

**2SSB 5483 - S AMD 195**

By Senator Braun

**ADOPTED 03/13/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) The office of the developmental disabilities ombuds is a  
5 private, independent office focused on improving the lives of persons  
6 with developmental disabilities in Washington state. It is the duty  
7 of the developmental disabilities ombuds to monitor procedures and  
8 services provided to people with developmental disabilities; review  
9 facilities and residences where services are provided; resolve  
10 complaints about services; and issue reports on the services  
11 provided.

12 (2) The office of the developmental disabilities ombuds has  
13 identified a systemic issue of adults with developmental disabilities  
14 being stuck in hospitals without any medical need because there is no  
15 alternative setting available to discharge the individual.

16 (3) Many of the individuals that are unable to discharge from the  
17 hospital are clients of the developmental disabilities administration  
18 of the department of social and health services. In some cases, these  
19 clients were receiving residential services and went to the hospital  
20 for a medical condition, but when the client was ready for discharge,  
21 their residential services provider had terminated services. Other  
22 clients were dropped off at the hospital by their residential service  
23 provider because the residential service provider could no longer  
24 manage the client's care.

25 (4) It is not in the public or the client's interest for  
26 hospitals to be used for clients that do not have medical needs.  
27 Further, changes must be made to the developmental disabilities  
28 administration's service delivery system to ensure clients have  
29 access to services that keep them in the community and prevent  
30 inappropriate hospital stays.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12

2 RCW to read as follows:

3 (1) Within existing resources, the department shall track and  
4 monitor the following items and make the deidentified information  
5 available to the office of the developmental disabilities ombuds  
6 created in RCW 43.382.005, the legislature, the Washington state  
7 hospital association, and the public upon request:

8 (a) Information about clients receiving services from a provider  
9 that are taken to a hospital. This includes:

10 (i) The number of clients that are taken to a hospital without a  
11 medical need;

12 (ii) The number of clients that are taken to a hospital with a  
13 medical need, but are unable to discharge once the medical need is  
14 met;

15 (iii) Each client's length of hospital stay for nonmedical  
16 purposes;

17 (iv) The reason each client was unable to be discharged from a  
18 hospital once the client's medical need was met;

19 (v) The location, including the type of provider, where each  
20 client was before being taken to a hospital; and

21 (vi) The location where each client is discharged.

22 (b) Information about clients that are taken to a hospital once  
23 their provider terminates services. This includes:

24 (i) The number of clients that are taken to a hospital without a  
25 medical need;

26 (ii) The number of clients that are taken to a hospital with a  
27 medical need, but are unable to discharge once the medical need is  
28 met;

29 (iii) Each client's length of hospital stay for nonmedical  
30 purposes;

31 (iv) The reason each client was unable to be discharged from a  
32 hospital once the client's medical need was met;

33 (v) For each client, the reason the provider terminated services;

34 (vi) The location, including the type of provider, where each  
35 client was before being taken to a hospital; and

36 (vii) The location where each client is discharged.

37 (2) A provider must notify the department when a client is taken  
38 to a hospital so that the department may track and collect data as  
39 required under subsection (1) of this section.

1 (3) A provider must notify the department before terminating  
2 services on the basis that the provider is unable to manage the  
3 client's care. Prior to a provider terminating services to a client  
4 because the provider is unable to manage the client's care, and  
5 subject to the availability of amounts appropriated for this specific  
6 purpose, the department shall offer crisis stabilization services to  
7 support the provider and the client in the client's current setting.

8 (4) In the event that the provider is unable to manage the  
9 client's care after crisis stabilization services are offered, the  
10 provider may terminate services and, subject to the availability of  
11 amounts appropriated for this specific purpose, the department shall:

12 (a) Transition the client to another provider that meets the  
13 client's needs and preferences; or

14 (b) Transition the client to a residential habilitation center  
15 for crisis stabilization services until an alternative provider is  
16 determined.

17 (5) (a) The department shall be responsible for frequently and  
18 appropriately communicating with a hospital that is caring for a  
19 client without a medical need, and providing frequent updates on  
20 transitioning the client to a more appropriate setting.

21 (b) The department shall coordinate providing psychological and  
22 habilitative services to clients who are being cared for at a  
23 hospital without a medical need.

24 (c) Subject to the availability of amounts appropriated for this  
25 specific purpose, the department shall coordinate with the  
26 appropriate state agencies to reimburse any hospital that provides  
27 care for:

28 (i) A client without a medical need that is receiving services  
29 from a provider; or

30 (ii) A client without a medical need that is taken to the  
31 hospital once their provider terminated services.

32 (6) This section may not be construed to create a private right  
33 of action.

34 (7) The definitions in this subsection apply throughout this  
35 section unless the context clearly requires otherwise:

36 (a) "Administration" means the developmental disabilities  
37 administration of the department of social and health services.

38 (b) "Crisis stabilization services" has the same meaning as  
39 defined in RCW 71A.10.020.

1 (c) "Hospital" means a facility licensed under chapter 70.41 or  
2 71.12 RCW.

3 (d) "Provider" means a certified residential services and support  
4 program that contracts with the administration to provide services to  
5 administration clients. "Provider" also includes the state-operated  
6 living alternatives program operated by the administration.

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect immediately."

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11 On page 1, line 2 of the title, after "disabilities;" strike the  
12 remainder of the title and insert "adding a new section to chapter  
13 71A.12 RCW; creating a new section; and declaring an emergency."

EFFECT: (1) Requires DSHS to track and monitor certain DDA client hospitalizations within existing resources.

(2) Replaces the requirement that DSHS must provide crisis stabilization services prior to a provider terminating services with the requirement that DSHS must offer crisis stabilization services prior to a provider terminating services.

(3) Removes the specific services that crisis stabilization services may include.

(4) Replaces the requirement that DSHS reimburse any hospital caring for certain DDA clients without a medical need at the daily residential habilitation center rate with the requirement that DSHS coordinate with the appropriate state agencies to reimburse any hospital caring for certain DDA clients without a medical need.

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