
Early Learning & Human Services Committee

HB 1527

Brief Description: Concerning residential habilitation center residents' transition to the community.

Sponsors: Representatives Appleton, Green and Johnson.

Brief Summary of Bill

- Requires a discharge plan for client who resides in a Residential Habilitation Center (RHC) to be person-centered and to include specific services related to a client's transition into the community.
- Requires the Department of Social and Health Services (DSHS) to use any savings achieved through efficiencies to extend services for crisis stabilization and respite for persons with developmental disabilities who receive no services or only limited services.
- Requires the DSHS to convene a work group to review quality assurance findings for the transition of clients with developmental disabilities from one setting to another.
- Requires the DSHS to ensure that a guardian for a person with developmental disabilities is not, as part of his or her occupation, a paid caregiver for that same person.
- Prohibits the DSHS from re-determining eligibility of a current eligible adult with developmental disabilities except where the adult shows a significant increase in functional abilities and available services no longer benefit the adult.
- Requires the DSHS to report to the Legislature annually regarding persons who have transitioned from RHCs to community settings.

Hearing Date: 2/14/13

Staff: Linda Merelle (786-7092).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

In 2011 the Legislature passed Second Substitute Senate Bill 5459 (2SSB 5459). That legislation addressed many aspects of services provided to clients of the Division of Developmental Disabilities (DDD). One of provisions of the bill required the closure of one of the Residential Habilitation Centers (RHC), the Frances Haddon Morgan Center, by December 2011.

The legislation also required that the Department of Social and Health Services (DSHS) to use any savings achieved by the closure of Frances Haddon Morgan for additional community resources, including crisis and respite services. Admissions to the Yakima Valley School, another RHC, were frozen, except for limited, short-term admissions for crisis and respite. The provisions of 2SSB 5459 required the DSHS to offer RHC employees opportunities to work in State-Operated Living Alternatives (SOLAs) as those were established.

The Governor vetoed two provisions of 2SSB 5459. The first vetoed provision required the DSHS, among other things, to use a person-centered approach in developing a discharge plan from an RHC. As part of the person-centered plan, a resident was offered a "right-of-return" within one year after leaving an RHC facility and was required to be assessed for transportation support necessary to maintain regular contact with family members. The vetoed section also provided that the DSHS was to convene a work group to review findings regarding quality assurance for clients who moved from one setting to another. The second vetoed provision required the DSHS to submit an annual report to the Legislature regarding clients who have transitioned from an RHC to a community setting for the first two years in the client's new setting.

Home and Community-Based Waivers.

Home and Community Based Services (HCBS) waivers are designed to allow clients who live in community settings to receive same level of services that he or she would receive in an institutional setting. The DDD offers services under four Medicaid HCBS waivers. To be eligible for a HCBS waiver, the individual must be a client of the DDD; have a disability according to criteria established in the Social Security Act; meet the Medicaid financial eligibility requirements or be in the Health Care for Workers with Disabilities program; need the level of care provided in an Intermediate Care Facility for Individuals with Intellectual Disabilities; have an Individual Support Plan showing how the individual's health, safety, and habilitation needs can be met in the community with a monthly waiver service; and have agreed to accept home and community-based services as an alternative to institutional services.

The services provided to clients on HCBS waivers are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

State-Operated Living Alternative.

A State-Operated Living Alternative is a community residential setting, operated by the DDD. State employees provide instructions and support for clients with developmental disabilities.

Summary of Bill:

Discharge Plans.

The DSHS may ensure that the Individual Habilitation Plan (IHP) of a resident of a RHC includes a discharge plan within 60 days of the resident's admission to the facility. When developing a discharge plan, the DSHS must use a person-centered approach to assess the resident's needs and identify services that the resident requires to successfully transition to the community. These services must include:

- opportunities for RHC employees to obtain employment in state-operated living alternatives;
- a choice of community living options and providers and offering to place the resident, with his or her consent, on the appropriate home and community-based waiver;
- opportunities of residents and their families to visit SOLAs and supported living options in the community;
- a right-to-return to an RHC center within two years following the resident's move from an RHC; and
- addressing the services beyond those provided by residential services providers that are necessary to address the resident's needs; these may include medical or nursing services, dental care, employment or other day support, and others.

The DSHS must assure that prior to discharge from a RHC, clients of the DDD continue to be eligible for services for which they have an assessed need.

Funding and Savings.

The DSHS must maximize federal funding for transitioning clients through the Roads to Community Living Grant which assists persons with long-term and complex needs to live in a community setting. The DSHS must also limit the ability of a SOLA to reject a client as a resident.

The DSHS must use any savings achieved through efficiencies to extend services for crisis stabilization and respite for persons with developmental disabilities who receive no services or only limited services.

Quality Assurance.

The DSHS must use its existing Quality Assurance process to monitor the adjustment of each resident who leaves a RHC.

The DSHS must convene a work group to review the Quality Assurance findings for the process of transitioning residents from one setting to another and provide feedback on that process. The work group must include representatives of:

- The Developmental Disabilities Council;
- Disability Rights Washington;
- The University of Washington Center for Human Development and Disability;
- providers of services to DDD clients;
- families and advocates of persons with disabilities; and
- a parent, sibling, or guardian of a resident of a RHC.

The DSHS must ensure that no paid caregiver is acting as a guardian for someone they care for as part of their occupation and that any client without a guardian must be afforded a guardian.

Reports.

Beginning November 1, 2013, and annually thereafter, the DSHS must submit information to the Legislature regarding persons who have transitioned from RHCs to the community. The Report must cover the first two years following the person's new placement, and it must include:

- progress toward meeting the requirements of the act;
- types of services received and client and guardian satisfaction with those services;
- stability of the placement and provider turnover, including the rate of returns to RHC facilities;
- safety and health outcomes; and
- continued accessibility to family by former RHC residents.

Eligibility Re-Determination.

The Secretary of the DSHS must not re-determine the eligibility of a current eligible adult client except where a comprehensive assessment of the person shows a significant increase in the functional abilities such that the services available no longer benefit the client.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.