
SUBSTITUTE SENATE BILL 6780

State of Washington

61st Legislature

2010 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Keiser, Ranker, Kline, Delvin, and Fairley)

READ FIRST TIME 02/05/10.

1 AN ACT Relating to community living for persons with developmental
2 disabilities; amending RCW 71A.16.040; creating new sections; repealing
3 RCW 71A.20.020 and 71A.20.080; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) The state recognizes the importance of meeting the health and
7 welfare needs of persons with developmental disabilities who are
8 transferred between residential habilitation centers, or discharged
9 from a residential habilitation center to the community.

10 (b) People with disabilities share, with all Washingtonians, the
11 desire to live full, productive lives in proximity to those who care
12 about and love them.

13 (c) Due to limited resources, many people with developmental
14 disabilities who reside with family members or on their own do not
15 receive adequate supports to help maintain their lives in the
16 community.

17 (d) People with developmental disabilities in residential
18 habilitation centers and state-operated living arrangements benefit
19 from the dedicated state employees who work with and on their behalf.

1 (e) There is a shortage of certain key services and resources for
2 people with developmental disabilities in the community, and the
3 state's residential habilitation centers have employees whose
4 specialized knowledge and expertise would greatly benefit community-
5 based programs and the people they serve.

6 (f) The people who dedicate their lives to serving people with
7 disabilities deserve positions that pay a living wage and promote
8 stable and secure lives for both employees and clients.

9 (2) The legislature intends that:

10 (a) A person with a developmental disability may not be moved from
11 an institutional to a community setting until sufficient services and
12 support arrangements are authorized and funded to assure the
13 individual's assessed health and welfare needs are met and the person
14 has opportunities for continued growth and development in a stable
15 community setting.

16 (b) The rights, health, and safety of all persons with
17 developmental disabilities be secure, and adequate support and services
18 to meet the needs of these individuals be provided.

19 (c) The network of high-quality, efficient, and cost-effective
20 publicly operated programs be expanded to serve residential
21 habilitation center clients in the community.

22 NEW SECTION. **Sec. 2.** (1) By November 1, 2010, the department of
23 social and health services shall submit to the appropriate committees
24 of the legislature its implementation plan, with timelines and
25 estimated costs, to fulfill the requirements of this act. In
26 developing the plan, the department shall seek input from stakeholders,
27 including families of clients, advocates, and labor organizations. The
28 implementation plan shall determine how, within six years, the
29 department shall:

30 (a) Establish state-operated living arrangements to serve clients
31 transitioning from residential habilitation centers, as well as other
32 waiver-eligible clients;

33 (b) Assess the needs of each person residing in a residential
34 habilitation center using a state standardized assessment tool;

35 (c) Transition people residing in residential habilitation centers
36 to community settings with support tailored to meet their needs;

37 (d) Minimize disruption in people's lives by:

1 (i) Offering to place all residents of residential habilitation
2 centers placement on the appropriate home and community-based waiver
3 and provide continued access to these services that meet their assessed
4 needs, for so long as the resident or his or her guardian consents to
5 their provision;

6 (ii) Preparing clients and their families for the transition to the
7 community, including visits to community living settings;

8 (iii) Providing choice of community living options and providers,
9 consistent with federal requirements;

10 (iv) Restricting the ability of private and publicly operated
11 community living settings to reject clients; and

12 (v) Supporting continued family involvement;

13 (e) Maximize federal funding, including the roads to community
14 living grant;

15 (f) Maximize state employment for employees of residential
16 habilitation centers;

17 (g) Provide opportunities for staff-client relationships
18 established in the residential habilitation centers to continue in
19 community settings;

20 (h) Coordinate with the housing trust fund to obtain funding for
21 the development or purchase of homes for community living arrangements;

22 (i) Improve the efficient use of state funds and use any savings
23 achieved through efficiencies to extend services to people with
24 developmental disabilities currently receiving limited or no services.

25 (2) The plan must describe how the department shall, by December
26 31, 2011:

27 (a) Assess and return all children currently living at residential
28 habilitation centers to their families with intensive supports or
29 otherwise to children's intensive care in community settings;

30 (b) Expand capacity in the community to enable people transitioning
31 from residential habilitation centers to live stably in the community
32 or with their families;

33 (c) Provide quality assurance and follow-up for existing
34 residential habilitation center residents who will be transitioned to
35 the community; and

36 (d) Using the specialized skills and expertise in the residential
37 habilitation centers, develop at least two state-operated regional
38 resources that provide: (i) Crisis beds accepting people in crisis or

1 people residing in a hospital while awaiting community placement; (ii)
2 respite beds; and (iii) skilled nursing services. There shall be at
3 least one community resource team east and one west of the Cascade
4 mountains. Teams must be composed of staff with specialized expertise
5 in the treatment of people with developmental disabilities, including
6 professionals licensed under chapters 18.32, 18.35, 18.59, 18.71,
7 18.74, and 18.79 RCW, adaptive equipment specialists, and staff trained
8 in evidence-based treatment of autism spectrum disorders.

9 (3) The plan must describe how the department shall, by December
10 31, 2012:

11 (a) Close Frances Haddon Morgan Center and vacate the campus;

12 (b) Close portions of other residential habilitation centers;

13 (c) Work with local elected officials to identify suitable uses for
14 excess portions of the properties.

15 (4) The plan must describe how the department shall, by December
16 31, 2016:

17 (a) Close remaining residential habilitation center facilities,
18 except for any portions required to implement the requirements in
19 subsection (2)(d) of this section; and

20 (b) Maintain or establish a small number of skilled nursing
21 facility beds, allowing current residential habilitation residents
22 whose medical needs require twenty-four hour skilled nursing to age in
23 place.

24 (5) The department shall implement the provisions of this plan,
25 upon approval of the legislature.

26 NEW SECTION. **Sec. 3.** Beginning November 1, 2011, and annually
27 through November 1, 2013, the department of social and health services
28 shall submit information to the appropriate committees of the
29 legislature that includes cumulative data and analysis and
30 recommendations. The report must include at least the following:

31 (1) Progress toward meeting the requirements of this act;

32 (2) Satisfaction levels for clients transitioned to the community
33 and their guardians;

34 (3) Stability of placement and provider turnover;

35 (4) Safety and health outcomes, including incidents,
36 hospitalizations, and mortality;

37 (5) Sufficiency and quality of services, including:

- 1 (a) Employment and day activities;
- 2 (b) Community involvement; and
- 3 (c) Accessibility of former residents to family, friends, and
- 4 guardians.

5 **Sec. 4.** RCW 71A.16.040 and 1989 c 175 s 141 are each amended to
6 read as follows:

7 Until the legislature approves the department of social and health
8 services' implementation plan, described in section 2 of this act, the
9 secretary has the following duties:

10 (1) On receipt of an application for services submitted under RCW
11 71A.16.030, the secretary in a timely manner shall make a written
12 determination as to whether the applicant is eligible for services
13 provided under this title for persons with developmental disabilities.

14 (2) The secretary shall give notice of the secretary's
15 determination on eligibility to the person who submitted the
16 application and to the applicant, if the applicant is a person other
17 than the person who submitted the application for services. The notice
18 shall also include a statement advising the recipient of the right to
19 an adjudicative proceeding under RCW 71A.10.050 and the right to
20 judicial review of the secretary's final decision.

21 (3) The secretary may establish rules for redetermination of
22 eligibility for services under this title.

23 NEW SECTION. **Sec. 5.** The following acts or parts of acts are each
24 repealed:

25 (1) RCW 71A.20.020 (Residential habilitation centers) and 1994 c
26 215 s 1 & 1988 c 176 s 702; and

27 (2) RCW 71A.20.080 (Return of resident to community--Notice--
28 Adjudicative proceeding--Judicial review--Effect of appeal) and 1989 c
29 175 s 143 & 1988 c 176 s 708.

30 NEW SECTION. **Sec. 6.** Section 5 of this act takes effect June 30,
31 2012.

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