
SENATE BILL 5371

State of Washington 63rd Legislature 2013 Regular Session

By Senators Kline, King, Keiser, and Shin

Read first time 01/28/13. Referred to Committee on Health Care .

1 AN ACT Relating to implementing the recommendations of the
2 developmental disability service system task force; amending RCW
3 28A.190.020, 71A.20.020, 71A.20.170, 71A.20.180, and 71A.20.190; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 28A.190.020 and 1990 c 33 s 171 are each amended to
7 read as follows:

8 The term "residential school" as used in RCW 28A.190.020 through
9 28A.190.060, 72.01.200, 72.05.010 and 72.05.130(~~(, each as now or~~
10 ~~hereafter amended,~~)) shall mean Green Hill school, Maple Lane school,
11 Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp,
12 Echo Glen, (~~(Lakeland Village, Rainier school, Yakima Valley school,~~)
13 Interlake school, (~~(Firerest school, Francis Haddon Morgan Center,~~)
14 the Child Study and Treatment Center and Secondary School of Western
15 State Hospital, and such other schools, camps, and centers as are now
16 or hereafter established by the department of social and health
17 services for the diagnosis, confinement and rehabilitation of juveniles
18 committed by the courts or for the care and treatment of persons with
19 developmental disabilities who are exceptional in their mental or

1 physical needs (~~by reason of mental and/or physical deficiency;~~
2 ~~PROVIDED, That~~)). However, the term shall not include the state
3 schools for the deaf and blind or adult correctional institutions.

4 **Sec. 2.** RCW 71A.20.020 and 2011 1st sp.s. c 30 s 5 are each
5 amended to read as follows:

6 (1) (~~Except as provided in subsection (2) of this section, the~~
7 ~~following~~) Residential habilitation centers are (~~permanently~~)
8 established to provide services to persons with developmental
9 disabilities(~~(: Lakeland Village, located at Medical Lake, Spokane~~
10 ~~county; Rainier School, located at Buckley, Pierce county; Yakima~~
11 ~~Valley School, located at Selah, Yakima county; and Fircrest School,~~
12 ~~located at Seattle, King county.~~

13 (2) ~~The Yakima Valley School, located at Selah, Yakima county,~~
14 ~~shall cease to operate as a residential habilitation center when the~~
15 ~~conditions in RCW 71A.20.180(2)(b) are met~~). The total number of
16 persons who reside in or receive respite services from residential
17 habilitation centers in Washington state may not exceed nine hundred.

18 (2) Any proposed closure of a residential habilitation center must
19 be approved by the legislature.

20 **Sec. 3.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each
21 amended to read as follows:

22 (1) The developmental disabilities community trust account is
23 created in the state treasury. All net proceeds from the use of excess
24 property identified in the 2002 joint legislative audit and review
25 committee capital study or other studies of the division of
26 developmental disabilities residential habilitation centers that would
27 not impact current residential habilitation center operations must be
28 deposited into the account.

29 (2) Proceeds may come from the lease of the land, conservation
30 easements, sale of timber, or other activities (~~short of~~) including
31 the sale of the property(~~, except as permitted under section 7 of this~~
32 ~~act~~)).

33 (3) "Excess property" includes that portion of the property at
34 Rainier school previously under the cognizance and control of
35 Washington State University for use as a dairy/forage research facility
36 and the property at the now closed Frances Haddon Morgan Center.

1 (4) Only investment income from the principal of the proceeds
2 deposited into the trust account may be spent from the account. For
3 purposes of this section, "investment income" includes lease payments,
4 rent payments, or other periodic payments deposited into the trust
5 account. For purposes of this section, "principal" is the actual
6 excess land from which proceeds are assigned to the trust account.

7 (5) Moneys in the account may be spent only after appropriation.
8 Expenditures from the account shall be used exclusively to provide
9 family support and/or employment/day services to eligible persons with
10 developmental disabilities who can be served by community-based
11 developmental disability services. It is the intent of the legislature
12 that the account should not be used to replace, supplant, or reduce
13 existing appropriations.

14 (6) The account shall be known as the Dan Thompson memorial
15 developmental disabilities community trust account.

16 **Sec. 4.** RCW 71A.20.180 and 2011 1st sp.s. c 30 s 6 are each
17 amended to read as follows:

18 ~~((1) By December 31, 2011, the department shall:~~

19 ~~(a) Close Frances Haddon Morgan residential rehabilitation center
20 and relocate current residents consistent with the requirements of
21 section 7 of this act; and~~

22 ~~(b) Establish at least two state operating living alternatives on
23 the campus of the Frances Haddon Morgan center, if residents have
24 chosen to receive care in such a setting and subject to federal
25 requirements related to the receipt of federal medicaid matching funds.~~

26 ~~(2)(a) Upon August 24, 2011, the department shall not permit any
27 new admission to Yakima Valley School unless such admission is limited
28 to the provision of short-term respite or crisis stabilization
29 services. Except as provided in (b) of this subsection, no current
30 permanent resident of Yakima Valley School shall be required or
31 compelled to relocate to a different care setting as a result of
32 chapter 30, Laws of 2011 1st sp. sess.~~

33 ~~(b) The Yakima Valley School shall continue to operate as a
34 residential habilitation center until such time that the census of
35 permanent residents has reached sixteen persons. As part of the
36 closure plan, at least two cottages will be converted to state-operated~~

1 ~~living alternatives, subject to federal requirements related to the~~
2 ~~receipt of federal medicaid matching funds.~~

3 ~~(3) To assure the successful implementation of subsections (1) and~~
4 ~~(2) of this section,)) The department, within available funds:~~

5 ~~((a))~~ (1) Shall establish state-operated living alternatives to
6 provide community residential services to residential habilitation
7 center residents transitioning to the community under chapter 30, Laws
8 of 2011 1st sp. sess. who prefer a state-operated living alternative.
9 The department shall offer residential habilitation center employees
10 opportunities to work in state-operated living alternatives as they are
11 established;

12 ~~((b))~~ (2) May use existing supported living program capacity in
13 the community for former residential habilitation center residents who
14 prefer and choose a supported living program;

15 ~~((c) Shall continue to staff and operate at Yakima Valley School~~
16 ~~crisis stabilization beds and respite service beds at the existing bed~~
17 ~~capacity as of June 1, 2011, for individuals with developmental~~
18 ~~disabilities requiring such services;~~

19 ~~(d))~~ (3) Shall establish up to eight state-staffed crisis
20 stabilization beds and up to eight state-staffed respite beds based
21 upon funding provided in the appropriations act and the geographic
22 areas with the greatest need for those services; ~~(and~~

23 ~~(e))~~ (4) Shall establish regional or mobile specialty services
24 evenly distributed throughout the state, such as dental care, physical
25 therapy, occupational therapy, and specialized nursing care, which can
26 be made available to former residents of residential habilitation
27 centers and, within available funds, other individuals with
28 developmental disabilities residing in the community; and

29 (5) Shall continue to provide respite services in residential
30 habilitation centers and continue to develop respite care in the
31 community with a goal of allowing clients to access services where they
32 choose.

33 **Sec. 5.** RCW 71A.20.190 and 2011 1st sp.s. c 30 s 8 are each
34 amended to read as follows:

35 (1) A developmental disability service system task force is
36 established.

1 (2) The task force shall (~~be convened by September 1, 2011, and~~)
2 consist of the following members:

3 (a) Two members of the house of representatives appointed by the
4 speaker of the house of representatives, from different political
5 caucuses;

6 (b) Two members of the senate appointed by the president of the
7 senate, from different political caucuses;

8 (c) The following members appointed by the governor:

9 (i) Two advocates for people with developmental disabilities;

10 (ii) A representative from the developmental disabilities council;

11 (iii) A representative of families of residents in residential
12 habilitation centers;

13 (iv) Two representatives of labor unions representing workers who
14 serve residents in residential habilitation centers;

15 (d) The secretary of the department of social and health services
16 or their designee; and

17 (e) The (~~secretary of the department of general administration~~)
18 the director of the department of enterprise services or their
19 designee.

20 (3) The members of the task force shall select the chair or
21 cochairs of the task force.

22 (4) Staff assistance for the task force will be provided by
23 legislative staff and staff from the agencies listed in subsection (2)
24 of this section.

25 (5) The task force shall make recommendations on:

26 (a) The development of a system of services for persons with
27 developmental disabilities that is consistent with the goals
28 articulated in section 1, chapter 30, Laws of 2011 1st sp. sess.;

29 (b) The state's long-term needs for residential habilitation center
30 capacity, including the benefits and disadvantages of maintaining one
31 center in eastern Washington and one center in western Washington;

32 (c) A plan for efficient consolidation of institutional capacity,
33 including whether one or more centers should be downsized or closed
34 and, if so, a time frame for closure;

35 (d) Mechanisms through which any savings that result from the
36 downsizing, consolidation, or closure of residential habilitation
37 center capacity can be used to create additional community-based
38 capacity; and

1 (e) Strategies for the use of surplus property that results from
2 the closure of one or more centers((+)

3 ~~(f) Strategies for reframing the mission of Yakima Valley School~~
4 ~~consistent with chapter 30, Laws of 2011 1st sp. sess. that consider:~~

5 ~~(i) The opportunity, where cost-effective, to provide medical~~
6 ~~services, including centers of excellence, to other clients served by~~
7 ~~the department; and~~

8 ~~(ii) The creation of a treatment team consisting of crisis~~
9 ~~stabilization and short-term respite services personnel, with the long-~~
10 ~~term goal of expanding to include the provisions of specialty services~~
11 ~~such as dental care, physical therapy, occupational therapy, and~~
12 ~~specialized nursing care to individuals with developmental disabilities~~
13 ~~residing in the surrounding community)).~~

14 (6) The task force shall report their recommendations to the
15 appropriate committees of the legislature by December 1, ((2012)) 2013.

16 (7) This section expires July 1, 2014.

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