

1 **SSB 6751** - H COMM AMD **ADOPTED 3-05-98**
2 By Committee on Children & Family Services

3 Strike everything after the enacting clause and insert the
4 following:

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

7 It is the intent of the legislature to affirm its longtime
8 commitment to secure for eligible persons with developmental
9 disabilities in partnership with their families or legal guardians the
10 opportunity to choose where they live. Consistent with this
11 commitment, the legislature supports the existence of a complete
12 spectrum of options, including community support services and
13 residential habilitation centers.

14 The choice of service options must be supported by state policy,
15 whether the choice is residential habilitation centers or community
16 support services. The intent of the legislature is to ensure choice of
17 service options to persons with developmental disabilities allowing, to
18 the maximum extent possible, that they not have to leave their home or
19 community.

20 The legislature supports the respective roles that both
21 residential habilitation centers and community support services play in
22 providing options and resources for people with developmental
23 disabilities and their families who need services. The legislature
24 recognizes that services must ensure credibility, responsiveness, and
25 reasonable quality, whether they are state, county, or community
26 funded.

27 **Sec. 2.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
28 read as follows:

29 As used in this title, the following terms have the meanings
30 indicated unless the context clearly requires otherwise.

1 (1) "Community residential support services," or "community
2 support services," and "in-home services" means one or more of the
3 services listed in RCW 71A.12.040.

4 (2) "Department" means the department of social and health
5 services.

6 ~~((+2))~~ (3) "Developmental disability" means a disability
7 attributable to mental retardation, cerebral palsy, epilepsy, autism,
8 or another neurological or other condition of an individual found by
9 the secretary to be closely related to mental retardation or to require
10 treatment similar to that required for individuals with mental
11 retardation, which disability originates before the individual attains
12 age eighteen, which has continued or can be expected to continue
13 indefinitely, and which constitutes a substantial handicap to the
14 individual. By January 1, 1989, the department shall promulgate rules
15 which define neurological or other conditions in a way that is not
16 limited to intelligence quotient scores as the sole ~~((determinate~~
17 ~~{determinant}))~~ determinant of these conditions, and notify the
18 legislature of this action.

19 ~~((+3))~~ (4) "Eligible person" means a person who has been found by
20 the secretary under RCW 71A.16.040 to be eligible for services.

21 ~~((+4))~~ (5) "Habilitative services" means those services provided
22 by program personnel to assist persons in acquiring and maintaining
23 life skills and to raise their levels of physical, mental, social, and
24 vocational functioning. Habilitative services include education,
25 training for employment, and therapy.

26 ~~((+5))~~ (6) "Legal representative" means a parent of a person who
27 is under eighteen years of age, a person's legal guardian, a person's
28 limited guardian when the subject matter is within the scope of the
29 limited guardianship, a person's attorney at law, a person's attorney
30 in fact, or any other person who is authorized by law to act for
31 another person.

32 ~~((+6))~~ (7) "Notice" or "notification" of an action of the
33 secretary means notice in compliance with RCW 71A.10.060.

34 ~~((+7))~~ (8) "Residential habilitation center" means a state-
35 operated facility for persons with developmental disabilities governed
36 by chapter 71A.20 RCW.

37 ~~((+8))~~ (9) "Secretary" means the secretary of social and health
38 services or the secretary's designee.

1 (~~(9)~~) (10) "Service" or "services" means services provided by
2 state or local government to carry out this title.

3 (11) Vacancy- means an opening at a residential habilitation
4 center, which when filled, would not require the center to exceed its
5 biannually budgeted capacity.

6 **Sec. 3.** RCW 71A.16.010 and 1988 c 176 s 401 are each amended to
7 read as follows:

8 (1) It is the intention of the legislature in this chapter to
9 establish a single point of referral for persons with developmental
10 disabilities and their families so that they may have a place of entry
11 and continuing contact for services authorized under this title to
12 persons with developmental disabilities. Eligible persons with
13 developmental disabilities, whether they live in the community or
14 residential habilitation centers, should have the opportunity to choose
15 where they live.

16 (2) Until June 30, 2003, and subject to subsection (3) of this
17 section, if there is a vacancy in a residential habilitation center,
18 the department shall offer admittance to the center to any eligible
19 adult, or eligible adolescent on an exceptional case-by-case basis,
20 with developmental disabilities if his or her assessed needs require
21 the funded level of resources that are provided by the center.

22 (3) The department shall not offer a person admittance to a
23 residential habilitation center under subsection (2) of this section
24 unless the department also offers the person appropriate community
25 support services listed in RCW 71A.12.040.

26 (4) Community support services offered under subsection (3) of
27 this section may only be offered using funds specifically designated
28 for this purpose in the state operating budget. When these funds are
29 exhausted, the department may not offer admittance to a residential
30 habilitation center, or community support services under this section.

31 (5) Nothing in this section shall be construed to create an
32 entitlement to state services for persons with developmental
33 disabilities.

34 (6) Subsections (2) through (6) of this section expire June 30,
35 2003.

1 **Sec. 4.** RCW 71A.16.030 and 1988 c 176 s 403 are each amended to
2 read as follows:

3 (1) The department will develop an outreach program to ensure that
4 any eligible person with developmental disabilities services in homes,
5 the community, and residential habilitation centers will be made aware
6 of these services. This subsection (1) expires June 30, 2003.

7 (2) The secretary shall establish a single procedure for persons
8 to apply for a determination of eligibility for services provided to
9 persons with developmental disabilities.

10 ~~((+2+))~~ (3) Until June 30, 2003, the procedure set out under
11 subsection (1) of this section must require that all applicants and all
12 persons with developmental disabilities currently receiving services
13 from the division of developmental disabilities within the department
14 be given notice of the existence and availability of residential
15 habilitation center and community support services. For genuine choice
16 to exist, people must know what the options are. Available options
17 must be clearly explained, with services customized to fit the unique
18 needs and circumstances of developmentally disabled clients and their
19 families. Choice of providers and design of services and supports will
20 be determined by the individual in conjunction with the department.
21 When the person cannot make these choices, the person's legal guardian
22 may make them, consistent with chapter 11.88 or 11.92 RCW. This
23 subsection (3) expires June 30, 2003.

24 (4) An application may be submitted by a person with a
25 developmental disability, by the legal representative of a person with
26 a developmental disability, or by any other person who is authorized by
27 rule of the secretary to submit an application.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 71A.12
29 RCW to read as follows:

30 (1) The legislature recognizes that residential habilitation
31 center and community support services should be available to each
32 eligible person with developmental disabilities in our state within
33 appropriated funds.

34 (2) The legislature recognizes that there have been substantially
35 increasing demands for all of these services. Therefore, the
36 legislature believes that any reductions in the capacity of these
37 services could jeopardize a needed balance in the developmental

1 disabilities system. The legislature intends to stabilize the capacity
2 of community support services and residential habilitation center
3 services. The capacity of the residential habilitation centers shall
4 not be reduced below the number of persons budgeted to be served in
5 residential habilitation centers in chapter 149, Laws of 1997, subject
6 to budget direction from the governor or reductions needed to adhere to
7 an agreement with the federal department of justice regarding Fircrest
8 School. The capacity of community support services shall not be
9 reduced below the capacity provided for by the appropriation specified
10 in chapter 149, Laws of 1997, subject to budget direction from the
11 governor. If the direction from the governor requires reductions in
12 the division of developmental disabilities, the budgets of both the
13 residential habilitation centers and community support services shall
14 be given equal consideration.

15 (3) If such capacity is not needed for current clients of the
16 department, any vacancies that may occur in community support services
17 or residential habilitation center services shall be used to expand
18 services to eligible persons with developmental disabilities not now
19 receiving services. If a vacancy is created it will be made available
20 to any eligible individual who is seeking and desires the services of
21 a residential habilitation center pursuant to section 3 of this act.
22 If residential habilitation center capacity is not being used for
23 permanent residents, the department shall make any residential
24 habilitation center vacancies available for respite care and any other
25 services needed to care for this population in residential habilitation
26 centers, other than permanent residence.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 71A.12
28 RCW to read as follows:

29 Any restrictions in staffing ratios that may be needed to
30 implement section 5 of this act within available resources may not
31 result in reductions to direct care staff.

32 NEW SECTION. **Sec. 7.** A new section is added to chapter 71A.20
33 RCW to read as follows:

34 As a means of implementing a choice-oriented system for people
35 with developmental disabilities, staff of residential habilitation
36 centers will continue to increase vocational and community access for

1 current residents. Likewise, specialized residential habilitation
2 services will be more easily accessed by community residents within
3 available funds.

4 NEW SECTION. **Sec. 8.** A new section is added to chapter 71A.12
5 RCW to read as follows:

6 The department shall conduct an analysis whereby it identifies all
7 persons with developmental disabilities who are eligible for services
8 under Title 71A RCW, and whether they are served, unserved, or
9 underserved. The department will gather data on the services and
10 supports required by this population, their families or their
11 guardians, and the cost of providing these services. This analysis
12 will include assessing services such as those at residential
13 habilitation centers, those community support services listed in RCW
14 71A.12.040, and including, but not limited to, supported employment,
15 family support, post high school transition programs, crisis
16 intervention services, supports for persons who have a developmental
17 disability and also a mental illness, alternative uses for residential
18 habilitation centers, community vocational services, respite care,
19 specialized medical treatment, and appropriate placements for persons
20 with developmental disabilities who are also offenders. The assessment
21 shall be done with the participation of the developmental disabilities
22 stakeholders work group. The assessment will commence no later than
23 July 1, 1998.

24 The assessment data will not be used to determine or allocate
25 services for individual people. It will be used by the department,
26 with the participation of the developmental disabilities stakeholder
27 work group, to develop a long-term strategic plan. The plan will
28 include three phases, the first one beginning December 1, 1998; the
29 second beginning December 1, 2000; and the third beginning December 1,
30 2002. For each phase the department will provide incremental data and
31 assessment of programs, services, and funding for persons with
32 developmental disabilities and their families. For each phase the plan
33 must also include budget and statutory recommendations intended to
34 secure for all persons with developmental disabilities the opportunity
35 to choose where they live, and shall support the existence of a
36 complete spectrum of options including community support services, and
37 residential habilitation centers that are consistent with those needs.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 71A.12
2 RCW to read as follows:

3 For the purposes of section 8 of this act, the developmental
4 disabilities stakeholder work group is the division of developmental
5 disabilities strategies for the future stakeholder work group
6 established by the secretary in 1997 to develop recommendations on
7 future directions and strategies for service delivery improvement,
8 resulting in an agreement on the directions the department should
9 follow in considering the respective roles of the residential
10 habilitation centers and community support services, including a focus
11 on the resources for people in need of services.

12 NEW SECTION. **Sec. 10.** Sections 1 and 5 through 9 of this act
13 expire June 30, 2003.

14 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately."

18 Correct the title.

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