

FINAL BILL REPORT

ESSB 6419

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Synopsis as Enacted

Brief Description: Concerning implementation of the recommendations of the December 2019 report from the William D. Ruckelshaus center regarding residential habilitation center clients.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Keiser, Braun, Rolfes, Randall, Rivers, Dhingra, Darneille, Wilson, C., Saldaña and Salomon; by request of Office of the Governor).

Senate Committee on Human Services, Reentry & Rehabilitation
Senate Committee on Ways & Means
House Committee on Human Services & Early Learning
House Committee on Appropriations

Background: Developmental Disabilities Administration. The Developmental Disability Administration (DDA) is a division of the Department of Social and Health Services (DSHS) which assists persons with developmental disabilities and their families to obtain services and support based on individual preferences, capabilities, and needs. DDA clients live in a variety of settings, including private residences, state-funded community settings, and residential habilitation centers (RHCs).

DDA offers community services to clients who are eligible for Medicaid through a Home and Community Based Services waiver. Waiver funding is capped and otherwise eligible clients for which there is not sufficient funding are placed on a waiting list. 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. DDA services are designed to promote everyday activities, routines, and relationships common to most citizens, and include employment services and community access services.

Residential Habilitation Centers. DSHS operates four RHCs which provide residential services for persons with developmental disabilities in an institutional setting:

- the Fircrest RHC in Shoreline supports about 190 long-term residents and includes both a nursing facility and an intermediate care facility (ICF);
- the Lakeland Village in Medical Lake RHC supports about 170 long-term residents and includes both a nursing facility and an ICF;
- the Rainier School RHC in Buckley supports about 150 long-term residents and includes an ICF; and

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 Yakima Valley School RHC supports about 50 long-term residents in a nursing facility and provides planned respite services and crisis stabilization stays.

ICF facilities are offered as an option to Medicaid recipients that meet ICF level of care criteria. To be eligible, a person's need for active treatment in an ICF must arise from an intellectual disability. Federal law requires ICF services to be provided to persons needing and receiving active treatment services, meaning a continuous, aggressive, and consistently implemented program of specialized and generic treatment. An ICF facility at Rainier School was closed in September 2019, after loss of federal funding based on insufficient active treatment services being provided. Another ICF at Lakeland Village was closed to new patients by agreement with the federal government, and it is believed that other RHC facilities are at risk of losing certification based on an inability to meet high federal standards for treatment in ICF settings.

Nursing facilities provide 24-hour nursing care to aging individuals and individuals with developmental disabilities.

Supported Living Services. Some clients of the DDA receive supported living services in their own home. DDA clients residing in group homes receive supported living services in a facility licensed as an assisted living facility or adult family home. DDA contracts with supported living providers for these supportive services which may include engagement in community activities, self-advocacy, building relationships, finances, shopping, menu planning and cooking, medication management, medical appointments, personal hygiene, and daily living activities.

2019 Ruckelshaus Report. The 2019-21 operating budget required DSHS to contract with the William D. Ruckelshaus Center to facilitate meetings and discussions about appropriate levels of care for RHC clients. On November 27, 2019, it published a report titled *Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services* (Ruckelshaus Report). The William D. Ruckelshaus Center is a joint effort of Washington State University (WSU) and the University of Washington (UW), created to foster collaborative public policy in the state of Washington and Pacific Northwest. It is hosted and administered at a WSU Extension and hosted at UW by the Daniel J. Evans School of Public Policy and Governance in Seattle.

The Ruckelshaus Report includes the following recommendations regarding community residential services:

- improve case management ratios;
- assess options to expand forecast-based maintenance-level funding adjustments for DDA waiver services;
- expand state-operated community residential options;
- expand quality assurance efforts;
- conduct rate study for contracted community residential service providers;
- assess options for an alternative, opt-in rate structure for contracted supported living; and
- increase funding for community-based overnight planned respite.

The Ruckelshaus Report includes the following recommendations regarding cross-system coordination:

- ask the Developmental Disabilities Council to coordinate collaboration efforts;
- expand apprenticeship opportunities;
- continue reforming guardianship;
- prioritize funding housing for people with intellectual and developmental disabilities; and
- expand access to facility professionals.

The Ruckelshaus Report includes the following recommendations regarding state-operated nursing facilities:

- continue to invest in state-operated nursing facilities; and
- rebuild the nursing facility at Fircrest.

The Ruckelshaus Report includes the following recommendations regarding redesigning ICFs to function as short-term crisis stabilization and intervention facilities:

- complete DDA assessments for ICF clients at least annually;
- clearly explain to ICF clients and their families the temporary nature of ICFs;
- expand the Family Mentor Project;
- begin transition planning immediately;
- establish transition teams; and
- leverage the resulting ICF capacity to meet crisis stabilization needs.

The Ruckelshaus Report recommends that implementation of the following recommendations begin in 2020: expand state-operated living alternatives; rebuild Fircrest nursing facility; and expand the Family Mentor Project. Other recommendations are for implementation to begin in 2021.

Summary: The DDA must develop a plan to implement the recommendations of the Ruckelshaus Report, including a financing plan developed in collaboration with the Office of Financial Management, by November 1, 2020. A final plan must be submitted to the Governor and Legislature by September 1, 2021.

A joint executive and legislative task force is created to oversee the development of the plan and approve the plan reports. The members of the task force must include:

- the Governor or Governor's designee;
- one member of each of the four legislative caucuses; and
- the secretary of DSHS or secretary's designee.

The Governor or Governor's designee must convene and chair the task force, which must be staffed by DSHS. The task force must meet with and provide updates to stakeholders, including the Developmental Disabilities Council, the Arc of Washington, Disability Rights Washington, family members or guardians of current residential habilitation center residents, individuals with developmental disabilities, developmental disability self-advocacy organizations, the Washington Federation of State Employees, and the Service Employees International Union 1199. The task force must make funds available to reimburse travel expenses for certain stakeholders and allow stakeholders to participate remotely.

The reports must address, consider, and advance the recommendations of the Ruckelshaus Report.

Votes on Final Passage:

Senate	47	0
House	95	2

Effective: June 11, 2020