

SENATE BILL REPORT

SB 5371

As of February 13, 2013

Title: An act relating to implementing the recommendations of the developmental disability service system task force.

Brief Description: Implementing the recommendations of the developmental disability service system task force.

Sponsors: Senators Kline, King, Keiser and Shin.

Brief History:

Committee Activity: Health Care: 2/12/13.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: In 2011, the Legislature passed 2SSB 5459, which established the Developmental Disabilities Service System Task Force (Task Force). As part of its duties, the Task Force was required to make recommendations on: developing a system of services for persons with developmental disabilities; the state's long-term needs for residential habilitation center (RHC) capacity, including the benefits and disadvantages of maintaining one RHC in eastern Washington and one RHC in western Washington; a plan for efficient consolidation of institutional capacity, including whether one or more RHCs should be downsized or closed, and if so, a time frame for closure; mechanisms through which savings that result from the downsizing, consolidation, or closure of RHC capacity can be used to create additional community-based capacity; strategies for the use of surplus property that results from the closure of one or more centers; and strategies for reframing the mission of the Yakima Valley School that consider the opportunity to provide medical services to other clients served by the Department of Social and Health Services (DSHS) and the creation of a treatment team consisting of crisis stabilization and respite services to those individuals with developmental disabilities in the surrounding community.

On January 9, 2013, the Task Force submitted the following recommendations to the Legislature:

- Open all RHCs to receive new clients. Remove the names of the RHCs from statute. Any proposed closure of an RHC must be approved by the Legislature. Cap the

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- number of RHC residents at 900. This cap is not intended to necessarily increase the number of residents at an RHC, but is to reflect respite services at RHCs.
- Continue to provide respite in RHCs. Continue the commitment to provide and further develop respite care in the community and keep flexibility to allow for clients to access services where they choose.
 - Direct DSHS to begin assessing the 14,000 clients on the no paid services caseload. Give DSHS authority to prioritize which clients will be assessed first. Increase Basic Plus waiver capacity incrementally per biennium as funding allows. DSHS must perform assessments within funds made available for this.
 - Modify the Dan Thompson trust to allow the proceeds from the sale of RHC property to go into the trust. Ensure that Francis Haddon Morgan property is included in the trust language.
 - Ensure that persons transitioning to the community are provided the level of care that meets the individual's assessed need. Establish a right of return.
 - Provide DSHS with authority to investigate all allegations of abuse and neglect in a timely, transparent, and thorough manner so that all persons are held accountable.
 - Request the Legislature to reconvene the Task Force at the end of the legislative session to review and continue to work on developing a system of services.

Summary of Bill: The names of the RHCs are removed from statute. The total number of persons who reside in or receive respite services from RHCs may not exceed 900. Proposed closure of any RHC must be approved by the Legislature.

The Developmental Disabilities Community Trust Account is modified to direct the proceeds from the sale of RHC property to be deposited into the account. This includes property at the Frances Haddon Morgan Center.

The limitation on new admissions to the Yakima Valley School is removed. DSHS must continue to provide respite services in RHCs and continue to develop respite care in the community with a goal of allowing clients to access services where they choose.

The Task Force is extended until July 1, 2014.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The names will be removed from statute to provide leeway for DSHS to transfer and consolidate facilities, short of closure. The cap on residents at RHCs at 900 came about as a compromise and we do not intend to put more people in the institutions. We are not closing RHCs. We support continuing the Task Force, but we do have concerns about the RHC names being removed from statute. We want those doors to remain open. Many services can be done in these facilities and we need to find ways to go beyond the federal restrictions on what may be provided at RHCs. We support

removing the names of the RHCs from statute, but we do not support the cap on residents. We also do not support the Yakima Valley School being reopened for admissions or extending the term of the Task Force.

CON: We do not need the provisions on helping people transition to the community; we should not have to plan if the person does not want to leave the RHC. We should not remove the names of the RHCs from statute because removing the names disenfranchises the public and the Legislature. It gives DSHS the ability to move people and close institutions without due process. We do not support admitting people to RHC for respite that should be provided in the community. We need to be frugal with our limited resources and support people in the community in a cost-effective manner. The argument that removing the RHC names from statute provides flexibility in service provision to DSHS was never discussed in public and we do not understand how removing those names leads to flexibility. It is also unclear what form of legislative action will be needed to close the RHCs if the names are removed.

OTHER: The bill does not look at issues in the context of the whole developmental disability system. We oppose removing the names of the RHCs from statute. This suggestion was not made until the last day of the Task Force meetings and was subject to far too little discussion. Letting people into RHCs is a federal entitlement. Services in the community are lacking and RHCs provide better services and do so with little employee turnover. The bill appears to say that the RHCs are not important when they do provide vital services.

Persons Testifying: PRO: Senator Kline, prime sponsor; Sue Elliott, The Arc of WA State; Paul Strand, Action DD; Marcy Johnsen, Service Employees International Union 1199NW.

CON: Lance Morehouse, The Arc of King County; Saskia Davis, Jim Hardman, Friends of Fircrest;

OTHER: Julianne Moore, WA Federation of State Employees; Janet Michaelsen, Sunrise Services, Inc.; Ed Holen, Developmental Disabilities Council; Janet Cosser, Action DD.