

# HOUSE BILL REPORT

## SSB 6751

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### As Reported By House Committee On:

Children & Family Services

**Title:** An act relating to stabilizing long-term care for persons with developmental disabilities living in the community and in residential habilitation centers.

**Brief Description:** Ensuring a choice of service and residential options for citizens with developmental disabilities.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Wood, Franklin, Benton, Thibaudeau, Oke and Winsley).

### Brief History:

#### Committee Activity:

Children & Family Services: 2/26/98 [DPA].

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## HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Bush, Vice Chairman; Tokuda, Ranking Minority Member; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

**Staff:** Douglas Ruth (786-7134).

**Background:** Under Title 71A RCW, the Department of Social and Health Services (DSHS) contracts for community residential programs for persons with developmental disabilities, as well as Medicaid personal care, family support or respite care, employment and day programs, and other services.

Five residential habilitation centers (RHC) provide services to persons with developmental disabilities according to RCW 71A.20.020. Currently, there are approximately 1,230 residents in RHCs.

In 1997, representatives from DSHS and a group of 19 stakeholders met throughout the year to determine the direction the department should take in providing services to people with developmental disabilities. An agreement in principle was reached at the end of the year, which stated that people with developmental disabilities and their families should have a full spectrum of choices in deciding what services they should receive.

**Summary of Amended Bill:** The Legislature affirms the commitment to secure for all persons with developmental disabilities the opportunity to choose where they live. This choice should include both community services and residential habilitation centers. The choice must be supported by state policy and allow, as much as possible, for people to stay in their own homes or communities.

Until 2003, persons assessed by the department to have needs which require the resources provided by a residential habilitation center must be offered admittance to an RHC. This includes adolescents only under exceptional circumstances. The offer of admission to an RHC must be accompanied by an offer of community support services.

However, once budgeted funds specifically designated for community support services are exhausted, the department may neither offer community support services nor RHC admission.

Community support services are defined as one or more of the services listed in RCW 71A.12.040.

Until 2003, all eligible applicants for developmental disabilities services and those already receiving services must be given notice of the existence and availability of residential habilitation centers and community residential support services. Available options must be clearly explained, with services customized to fit the unique needs and circumstances of the developmentally disabled clients and their families.

Until 2003, the capacity of community residential support services and residential habilitation center services must not be reduced below the number of persons budgeted in each of these services in the 1997-99 Appropriations Act. This requirement is subject to budgetary reductions made necessary to adhere to an agreement with the federal Department of Justice regarding Fircrest School, and subject to budget direction from the Governor.

If this capacity is not being used for current clients of the department, any vacancies that may occur in community residential support services or residential habilitation center services are used to expand services to eligible developmentally disabled persons not receiving services. The unused capacity may only be used for expansion if community support service funds remain unexhausted.

If RHC capacity is not needed for permanent residents, vacancies are used for respite care or other services for eligible clients. The department will increase vocational and community service access to residents of residential habilitation centers.

The department, with the participation of the developmental disabilities stakeholders work group, will conduct an assessment of all persons with developmental disabilities who are eligible for services. The analysis will include a broad look at all services and will result

in a long-term strategic plan for the department. The plan will provide phased-in data collection, and analysis of programs, services, and funding for the developmentally disabled. The plan will also include budget and statutory recommendations intended to secure choice for all persons with developmental disabilities. The plan will not be used to determine allocation of services to individuals.

The provisions of the bill expressly do not create an entitlement to any services.

**Amended Bill Compared to Substitute Bill:** References to "residential habilitation centers" and "community support services" were made consistent throughout the bill. Identically defined terms were eliminated.

Until 2003, the offer of RHC and community support services are tied to the availability of funds for community support services. When funds for community support services are exhausted, the department may not offer admission to an RHC, regardless of RHC capacity.

The outreach program is limited to eligible applicants and current recipients of developmental disability services, rather than all persons who may need services.

A definition of "vacancy" is provided. Vacancy is defined as an opening at a RHC which when filled, would not require the center to exceed its biannually budgeted capacity.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** People with developmental disabilities should have a choice of where they live and this bill stresses choice. Pro-community and pro-RHC groups have been fighting for too long. This bill sets a direction for the department to take which will allow it to truly respond to the needs of the developmentally disabled people in the state.

**Testimony Against:** None.

**Testified:** Senator Alex Deccio, prime sponsor; Lyle Quasim, Secretary, Department of Social and Health Services (pro); Duwane Huffaker, President of Washington Federation of State Employees (pro); Richard Bowyer, Friends of Rainier (pro); Jeff Larsen, United Cerebral Palsy of King & Snohomish Counties (pro); William L. Anderson, parent of son with developmental disabilities (pro); Debra Klingerberg, Pierce County Parent Coalition for Developmental Disabilities (pro); Resa Hayes, Stakeholders

Group (pro); Sue Elliott, Arc of Washington (pro); Janet Adams, Arc of Washington, Stakeholders Group (pro); Roy Ferguson, Rehabilitation Enterprises of Washington (pro); Bob Gee, parent (pro); Mark Stroh, Washington Protection Advocacy System (pro); Dave Wood, Stakeholders Group (pro); Cheri Tessier, Stakeholders Group (pro); and Tracy Vanderall, Pierce County Parent Coalition (pro).