erratic sleep patterns. Because of these behaviors she is not a candidate for AFH services. Funds from this proviso are being used to provide certified supported living residential services.

Client # 49 is a thirty-eight year old female with a diagnosis of Mild mental retardation, William's Syndrome and possible Organic Personality Disorder who had been on the core waiver and receiving supported living services. She began starting fires and threatening to burn her home down. As a result, a risk assessment was conducted and she was assessed as being at high risk for setting fires. Funds from this proviso are being used to provide certified community protection program supported living residential services.

**EXPANDED COMMUNITY SERVICES PROVISO
FOURTH QUARTER – APRIL THROUGH JUNE 2006**

Community Residential & Support		Type of Services						Expenditures	
		Residential	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend. To Date
1	Region 6	08/29/05	306	\$ 230.00	\$ -	\$ -	\$ -	\$ 230.00	\$ 70,380.00
2	Region 6	08/29/05	306	\$ 300.00	\$ -	\$ -	\$ -	\$ 300.00	\$ 91,800.00
3	Region 4	09/30/05	274	\$ 256.68	\$ -	\$ -	\$ 15.00	\$ 271.68	\$ 74,440.32
4	Region 1	09/30/05	274	\$ 296.78	\$ -	\$ -	\$ 3.22	\$ 300.00	\$ 82,200.00
5	Region 3	10/04/05	270	\$ 115.07	\$ 24.00	\$ 43.45	\$ -	\$ 182.52	\$ 49,280.40
6	Region 4	11/05/05	238	\$ 263.40	\$ -	\$ -	\$ -	\$ 263.40	\$ 62,689.20
7	Region 2	11/21/05	222	\$ 229.10	\$ 24.00	\$ -	\$ 1.25	\$ 254.35	\$ 56,465.70
8	Region 4	11/28/05	215	\$ 260.62	\$ -	\$ -	\$ 4.60	\$ 265.22	\$ 57,022.30
9	Region 4	01/01/06	180	\$ 163.00				\$ 163.00	\$ 29,340.00
10	Region 6	01/01/06	181	\$ 176.90	\$ -	\$ -	\$ -	\$ 176.90	\$ 32,018.90
11	Region 2	01/12/06	170	\$ 250.13	\$ -	\$ -	\$ 14.79	\$ 264.92	\$ 45,036.40
12	Region 4	01/15/06	167	\$ 273.08	\$ 24.13	\$ -	\$ -	\$ 297.21	\$ 49,634.07
13	Region 4	01/26/06	156	\$ 298.12	\$ 24.13		\$ 11.11	\$ 333.36	\$ 52,004.16
14	Region 2	02/09/06	142	\$ 249.05			\$ 14.79	\$ 263.84	\$ 37,465.28
15	Region 2	02/27/06	124	\$ 222.76	\$ 16.56	\$ -	\$ -	\$ 239.32	\$ 29,675.68
16	Region 3	03/13/06	110	\$ 260.00	\$ -	\$ -	\$ 15.00	\$ 275.00	\$ 30,250.00
17	Region 5	03/15/06	108	\$ 155.74	\$ -	\$ -	\$ -	\$ 155.74	\$ 16,819.92
18	Region 4	03/23/06	100	\$ 247.94	\$ -	\$ -	\$ -	\$ 247.94	\$ 24,794.00
19	Region 1	03/17/06	106	\$ 236.68	\$ -	\$ -	\$ 11.83	\$ 248.51	\$ 26,342.06
20	Region 1	03/28/06	95	\$ 160.26	\$ -	\$ -	\$ -	\$ 160.26	\$ 15,224.70
21	Region 4	04/01/06	91	\$ 128.78	\$ -	\$ -	\$ -	\$ 128.78	\$ 11,718.98
22	Region 4	04/13/06	79	\$ 240.06	\$ -	\$ -	\$ -	\$ 240.06	\$ 18,964.74
23	Region 3	04/15/06	77	\$ 404.70	\$ -	\$ -	\$ 15.12	\$ 419.82	\$ 32,326.14
24	Region 4	05/01/06	61	\$ 378.82	\$ 34.19	\$ -	\$ -	\$ 413.01	\$ 25,193.61
25	Region 2	05/01/06	61	\$ 274.41	\$ 24.76	\$ -	\$ -	\$ 299.17	\$ 18,249.37
26	Region 3	05/02/06	60	\$ 215.80	\$ -	\$ -	\$ -	\$ 215.80	\$ 12,948.00
27	Region 3	05/05/06	57	\$ 230.50	\$ 25.00	\$ -	\$ -	\$ 255.50	\$ 14,563.50
28	Region 4	05/15/06	47	\$ 537.57	\$ -	\$ -	\$ -	\$ 537.57	\$ 25,265.79
29	Region 3	05/22/06	40	\$ 311.08	\$ 16.45	\$ -	\$ 21.00	\$ 348.53	\$ 13,941.20
30	Region 3	05/24/06	38	\$ 313.00	\$ -	\$ -	\$ -	\$ 313.00	\$ 11,894.00

**EXPANDED COMMUNITY SERVICES PROVISO
FOURTH QUARTER – APRIL THROUGH JUNE 2006**

Community Residential & Support		Type of Services						Expenditures	
		Residential	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Total Daily Expend.	Total Expend. To Date
31	Region 1	05/25/06	37	\$ 298.74	\$ -	\$ -	\$ -	\$ 298.74	\$ 11,053.38
32	Region 2	06/01/06	30	\$ 103.42	\$ -	\$ -	\$ -	\$ 103.42	\$ 3,102.60
33	Region 3	06/02/06	29	\$ 192.09	\$ -	\$ -	\$ -	\$ 192.09	\$ 5,570.61
34	Region 4	06/02/06	29	\$ 282.86	\$ -	\$ -	\$ -	\$ 282.86	\$ 8,202.94
35	Region 4	06/02/06	29	\$ 288.08	\$ -	\$ -	\$ -	\$ 288.08	\$ 8,354.32
36	Region 1	06/03/06	28	\$ 266.12	\$ -	\$ -	\$ 11.83	\$ 277.95	\$ 7,782.60
37	Region 3	06/04/06	27	\$ 230.39	\$ -	\$ -	\$ -	\$ 230.39	\$ 6,220.53
38	Region 4	06/16/06	15	\$ 283.16	\$ 23.13	\$ -	\$ 1.95	\$ 308.24	\$ 4,623.60
39	Region 3	06/24/06	7	\$ 263.46	\$ -	\$ -	\$ -	\$ 263.46	\$ 1,844.22
40	Region 6	06/30/06	1	\$ 300.62	\$ 60.00	\$ -	\$ 30.00	\$ 390.62	\$ 390.62
41	Region 2	04/01/06	91	\$ 166.62	\$ -	\$ -	\$ -	\$ 166.62	\$ 15,162.42
42	Region 6	04/01/06	91	\$ 82.12	\$ -	\$ -	\$ -	\$ 82.12	\$ 7,472.92
43	Region 2	04/11/06	81	\$ 271.36	\$ -	\$ -	\$ -	\$ 271.36	\$ 21,980.16
44	Region 4	04/13/06	79	\$ 303.20	\$ -	\$ -	\$ -	\$ 303.20	\$ 23,952.80
45	Region 6	04/24/06	68	\$ 154.39	\$ -	\$ -	\$ -	\$ 154.39	\$ 10,498.52
46	Region 6	05/01/06	61	\$ 219.30	\$ -	\$ -	\$ -	\$ 219.30	\$ 13,377.30
47	Region 5	05/08/06	54	\$ 145.86	\$ -	\$ -	\$ -	\$ 145.86	\$ 7,876.44
48	Region 2	06/03/06	28	\$ 242.92	\$ 23.13	\$ -	\$ -	\$ 266.05	\$ 7,449.40
49	Region 3	06/13/06	18	\$ 260.00	\$ -	\$ -	\$ -	\$ 260.00	\$ 4,680.00
50	Region 1	06/19/06	12	\$ 196.18	\$ -	\$ -	\$ -	\$ 196.18	\$ 2,354.16
Average for Proviso								\$ 255.31	\$ 1,289,897.96