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5763-S2.E AMH LANT KNUT 113

**E2SSB 5763** - H AMD TO H AMD (H-3058.3)  
By Representative Lantz

1 On page 55, line 33 of the amendment, after "property." insert:

2 "(3) The person has the right to refuse to participate in an  
3 expanded community services program or, except where subject to  
4 commitment, to reside at an enhanced services facility. No person  
5 shall be denied other department services on the grounds that he or  
6 she has made such a refusal.

7 (4) Prior to assessment, the department shall notify any person  
8 for whom referral to the enhanced community services program or an  
9 enhanced services facility is under consideration, and shall  
10 provide that person with an opportunity to review and comment on  
11 all information that is included in the assessment. All  
12 information considered in the assessment shall be made available to  
13 the person or his or her legal guardian or other legal  
14 representative, where relevant, prior to final determination.

15 (5) In determining that a person has a history of unsuccessful  
16 placements, the department shall document the reasons for failure,  
17 and possible supports that could be provided that would improve the  
18 chances of success, prior to making a determination regarding the  
19 likelihood of future unsuccessful placement.

20 (6) The person has a right to appeal the decision of the  
21 department that he or she is eligible for placement at an enhanced  
22 services facility, and shall be given notice of the right to appeal  
23 in a format that is accessible to the person with instructions  
24 regarding what to do if the person wants to appeal."

**EFFECT:** Provides additional rights to a person who may be placed in an enhanced services facility.