
HOUSE BILL 2591

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Leonard, Winsley, Riley, Franklin, Paris, Mitchell, Jacobsen, Dellwo, Rasmussen, J. Kohl and Brekke; by request of Department of Community Development

Read first time 01/22/92. Referred to Committee on Human Services.

1 AN ACT Relating to protection and advocacy of the rights of persons
2 with developmental disability or mental illness; amending RCW
3 71A.10.080; adding new sections to chapter 71.05 RCW; adding a new
4 section to chapter 71A.10 RCW; adding a new section to chapter 43.63A
5 RCW; adding new sections to chapter 43.131 RCW; and creating a new
6 section.

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

8 **Sec. 1.** RCW 71A.10.080 and 1991 c 333 s 1 are each amended to read
9 as follows:

10 ((~~1~~)) The governor shall designate an agency to implement a
11 program for the protection and advocacy of the rights of persons with
12 developmental disabilities pursuant to the ((~~developmentally disabled~~))
13 developmental disabilities assistance and bill of rights act, 89 Stat.
14 486; 42 U.S.C. Secs. 6000-6083 (1975), (as amended). ((~~The designated~~

1 agency shall have the authority to pursue legal, administrative, and
2 other appropriate remedies to protect the rights of the developmentally
3 disabled and to investigate allegations of abuse and neglect. The
4 designated agency shall be independent of any state agency that
5 provides treatment or services other than advocacy services to persons
6 with developmental disabilities.

7 (2) The agency designated under subsection (1) of this section
8 shall implement a program for the protection and advocacy of the rights
9 of mentally ill persons pursuant to the protection and advocacy for
10 mentally ill individuals act of 1986, 100 Stat. 478; 42 U.S.C. Secs.
11 10801-10851 (1986), (as amended). The designated agency shall have the
12 authority to pursue legal, administrative, and other appropriate
13 remedies to protect the rights of mentally ill persons and to
14 investigate allegations of abuse or neglect of mentally ill persons.
15 The designated agency shall be independent of any state agency that
16 provides treatment or services other than advocacy services to mentally
17 ill persons.

18 (3) The governor shall designate an appropriate state official to
19 serve as liaison between the agency designated to implement the
20 protection and advocacy programs and the state departments and agencies
21 that provide services to persons with developmental disabilities and
22 mentally ill persons.))

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.05 RCW
24 to read as follows:

25 The governor shall designate an agency to implement a program for
26 the protection and advocacy of the rights of mentally ill persons
27 pursuant to the protection and advocacy for mentally ill individuals
28 act of 1986, 100 Stat. 478; 42 U.S.C. Secs. 10801-10851 (1986), (as
29 amended).

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.10 RCW
2 to read as follows:

3 The organization designated by the governor to act as the state's
4 protection and advocacy agency pursuant to the developmental
5 disabilities assistance and bill of rights act shall be independent of
6 any agency that provides treatment or services other than advocacy
7 services to persons with developmental disabilities. The designated
8 organization shall provide the director of the department of community
9 development or the director's designee, who is the state official
10 responsible for state compliance with federal funding requirements,
11 with all reports, assurances, and other documentation necessary to
12 ensure the proper administration of the state's protection and advocacy
13 system.

14 The designated organization shall have the authority to pursue
15 legal, administrative, and other appropriate remedies or approaches to
16 ensure the protection of, and the advocacy for, the rights of persons
17 with developmental disabilities or those who may be eligible for
18 services under the developmental disabilities assistance and bill of
19 rights act. The designated organization shall have the authority to
20 investigate incidents of abuse and neglect of persons with
21 developmental disabilities if the incidents are reported to the system
22 or if there is probable cause to believe the incidents occurred. In
23 protecting and advocating for the rights of developmentally disabled
24 persons and others eligible for services, the designated agency shall
25 focus on the activities listed in the developmental disabilities
26 assistance and bill of rights act, 89 Stat. 486; 42 U.S.C. Sec. 6042
27 (1975), (as amended).

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 71.05 RCW
29 to read as follows:

1 The organization designated by the governor to act as the state's
2 protection and advocacy agency pursuant to the protection and advocacy
3 of mentally ill individuals act of 1986 shall be independent of any
4 agency that provides treatment or services other than advocacy services
5 to persons with mental illness. The designated organization shall
6 provide the director of the department of community development or the
7 director's designee, who is the state official responsible for state
8 compliance with federal funding requirements, with all reports,
9 assurances, and other documentation necessary to ensure the proper
10 administration of the state's protection and advocacy system.

11 The designated organization shall have the authority to pursue
12 administrative, legal, and other appropriate remedies to ensure the
13 protection of mentally ill individuals who are eligible under the
14 federal act. In pursuing the advocacy and protection of mentally ill
15 persons, the designated agency shall focus on activities listed in the
16 protection and advocacy for mentally ill individuals act of 1986, 100
17 Stat. 478; 42 U.S.C. Sec. 10805 (1986), (as amended).

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.63A RCW
19 to read as follows:

20 The director of the department of community development or the
21 director's designee shall be the state official responsible for state
22 compliance with federal requirements imposed when the protection and
23 advocacy agency designated by the governor under RCW 71A.10.080
24 receives the state's allotment of federal funds. The director or
25 designee shall obtain from the agency all reports, assurances, and
26 other documentation necessary to ensure the proper administration of
27 the state's protection and advocacy system.

1 NEW SECTION. **Sec. 6.** Nothing in this act shall be construed
2 to limit or expand the authority of the designated protection and
3 advocacy organization beyond that authority designated in the
4 developmental disabilities assistance and bill of rights act, 89 Stat.
5 486; 42 U.S.C. Secs. 6000-6083 (1975), (as amended), and the protection
6 and advocacy for mentally ill individuals act of 1986, 100 Stat. 478;
7 42 U.S.C. Secs. 10801-10851.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.131 RCW
9 to read as follows:

10 The protection and advocacy programs for persons with developmental
11 disabilities and persons who are mentally ill shall be terminated on
12 June 30, 1997, as provided in section 8 of this act.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.131 RCW
14 to read as follows:

15 The following acts or parts of acts, as now existing or hereafter
16 amended, are each repealed, effective June 30, 1998:

17 (1) RCW 71A.10.080 and 1992 c ... s 1 (section 1 of this act) &
18 1991 c 333 s 1;

19 (2) RCW 71.05.--- and 1992 c ... s 2 (section 2 of this act);

20 (3) RCW 71A.10.--- and 1992 c ... s 3 (section 3 of this act);

21 (4) RCW 71.05.--- and 1992 c ... s 4 (section 4 of this act); and

22 (5) RCW 43.63A.--- and 1992 c ... s 5 (section 5 of this act).