

# FINAL BILL REPORT

## E2SSB 6564

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Synopsis as Enacted

**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).

**Senate Committee on Human Services, Mental Health & Housing**

**Senate Committee on Ways & Means**

**House Committee on Early Learning & Human Services**

**House Committee on Appropriations**

**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.

DDA clients receive a functional assessment which is updated annually to determine whether the client qualifies for funded DDA services and to determine the level of service.

Adult Protective Services (APS) is a division of DSHS which 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 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.

**Summary:** Within funds dedicated for this purpose, DDA must increase home visits for clients identified as having the highest risk of abuse and neglect. 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 DDA may consider in making this assessment are specified in the bill. DDA must visit these clients at least once every four months, including unannounced visits as needed. If an unannounced visit takes the place of a scheduled visit and is unable to be completed, the case manager must schedule a follow-up visit.

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*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.*

During annual assessments, 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.

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 must have powers and duties including:

- providing information on the rights and responsibilities of persons receiving DDA services or other state services;
- investigating administrative acts relating to persons with developmental disabilities;
- monitoring procedures implemented by DSHS and DSHS facilities relating to persons with developmental disabilities, and recommending changes to procedures; and
- submitting an annual report concerning the work of the Ombuds, including recommendations.

The Developmental Disabilities 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 Developmental Disabilities Ombuds. The Developmental Disability Ombuds must negotiate memoranda of agreement with the state Long-Term Care Ombuds, the Office of the Family and Children's Ombuds, Washington Protection and Advocacy System, the Mental Health Ombuds, and the Office of the Education Ombuds to clarify authority in those situations where their mandates overlap.

DSHS must conduct a vulnerable adult fatality review in the event of the death of a vulnerable adult when DSHS has reason to believe that the death may be related to abuse, abandonment, exploitation, or neglect, if the vulnerable adult was receiving services in the adult's home or a licensed or certified settings, or lives in one of those settings and was the subject of a report of abuse, abandonment, exploitation, or neglect within the past 12 months.

**Votes on Final Passage:**

Senate	48	0	
House	95	0	(House amended)
Senate	48	0	(Senate concurred)

**Effective:** June 9, 2016