
HOUSE BILL 2767

State of Washington

64th Legislature

2016 Regular Session

By Representatives Walsh, Kagi, Kilduff, Schmick, and Dye

Read first time 01/20/16. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to defining and using the term center-based
2 services for individuals with developmental disabilities; amending
3 RCW 71A.12.080; and reenacting and amending RCW 71A.10.020.

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

5 **Sec. 1.** RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted and
6 amended to read as follows:

7 As used in this title, the following terms have the meanings
8 indicated unless the context clearly requires otherwise.

9 (1) "Assessment" means an evaluation is provided by the
10 department to determine:

11 (a) If the individual meets functional and financial criteria for
12 medicaid services; and

13 (b) The individual's support needs for service determination.

14 (2) "Center-based services" means job-training, skill
15 development, and community employment services provided by a
16 nonprofit organization for individuals with significant disabilities.
17 Services can be provided at a facility, or any portion thereof, or at
18 an integrated community site operated by the corporation, where
19 business work activities are carried on and whose primary purpose is
20 to provide gainful employment training and preparatory training
21 services to individuals with disabilities who are not prepared for

1 competitive employment, or during such time as employment
2 opportunities for the individual in the competitive labor market do
3 not exist; services may include: Skill evaluation, job training, and
4 other employment-related services for individuals with developmental
5 and other significant disabilities whose mental, emotional, or
6 physical limitations keep them from obtaining work in the competitive
7 labor market.

8 (3) "Community residential support services," or "community
9 support services," and "in-home services" means one or more of the
10 services listed in RCW 71A.12.040.

11 ((+3)) (4) "Crisis stabilization services" means services
12 provided to persons with developmental disabilities who are
13 experiencing behaviors that jeopardize the safety and stability of
14 their current living situation. Crisis stabilization services
15 include:

16 (a) Temporary intensive services and supports, typically not to
17 exceed sixty days, to prevent psychiatric hospitalization,
18 institutional placement, or other out-of-home placement; and

19 (b) Services designed to stabilize the person and strengthen
20 their current living situation so the person may continue to safely
21 reside in the community during and beyond the crisis period.

22 ((+4)) (5) "Department" means the department of social and
23 health services.

24 ((+5)) (6) "Developmental disability" means a disability
25 attributable to intellectual disability, cerebral palsy, epilepsy,
26 autism, or another neurological or other condition of an individual
27 found by the secretary to be closely related to an intellectual
28 disability or to require treatment similar to that required for
29 individuals with intellectual disabilities, which disability
30 originates before the individual attains age eighteen, which has
31 continued or can be expected to continue indefinitely, and which
32 constitutes a substantial limitation to the individual. By January 1,
33 1989, the department shall promulgate rules which define neurological
34 or other conditions in a way that is not limited to intelligence
35 quotient scores as the sole determinant of these conditions, and
36 notify the legislature of this action.

37 ((+6)) (7) "Eligible person" means a person who has been found
38 by the secretary under RCW 71A.16.040 to be eligible for services.

39 ((+7)) (8) "Habilitative services" means those services provided
40 by program personnel to assist persons in acquiring and maintaining

1 life skills and to raise their levels of physical, mental, social,
2 and vocational functioning. Habilitative services include education,
3 training for employment, and therapy.

4 ~~((+8))~~ (9) "Legal representative" means a parent of a person who
5 is under eighteen years of age, a person's legal guardian, a person's
6 limited guardian when the subject matter is within the scope of the
7 limited guardianship, a person's attorney-at-law, a person's
8 attorney-in-fact, or any other person who is authorized by law to act
9 for another person.

10 ~~((+9))~~ (10) "Notice" or "notification" of an action of the
11 secretary means notice in compliance with RCW 71A.10.060.

12 ~~((+10))~~ (11) "Residential habilitation center" means a state-
13 operated facility for persons with developmental disabilities
14 governed by chapter 71A.20 RCW.

15 ~~((+11))~~ (12) "Respite services" means relief for families and
16 other caregivers of people with disabilities, typically not to exceed
17 ninety days, to include both in-home and out-of-home respite care on
18 an hourly and daily basis, including twenty-four hour care for
19 several consecutive days. Respite care workers provide supervision,
20 companionship, and personal care services temporarily replacing those
21 provided by the primary caregiver of the person with disabilities.
22 Respite care may include other services needed by the client,
23 including medical care which must be provided by a licensed health
24 care practitioner.

25 ~~((+12))~~ (13) "Secretary" means the secretary of social and
26 health services or the secretary's designee.

27 ~~((+13))~~ (14) "Service" or "services" means services provided by
28 state or local government to carry out this title.

29 ~~((+14))~~ (15) "Service request list" means a list of eligible
30 persons who have received an assessment for service determination and
31 their assessment shows that they meet the eligibility requirements
32 for the requested service but were denied access due to funding
33 limits.

34 ~~((+15))~~ (16) "State-operated living alternative" means programs
35 for community residential services which may include assistance with
36 activities of daily living, behavioral, habilitative, interpersonal,
37 protective, medical, nursing, and mobility supports to individuals
38 who have been assessed by the department as meeting state and federal
39 requirements for eligibility in home and community-based waiver
40 programs for individuals with developmental disabilities. State-

1 operated living alternatives are operated and staffed with state
2 employees.

3 ~~((16))~~ (17) "Supported living" means community residential
4 services and housing which may include assistance with activities of
5 daily living, behavioral, habilitative, interpersonal, protective,
6 medical, nursing, and mobility supports provided to individuals with
7 disabilities who have been assessed by the department as meeting
8 state and federal requirements for eligibility in home and community-
9 based waiver programs for individuals with developmental
10 disabilities. Supported living services are provided under contracts
11 with private agencies or with individuals who are not state
12 employees.

13 ~~((17))~~ (18) "Vacancy" means an opening at a residential
14 habilitation center, which when filled, would not require the center
15 to exceed its biennially budgeted capacity.

16 **Sec. 2.** RCW 71A.12.080 and 1988 c 176 s 208 are each amended to
17 read as follows:

18 (1) The secretary shall adopt rules concerning the eligibility of
19 residents of residential habilitation centers for placement in
20 community residential programs under this title; determination of
21 ability of such persons or their estates to pay all or a portion of
22 the cost of care, support, and training; the manner and method of
23 licensing or certification and inspection and approval of such
24 community residential programs for placement under this title; and
25 procedures for the payment of costs of care, maintenance, and
26 training in community residential programs. The rules shall include
27 standards for care, maintenance, and training to be met by such
28 community residential programs.

29 (2) The secretary shall coordinate state activities and resources
30 relating to placement in community residential programs to help
31 efficiently expend state and local resources and, to the extent
32 designated funds are available, create an effective community
33 residential program.

34 (3) The secretary shall adopt rules and revise existing rules to
35 ensure that the term "center-based services" is used to refer to
36 services meeting the definition provided in RCW 71A.10.020.

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