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**SENATE BILL 5359**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Cleveland, Rivers, Darneille, Keiser, Van De Wege, Nguyen, Saldaña, and Wilson, C.; by request of Department of Social and Health Services

Read first time 01/18/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to funding investigations to protect individuals  
2 with disabilities in the supported living program; adding new  
3 sections to chapter 71A.12 RCW; creating a new section; providing an  
4 effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that the  
7 residential services and supports program administered by the  
8 department of social and health services under RCW 71A.12.040 and  
9 chapter 388-101 WAC has experienced significant growth and that  
10 additional funds are needed to enable the department to aggressively  
11 investigate and resolve complaints of abuse, neglect, abandonment,  
12 and financial exploitation of the vulnerable populations served by  
13 the program. The legislature intends to address current funding  
14 levels that limit the department of social and health services'  
15 ability to promote vulnerable adult protections in the program. The  
16 legislature further intends that the cost of complaint investigation  
17 should be supported by an appropriate certification fee paid by the  
18 regulated businesses.

19 NEW SECTION. **Sec. 2.** RESIDENTIAL SERVICES AND SUPPORTS  
20 CERTIFICATION FEES. (1) After initial certification, the certified

1 provider must pay an annual certification fee in accordance with  
2 procedures adopted by the department. The annual certification fee  
3 must be established in the omnibus appropriations act and any  
4 amendment or additions made to that act. The certification fee  
5 established by the omnibus appropriations act or any amendment or  
6 additions to the act may not exceed the department's costs of  
7 conducting complaint investigations as described in section 3 of this  
8 act. The certification fee must include all of the department's cost  
9 of paying providers for the amount of the certification fee  
10 attributed to medicaid clients.

11 (2) No fee may be required of government-operated programs or  
12 court-appointed receivers.

13 NEW SECTION. **Sec. 3.** DEPARTMENT DUTIES. (1) The department  
14 shall use the funds made available under section 2 of this act to  
15 conduct complaint investigations in certified residential services  
16 and supports programs.

17 (2) For the purposes of this section, "complaint investigations"  
18 include investigations of (a) complaints about provider practice, and  
19 (b) allegations that clients receiving services from the residential  
20 services and supports program have been abused, neglected, abandoned,  
21 or financially exploited, as those terms are defined in chapter 74.34  
22 RCW.

23 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each  
24 added to chapter 71A.12 RCW.

25 NEW SECTION. **Sec. 5.** If the centers for medicare and medicaid  
26 services determines that federal funds cannot be appropriated to  
27 match state expenditures under this act, the department of social and  
28 health services must cease collecting the fee in section 2 of this  
29 act, and this act is of no force and effect. If the centers for  
30 medicare and medicaid services makes such a determination, the  
31 department must notify the office of financial management and the  
32 appropriate committees of the legislature. Rules adopted under this  
33 act must meet federal requirements that are a necessary condition to  
34 the receipt of federal funds by the state.

35 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect July 1, 2019.

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