
Early Learning & Human Services Committee

E2SSB 6564

Brief Description: Providing protections for persons with developmental disabilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Fain, Keiser, McAuliffe, Hobbs, Conway, Angel, Frockt and Warnick).

Brief Summary of Engrossed Second Substitute Bill

- Requires the Developmental Disabilities Administration to identify clients who have the highest risk of experiencing abuse or neglect and increase home visits for these individuals.
- Requires the Department of Social and Health Services (DSHS) to conduct a vulnerable adult fatality review when the DSHS has reason to believe the death may be related to abuse, abandonment, exploitation, or neglect, and the individual was receiving services or the subject of a report with the DSHS.
- Establishes an Office of the Developmental Disabilities Ombuds to provide ombuds services for individuals with developmental disabilities.

Hearing Date: 2/24/16

Staff: Ashley Paintner (786-7120).

Background:

The Developmental Disabilities Administration (DDA) is a subdivision of the Department of Social and Health Services (DSHS) which provides assistance and support for persons with developmental disabilities in Washington. Programs offered by the DDA include residential provider services, residential services, and various non-residential services including case management, child development services, employment services, and Medicaid personal care. Developmental Disabilities Administration clients receive a functional assessment that is updated

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annually to determine whether the client qualifies for funded DDA services and determine the level of service.

Protective Services for Vulnerable Adults. Adult Protective Services (APS) is a division of the DSHS that investigates allegations of abuse, abandonment, exploitation, or neglect relating to vulnerable adults. According to statutory direction, APS may conduct a fatality review when a vulnerable adult dies and the DSHS has reason to believe that the death may be related to abuse, abandonment, exploitation, or neglect and the adult is receiving home and community-based services in the adult's home or is living at home and was the subject of a report of abuse, abandonment, exploitation, or neglect within the past 12 months.

Long-term Care Ombuds Services. The Washington State Long-Term Care Ombudsman Program (Ombuds Program) is a private nonprofit organization that contracts with the state to advocate for residents of nursing homes, adult family homes, and assisted living facilities. Every state is required to have an Ombuds Program by the federal Older Americans Act (1965). The Ombuds Program identifies, investigates, and resolves complaints made by or on behalf of residents of long-term care facilities; monitors the implementation and development of laws with respect to long-term care facilities; provides information to long-term care residents, their representatives, and the public; and provides for volunteer training and the development of citizen organizations to participate in and carry out the duties of the Ombuds Program.

Summary of Bill:

Increased Protections for DDA Clients. The DDA must increase home visits for clients identified as having the highest risk of abuse and neglect. Additionally, the DDA must develop a process to determine which of its clients who receive an annual developmental disabilities assessment are at highest risk of abuse and neglect. Factors which the DDA may consider in making this assessment are specified in the bill. The DDA must visit these clients at least once every four months, including unannounced visits as needed.

During annual assessments, the DDA must meet with the client in person. If the client is receiving personal support or supported living services, the case manager must ask to view the client's living quarters and note his or her observations in the service episode record.

Adult Fatality Review. The DSHS must conduct a vulnerable adult fatality review when the DSHS has reason to believe that the death may be related to abuse, abandonment, exploitation, or neglect, and the individual was:

- receiving home-based or community-based services in the adult's home or a licensed or certified settings within 60 days preceding his or her death; or
- living in the adult's home or a licensed or certified setting and was the subject of a report of abuse, abandonment, exploitation, or neglect within the past 12 months.

Office of the Developmental Disabilities Ombuds. An Office of the Developmental Disabilities Ombuds is created. The Department of Commerce must contract with a private, independent nonprofit organization to provide developmental disabilities ombuds services by a competitive bidding process following stakeholder consultation. The Developmental Disabilities Ombuds (Ombuds) must have the powers and duties to:

- provide information on the rights and responsibilities of persons receiving DDA services or other state services;
- investigate administrative acts relating to persons with developmental disabilities;
- monitor the procedures implemented by the DSHS;
- periodically review the facilities and procedures of state institutions that serve persons with developmental disabilities;
- recommend changes in procedures for addressing the needs of persons with developmental disabilities and submit an annual report to the Legislature;
- protect the confidentiality of any complainant; and
- maintain independence and authority within the bounds of the duties prescribed.

The Ombuds must consult with stakeholders to develop a plan for future expansion into a model of individual ombuds services akin to the Long-Term Care Ombuds, and report its progress and recommendations by November 1, 2019. Conflict of interest provisions, confidentiality protections, liability protection, and other policies and procedures are established relating to the Ombuds. The Ombuds must negotiate a memoranda of agreement with the other state ombuds offices in order to clarify authority in those situations where their mandates overlap.

Appropriation: None.

Fiscal Note: Available.

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