



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 2005, Section 205(1)(c) Uncodified

February 15, 2007

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## 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 2006 Supplemental Budget, 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 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.

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 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 77 clients since July 2005, with an average daily rate of \$ 245.71 (please see attached spreadsheet). The Governor's proposed 2007 Supplemental budget includes funding to increase the number of Expanding Community Services Proviso placements by 45 for a total of 96 placements for the biennium.

For the sixth quarter October through December 2006, DDD has designated 11 clients as proviso placements.

Following is a description of the needs of 2 individuals who meet the criteria of “youth who are aging out of other state services”, 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 8 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.

Examples of youth who are aging out of other state services:

Client #72 is a 21 year old male with diagnoses of Attention Deficit Hyperactivity Disorder, Autism, Moderate to Severe Mental Retardation, Fragile X Syndrome and Pica. He was supported in a staffed residential program for children after he was no longer able to be supported adequately in his family home. He has a history of hitting, biting, kicking, eloping, disrobing, masturbating in inappropriate places and Pica, however incidents of these behaviors have decreased due to positive behavior supports. Funding from this proviso is providing supported living services.

Client #75 is a 20 year old female with diagnoses of Disruptive Behavior Disorder, Mental Retardation, severity unknown, Down syndrome and Fetal Alcohol/Drug Effects. She is non-verbal and subsequently has difficulty communicating her wants and needs. She has a history of physical aggression toward staff and peers, self injurious behaviors and property destruction. Client #75 has lived in a staffed residential home prior to being approved to this proviso. Funding from this proviso is providing supported living services.

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

Client #74 is a 31 year old man carrying diagnoses of Anxiety Disorder, Disruptive Behavior Disorder and Severe to Profound Mental Retardation. He resided with his mother until her passing in 2003. He was then supported by his sister in her home, however, due to his challenging behaviors, she requested out of home placement. In December 2005, his sister transported him to Yakima Valley School for respite, but never returned to pick him up. Client #74 is non-verbal and requires total assistance with toileting, bathing, dressing and personal hygiene. He is able to feed himself, but requires supervision due to risk of choking. He is ambulatory, but needs occasional assistance and supervision. He has a history of wandering and exit seeking, self injurious behaviors, Pica, disrobing, urinating and masturbating in public. Funds from this proviso are being utilized to provide a supported living program and vocational services.

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

Client #67 is a 25 year old female diagnosed with Profound Mental Retardation, Cerebral Palsy, Blindness, Partial Deafness, Chronic Allergies and Seizure Disorder. She is non-ambulatory and non-verbal. She requires total care to meet her health and safety needs. Due to her extensive and highly specialized needs, her family is not able to support her in their home. Her previous home closed after owners closed the business. Client #67 is now residing in a home with a peer/housemate located closer to her family. Funds from this proviso are being utilized to provide a supported living program.

Client #68 is a 15 year old young woman carrying diagnoses of Bipolar Disorder, Mild Mental Retardation and Seizure Disorder. She has exhibited violent behavior toward her family and school support staff. Her support needs are beyond the capability of a children's foster home. The Division of Developmental Disabilities and Children's Administration have developed a cost sharing agreement. Funds from this proviso are being utilized to provide staffed residential services.

Client #69 is a 48 year old man diagnosed with Mild Mental Retardation. He also struggles with anxiety during times of stress and has admitted to drug and alcohol use in the past, but denies current use. Client #69 is quite independent with the exception of requiring supports in areas such as scheduling/follow-up and support in attending medical appointments, money management, interpretation of paperwork (i.e. maintenance of public assistance programs), housework and problem-solving concerning boundary setting with family members. Alternative Living services are not available in the area. Funds from this proviso are being utilized to provide a supported living program.

Client #70 is a 27 year old man carrying diagnoses of Psychosis, Not Otherwise Specified, Polysubstance Abuse and Mild to Moderate Mental Retardation. He has a long history of drug and alcohol abuse which has likely contributed to involvement with law enforcement and charges of assault. He also has a long history of homelessness and has allegedly been the victim of financial exploitation. Funds from this proviso are being utilized to provide a supported living program and vocational services.

Client #71 is a 26 year old female diagnosed with Autism, Depression, Severe Mental Retardation, Cerebral Palsy and Spastic Diplegia. She is non-verbal and utilizes pictures, a communication board, unique vocalizations and hand gestures to communicate. She was placed in respite at Francis Haddon Morgan Center after her prior supported living provider submitted notice to end services. Funds from this proviso are being utilized to provide a supported living program and vocational services.

Client #73 is a 63 year old woman diagnosed with Mental Retardation, Hyperlipidemia, Osteoarthritis, Rheumatoid Arthritis, Edema and Obesity. Prior to placement in supported living, Client #73 and her significant other resided in his home for many years and she received Medicaid Personal Care services. Her significant other was recently admitted to a nursing facility. She was in need of increased supports due to her own increasing health issues, less available supervision because of the absence of her significant other and pending loss of her home due to her inability to afford the rent alone. Funds from this proviso are being utilized to provide a supported living program.

Client #76 is a 28 year old woman. She is diagnosed with Attention Deficit Disorder, Depression, Anxiety and Cerebral Palsy. She received Alternative Living and Medicaid Personal Care supports with little success. She requires assistance with medication administration, transportation and support for medical appointments and emotional assistance when depressed and/or anxious. She has a history of self injurious behaviors (i.e. cutting on self) and threatening behaviors toward others. She receives counseling through the local mental health provider. Funds from this proviso are being utilized to provide a supported living program and vocational services.

Client #77 is an 80 year old woman diagnosed with Moderate Mental Retardation, Dementia, Diabetes, Depression, Asthma, Allergies, Hypertension, Arthritis, Gastroesophageal Reflux Disease, Anemia and Arteriosclerotic Heart Disease. She had been residing in her own home with Medicaid Personal Care (MPC) supports. However, due to her increasing support and supervision needs, MPC is no longer adequate. Funds from this proviso are being utilized to provide an increase in her supported living rate due to her increasing needs.

**Notes:**

All rates reflect the total approved daily rate for participants.

**EXPANDING COMMUNITY SERVICES PROVISO  
SIXTH QUARTER – OCTOBER THROUGH DECEMBER 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
#	Moved To	Start Date							
1	Region 6	08/29/05	490	\$ 230.00	\$ -	\$ -	\$ -	\$ 230.00	\$ 112,700.00
2	Region 6	08/29/05	489	\$ 300.00	\$ -	\$ -	\$ -	\$ 300.00	\$ 146,700.00
3	Region 4	09/30/05	458	\$ 256.68	\$ -	\$ -	\$ 15.00	\$ 271.68	\$ 124,429.44
4	Region 1	09/30/05	457	\$ 296.78	\$ -	\$ -	\$ 3.22	\$ 300.00	\$ 137,100.00
5	Region 3	10/04/05	454	\$ 115.07	\$ 24.00	\$ 43.45	\$ -	\$ 182.52	\$ 82,864.08
6	Region 4	11/05/05	422	\$ 263.40	\$ -	\$ -	\$ -	\$ 263.40	\$ 111,154.80
7	Region 2	11/21/05	406	\$ 229.10	\$ 24.00	\$ -	\$ 1.25	\$ 254.35	\$ 103,266.10
8	Region 4	11/28/05	399	\$ 260.62	\$ -	\$ -	\$ 4.60	\$ 265.22	\$ 105,822.78
9	Region 4	01/01/06	364	\$ 163.00	\$ -	\$ -	\$ -	\$ 163.00	\$ 9,332.00
10	Region 6	01/01/06	365	\$ 176.90	\$ -	\$ -	\$ -	\$ 176.90	\$ 64,568.50
11	Region 2	01/12/06	354	\$ 250.13	\$ -	\$ -	\$ 14.79	\$ 264.92	\$ 93,781.68
12	Region 4	01/15/06	351	\$ 273.08	\$ 24.13	\$ -	\$ -	\$ 297.21	\$ 104,320.71
13	Region 4	01/26/06	340	\$ 298.12	\$ 24.13	\$ -	\$ 11.11	\$ 333.36	\$ 113,342.40
14	Region 2	02/09/06	326	\$ 249.05	\$ -	\$ -	\$ 14.79	\$ 263.84	\$ 86,011.84
15	Region 2	02/27/06	308	\$ 222.76	\$ 16.56	\$ -	\$ -	\$ 239.32	\$ 73,710.56
16	Region 3	03/13/06	294	\$ 260.00	\$ -	\$ -	\$ 15.00	\$ 275.00	\$ 80,850.00
17	Region 5	03/15/06	292	\$ 155.74	\$ -	\$ -	\$ -	\$ 155.74	\$ 45,476.08
18	Region 2	03/16/06	291	\$ 64.70	\$ -	\$ -	\$ -	\$ 64.70	\$ 18,827.70
19	Region 1	03/17/06	290	\$ 236.68	\$ -	\$ -	\$ 11.83	\$ 248.51	\$ 72,067.90
20	Region 4	03/23/06	284	\$ 247.94	\$ -	\$ -	\$ -	\$ 247.94	\$ 70,414.96
21	Region 1	03/28/06	279	\$ 160.26	\$ -	\$ -	\$ -	\$ 160.26	\$ 44,712.54
22	Region 4	04/01/06	275	\$ 128.78	\$ -	\$ -	\$ -	\$ 128.78	\$ 35,414.50
23	Region 6	04/01/06	275	\$ 82.12	\$ -	\$ -	\$ -	\$ 82.12	\$ 22,583.00
24	Region 2	04/03/06	273	\$ 166.62	\$ -	\$ -	\$ -	\$ 166.62	\$ 45,487.26
25	Region 2	04/11/06	265	\$ 271.36	\$ -	\$ -	\$ -	\$ 271.36	\$ 71,910.40
26	Region 4	04/13/06	263	\$ 240.06	\$ -	\$ -	\$ -	\$ 240.06	\$ 63,135.78
27	Region 4	04/13/06	263	\$ 303.20	\$ -	\$ -	\$ -	\$ 303.20	\$ 79,741.60
28	Region 3	04/15/06	261	\$ 404.70	\$ -	\$ -	\$ 15.12	\$ 419.82	\$ 109,573.02
29	Region 6	04/17/06	259	\$ 154.39	\$ -	\$ -	\$ -	\$ 154.39	\$ 39,987.01
30	Region 4	05/01/06	245	\$ 378.82	\$ 34.19	\$ -	\$ -	\$ 413.01	\$ 101,187.45

**EXPANDING COMMUNITY SERVICES PROVISIO  
SIXTH QUARTER – OCTOBER THROUGH DECEMBER 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
#	Moved To	Start Date							
31	Region 2	05/01/06	245	\$ 274.41	\$ 24.76	\$ -	\$ -	\$ 299.17	\$ 73,296.65
32	Region 6	05/01/06	245	\$ 219.30	\$ -	\$ -	\$ -	\$ 219.30	\$ 53,728.50
33	Region 3	05/02/06	244	\$ 215.80	\$ -	\$ -	\$ -	\$ 215.80	\$ 52,655.20
34	Region 3	05/05/06	241	\$ 230.50	\$ 25.00	\$ -	\$ -	\$ 255.50	\$ 61,575.50
35	Region 5	05/08/06	238	\$ 145.86	\$ -	\$ -	\$ -	\$ 145.86	\$ 34,714.68
36	Region 4	05/15/06	231	\$ 537.57	\$ -	\$ -	\$ -	\$ 537.57	\$ 124,178.67
37	Region 3	05/22/06	224	\$ 311.08	\$ 16.45	\$ -	\$ 21.00	\$ 348.53	\$ 78,070.72
38	Region 3	05/24/06	222	\$ 313.00	\$ -	\$ -	\$ -	\$ 313.00	\$ 69,486.00
39	Region 1	05/25/06	221	\$ 298.74	\$ -	\$ -	\$ -	\$ 298.74	\$ 66,021.54
40	Region 3	06/02/06	213	\$ 192.09	\$ -	\$ -	\$ -	\$ 192.09	\$ 40,915.17
41	Region 4	06/02/06	213	\$ 282.86	\$ -	\$ -	\$ -	\$ 282.86	\$ 60,249.18
42	Region 4	06/02/06	213	\$ 288.08	\$ -	\$ -	\$ -	\$ 288.08	\$ 61,361.04
43	Region 1	06/03/06	212	\$ 266.12	\$ -	\$ -	\$ 11.83	\$ 277.95	\$ 58,925.40
44	Region 2	06/03/06	212	\$ 242.92	\$ 23.13	\$ -	\$ -	\$ 266.05	\$ 56,402.60
45	Region 3	06/04/06	211	\$ 230.39	\$ -	\$ -	\$ -	\$ 230.39	\$ 48,612.29
46	Region 3	06/13/06	202	\$ 260.00	\$ -	\$ -	\$ -	\$ 260.00	\$ 52,520.00
47	Region 3	06/15/06	200	\$ 325.24	\$ -	\$ -	\$ -	\$ 325.24	\$ 65,048.00
48	Region 4	06/16/06	199	\$ 283.16	\$ 23.13	\$ -	\$ 1.95	\$ 308.24	\$ 61,339.76
49	Region 1	06/19/06	196	\$ 196.18	\$ -	\$ -	\$ -	\$ 196.18	\$ 38,451.28
50	Region 3	06/24/06	191	\$ 263.46	\$ -	\$ -	\$ -	\$ 263.46	\$ 50,320.86
51	Region 6	06/30/06	185	\$ 300.62	\$ 60.00	\$ -	\$ 30.00	\$ 390.62	\$ 72,264.70
52	Region 6	07/01/06	184	\$ 186.90	\$ 60.00	\$ -	\$ 30.00	\$ 276.90	\$ 50,949.60
53	Region 4	07/01/06	184	\$ 261.86	\$ -	\$ -	\$ 1.95	\$ 263.81	\$ 48,541.04
54	Region 4	07/01/06	184	\$ 113.56	\$ -	\$ 15.14	\$ -	\$ 128.70	\$ 23,680.80
55	Region 3	07/01/06	184	\$ 281.57	\$ -	\$ -	\$ -	\$ 281.57	\$ 51,808.88
56	Region 4	07/03/06	182	\$ 118.85	\$ -	\$ -	\$ -	\$ 118.85	\$ 21,630.70
57	Region 1	07/13/06	172	\$ 218.46	\$ -	\$ -	\$ -	\$ 218.46	\$ 37,575.12
58	Region 1	07/22/06	163	\$ 284.61	\$ -	\$ -	\$ -	\$ 284.61	\$ 46,391.43
59	Region 2	07/31/06	154	\$ 106.45	\$ -	\$ -	\$ -	\$ 106.45	\$ 16,393.30
60	Region 1	08/08/06	146	\$ 205.15	\$ -	\$ -	\$ 12.13	\$ 217.28	\$ 31,722.88

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SIXTH QUARTER – OCTOBER THROUGH DECEMBER 2006**

Community Residential & Support		Type of Services						Expenditures	
		Residential	Number of Days in Service	Residential	Day Services	Other	Therapies	Total Daily Expend.	Total Expend. To Date
#	Moved To	Start Date		Daily Rate	Daily Rate	Daily Rate	Daily Rate		
61	Region 4	08/28/06	126	\$ 243.44	\$ -	\$ -	\$ -	\$ 243.44	\$ 30,673.44
62	Region 1	09/06/06	117	\$ 284.12			\$ 12.13	\$ 296.25	\$ 34,661.25
63	Region 5	09/14/06	109	\$ 246.46	\$ -	\$ -	\$ -	\$ 246.46	\$ 26,864.14
64	Region 2	09/18/06	105	\$ 183.97		\$ 1.25		\$ 185.22	\$ 19,448.10
65	Region 1	09/22/06	101	\$ 219.01				\$ 219.01	\$ 22,120.01
66	Region 1	09/22/06	101	\$ 385.93				\$ 385.93	\$ 38,978.93
67	Region 2	10/01/06	92	\$ 284.84	\$ -	\$ -	\$ -	\$ 284.84	\$ 26,205.28
68	Region 1	10/01/06	92	\$ 240.86	\$ -	\$ -	\$ -	\$ 240.86	\$ 22,159.12
69	Region 6	10/04/06	89	\$ 36.69	\$ -	\$ -	\$ -	\$ 36.69	\$ 3,265.41
70	Region 3	10/13/06	88	\$ 98.97	\$ 11.51	\$ -	\$ -	\$ 110.48	\$ 9,722.24
71	Region 4	10/15/06	86	\$ 288.68	\$ 34.19	\$ -	\$ -	\$ 322.87	\$ 27,766.82
72	Region 4	11/03/06	59	\$ 341.88	\$ -	\$ -	\$ -	\$ 341.88	\$ 20,170.92
73	Region 1	11/06/06	56	\$ 123.51	\$ -	\$ -	\$ -	\$ 123.51	\$ 6,916.56
74	Region 2	11/15/06	46	\$ 216.04	\$ 17.09	\$ -	\$ -	\$ 233.13	\$ 10,723.98
75	Region 1	11/16/06	47	\$ 341.46				\$ 341.46	\$ 16,048.62
76	Region 2	12/01/06	31	\$ 171.93	\$ 16.57	\$ -	\$ -	\$ 188.50	\$ 5,843.50
77	Region 2	12/15/06	17	\$ 169.66	\$ -	\$ -	\$ 1.10	\$ 170.76	\$ 2,902.92
<b>Average for Proviso</b>								\$ 245.71	\$ 4,353,776.82

Total Clients = 77

All numbers updated for 6th quarter.