
HOUSE BILL 1552

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By Representatives Leonard, Sommers, Ogden, Riley, Talcott, Flemming, Silver, H. Myers, Thibaudeau, Padden, Karahalios, Johanson and Quall

Read first time 02/01/93. Referred to Committee on Human Services.

1 AN ACT Relating to individuals with developmental disabilities;
2 amending RCW 71A.10.015, 71A.10.050, 71A.12.010, 71A.12.020,
3 71A.12.030, 71A.14.010, 71A.20.010, 71A.20.080, and 71A.20.150; adding
4 a new section to chapter 71A.20 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that (1) the
7 legislative budget committee conducted an extensive and rigorous study
8 of service and residential needs of people with a developmental
9 disability; (2) the legislative budget committee surveyed the service
10 needs of residents of residential habilitation centers and found most
11 of the residents could be successfully supported in community
12 placements; (3) home and community-based services and supports offer
13 the greatest opportunity to people with developmental disabilities for
14 personal self-control, integration with the community, and the ability
15 to lead as normal a life as possible; (4) the Americans With
16 Disabilities Act provides the federal framework to ensure that each
17 person with a developmental disability is provided with the opportunity
18 to attain the greatest degree of personal choice and community
19 normalization possible; (5) community residential and service options

1 will benefit the majority of people currently housed in residential
2 habilitation centers; (6) current state and federal funds spent on
3 housing and services in residential habilitation centers will benefit
4 more persons with developmental disabilities in community-based
5 residential and support services; (7) impediments to serving people
6 with developmental disabilities in the most appropriate, cost-effective
7 setting must be removed to allow for the efficient, effective, and
8 appropriate expenditure of limited state and federal funds.

9 **Sec. 2.** RCW 71A.10.015 and 1988 c 176 s 101 are each amended to
10 read as follows:

11 The legislature recognizes the capacity of all persons, including
12 those with developmental disabilities, to be personally and socially
13 productive. The legislature further recognizes the state's obligation
14 to provide aid to persons with developmental disabilities through a
15 uniform, coordinated system of services to enable them to achieve a
16 greater measure of independence and fulfillment and to enjoy all rights
17 and privileges under the Constitution and laws of the United States,
18 including the Americans with Disabilities Act, and the state of
19 Washington. The legislature recognizes that home and community-based
20 settings offer the greatest opportunity for normal living for persons
21 with developmental disabilities.

22 **Sec. 3.** RCW 71A.10.050 and 1989 c 175 s 138 are each amended to
23 read as follows:

24 (1) An applicant or recipient or former recipient of a
25 developmental disabilities service under this title from the department
26 of social and health services has the right to appeal the following
27 department actions:

28 (a) A denial of an application for eligibility under RCW
29 71A.16.040;

30 (b) An unreasonable delay in acting on an application for
31 eligibility, for a service, or for an alternative service under RCW
32 71A.18.040;

33 (c) A denial, reduction, or termination of a service;

34 (d) A claim that the person owes a debt to the state for an
35 overpayment;

36 (e) A disagreement with an action of the secretary under RCW
37 71A.10.060 or 71A.10.070;

1 (f) A decision to return a resident of ((an-[a])) a habilitation
2 center to the community; and

3 (g) A decision to change a person's placement from one category of
4 residential services to a different category of residential services.

5 The adjudicative proceeding is governed by the Administrative
6 Procedure Act, chapter 34.05 RCW.

7 (2) ~~((This subsection applies only to an adjudicative proceeding in
8 which the department action appealed is a decision to return a resident
9 of a habilitation center to the community. The resident or his or her
10 representative may appeal on the basis of whether the specific
11 placement decision is in the best interests of the resident. When the
12 resident or his or her representative files an application for an
13 adjudicative proceeding under this section the department has the
14 burden of proving that the specific placement decision is in the best
15 interests of the resident.~~

16 (3)) When the department takes any action described in subsection
17 (1) of this section it shall give notice as provided by RCW 71A.10.060.
18 The notice must include a statement advising the recipient of the right
19 to an adjudicative proceeding and the time limits for filing an
20 application for an adjudicative proceeding. Notice of a decision to
21 return a resident of a habilitation center to the community under RCW
22 71A.20.080 must also include a statement advising the recipient of the
23 right to file a petition for judicial review of an adverse adjudicative
24 order as provided in chapter 34.05 RCW.

25 **Sec. 4.** RCW 71A.12.010 and 1988 c 176 s 201 are each amended to
26 read as follows:

27 It is declared to be the policy of the state to authorize the
28 secretary to develop and coordinate state services for persons with
29 developmental disabilities in the most normal, least restrictive
30 setting; to encourage research and staff training for state and local
31 personnel working with persons with developmental disabilities; and to
32 cooperate with communities to encourage the establishment and
33 development of services to persons with developmental disabilities
34 through locally administered and locally controlled programs.

35 The complexities of developmental disabilities require the services
36 of many state departments as well as those of the community. Services
37 should be planned and provided ~~((as a part of a continuum))~~ in response
38 to the individual needs of the person with a developmental disability.

1 A pattern of ((facilities)) supports and services should be
2 established, within appropriations designated for this purpose, which
3 is sufficiently complete to meet the needs of each person with a
4 developmental disability regardless of age or degree of handicap, and
5 at each stage of the person's development.

6 **Sec. 5.** RCW 71A.12.020 and 1988 c 176 s 202 are each amended to
7 read as follows:

8 (1) To the extent that state, federal, or other funds designated
9 for services to persons with developmental disabilities are available,
10 the secretary shall provide every eligible person with habilitative
11 services suited to the person's needs, regardless of age or degree of
12 developmental disability.

13 (2) The secretary shall provide persons who receive services with
14 the opportunity for integration with nonhandicapped and less
15 handicapped persons to the greatest extent possible in the most normal
16 and least restrictive setting.

17 (3) The secretary shall establish minimum standards for
18 habilitative services, including, but not limited to, the development
19 of a resource allocation system based on individual need for supports
20 and fair distribution of available resources. Consumers, advocates,
21 service providers, appropriate professionals, and local government
22 agencies shall be involved in the development of the standards.

23 (4) The secretary shall develop a resource allocation system,
24 service models, and staffing levels so that services and supports are
25 provided in the most cost-effective manner possible.

26 (5) The secretary shall ensure services provided in both community
27 and institutional settings are designed to promote acquisition of
28 independent living skills and self-sufficiency.

29 **Sec. 6.** RCW 71A.12.030 and 1988 c 176 s 203 are each amended to
30 read as follows:

31 The secretary is authorized to provide, or arrange with others to
32 provide, all supports and services ((and—facilities)) that are
33 necessary or appropriate to accomplish the purposes of this title, and
34 to take all actions that are necessary or appropriate to accomplish the
35 purposes of this title. The secretary shall adopt rules under the
36 administrative procedure act, chapter 34.05 RCW, as are appropriate to
37 carry out this title.

1 **Sec. 7.** RCW 71A.14.010 and 1988 c 176 s 301 are each amended to
2 read as follows:

3 The legislative policy to provide a coordinated and comprehensive
4 state and local program of services for persons with developmental
5 disability in the most normal, least restrictive setting, is expressed
6 in RCW 71A.12.010.

7 **Sec. 8.** RCW 71A.20.010 and 1988 c 176 s 701 are each amended to
8 read as follows:

9 This chapter covers the operation of residential habilitation
10 centers. The selection of persons to be served at the centers is
11 governed by chapters 71A.16 and 71A.18 RCW. The purpose((s)) of this
12 chapter ((are: ~~To provide for those children and adults who are~~
13 ~~exceptional in their needs for care, treatment, and education by reason~~
14 ~~of developmental disabilities, residential care designed to develop~~
15 ~~their individual capacities to their optimum; to provide for~~
16 ~~admittance, withdrawal and discharge from state residential~~
17 ~~habilitation centers upon application; and to insure a comprehensive~~
18 ~~program for the education, guidance, care, treatment, and~~
19 ~~rehabilitation of all persons admitted to residential habilitation~~
20 ~~centers)) is to provide needed services to special populations who
21 cannot be served in a cost-effective manner in home or community-based
22 settings.~~

23 **Sec. 9.** RCW 71A.20.080 and 1989 c 175 s 143 are each amended to
24 read as follows:

25 Whenever in the judgment of the secretary, the treatment and
26 training of any resident of a residential habilitation center has
27 progressed to the point that it is deemed advisable to return such
28 resident to the community, the secretary ((may)) shall grant placement
29 on such terms and conditions as the secretary ((may)) deems advisable
30 after consultation in the manner provided in RCW 71A.10.070. The
31 secretary shall give written notice of the decision to return a
32 resident to the community as provided in RCW 71A.10.060. The notice
33 ((~~must~~)) shall include a statement advising the recipient of the right
34 to an adjudicative proceeding under RCW 71A.10.050 and the time limits
35 for filing an application for an adjudicative proceeding. The notice
36 must also include a statement advising the recipient of the right to

1 judicial review of an adverse adjudicative order as provided in chapter
2 34.05 RCW.

3 A placement decision shall not be implemented at any level during
4 any period during which an appeal can be taken or while an appeal is
5 pending and undecided, unless authorized by court order so long as the
6 appeal is being diligently pursued.

7 The department of social and health services shall periodically
8 evaluate at reasonable intervals the adjustment of the resident to the
9 specific placement to determine whether the resident should be
10 continued in the placement or returned to the institution or given a
11 different placement.

12 **Sec. 10.** RCW 71A.20.150 and 1988 c 176 s 715 are each amended to
13 read as follows:

14 Without committing the department to continued provision of
15 service, the secretary may admit a person eligible for services under
16 this chapter to a residential habilitation center for a period not to
17 exceed thirty days for observation prior to determination of needed
18 services, where such observation is necessary to determine the extent
19 and necessity of services to be provided, including people with
20 developmental disabilities committed to the custody of the secretary
21 under chapter 71.05 RCW.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 71A.20
23 RCW to read as follows:

24 The secretary shall close residential habilitation centers or major
25 portions of residential habilitation centers if, in the judgment of the
26 secretary, it is cost-effective to do so. Funds appropriated by the
27 legislature for residential habilitation centers shall be used for the
28 following purposes when a residential habilitation center or major
29 portion of a residential habilitation center is closed: (1) To provide
30 for the ongoing support of former residents in community-based
31 residential, support, and service programs; (2) to provide services to
32 currently unserved, eligible people with developmental disabilities
33 living in the community; and (3) to provide employees of residential
34 habilitation centers with training and related support to transfer to
35 community-based state developmental disabilities programs, other
36 institutional or community-based programs operated by the department of
37 social and health services, and such other services and benefits as may

1 be negotiated by the secretary, including, but not limited to,
2 relocation payments, job retraining programs, and modification of
3 personnel specifications to permit the transfer to other state jobs.

4 If the secretary closes a residential habilitation center or major
5 portion of a residential habilitation center under this section, no
6 permanent employee of the residential habilitation center may be
7 involuntarily laid off or suffer a reduction in pay as a result of the
8 closure of the center or major portion of the center.

9 Residential habilitation centers closed under this section shall be
10 managed in compliance with the requirements of RCW 79.01.006 and
11 79.01.007.

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