
HOUSE BILL 2627

State of Washington

56th Legislature

2000 Regular Session

By Representatives Cody, Parlette, D. Sommers, Tokuda, Edmonds, Pflug and Schual-Berke

Read first time . Referred to Committee on .

1 AN ACT Relating to the long-term care integration reform act;
2 adding a new section to chapter 43.20A RCW; adding a new chapter to
3 Title 43 RCW; creating a new section; repealing RCW 74.39.001,
4 74.39.005, 74.39.030, 74.39A.005, and 74.39A.007; providing expiration
5 dates; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds
8 that Washington's chronically functionally disabled population of all
9 ages is growing at a rapid pace due to a population of the very old and
10 increased incidence of disability due in large measure to technological
11 improvements in acute care causing people to live longer.

12 The legislature further finds that the public demands that
13 long-term care services be client and family-centered, safe,
14 economically effective and efficient, and designed to encourage
15 individual dignity, autonomy, and development of the fullest human
16 potential at home or in other residential settings, whenever
17 practicable. To accomplish this, the legislature recognizes the
18 immediate need to administer and provide long-term care services for

1 persons with chronic functional disabilities through a separate,
2 integrated, and comprehensive long-term care division.

3 It is the intent of this chapter to establish a new division within
4 the department of social and health services, known as the division of
5 long-term care and rehabilitation services, which is directed to
6 coordinate client-centered, long-term care services in a way that
7 increases safety, accountability, and quality, minimizes administrative
8 cost, eliminates unnecessarily complex administrative barriers,
9 minimizes program and service duplication, and maximizes the use of
10 financial resources in directly meeting the needs of persons of all
11 ages with chronic functional limitations, including persons with acute
12 episodic mental illness.

13 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
14 requires otherwise, the definitions in this section apply throughout
15 this chapter.

16 (1) "Cost-effective care" means care provided in a setting of an
17 individual's choice that is necessary to promote the most appropriate
18 level of physical, mental, and psychosocial well-being consistent with
19 client choice, in an environment that is appropriate to the care and
20 safety needs of the individual, and such care cannot be provided at a
21 lower cost in any other setting. But this in no way precludes an
22 individual from choosing a different residential setting to achieve his
23 or her desired quality of life.

24 (2) "Department" means the department of social and health
25 services.

26 (3) "Division" means the division of long-term care and
27 rehabilitation services in the department of social and health
28 services.

29 (4) "Functionally disabled person" is synonymous with chronic
30 functionally disabled and means a person who because of a recognized
31 chronic physical or acute or chronic mental condition or disease is
32 impaired to the extent of being dependent upon others for direct care,
33 support, supervision, or monitoring to perform activities of daily
34 living. "Activities of daily living," in this context, means self-care
35 abilities related to personal care such as bathing, eating, using the
36 toilet, dressing, and transfer. Instrumental activities of daily
37 living may also be used to assess a person's functional abilities as
38 they are related to the mental capacity to perform activities in the

1 home and the community such as cooking, shopping, house cleaning, doing
2 laundry, working, and managing personal finances.

3 (5) "Home and community services" means adult family homes, group
4 homes, intensive tenant support, boarding homes, in-home services, and
5 other services administered by the department directly or through
6 contract with area agencies on aging or similar services provided by
7 facilities and agencies licensed by the department.

8 (6) "Long-term care" is synonymous with chronic care and means care
9 and support delivered indefinitely, intermittently, or over a sustained
10 time to persons of any age disabled by an acute or chronic mental
11 illness, physical illness, disease, or medical condition that is
12 permanent, is not reversible or curable, or is long-lasting and
13 severely limits their mental or physical capacity for self-care. The
14 use of this definition is not intended to expand the scope of services,
15 care, or assistance by any individuals, groups, residential care
16 settings, or professions unless otherwise expressed by law.

17 (7) "Nursing home" means a facility licensed under chapter 18.51
18 RCW.

19 (8) "Secretary" means the secretary of social and health services.

20 NEW SECTION. **Sec. 3.** DUTIES AND RESPONSIBILITIES. The division
21 has, but is not limited to, the following duties and responsibilities:

22 (1) Provide long-term care services to functionally disabled
23 persons within available funding, in the most safe, cost-effective, and
24 appropriate residential environment consistent with the person's
25 measurable needs, exceptional or special care needs, and individual
26 preferences;

27 (2) Establish and implement a consistent definition of appropriate
28 and integrated roles and responsibilities for state and local
29 government, regional organizations, provider groups, families, and
30 private volunteers in the planning, administration, financing, and
31 delivery of long-term care services;

32 (3) Continually develop, implement, and monitor safety and quality
33 standards for all levels of care and assistance;

34 (4) Provide, to the extent funding is available, accessible and
35 affordable technical assistance that will enable persons who are
36 disabled, their families, and local communities to have greater
37 participation and control in the planning, administration, and
38 provision of long-term care services;

1 (5) Promote the active and meaningful involvement of families,
2 unpaid family caregivers and other volunteers, and advocacy groups
3 throughout all levels of care;

4 (6) Promote the development of an integrated and coordinated
5 education and training system for long-term care that is relevant to
6 the needs of the client, and includes special care needs resulting from
7 Alzheimer and other dementia disorders, Parkinson's, Huntington's,
8 chemical addiction, multiple sclerosis, developmental disabilities,
9 spinal cord injuries, traumatic head injury, incontinence, and multiple
10 diagnoses. It should be accessible and affordable for all providers
11 and designed to improve client safety and the highest quality of
12 services in accordance with the intent of this chapter and
13 recommendations provided by the stakeholder committee established in
14 section 6 of this act. In an effort to improve access to training and
15 education, especially for rural communities, and reduce costs, the
16 coordinated system of long-term care education should include the use
17 of internet resources, distance learning using satellite technology
18 coordinated through community colleges or other entities, as defined by
19 the department, and the development and use of other innovative types
20 of learning strategies, and apply appropriate testing of skills and
21 comprehension;

22 (7) Promote options for seeking and obtaining public and private
23 alternative funding for long-term care services, such as federal
24 waivers and demonstration projects that will allow for the most
25 effective use of federal medicaid and medicare funding, long-term care
26 insurance options as part of overall health care insurance benefits,
27 innovative social health maintenance organization models or other
28 managed care models that are designed to encourage economic
29 efficiencies and better coordinate care between acute and chronic long-
30 term care, and a uniform fee copayment scale collected by the
31 department for client participation in state-funded, long-term care
32 programs for the elderly, which does not include clients of the
33 subdivisions of developmental disabilities and mental health; and

34 (8) Consider other issues deemed appropriate by the governor,
35 legislature, secretary, or the committee established in section 6 of
36 this act that are consistent with the objectives set forth in this
37 chapter and allocated in the budget.

1 NEW SECTION. **Sec. 4.** (1) No additional state employees may be
2 hired as a result of establishing the division.

3 (2) Any funds saved because of the elimination of management level
4 positions within the new division must be redirected to direct long-
5 term care services, quality assurance, and complaint investigations
6 provided by the department.

7 NEW SECTION. **Sec. 5.** GUIDING PRINCIPLES. The division shall
8 provide leadership and coordination in identifying and resolving
9 barriers to receiving safe and client and family-centered long-term
10 care services in accordance with the following principles:

11 (1) Clear lines of balanced authority and coordination that avoid
12 duplications and fragmentation within and between subelements of the
13 department for service delivery, financing, and quality assurance;

14 (2) A simplified, integrated organizational design promoting
15 accessibility, responsiveness, and accountability to persons receiving
16 services and their families, the legislature, and the general public;

17 (3) A coordinated, integrated organizational structure for managing
18 the division's programs and activities that is client-centered and
19 encourages consistent and seamless joint working agreements with and
20 between all long-term care programs;

21 (4) Decentralized authority and responsibility, with clear
22 accountability;

23 (5) Effective strategies for implementing and enforcing long-term
24 care quality standards and test-based educational and training
25 standards across all programs and levels of care;

26 (6) Expert advice and information on chronic long-term care issues
27 to families including unpaid family caregivers, providers, and the
28 executive and legislative branches of state government;

29 (7) Uniform, active, and fair enforcement of rules;

30 (8) Effective coordination, cooperation, and innovation by
31 facilitating the meaningful participation of persons with functional
32 disabilities and their families, employees, vendors, elements of the
33 civil society, community advocates, and other federal, state, and local
34 governmental agencies in the planning, development, and implementation
35 of programs and services consistent with the intent of this chapter;

36 (9) A fair and realistic system for measuring both short-range and
37 long-range progress; and

1 (10) Continually striving to simplify, reduce, or eliminate
2 unnecessary rules, procedures, and burdensome paperwork that prove to
3 be barriers to providing effective coordination and high-quality direct
4 services.

5 NEW SECTION. **Sec. 6.** DEPARTMENTAL COMMITTEE ON LONG-TERM CARE
6 INTEGRATION. The secretary shall appoint, as soon as practical, but
7 not later than July 1, 2000, a departmental committee on long-term care
8 integration, hereafter referred to in this section as the committee.

9 The committee shall be composed of high-ranking administrators of
10 departmental programs that are being transferred to the division to be
11 selected by the secretary and a related direct service employee, who
12 shall be nominated to the secretary by the appropriate employee
13 organizations. The assistant secretary of the division shall be the
14 chair of the committee.

15 The committee shall establish technical advisory panels composed of
16 balanced representation of all types of persons served by the division
17 to provide expert technical assistance on matters necessary to
18 implement this act.

19 The committee has the following duties:

20 (1) Ensure that all appropriate interests participate in the
21 departmental integration activities;

22 (2) Oversee the development, revision, implementation, and
23 enforcement of all quality assurance measures;

24 (3) Report the following to the appropriate committees of the
25 legislature, no later than December 12, 2001:

26 (a) Methods of cost-efficiencies that can be used to reallocate
27 funds to unmet needs in direct services;

28 (b) The possibility of establishing a single point of entry for
29 service eligibility and delivery for functionally disabled persons;

30 (c) An analysis of the desirability and feasibility of establishing
31 an integrated long-term care pilot project that will streamline
32 accessibility of services and integrate acute and long-term care
33 funding to enhance program flexibility;

34 (d) A review of the need to establish an integrated long-term care
35 ombudsman program that will cover all persons who are functionally
36 disabled;

1 (e) Necessary modifications of the case management system and
2 management information systems to fully implement chapter . . . , Laws
3 of 2000 (this act);

4 (f) Federal waivers necessary to implement chapter . . . , Laws of
5 2000 (this act); and

6 (g) Recommended legislation necessary to implement changes proposed
7 by the committee to the joint legislative committee on long-term care
8 and rehabilitation oversight.

9 The department shall make the committee recommendations available
10 to the public in a timely manner and report quarterly to the joint
11 legislative committee on long-term care and rehabilitation oversight
12 established in section 7 of this act.

13 This section expires March 1, 2004.

14 NEW SECTION. **Sec. 7.** JOINT LEGISLATIVE COMMITTEE ON LONG-TERM
15 CARE AND REHABILITATION OVERSIGHT. (1) There is created a joint
16 legislative committee on long-term care and rehabilitation oversight.
17 The committee shall consist of: (a) Three members of the senate
18 appointed by the president of the senate, two of whom shall be members
19 of the majority party and one of whom shall be a member of the minority
20 party; and (b) three members of the house of representatives, two of
21 whom shall be members of the majority party and one of whom shall be a
22 member of the minority party. In the event of no majority, each house
23 shall select an equal number of members.

24 (2) The committee shall elect a chair and vice-chair. The chair
25 shall be a member of the senate in even-numbered years and a member of
26 the house of representatives in odd-numbered years. The vice-chair
27 shall be a member of the senate in odd-numbered years and a member of
28 the house of representatives in even-numbered years.

29 (3) The committee shall:

30 (a) Review all reorganization and reform activities necessary to
31 implement chapter . . . , Laws of 2000 (this act);

32 (b) Review all quality standards developed, revised, and enforced
33 by the department;

34 (c) Initiate or review studies relevant to the issues of
35 administration, delivery, and quality of long-term care services;

36 (d) Review all rules proposed by the department to ensure
37 consistency with the intent, guiding principles, and duties and
38 responsibilities of the division;

1 (e) Report to the legislature the progress on reorganization and
2 reform consistent with chapter . . . , Laws of 2000 (this act);

3 (f) Act upon the recommendations of the reorganization and
4 oversight stakeholders committee;

5 (g) Prepare legislation necessary to implement the intent of
6 chapter . . . , Laws of 2000 (this act); and

7 (h) Review the need to develop a geographically balanced matrix of
8 designated service areas.

9 (4) This section expires March 1, 2004.

10 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.20A RCW
11 to read as follows:

12 FUNCTIONS TRANSFERRED TO THE DIVISION OF LONG-TERM CARE AND
13 REHABILITATION SERVICES. The department shall establish a division of
14 long-term care and rehabilitation services. The department shall
15 transfer the following programs and services and related management and
16 support services to the division of long-term care and rehabilitation
17 services:

18 Title 71 RCW - Mental illness programs;

19 Title 71A RCW - Developmental disabilities;

20 Chapter 72.06 RCW - Mental health;

21 Chapter 72.23 RCW - Public and private facilities for mentally ill;

22 Chapter 72.25 RCW - Nonresident mentally ill, sexual psychopaths,
23 and psychopathic delinquents--Deportation, transportation;

24 Chapter 72.27 RCW - Interstate compact on mental health;

25 Chapter 72.29 RCW - Multi-use facilities for the mentally or
26 physically handicapped or the mentally ill;

27 Chapter 70.10 RCW - Comprehensive community health centers;

28 Chapter 70.82 RCW - Cerebral palsy program;

29 Chapter 70.96A RCW - Treatment for alcoholism, intoxication, and
30 drug addiction;

31 Chapter 70.124 RCW - Abuse of patients--Nursing homes, state
32 hospitals;

33 Chapter 70.128 RCW - Adult family homes;

34 Chapter 70.129 RCW - Long-term care resident rights;

35 Chapter 74.26 RCW - Services for children with multiple handicaps;

36 Chapter 74.34 RCW - Abuse of vulnerable adults;

37 Chapter 74.36 RCW - Funding for community programs for the aging;

38 Chapter 74.39 RCW - Long-term care service options;

1 Chapter 74.41 RCW - Respite care services;
2 Chapter 74.42 RCW - Nursing homes--Resident care, operating
3 standards;
4 Chapter 74.46 RCW - Nursing facility medicaid payment system;
5 Chapter 74.39A RCW - Long-term care services options--Expansion;
6 Chapter 18.48 RCW - Adult family homes;
7 Chapter 18.51 RCW - Nursing homes; and
8 Chapter 10.77 RCW - Criminally insane.

9 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
10 repealed:

- 11 (1) RCW 74.39.001 (Finding) and 1989 c 427 s 1;
12 (2) RCW 74.39.005 (Purpose) and 1995 1st sp.s. c 18 s 10 & 1989 c
13 427 s 2;
14 (3) RCW 74.39.030 (Community options program entry system--Waiver--
15 Respite services) and 1989 c 427 s 11;
16 (4) RCW 74.39A.005 (Findings) and 1993 c 508 s 1; and
17 (5) RCW 74.39A.007 (Purpose and intent) and 1993 c 508 s 2.

18 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act constitute
19 a new chapter in Title 43 RCW.

20 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
21 preservation of the public peace, health, or safety, or support of the
22 state government and its existing public institutions, and takes effect
23 immediately.

24 NEW SECTION. **Sec. 12.** Captions used in this act are not part of
25 the law.

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