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**HOUSE BILL 1654**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Harris, Taylor, Leavitt, Santos, Ramel, Eslick, and Macri

Read first time 01/30/23. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to enhanced behavior support homes; amending RCW  
2 43.185.020; adding new sections to chapter 43.185 RCW; and creating a  
3 new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a  
6 growing crisis for individuals with intellectual and developmental  
7 disabilities reaching adulthood that cannot access safe and  
8 appropriate community living options. The current supported living  
9 housing model often fails those with intellectual and developmental  
10 disabilities who have significant behavioral challenges by refusing  
11 to take them as clients, leading to housing insatiability. These  
12 vulnerable individuals then often bounce between their family home,  
13 if they have one; temporary respite placements; hospital boarding;  
14 jail; or homelessness at great expense to our state, medical, and  
15 mental health systems. By this act, the legislature intends to  
16 establish an enhanced behavior support homes model in Washington  
17 state for purposes of providing intensive behavioral services and  
18 support to adults and children with intellectual and developmental  
19 disabilities who require enhanced services and support due to  
20 challenging behaviors that cannot be safely and holistically managed  
21 in an exclusively community setting, and who are at risk of

1 institutionalization or out-of-state placement, or are transitioning  
2 to the community from an intermediate care facility, hospital, or  
3 other state-operated residential facility.

4 **Sec. 2.** RCW 43.185.020 and 2013 c 145 s 1 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Administration" means the department of social and health  
9 services developmental disabilities administration.

10 (2) "Contracted amount" means the aggregate amount of all state  
11 funds for which the department has monitoring and compliance  
12 responsibility.

13 ~~((2))~~ (3) "Delayed egress" means a device that gives staff  
14 awareness of movements within the facility. If a door control system  
15 is used, it must not prevent a resident from leaving on their own  
16 accord, except temporary delays such as delayed egress consistent  
17 with state building code.

18 (4) "Department" means the department of commerce.

19 ~~((3))~~ (5) "Director" means the director of the department of  
20 commerce.

21 (6) "Enhanced behavior support home" means a residential facility  
22 or a group home that provides 24-hour nonmedical care in a homelike  
23 setting to individuals with developmental disabilities who require  
24 enhanced behavior support, staffing, and supervision. An enhanced  
25 behavior support home shall have a maximum capacity of four  
26 clients. The enhanced behavior support home shall be eligible for  
27 federal medicaid home and community-based services funding.

28 (7) "Enhanced behavioral services and support" means additional  
29 staffing supervision, facility characteristics, and psychiatric or  
30 other services and support to address a client's challenging  
31 behaviors, which are beyond what is typically available in other  
32 community facilities or a group home to serve individuals in a  
33 community setting rather than in an institution.

34 (8) "Individual behavior support plan" means the plan that  
35 identifies and documents the behavior and intensive support and  
36 service needs of a client and details the strategies and  
37 interventions to be employed and type and amount of services to be  
38 provided to address those needs, and includes the entity responsible

1 for providing those services and timelines for when each identified  
2 individual behavior support will commence.

3 (9) "Individual behavior support team" means those individuals  
4 who develop, monitor, and revise the individual behavior support plan  
5 for clients residing in an enhanced behavior support home. The team  
6 shall, at a minimum, be composed of the following individuals:

7 (a) Administration service coordinator and other administration  
8 representatives, as necessary;

9 (b) Client and, where appropriate, his or her guardian or  
10 authorized representative;

11 (c) Service provider's board-certified behavior analyst or  
12 qualified behavior modification professional;

13 (d) Enhanced behavior support home administrator;

14 (e) Clients' rights advocate, unless the client objects on his or  
15 her own behalf to participation by the clients' rights advocate; and

16 (f) Others deemed necessary by the client, or his or her guardian  
17 or authorized representative, for developing a comprehensive and  
18 effective individual behavior support plan.

19 (10) "Residential habilitation center" means a state-operated  
20 facility for persons with developmental disabilities governed by  
21 chapter 71A.20 RCW.

22 (11) "Service" or "services" means services provided by state or  
23 local government to carry out Title 71A RCW.

24 NEW SECTION. Sec. 3. A new section is added to chapter 43.185  
25 RCW to read as follows:

26 (1) Subject to the availability of amounts appropriated for this  
27 specific purpose, the enhanced behavior support homes program is  
28 established to provide enhanced behavioral services and support to  
29 serve individuals in a community setting rather than in an  
30 institution.

31 (2) The director shall license or certify enhanced behavior  
32 support homes that meet state minimum standards.

33 (3) The department must establish rules working with the  
34 administration and the department of social and health services to  
35 create standards for licensure or certification of enhanced behavior  
36 support homes. The rules, at a minimum, must:

37 (a) Require 24-hour supervision of residents;

38 (b) Establish staffing requirements that provide an appropriate  
39 response to the acuity of the residents;

1 (c) Establish requirements for the ability to use delayed egress  
2 devices of the time-delay type;

3 (d) Establish resident rights that are substantially similar to  
4 the rights of residents in residential habilitation centers; and

5 (e) Establish program standards, including program design  
6 requirements, staffing structure, staff qualifications, and training.  
7 Training requirements shall include:

8 (i) A minimum of 40 hours of emergency intervention training,  
9 which shall include the techniques the licensee will use to prevent  
10 injury and maintain safety regarding clients who are a danger to self  
11 or others and shall emphasize positive behavior support and  
12 techniques that are alternatives to physical restraints;

13 (ii) Additional training for direct care staff to address the  
14 specialized needs of the clients, including training in emergency  
15 interventions.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.185  
17 RCW to read as follows:

18 (1) The director and the entities providing state services under  
19 chapter 71A.12 RCW and local services under chapter 71A.14 RCW shall:

20 (a) Work with willing residential habilitation centers licensed  
21 under chapter 71A.20 RCW and group training homes licensed or  
22 certified under chapter 71A.22 RCW to assess their capacity to become  
23 licensed or certified to meet the requirements of this chapter; and

24 (b) Enter into contracts and payment arrangements with such  
25 centers and homes choosing to provide enhanced behavior support  
26 placements, to the extent that willing licensed or certified  
27 facilities are available.

28 (2) Nothing in this section requires any residential habilitation  
29 centers or group training homes to be licensed or certified to  
30 provide enhanced behavior support placements.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.185  
32 RCW to read as follows:

33 (1) The enhanced behavior support home provider is responsible  
34 for coordinating the development and updating of each client's  
35 individual behavior support plan with the client's individual  
36 behavior support team. The initial individual behavior support plan  
37 shall be developed within 14 days of the client's admission to the  
38 enhanced behavior support home.

1           (2) The plan shall maximize the opportunities for independence,  
2 recovery, employment, the resident's participation in service  
3 planning decisions, and collaboration with peer-supported services,  
4 and provide for care and services in the least restrictive manner  
5 appropriate to the individual resident.

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