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SENATE BILL 5993

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State of Washington

58th Legislature

2003 Regular Session

By Senators Deccio, Fairley and Rossi

Read first time 02/27/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to regulation of community residential programs;  
2 and amending RCW 71A.12.080.

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

4 **Sec. 1.** RCW 71A.12.080 and 1988 c 176 s 208 are each amended to  
5 read as follows:

6 (1) The secretary shall adopt rules concerning the eligibility of  
7 residents of residential habilitation centers for placement in  
8 community residential programs under this title; determination of  
9 ability of such persons or their estates to pay all or a portion of the  
10 cost of care, support, and training; the manner and method of licensing  
11 or certification and inspection and approval of such community  
12 residential programs for placement under this title; and procedures for  
13 the payment of costs of care, maintenance, and training in community  
14 residential programs. The rules shall include standards for care,  
15 maintenance, and training to be met by such community residential  
16 programs.

17 (2) In adopting rules under subsection (1) of this section, the  
18 secretary shall address a process for considering, as a priority, cost  
19 impacts to contract service providers in carrying out requirements of

1 any rule or policy by the department. The process must incorporate  
2 efficiencies to minimize administrative costs to (a) the service  
3 provider in implementing a policy or rule; and (b) the department in  
4 its oversight activities. Such cost containment measures must be  
5 designed to address unnecessary duplication of efforts and paperwork,  
6 but not interfere with what is deemed necessary to meet basic  
7 compliance of the rule or policy.

8 (3) The secretary shall ensure that rules adopted under subsection  
9 (1) of this section do not (a) duplicate requirements of service  
10 providers that already exist; (b) require review by the department of  
11 routine changes by service providers to administrative documents that  
12 do not change or thwart the intent of the underlying policy; (c)  
13 require staff performance reviews without giving service providers the  
14 flexibility to conduct such reviews based on individual circumstances;  
15 (d) require departmental approval of routine staff schedule changes by  
16 service providers when the change does not alter the underlying  
17 requirements of the contractual agreement; and (e) require service  
18 providers to keep guardianship papers and federally required individual  
19 support plan documents that are already maintained by the department.

20 (4) Subsection (2) of this section also applies to the adoption of  
21 policies by the division of developmental disabilities that are not  
22 codified into the Washington Administrative Code.

23 (5) The division of developmental disabilities shall give expanded  
24 flexibility to service providers in policy to meet the terms of their  
25 contracts by (a) allowing wage shifts between staff and nonstaff wages  
26 to occur without department approval; (b) giving service providers  
27 discretion in submitting damage claims to insurance companies; and (c)  
28 authorizing service providers to determine whether a behavior support  
29 plan is necessary for a single incident that resulted in property  
30 damage.

31 (6) The secretary shall coordinate state activities and resources  
32 relating to placement in community residential programs to help  
33 efficiently expend state and local resources and, to the extent  
34 designated funds are available, create an effective community  
35 residential program.

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