
SUBSTITUTE SENATE BILL 5459

State of Washington 62nd Legislature 2011 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Kline, Keiser, Regala, and McAuliffe)

READ FIRST TIME 02/18/11.

1 AN ACT Relating to transition services for people with
2 developmental disabilities; amending RCW 71A.20.080; adding new
3 sections to chapter 71A.20 RCW; creating new sections; providing an
4 effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) A developmental disability is a natural part of human life and
8 the presence of a developmental disability does not diminish a person's
9 rights or the opportunity to participate in the life of the local
10 community;

11 (2) Washington state has more institutional beds per citizen for
12 clients with developmental disabilities than most other states; and

13 (3) People who live in the institutions and their families are
14 satisfied with the services they receive, and deserve to continue
15 receiving services of equal quality when a person moves from an
16 institution to a community setting.

17 NEW SECTION. **Sec. 2.** The legislature intends that:

1 (1) Out-of-the-family home residential services supporting
2 individuals with developmental disabilities should be available in the
3 most integrated setting appropriate to individual needs; and

4 (2) A person with a developmental disability moving from an
5 institution to a community setting has the services and support
6 arrangements needed to meet the person's assessed health and welfare
7 needs.

8 NEW SECTION. **Sec. 3.** The department shall:

9 (1) Within sixty days of admission to a residential habilitation
10 center, ensure that each resident's individual habilitation plan
11 includes a plan for discharge to the community;

12 (2) Use a person-centered approach in developing the discharge
13 plan, including consulting with the resident, guardian, family, and
14 staff, to assess the resident's needs and identify services the
15 resident requires to successfully transition to the community,
16 including:

17 (a) Offering to place, with the consent of the resident or his or
18 her guardian, each resident of the residential habilitation center on
19 the appropriate home and community-based waiver, as authorized under 42
20 U.S.C. Sec. 1396n, and provide continued access to the services that
21 meet his or her assessed needs;

22 (b) Preparing clients and their families for transition to the
23 community, including visits to community living options and consulting
24 with families with children who have previously completed such a
25 transition;

26 (c) Providing choice of community living options and providers,
27 consistent with federal requirements;

28 (d) Addressing services required to address the resident's assessed
29 needs necessary for transition, including:

30 (i) Medical services;

31 (ii) Dental care;

32 (iii) Behavioral and mental health supports;

33 (iv) Employment or other day support; and

34 (v) Transportation or other supports needed to assist family and
35 friends in maintaining regular contact with the resident;

36 (3) Assure that, prior to discharge from a residential habilitation

- 1 center, clients continue to be eligible for services for which they
2 have an assessed need;
- 3 (4) Maximize federal funding for transitioning clients through the
4 roads to community living grant;
- 5 (5) Restrict the ability of a state-operated living alternative to
6 reject clients;
- 7 (6) Use any savings achieved through efficiencies to extend
8 services to people with developmental disabilities currently receiving
9 limited or no services; and
- 10 (7) Provide quality assurance and follow-up, and report to the
11 legislature, consistent with the provisions of RCW 71A.20.080 and
12 section 5 of this act.

13 **Sec. 4.** RCW 71A.20.080 and 1989 c 175 s 143 are each amended to
14 read as follows:

15 (1) Whenever in the judgment of the secretary, the treatment and
16 training of any resident of a residential habilitation center has
17 progressed to the point that it is deemed advisable to return such
18 resident to the community, the secretary may grant placement on such
19 terms and conditions as the secretary may deem advisable after
20 consultation in the manner provided in RCW 71A.10.070. The secretary
21 shall give written notice of the decision to return a resident to the
22 community as provided in RCW 71A.10.060. The notice must include a
23 statement advising the recipient of the right to an adjudicative
24 proceeding under RCW 71A.10.050 and the time limits for filing an
25 application for an adjudicative proceeding. The notice must also
26 include a statement advising the recipient of the right to judicial
27 review of an adverse adjudicative order as provided in chapter 34.05
28 RCW.

29 (2) A placement decision shall not be implemented at any level
30 during any period during which an appeal can be taken or while an
31 appeal is pending and undecided, unless authorized by court order so
32 long as the appeal is being diligently pursued.

33 ~~((The department of social and health services shall periodically
34 evaluate at reasonable intervals the adjustment of the resident to the
35 specific placement to determine whether the resident should be
36 continued in the placement or returned to the institution or given a
37 different placement.))~~ (3) The department shall:

1 (a) Employ the quality assurance for people moving process to
2 monitor the adjustment of each resident who leaves a residential
3 habilitation center; and

4 (b) Consult with the developmental disabilities council, disability
5 rights Washington, University of Washington center for human
6 development and disability, providers, and families and advocates of
7 persons with disabilities on its implementation of the quality
8 assurance for people moving process.

9 NEW SECTION. Sec. 5. Beginning November 1, 2012, and annually
10 thereafter, the department shall submit information to the appropriate
11 committees of the legislature, including:

- 12 (1) Progress toward meeting the requirements of this act;
13 (2) Client and guardian satisfaction with services;
14 (3) Stability of placement and provider turnover;
15 (4) Safety and health outcomes;
16 (5) Types of services received by clients transitioned to the
17 community; and
18 (6) Continued accessibility of former residents to family.

19 NEW SECTION. Sec. 6. Sections 3 and 5 of this act are each added
20 to chapter 71A.20 RCW.

21 NEW SECTION. Sec. 7. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. Sec. 8. If any part of this act is found to be in
26 conflict with federal requirements that are a prescribed condition to
27 the allocation of federal funds to the state, the conflicting part of
28 this act is inoperative solely to the extent of the conflict and with
29 respect to the agencies directly affected, and this finding does not
30 affect the operation of the remainder of this act in its application to
31 the agencies concerned. Rules adopted under this act must meet federal
32 requirements that are a necessary condition to the receipt of federal
33 funds by the state.

1 NEW SECTION. **Sec. 9.** Any savings achieved through the
2 consolidation or closure of a residential habilitation center shall be
3 deposited into the community residential investment account created in
4 the state treasury. These savings shall be used to extend service to
5 people with developmental disabilities currently receiving limited or
6 no services or to enhance rates paid to community residential service
7 businesses.

8 NEW SECTION. **Sec. 10.** Section 3 of this act is necessary for the
9 immediate preservation of the public peace, health, or safety, or
10 support of the state government and its existing public institutions,
11 and takes effect June 30, 2011.

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