

---

## Human Services & Early Learning Committee

---

### HB 1651

**Brief Description:** Concerning the rights of clients of the developmental disabilities administration of the department of social and health services.

**Sponsors:** Representatives Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri, Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame, Bergquist and Santos.

#### Brief Summary of Bill

- Establishes certain rights for clients of the Developmental Disability Administration.
- Specifies the right to personal power and choice, participate in service planning, access service and healthcare information, file complaints and grievances, privacy and confidentiality access to advocates, and certain rights upon termination of services.

**Hearing Date:** 2/8/19

**Staff:** Alaura Valley (786-7291), Luke Wickham (786-7146).

#### Background:

##### *Developmental Disabilities Administration.*

The Department of Social and Health Services' (DSHS) Developmental Disability Administration (DDA) assists individuals with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. The DDA clients live in residential habilitations centers, an institutional setting, as well as in the community.

Eligibility for DDA services hinges on whether the client has a qualified developmental disability, has a functional need, and meets certain income and asset standards.

---

*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.*

The services provided to clients are designed to promote everyday activities, routines, and relationships common to most citizens, and they include employment services and community access services, which are contracted with counties.

### **Summary of Bill:**

Certain rights are established and apply to all clients of the DDA. The DDA must provide clients and designated representatives with written notice of these rights and obtain written acknowledgement of receipt. This notice must be provided upon determining an individual is eligible and upon an individual's assessment.

#### *Personal Rights.*

Clients of the DDA have the right to personal power and choice which includes a client's right to:

- be free from sexual, physical, and mental abuse, corporal punishment and involuntary seclusion;
- be free from discrimination based on race, color, creed, national origin, religion, sex, age, disability, marital and family status, gender identity, or sexual orientation;
- have food from the client's cultural or ethnic background;
- have visitors at the client's home and associate with persons of the client's choosing;
- control the client's schedules and choose activities, schedules, and health care that meet the client's needs;
- understand the treatment ordered by the client's health care provider and help plan how the treatment will be implemented;
- be free from unnecessary medication, restraints, and restrictions;
- vote and participate in the democratic process;
- manage the client's money or choose a person to assist;
- be part of the community;
- make choices about the client's life;
- choose the clothes and hairstyle the client wears;
- furnish and decorate the client's bedroom and home to the client's preferences;
- work and receive payment for work;
- receive only services that the client agrees to receive; and
- decide whether or not to participate in research after the research has been explained to the client, and after the client or representative gives written consent for the client to participate in the research.

Clients of the DDA have the right to privacy and confidentiality. This includes the right to:

- privacy and confidentiality of the client's personal records;
- privacy in the client's communications, including mail, email, telephone access; and
- meet and talk privately with the client's friends and family.

Clients of the DDA have the right to access advocates, receive information from agencies acting as client advocates, and contact these agencies.

#### *Service Related Rights.*

Clients of the DDA have the right to participate in service planning. This includes the right to:

- be present, understand, and provide input on the client's service plans written by the DDA and providers;

- have meaningful opportunities to lead planning processes;
- have the client's vision for meaningful life and goals for education, employment, housing, relationships and recreation included in the planning process; and
- choose an advocate to attend the planning process with the client;

Clients of the DDA have the right to access information about services and health care. This includes the right to:

- view a copy of the client's service plans;
- possess a full copy of the current service plans;
- review copies of the policies and procedures for any service the client receives;
- examine the results of surveys or inspection conducted by the state with respect to the client's service provider and the client's residence; and
- receive written notification of enforcement actions taken against the client's provider;

Clients of the DDA have the right to file complaints and grievances, and to request appeals. This includes the right to:

- appeal any decision that denies, reduces or terminates a client's eligibility, services, or choice of provider;
- submit grievances to the clients provider about services other concerns, including the behavior of other people where the client lives;
- file grievances and complaints without penalty or retaliation from the DDA or providers; and
- receive information about how to obtain accommodation for disability in the appeal process.

*Rights Upon Termination of Services.*

Clients of the DDA have the following rights during discharge, transfer, and termination of services:

- Clients who are residents of long-term care facilities have certain rights.
- Clients who receive certified community residential services may not have their services terminated until it has been determined that the service provider cannot meet the client's needs, the client's safety or the safety of other individuals in the facility or residence are endangered, the client's health or the health of other individuals in the facility or residence would be endangered, or the provider ceases to operate.
- Generally, clients who receive certified community residential services must receive 30 days' written notice including reason for termination of services and the effective date of termination for any potential termination of services.
- Clients who receive certified community residential services must receive a transition plan at least seven days before the effective date of the termination of services.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2019.

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