

# SENATE BILL REPORT

## SB 5887

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As of March 20, 2017

**Title:** An act relating to the future use of residential habilitation centers.

**Brief Description:** Concerning the future use of residential habilitation centers.

**Sponsors:** Senator King.

**Brief History:**

**Committee Activity:** Ways & Means: 3/15/17.

### Brief Summary of Bill

- Requires Yakima Valley School (YVS) to provide crisis stabilization, respite, mental health treatment, and secure detoxification services as the capacity of the school allows and as the needs of the community require.
- Removes the prohibition on new admissions to YVS and the requirement that YVS cease operating when its census reaches 16 persons.
- Caps the census of long-term admissions at each of the Residential Habilitation Centers (RHC).
- Requires the Department of Social and Health Services (DSHS) to complete an appraisal of Charitable, Educational, Penal, and Reform Institutions (CEP&RI) land on the Fircrest campus by June 30, 2018, and submit a report outlining options for transferring the CEP&RI land from the Department of Natural Resources to DSHS by October 1, 2018.
- Requires that the net proceeds from the use, or sale, of excess property on the RHC campuses must be placed in the Developmental Disabilities Community Trust account.

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** James Kettel (786-7459)

**Background:** The Developmental Disabilities Administration (DDA) within the Department of Social and Health Services (DSHS) provides support and services to persons with

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developmental disabilities. Services include case management, needs assessments, support in activities of daily living, employment, and rehabilitative therapies. The DSHS also provides medical, dental, and pharmaceutical services to persons with developmental disabilities. Services may be provided in three different service settings: in the client's own home; in a community residential home; or in a Residential Habilitation Center (RHC).

RHCs serve individuals who have exceptional care and treatment needs due to their developmental disabilities by providing residential care designed to develop individual capacities to their optimum. RHCs may be certified as an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/ID) and/or as a nursing facility. The state operates four RHCs which are established in statute to provide services and housing for persons with developmental disabilities: Rainier School in Buckley; Lakeland Village in Medical Lake; Fircrest School in Shoreline; and Yakima Valley School (YVS) in Selah. The Francis Haddon Morgan RHC was closed on December 31, 2011. Beginning in 2012, no person under the age of 16 may be admitted to an RHC.

YVS was designated as a Nursing Facility in 1994. Currently, about 260 direct care and support staff provide 24-hour nursing care, a full spectrum of clinical and therapeutic programs, and recreation and activities to about 108 individuals who reside on campus. YVS also offers planned respite services, which include medical, nursing, dental, therapeutic, dietary, psychiatric, and recreation programs. Beginning on August 24, 2011, new admissions, other than short-term respite or crisis stabilization services, have not been permitted to YVS. YVS continues to operate until the number of permanent residents reaches 16 people.

**Summary of Bill:** References to the now-closed Francis Haddon Morgan are removed from statute. YVS is to continue to operate as an RHC, removing the requirement that it cease operating as an RHC when its census reaches 16 persons. The requirement that two cottages be converted to state-operated living alternatives as part of the closure plan is also removed. Rather than require YVS to operate crisis stabilization and respite service beds at the bed capacity permitted on June 1, 2011, YVS must operate crisis stabilization and respite service beds as the capacity of the school allows and the needs of the community require. YVS must also provide mental health treatment and secure detoxification services as the capacity of the school allows and as the needs of the community require.

Long-term admissions to YVS are permitted. However, the census of long-term admissions at YVS, as well as the other RHCs, are capped. The existing requirement that DSHS establish state-operated living alternatives is to be made within funds provided in the Omnibus Appropriations Act. DSHS must continue to provide respite services in RHCs and continue to develop respite care in the community.

DSHS is directed to complete an appraisal of the Charitable, Educational, Penal, and Reform Institutions (CEP&RI) land on the Fircrest campus by June 30, 2018. DSHS must submit a report to the Governor and relevant committees of the Legislature outlining options for transferring the CEP&RI land from the Department of Natural Resources to DSHS by October 1, 2018.

Revenue generated from the use, or sale, of Fircrest properties must be deposited into the Dan Thompson Memorial Developmental Disabilities Community Trust account. Monies from the account must be spent on family support and employment services, and residential programs supporting people with developmental disabilities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: There are a lot of naïve assumptions about people living in RHCs. There must be someplace for individuals to go when there is no other available setting. It makes sense to keep Yakima Valley School available for short-term admissions, or crisis stabilization. A broad array of services to meet the needs of clients is very important, including the availability of employment services and community access services.

CON: Yakima Valley School has enough beds. People who do not live in Yakima should have respite available in their own community. It can be very scary to go into an RHC, even for a short period of time. It is much easier if respite is provided closer to a person's home. Providing respite in an institutional setting does not help people. When individuals are having a meltdown, being placed into an institutional setting does not help them control their emotional swings. People in the institutions have been assaulted. The RHCs are not a safety net. The RHCs are scary and people lose their freedoms. People who need support with addiction should have those services provided in local clinics. Respite is an important service for families, but it needs to be available in local communities. It is not a break when it takes two days to travel back-and-forth from Yakima Valley School. Respite provided on the RHC campuses is too expensive. The Olmstead decision says that people need to have a choice to live in the least restrictive setting possible. People also need to have a choice to live in the institution. But, in this state, there is only really one choice, because the institutions receive more funding. It is traumatizing to be dropped off for respite at an institution. It is almost a 900 mile drive from Bellingham to Yakima and back. It does not make sense to have these services in Yakima, because the services are too far away from many families. Using individual providers to provide respite services saves money.

OTHER: The caps for residents at each RHC would need some work. The references to mental health treatment and secure detox at Yakima Valley School are confusing. It is unclear why a facility for individuals with developmental disability would be providing mental health treatment and secure detox services. Several of the RHCs have had trouble over the past few years. The state has put money into the RHCs, but problems still continue.

**Persons Testifying:** PRO: Robert Wardell, Self Advocates in Leadership.

CON: Ivanova Smith, People first of Washington; Noah Seidel, Self Advocates in Leadership.

OTHER: Loren Freeman, Freeman & Associates; Sue Elliott, The Arc Of WA; Matt Zuvich, WFSE; Julianne Moore, WFSE; Lindsey Grad, SEIU 1199 NW.

**Persons Signed In To Testify But Not Testifying:** No one.