

# SENATE BILL REPORT

## SB 6765

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As of January 31, 2000

**Title:** An act relating to services and community placement for persons with developmental disabilities.

**Brief Description:** Returning persons with developmental disabilities to the community.

**Sponsors:** Senators Kline, Winsley, Wojahn, McDonald, Bauer and Costa.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/31/2000.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Jonathan Seib (786-7427)

**Background:** Under current law, the state Department of Social and Health Services (DSHS) provides services to the developmentally disabled in both community and institutional settings. Community-based services include community residential programs, employment and day programs, Medicaid personal care, and respite care. Institutional care is provided through five residential habilitation centers.

In June 1999 case of *Olmstead v. L.C.*, the U.S. Supreme Court addressed the question of whether the Americans with Disabilities Act requires placement of persons with mental disabilities in community settings rather than institutions. The court answered with a qualified yes, stating that such action is in order when (1) the state's treatment professionals have determined that community placement is appropriate; (2) the transfer from institutional care to a less restrictive setting is not opposed by the affected individual; and (3) the placement can be reasonably accommodated, taking into account the resources available to the state and the need of others with mental disabilities.

It is suggested that Washington's law regarding the care of the developmentally disabled should be changed to assure compliance with the *Olmstead* decision.

**Summary of Bill:** The Legislature states its intent to comply with the *Olmstead* decision and assure that persons with developmental disabilities are given every opportunity to live in community settings.

A team of skilled evaluators is to annually assess each resident of an RHC to determine if he or she can be supported in a community setting. Whenever the secretary of DSHS believes it advisable to return a resident to the community, he or she must grant such placement, after consulting with the resident and others. The secretary must give written notice of any decision to keep the resident in the RHC or return him or her to the community.

DSHS must annually evaluate the adjustment of a resident to a specific placement, whether in an RHC or community setting. Any person found to be in a setting that is unsafe or inappropriate must be promptly transferred to a setting where his or her needs are met.

It is a policy of the state to require research and staff training for state and local personnel working with persons with developmental disabilities.

All services for the developmentally disabled must be adequately monitored annually for safety and quality.

**Appropriation:** None.

**Fiscal Note:** Requested on January 30, 2000.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.