

FINAL BILL REPORT

2SHB 1651

C 271 L 20
Synopsis as Enacted

Brief Description: Identifying rights of persons receiving state developmental disability services.

Sponsors: House Committee on Human Services & Early Learning (originally sponsored by Representatives Kilduff, Dent, Lovick, Eslick, Senn, Leavitt, Macri, Callan, Cody, Tarleton, Ortiz-Self, Goodman, Jinkins, Frame, Bergquist and Santos).

House Committee on Human Services & Early Learning
House Committee on Appropriations
Senate Committee on Health & Long Term Care

Background:

Developmental Disabilities Administration.

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

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

The services provided by the DDA 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:

Certain rights are established and apply to all clients of the DDA. The DDA must provide clients and legal representatives with written notice of these rights and document when such information is provided. This notice must be provided upon determining an individual is eligible and upon an individual's assessment.

Personal Rights.

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.

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

- exercise autonomy free from provider interference;
- 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;
- make choices regarding the type of food available within the client's resources and service plan;
- have visitors subject to the limitations as negotiated with the client's housemates;
- control the client's schedules and choose activities, schedules, and health care that meet the client's needs;
- information about the treatment ordered by the client's health care provider;
- 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 his or her bedroom according to his or her preferences or furnish and decorate the client's home to the client's preferences subject to agreement with the client's housemates;
- work and receive payment for work;
- receive only services that the client agrees to receive;
- be free from financial exploitation; and
- decide whether 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, electronic mail, 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 inspections 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 within 20 days.

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 receiving certified community residential services must:

- 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;
- receive 30 days written notice, including reason for termination of services and the effective date of termination, for any potential termination of services, individuals must receive notice when there is a health and safety emergency at least 72 hours before the date of termination; and
- receive a transition plan at least two days before the effective date of the termination of services.

The Department of Social and Health Services (DSHS) must adopt rules as necessary to provide oversight and enforcement of provider practices relating to these rights for providers licensed or certified by the DSHS.

Votes on Final Passage:

House	98	0
Senate	47	0

Effective: June 11, 2020