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**SUBSTITUTE SENATE BILL 5490**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Health & Human Services (originally sponsored by Senators Niemi, L. Smith, Talmadge, Wojahn, M. Rasmussen, McAuliffe and Erwin)

Read first time 03/03/93.

1 AN ACT Relating to developmental disabilities; amending RCW  
2 71A.10.015, 71A.10.020, 71A.10.050, 71A.10.060, 71A.10.070, 71A.12.010,  
3 71A.12.020, 71A.12.030, 71A.12.060, 71A.12.070, 71A.12.080, 71A.12.100,  
4 71A.12.120, 71.14A.020, 71A.14.030, 71A.14.040, 71A.14.050, 71A.14.060,  
5 71A.14.070, 71A.14.080, 71A.14.090, 71A.14.110, 71A.16.020, 71A.16.040,  
6 71A.16.050, 71A.18.010, 71A.18.020, 71A.18.040, 71A.18.050, and  
7 71A.20.020; adding a new section to chapter 71A.12 RCW; adding new  
8 sections to chapter 71A.14 RCW; adding a new section to chapter 71A.16  
9 RCW; adding new sections to chapter 71A.20 RCW; adding a new section to  
10 chapter 28A.155 RCW; adding a new section to chapter 43.63A RCW; adding  
11 a new section to chapter 74.09 RCW; creating new sections; and  
12 repealing RCW 71A.10.010, 71A.10.800, 71A.10.901, 71A.10.902,  
13 71A.12.040, 71A.12.050, and 71A.14.010.

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

15 **Sec. 1.** RCW 71A.10.015 and 1988 c 176 s 101 are each amended to  
16 read as follows:

17 The legislature recognizes the capacity of all persons, including  
18 those with developmental disabilities, to be personally and socially  
19 productive. The legislature further recognizes the state's obligation

1 to provide aid to persons with developmental disabilities and their  
2 families through a uniform, coordinated system of locally administered  
3 services to enable them to achieve a greater measure of independence  
4 and fulfillment and to enjoy all rights and privileges under the  
5 Constitution and laws of the United States and the state of Washington.  
6 The legislature recognizes that living in home and community-based  
7 settings is most conducive to personal growth and independence and is  
8 generally more cost-effective than institutional care. Toward this  
9 goal, the legislature intends to preserve, strengthen, and maintain  
10 families caring for their members with developmental disabilities,  
11 including families that select out-of-home placement as members with  
12 developmental disabilities reach adulthood, but continue to provide  
13 some support to the members with developmental disabilities outside the  
14 home. Public policy encourages the family to seek out-of-home living  
15 and treats the adult member as a separate individual, interdependent on  
16 the family and appropriate services. The legislature finds that if  
17 families and friends in ongoing relationships with individuals with  
18 developmental disabilities provide support, augmented by family support  
19 and community-based services, the cost of long-term care may decrease.

20 **Sec. 2.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to  
21 read as follows:

22 As used in this title, the following terms have the meanings  
23 indicated unless the context clearly requires otherwise.

24 (1) "Case management" includes, but is not limited to, those  
25 services that assist eligible families to gain access to social,  
26 medical, legal, educational, and other services and includes:

27 (a) Services that assure, through a continuing relationship between  
28 an agency or provider and a family, that the changing needs of the  
29 family are recognized and appropriately met;

30 (b) Coordinating and monitoring services provided to families by  
31 two or more persons, organizations, or agencies; and

32 (c) Providing information to families about the availability of  
33 services and assisting them in obtaining appropriate services.

34 (2) "Community-based services" means formal programs and informal  
35 associations designed to promote independence, productivity, and  
36 integration for individuals with developmental disabilities and their  
37 families.

1       (3) "Department" means the department of social and health  
2 services.

3       (~~(2)~~) (4) "Developmental disability" means (~~(a disability~~  
4 ~~attributable to mental retardation, cerebral palsy, epilepsy, autism,~~  
5 ~~or another neurological or other condition of an individual found by~~  
6 ~~the secretary to be closely related to mental retardation or to require~~  
7 ~~treatment similar to that required for individuals with mental~~  
8 ~~retardation, which disability originates before the individual attains~~  
9 ~~age eighteen, which has continued or can be expected to continue~~  
10 ~~indefinitely, and which constitutes a substantial handicap to the~~  
11 ~~individual. By January 1, 1989, the department shall promulgate rules~~  
12 ~~which define neurological or other conditions in a way that is not~~  
13 ~~limited to intelligence quotient scores as the sole determinate~~  
14 ~~[determinant] of these conditions, and notify the legislature of this~~  
15 ~~action)) severe, chronic disability that (a) is attributable to a  
16 mental or physical impairment (or combination); (b) is manifested  
17 before age twenty-two years; (c) is likely to continue indefinitely;  
18 (d) results in a number of substantial functional limitations of  
19 activities of daily living or instrumental activities of daily living  
20 to be defined by the secretary in rule. Persons who received services  
21 on January 1, 1993, shall continue to be eligible to receive services  
22 as determined by individual service plan assessments performed under  
23 this title.~~

24       (5) "Early childhood development services" means services designed  
25 to ameliorate the effects of a developmental delay in a child under age  
26 three. Depending upon the child's assessed needs, such services may  
27 include audiology, communication disorders therapy, family counseling  
28 and education, occupational therapy, physical therapy, psychological  
29 services, and special instruction.

30       (~~(3)~~) (6) "Eligible person" means a person who has been found by  
31 the secretary or local support network under RCW 71A.16.040 to be  
32 eligible for services.

33       (~~(4)~~) (7) "Family" means the unit that consists of an individual  
34 member with a developmental disability and one or more natural,  
35 adoptive, or foster parents, or siblings, or grandparents, or children,  
36 or guardians, regardless of where each member resides.

37       (8) "Habilitative services" means (~~(those))~~ services (~~(provided by~~  
38 ~~program personnel))~~ to assist persons in acquiring and maintaining life  
39 skills and to raise their levels of physical, mental, social, and

1 vocational functioning. Habilitative services include, but are not  
2 limited to, education, training for employment, (~~and~~) therapy, and  
3 residential skills training and support.

4 (~~(5)~~) (9) "Independence" means the extent to which individuals  
5 with developmental disabilities and their families exert control and  
6 choice over their own lives.

7 (10) "Integration" and "inclusion" mean (a) the use by individuals  
8 with developmental disabilities and their families of the same  
9 community resources that are used by and are available to other  
10 individuals; (b) the participation by persons with developmental  
11 disabilities and their families in the same community activities in  
12 which individuals without developmental disabilities participate,  
13 together with regular contact with individuals without developmental  
14 disabilities; and (c) the residing in homes or in homelike settings by  
15 individuals with developmental disabilities.

16 (11) "Legal representative" means a parent of a person who is under  
17 eighteen years of age, a person's legal guardian, a person's limited  
18 guardian when the subject matter is within the scope of the limited  
19 guardianship, a person's attorney at law, a person's attorney in fact,  
20 or any other person who is authorized by law to act for another person.

21 (~~(6)~~) (12) "Local support network" means one or more regional  
22 support networks according to chapter 71.24 RCW and either (a) having  
23 a resident population of not fewer than one hundred fifty thousand  
24 persons or (b) consisting of not fewer than three counties.

25 (13) "Notice" or "notification" of an action of the secretary means  
26 notice in compliance with RCW 71A.10.060.

27 (~~(7)~~) (14) "Productivity" or "contribution" mean engagement by an  
28 individual with developmental disabilities in income-producing work  
29 that is measured through improvements in wages and benefits, employment  
30 status, or job advancement, or engagement by an individual with a  
31 developmental disability in work contributing to household or  
32 community.

33 (15) "Residential habilitation center" means a state-operated  
34 facility for persons with developmental disabilities governed by  
35 chapter 71A.20 RCW.

36 (~~(8)~~) (16) "Residential setting" means a setting in which an  
37 individual or agency contracts with and is reimbursed by the department  
38 or a local support network to provide assistance with activities of  
39 daily living or instrumental activities of daily living. Such settings

1 include but are not limited to adult family homes, assisted living  
2 facilities, children's foster homes, group homes, including state-  
3 operated living alternatives, intermediate care facilities for the  
4 mentally retarded, nursing homes, public and private psychiatric  
5 hospitals, residential habilitation centers, and tenant support  
6 arrangements.

7 (17) "Secretary" means the secretary of social and health services  
8 or the secretary's designee.

9 ~~((+9))~~ (18) "Service" or "services" means ~~((services provided by~~  
10 ~~state or local government))~~ actions and activities undertaken to  
11 increase the independence of persons with developmental disabilities  
12 provided by the state in residential habilitation centers or by local  
13 support networks to carry out this title.

14 (19) "Therapeutic services" means occupational, physical,  
15 communication, respiratory, vision, behavior management, mental health,  
16 medication management, and other therapies to increase, maintain, or  
17 improve the functional capacities of individuals with developmental  
18 disabilities.

19 **Sec. 3.** RCW 71A.10.050 and 1989 c 175 s 138 are each amended to  
20 read as follows:

21 (1) An applicant or recipient or former recipient of a  
22 developmental disabilities service under this title from the department  
23 of social and health services or the local support network has the  
24 right to appeal the following department or local support network  
25 actions:

26 (a) A denial of an application for eligibility under RCW  
27 71A.16.040;

28 (b) An unreasonable delay in acting on an application for  
29 eligibility, for a service, or for an alternative service under RCW  
30 71A.18.040;

31 (c) A denial, reduction, or termination of a service;

32 (d) A claim that the person owes a debt to the state for an  
33 overpayment;

34 (e) A disagreement with an action of the secretary under RCW  
35 71A.10.060 or 71A.10.070;

36 (f) A decision to return a resident of ~~((an [a]))~~ a residential  
37 habilitation center to the community; and

1 (g) A decision to change a person's (~~(placement)~~) support from one  
2 (~~(category)~~) type of (~~(residential services to a different category of~~  
3 ~~residential services)~~) support to another.

4 The adjudicative proceeding is governed by the Administrative  
5 Procedure Act, chapter 34.05 RCW.

6 (2) This subsection applies only to an adjudicative proceeding in  
7 which the department action appealed is a decision to return a person  
8 who is a resident of a habilitation center as of the effective date of  
9 this act to the community. The resident or his or her representative  
10 may appeal on the basis of whether the specific placement decision is  
11 in the best interests of the resident. When the resident or his or her  
12 representative files an application for an adjudicative proceeding  
13 under this section the department has the burden of proving that the  
14 specific placement decision is (~~(in the best interests)~~) of equal or  
15 greater value to the resident.

16 (3) When the department takes any action described in subsection  
17 (1) of this section it shall give notice as provided by RCW 71A.10.060.  
18 The notice must include a statement advising the recipient of the right  
19 to an adjudicative proceeding and the time limits for filing an  
20 application for an adjudicative proceeding. Notice of a decision to  
21 return a resident of a habilitation center to the community under RCW  
22 71A.20.080 must also include a statement advising the recipient of the  
23 right to file a petition for judicial review of an adverse adjudicative  
24 order as provided in chapter 34.05 RCW.

25 **Sec. 4.** RCW 71A.10.060 and 1989 c 175 s 139 are each amended to  
26 read as follows:

27 (1) Whenever this title requires the secretary to give notice, the  
28 secretary shall give notice to the person with a developmental  
29 disability and, except as provided in subsection (3) of this section,  
30 to at least one other person. The other person shall be the first  
31 person known to the secretary in the following order of priority:

32 (a) A legal representative of the person with a developmental  
33 disability;

34 (b) A parent of a person with a developmental disability who is  
35 eighteen years of age or older;

36 (c) Other kin of the person with a developmental disability, with  
37 preference to persons with the closest kinship;

1 (d) The Washington protection and advocacy system for the rights of  
2 persons with developmental disabilities, appointed in compliance with  
3 42 U.S.C. Sec. 6042; or

4 (e) A person who is not an employee of the department or of a  
5 person who contracts with the department under this title who, in the  
6 opinion of the secretary, will be concerned with the welfare of the  
7 person.

8 (2) Notice to a person with a developmental disability shall be  
9 given in a way that the person is best able to understand. This can  
10 include reading or explaining the materials to the person.

11 (3) A person with a developmental disability may, ~~in ((writing))~~ a  
12 way that the person is best able, request the secretary to give notice  
13 only to that person. The secretary shall comply with that direction  
14 unless the secretary denies the request because the person may be at  
15 risk of losing rights if the secretary complies with the request. The  
16 secretary shall give notice as provided in subsections (1) and (2) of  
17 this section. On filing an application with the secretary within  
18 thirty days of receipt of the notice, the person who made the request  
19 has the right to an adjudicative proceeding under RCW 71A.10.050 on the  
20 secretary's decision.

21 (4) The giving of notice to a person under this title does not  
22 empower the person who is given notice to take any action or give any  
23 consent.

24 **Sec. 5.** RCW 71A.10.070 and 1989 c 175 s 140 are each amended to  
25 read as follows:

26 (1) Whenever this title places on the secretary the duty to  
27 consult, the secretary shall carry out that duty by consulting with the  
28 person with a developmental disability and, except as provided in  
29 subsection (2) of this section, with at least one other person. The  
30 other person shall be in order of priority:

31 (a) A legal representative of the person with a developmental  
32 disability;

33 (b) A parent of a person with a developmental disability who is  
34 eighteen years of age or older;

35 (c) Other kin of the person with a developmental disability, with  
36 preference to persons with the closest kinship;

1 (d) The Washington protection and advocacy system for the rights of  
2 persons with developmental disabilities, appointed in compliance with  
3 42 U.S.C. Sec. 6042; or

4 (e) Any other person who is not an employee of the department or of  
5 a person who contracts with the department under this title who, in the  
6 opinion of the secretary, will be concerned with the welfare of the  
7 person.

8 (2) A person with a developmental disability may, ~~in ((writing)) a~~  
9 way that the person is best able, request the secretary to consult only  
10 with that person. The secretary shall comply with that direction  
11 unless the secretary denies the request because the person may be at  
12 risk of losing rights if the secretary complies with the request. The  
13 secretary shall give notice as provided in RCW 71A.10.060 when a  
14 request is denied. On filing an application with the secretary within  
15 thirty days of receipt of the notice, the person who made the request  
16 has the right to an adjudicative proceeding under RCW 71A.10.050 on the  
17 secretary's decision.

18 (3) Consultation with a person under this section does not  
19 authorize the person who is consulted to take any action or give any  
20 consent.

21 **Sec. 6.** RCW 71A.12.010 and 1988 c 176 s 201 are each amended to  
22 read as follows:

23 (1) It is declared to be the policy of the state to authorize the  
24 secretary to ~~((develop and coordinate state))~~ encourage the local  
25 development and coordination of services for persons with developmental  
26 disabilities and their families; to encourage research and staff  
27 training for state and local personnel working with persons with  
28 developmental disabilities and their families; and to cooperate with  
29 communities to encourage the establishment and development of services  
30 to persons with developmental disabilities through locally administered  
31 and locally controlled programs.

32 (2) The complexities of developmental disabilities require ~~((the))~~  
33 that community services ((of)) be funded by many state departments ((as  
34 well as those of)) in addition to services funded and supported within  
35 the community. Services should be planned ~~((and)),~~ provided, and  
36 coordinated as a part of a ~~((continuum))~~ local support network. A  
37 pattern of facilities and services should be established, within  
38 appropriations designated for this purpose, which is sufficiently

1 complete to meet the needs of each person with a developmental  
2 disability regardless of age or degree of handicap, and at each stage  
3 of the person's development.

4 (3) The department shall assist local support networks in  
5 coordinating efforts by public and private agencies to provide services  
6 for individuals with developmental disabilities and their families.  
7 The department shall apply the principles of coordination in chapter  
8 198, Laws of 1992, to this chapter.

9 Coordination efforts shall include, but not be limited to:

10 (a) Identifying services provided by different agencies to  
11 eliminate duplication;

12 (b) Designating areas of responsibility for services, identifying  
13 existing gaps in services, and assigning responsibility for providing  
14 the missing services; and

15 (c) Coordinating planning among and implementation by agencies and  
16 consumer groups to ensure that interagency programs receive approval  
17 from individuals with developmental disabilities and their families.

18 **Sec. 7.** RCW 71A.12.020 and 1988 c 176 s 202 are each amended to  
19 read as follows:

20 (1) To the extent that state, federal, or other funds designated  
21 for services to persons with developmental disabilities are available,  
22 and consistent with the provisions of chapter ..., Laws of 1993 (this  
23 act) the secretary shall work with interested local communities to  
24 provide every eligible person with habilitative services suited to the  
25 person's needs, regardless of age or degree of developmental  
26 disability.

27 (2) Consistent with the provisions of chapter ..., Laws of 1993  
28 (this act) the secretary shall work with interested local communities  
29 to provide persons who receive services with the opportunity for  
30 integration with nonhandicapped and less handicapped persons to the  
31 greatest extent possible.

32 (3) The secretary shall establish minimum standards for  
33 habilitative services. Consumers, advocates, service providers,  
34 appropriate professionals, and local government agencies shall be  
35 involved in the development of the standards.

36 NEW SECTION. **Sec. 8.** A new section is added to chapter 71A.12 RCW  
37 to read as follows:

1 (1) The department is designated as the state developmental  
2 disabilities authority.

3 (2) The secretary shall provide for public, consumer, and licensed  
4 service provider participation in developing the state developmental  
5 disabilities program as provided in this title.

6 (3) The secretary shall be designated as the local support network  
7 if a local support network fails to meet state minimum standards or  
8 refuses to exercise responsibilities under chapter . . ., Laws of 1993  
9 (this act).

10 (4) The secretary shall:

11 (a) Assure that any local support network community developmental  
12 disabilities program prevent or reduce out-of-state, inappropriate out-  
13 of-home, inpatient, or institutional care by providing access to  
14 services under this chapter for the local support network's residents  
15 with developmental disabilities;

16 (i) Such programs shall provide:

17 (A) Early childhood development services;

18 (B) Employment and community-based services;

19 (C) Family support;

20 (D) Individual and family resource coordination, which includes  
21 providing information to individuals with developmental disabilities  
22 and their families concerning the availability of services and  
23 assisting them in obtaining appropriate services;

24 (E) Information and referral;

25 (F) Residential services or appropriate residential support for  
26 those receiving residential services as of January 1, 1993;

27 (ii) Such programs may provide:

28 (A) Architectural services;

29 (B) Family counseling;

30 (C) Health services and equipment;

31 (D) Legal services;

32 (E) Residential services or appropriate residential support for  
33 those needing, but not yet receiving, such services as of January 1,  
34 1993;

35 (F) Therapy services and equipment; and

36 (G) Transportation services;

37 (b) Include services under this title in the standard contract or  
38 contracts which are in effect between the local support network and the  
39 state;

1 (c) Develop standards for certification of providers and local  
2 support networks;

3 (d) Certify local support networks that meet state minimum  
4 standards;

5 (e) Periodically inspect certified local support networks at  
6 reasonable times and in a reasonable manner;

7 (f) Adopt preliminary rules by January 1, 1994, rules as are  
8 necessary to implement the department's responsibilities under this  
9 chapter pursuant to chapter 34.05 RCW. The rules shall include  
10 criteria for waiving the requirement that a regional support network or  
11 group of regional support networks shall have a minimum population of  
12 one hundred fifty thousand or consist of at least three counties. The  
13 criteria shall require at a minimum that the regional support network  
14 establish that its per capita operating costs will be not greater nor  
15 their services less than local support networks that satisfy the  
16 minimum size requirements;

17 (g) In collaboration with local support networks, establish  
18 specific criteria in contract that shall be used to evaluate local  
19 support network performance. The criteria shall include reduction in  
20 the percentage of out-of-home care, reduction in the percentage of  
21 state and local inpatient hospital and other institutional care,  
22 reduction in the cost of persons served, and increased consumer  
23 employment and earnings;

24 (h) Disburse the first funds for the local support networks that  
25 are ready to begin implementation within sixty days of approval of the  
26 biennial contract. The department must either approve or reject the  
27 biennial contract within sixty days of receipt;

28 (i) No later than two years after the creation of a local support  
29 network, allocate one hundred percent of available resources to local  
30 support networks created in a single grant distributed in accordance  
31 with chapter . . . , Laws of 1993 (this act);

32 (j) Notify local support networks of their allocation of available  
33 resources at least sixty days prior to the start of a new biennial  
34 contract period; and

35 (k) Deny funding allocations to local support networks based solely  
36 upon formal findings of noncompliance with the terms of the local  
37 support network's contract with the department. Written notice and at  
38 least thirty days for corrective action must precede any such action.

1 In such cases, local support networks shall have full rights to appeal  
2 under chapter 34.05 RCW.

3 (5) Each certified local support network and service provider shall  
4 file with the secretary, on request, such data, statistics, schedules,  
5 and information as the secretary reasonably requires. A certified  
6 local support network or service provider that, without good cause,  
7 fails to furnish any data, statistics, schedules, or information as  
8 requested, or files fraudulent reports thereof, may have its  
9 certification revoked or suspended.

10 (6) The secretary may suspend, revoke, limit, or restrict a  
11 certification, or refuse to grant a certification for failure to  
12 conform to the law, applicable rules, or applicable standards, or  
13 failure to meet the minimum standards established pursuant to this  
14 section.

15 (7) Notwithstanding the existence or pursuit of any other remedy,  
16 the secretary may, in the manner provided by law, upon the advice of  
17 the attorney general who shall represent the secretary in the  
18 proceedings, maintain an action in the name of the state for an  
19 injunction or other process against any person or governmental unit to  
20 restrain or prevent the establishment, conduct, or operation of a local  
21 support network or service provider without certification under this  
22 chapter.

23 (8) The department, in consultation with affected parties, shall  
24 establish a distribution process that reflects local support network  
25 needs assessments based on the number of persons with developmental  
26 disabilities.

27 (9) The department of social and health services, in cooperation  
28 with the state congressional delegation, shall actively seek waivers of  
29 federal requirements and such modifications of federal regulations as  
30 are necessary to allow federal medicaid reimbursement for services  
31 under this title. The department shall periodically report its efforts  
32 to the ways and means and health and human services committees of the  
33 senate and the appropriations and human services committees of the  
34 house of representatives.

35 (10) The state developmental disabilities authority may not  
36 determine the roles and responsibilities of local support networks as  
37 to each other by rule, except to assure that all duties required of  
38 local support networks are assigned and that a single authority has

1 final responsibility for all available resources and performance under  
2 the local support network's contract with the secretary.

3 (11) The secretary shall assure the cooperation and coordination of  
4 all government agencies under his or her jurisdiction with the local  
5 support networks in the provision of developmental disabilities  
6 services.

7 **Sec. 9.** RCW 71A.12.030 and 1988 c 176 s 203 are each amended to  
8 read as follows:

9 (1) The secretary ((is authorized)) shall encourage the development  
10 of a system of local support networks to provide, or arrange with  
11 others to provide, all services and facilities that are necessary or  
12 appropriate to accomplish the purposes of this title, and to take all  
13 actions that are necessary or appropriate to accomplish the purposes of  
14 this title, except for those duties specifically reserved for the state  
15 according to this title. The secretary shall adopt rules under the  
16 administrative procedure act, chapter 34.05 RCW, as are appropriate to  
17 carry out this title.

18 (2) By December 1 of each year, the secretary shall approve local  
19 support networks requested by regional support networks. Regional  
20 support networks seeking to be approved as a local support network by  
21 January 1 of any year shall submit their intentions by August 1 of the  
22 previous year along with preliminary plans. The secretary shall assume  
23 all local support network duties not otherwise assigned under this  
24 title.

25 The implementation of local support networks, or the secretary's  
26 assumption of all responsibilities under this title, shall be included  
27 in all state and federal plans affecting the state developmental  
28 disabilities program including at least those required by this chapter,  
29 the medicaid program, and any other federal program that provides  
30 funding for this program. Nothing in these plans shall be inconsistent  
31 with the intent and requirements of this chapter.

32 **Sec. 10.** RCW 71A.12.060 and 1988 c 176 s 206 are each amended to  
33 read as follows:

34 Except as may be specifically contracted with local support  
35 networks, the secretary is authorized to pay for all or a portion of  
36 the costs of care, support, and training of residents of a residential

1 habilitation center who are placed in community residential programs  
2 under this section and RCW 71A.12.070 and 71A.12.080.

3 **Sec. 11.** RCW 71A.12.070 and 1988 c 176 s 207 are each amended to  
4 read as follows:

5 All payments made by the secretary or by a local support network  
6 under RCW 71A.12.060 shall, insofar as reasonably possible, be  
7 supplementary to payments to be made for the costs of care, support,  
8 and training in a community residential program by the estate of such  
9 resident of the residential habilitation center, or from any resource  
10 which such resident may have, or become entitled to, from any public,  
11 federal, or state agency. ~~((Payments by the secretary under this title  
12 may, in the secretary's discretion, be paid directly to community  
13 residential programs, or to counties having created developmental  
14 disability boards under chapter 71A.14 RCW.))~~

15 **Sec. 12.** RCW 71A.12.080 and 1988 c 176 s 208 are each amended to  
16 read as follows:

17 (1) The secretary with advice from the local support networks shall  
18 adopt rules ~~((concerning))~~ affirming the eligibility of all residents  
19 of residential habilitation centers for placement in the least  
20 restrictive community residential ~~((programs))~~ setting or community  
21 supports under this title~~((+))~~. The secretary shall refer individuals  
22 to local support networks for placement in the most cost-effective  
23 available program consistent with this title. Nothing in this title  
24 shall preclude supervised placements where it is necessary to assure  
25 public safety, to provide specialized diagnoses of developmental  
26 disabilities, or provide for specialized support including specialized  
27 respite care that cannot be provided cost-effectively through family  
28 support or other nonfacility based services.

29 (2) The secretary shall adopt rules concerning the determination of  
30 the ability according to supplemental security income (SSI) criteria of  
31 ~~((such))~~ persons living in residential habilitation centers or  
32 community residential programs or their estates to pay all or a portion  
33 of the cost of care, support, and training; the manner and method of  
34 licensing or certification and inspection and approval of such  
35 community residential programs for placement under this title; and  
36 procedures for the payment of costs of care, maintenance, and training  
37 in community residential programs. The rules shall include standards

1 for care, maintenance, and training to be met by such community  
2 residential programs.

3 ~~((+2))~~ (3) The secretary shall coordinate state activities and  
4 resources relating to placement in community residential programs to  
5 help efficiently expend state and local resources and, to the extent  
6 designated funds are available, create an effective community  
7 residential program.

8 **Sec. 13.** RCW 71A.12.100 and 1988 c 176 s 210 are each amended to  
9 read as follows:

10 Consistent with the general powers of the secretary and the intent  
11 of chapter . . . , Laws of 1993 (this act) regarding the encouragement  
12 of local services network development and whether or not a particular  
13 person with a developmental disability is involved, the secretary may:

14 (1) Provide information to the public on developmental disabilities  
15 and available services;

16 (2) Engage in research concerning developmental disabilities and  
17 the habilitation of persons with developmental disabilities, and  
18 cooperate with others who do such research;

19 (3) Provide consultant services to public and private agencies to  
20 promote and coordinate services to persons with developmental  
21 disabilities;

22 (4) Provide training for persons in state or local governmental  
23 agencies, including local support networks, or with private entities  
24 who come in contact with persons with developmental disabilities or who  
25 have a role in the care or habilitation of persons with developmental  
26 disabilities.

27 **Sec. 14.** RCW 71A.12.120 and 1988 c 176 s 212 are each amended to  
28 read as follows:

29 (1) The governor may take whatever action is necessary to enable  
30 the state to participate in the manner set forth in this title in any  
31 programs provided by any federal law and to designate state agencies  
32 authorized to administer within this state the several federal acts  
33 providing federal moneys to assist in providing services and training  
34 at the state or local level for persons with developmental disabilities  
35 and for persons who work with persons with developmental disabilities.

36 (2) Designated state agencies may apply for and accept and disburse  
37 federal grants, matching funds, or other funds or gifts or donations

1 from any source available (~~for use by the state or by local~~  
2 ~~government~~) to local support networks to provide more adequate  
3 services for and habilitation of persons with developmental  
4 disabilities.

5 NEW SECTION. **Sec. 15.** A new section is added to chapter 71A.14  
6 RCW to read as follows:

7 (1) The local support network shall:

8 (a) Contract as needed with certified service providers to provide  
9 services and supports according to the provisions of chapter . . . ,  
10 Laws of 1993 (this act). The local support network may, in the absence  
11 of a certified service provider entity, become a certified service  
12 provider entity pursuant to minimum standards required for  
13 certification by the department for the purpose of providing services  
14 not available from certified service providers;

15 (b) Operate as a service provider if it deems that doing so is more  
16 efficient and cost-effective than contracting for services. When doing  
17 so, the local support network shall comply with rules adopted by the  
18 secretary that shall provide measurements to determine when a local  
19 support network provided service is more efficient and cost-effective;

20 (c) Monitor and perform biennial fiscal audits of certified service  
21 providers who have contracted with the local support network to provide  
22 services required by this chapter. The monitoring and audits shall be  
23 performed by means of a formal process that insures that the certified  
24 service providers and professionals designated in this subsection meet  
25 the terms of their contracts, including the minimum standards of  
26 service delivery as established by the department;

27 (d) Coordinate services for eligible persons who are in jeopardy of  
28 becoming patients at a state or local mental hospital or a residential  
29 habilitation center;

30 (e) Within three months of recognition, submit an overall two-year  
31 operating and capital plan, timeline, and budget and after two years  
32 submit an overall six-year operating and capital plan, timeline, and  
33 budget and submit progress reports and an updated two-year plan  
34 biennially thereafter, within available resources to administer and  
35 provide for the availability of all services under chapter . . . , Laws  
36 of 1993 (this act) as have been mutually agreed to by the secretary and  
37 the local support network. As part of this operating and capital plan  
38 and budget, the local support network shall prepare, adopt, review,

1 solicit public input in the preparation of, and, as appropriate, revise  
2 a family support plan and budget that shall:

3 (i) Assess needs, establish goals, and set priorities for the  
4 provision of family support services to families of individuals with  
5 developmental disabilities;

6 (ii) Provide for coordinated delivery of family support services  
7 and establish comprehensive services, resources, and programs for  
8 families; and

9 (iii) Review and comment on plans and services provided by  
10 departmental divisions and other state agencies that affect the state  
11 plan;

12 (f) Assume all duties that prior to chapter . . . , Laws of 1993  
13 (this act) were assigned to county authorities by this title;

14 (g) Assume all duties specified in their plans and joint operating  
15 agreements through biennial contractual agreements with the secretary.  
16 Such contracts may include agreements to provide periods of stable  
17 community living and work or other day activities for specific  
18 developmentally disabled persons who have resided at state or local  
19 mental hospitals or residential habilitation centers;

20 (h) Not restrict access to services or service providers if doing  
21 so will jeopardize the receipt of federal funds;

22 (i) Implement the biennial plan by requiring that providers of  
23 family support services, as applicable:

24 (A) Identify and coordinate all available resources, both formal,  
25 and informal, public and private, so that the family's identified needs  
26 can be met and their strengths applied;

27 (B) Include participation of families with members with  
28 developmental disabilities in all phases of planning, developing,  
29 implementing, and evaluating the programs that affect them;

30 (C) Be staffed by qualified staff who are trained in the principles  
31 of the family support program;

32 (D) Be flexible, so that families will have power to decide what  
33 services to use, how to use them, and how often to use them, unless the  
34 law requires otherwise on behalf of the individual with developmental  
35 disabilities;

36 (E) Apply the family-focused principles identified in this act;

37 (F) Disseminate information so that eligible families will know of  
38 the availability of services; and

1 (G) Avoid discrimination on the basis of race, sex, religion,  
2 ethnicity, national origin, or disabling condition in the employment of  
3 individuals in the program;

4 (j)(A) Use funds allocated for the family support program to  
5 purchase a broad range of goods and services within the following  
6 categories to support the family. Services authorized by the family  
7 support program shall include, but not be limited to:

8 (I) Case management and service coordination that includes  
9 individualized planning;

10 (II) Specialized diagnosis and evaluation;

11 (III) Medical and dental care not otherwise covered by third-party  
12 payors;

13 (IV) Respite care for families;

14 (V) Personal assistance services;

15 (VI) Homemaker services;

16 (VII) Home health services;

17 (VIII) Therapeutic and nursing services not otherwise covered;

18 (IX) Home and vehicle modifications;

19 (X) Equipment and supplies;

20 (XI) Transportation;

21 (XII) Recreation and social services;

22 (XIII) Specialized nutrition and clothing;

23 (XIV) Counseling services;

24 (XV) Parent education and training;

25 (XVI) Communication services;

26 (XVII) Crisis intervention;

27 (XVIII) Vocational and employment supports;

28 (XIX) Day care;

29 (XX) Specialized utility costs;

30 (XXI) Self-advocacy training; and

31 (XXII) Estate and transition planning.

32 (B) The local support network may use funds allocated for the  
33 family support program, including vouchers, cash subsidies, and grants,  
34 to meet the special needs of each eligible family.

35 (C) Funds distributed under this chapter on behalf of the family  
36 may be used only to provide those goods and services necessary to meet  
37 the family's unmet needs as determined in the assessment and the  
38 individual service plan.

1 (D) Families receiving cash subsidies under the family support  
2 program shall have the authority to decide how the services will be  
3 used, subject to the following conditions:

4 (I) The family shall annually prepare a report in the way that the  
5 family is best able stating how the cash subsidy was used to meet the  
6 special needs of the family.

7 (II) The family shall promptly report to the local support network  
8 any event or condition affecting eligibility for services, including  
9 but not limited to:

10 (aa) Death of the family member with developmental disabilities;

11 (bb) Death of the responsible adult in the eligible family to whom  
12 the cash subsidy or services were being provided;

13 (cc) Placement outside the home of the member with developmental  
14 disabilities;

15 (dd) Change of state of residence of the eligible family; and

16 (ee) Any other change in need for services or eligibility for any  
17 assistance programs from other agencies.

18 (E) Family support cash subsidy payments shall not be alienable by  
19 assignment, sale, garnishment, execution, or otherwise and in the event  
20 of family bankruptcy shall not pass to or through a trustee or any  
21 other person acting on behalf of the creditors;

22 (k) Provide services to promote and enhance effective transition  
23 from educational or treatment programs to employment for persons with  
24 developmental disabilities, as defined in RCW 71A.10.020. The local  
25 support network shall also enhance the use of alternative resources  
26 such as social security work incentives and natural supports and  
27 promote competitive, integrated employment opportunities in both the  
28 public and private sector.

29 (2) The local support network may:

30 (a) Receive technical assistance from the housing trust fund and  
31 may identify and submit projects for housing and housing support  
32 services to the housing trust fund established under chapter 43.185  
33 RCW. Projects identified or submitted under this subsection must be  
34 fully integrated with the local support network six-year operating and  
35 capital plan, timeline, and budget required by subsection (1) of this  
36 section.

37 (b) Request that any state-owned land, building, facility, or other  
38 capital asset that was ever purchased, deeded, given, or placed in  
39 trust for the care of the developmentally disabled and that is within

1 the boundaries of a local support network be made available to support  
2 the operations of the local support network. State agencies managing  
3 such capital assets shall give first priority to requests for their use  
4 pursuant to this chapter.

5 (c) Develop a package of incentives, offered by application to  
6 interested local school districts, that enhance the transition of  
7 students with developmental disabilities from school to work. The  
8 incentives may include, but are not limited to, technical assistance  
9 and training for teachers or staff, curriculum development, and other  
10 measures necessary to promote flexible teaching and educational  
11 practices that support the transition to integrated, competitive, and  
12 continuing employment; and collaborate with businesses, government  
13 agencies, local schools, postsecondary educational institutions, or  
14 other relevant local authorities to develop and encourage collaborative  
15 community linkages and partnerships that create placement  
16 opportunities, provide mentors and prepare individuals with  
17 developmental disabilities for the transition from school or treatment  
18 programs to work.

19 NEW SECTION. **Sec. 16.** A new section is added to chapter 71A.14  
20 RCW to read as follows:

21 The local support networks shall make satisfactory showing to the  
22 secretary that state funds shall in no case be used to replace local  
23 funds from any source being used to finance developmental disabilities  
24 services prior to January 1, 1993.

25 NEW SECTION. **Sec. 17.** A new section is added to chapter 71A.14  
26 RCW to read as follows:

27 In order to establish eligibility for funding under this chapter,  
28 any local support network or networks seeking to obtain federal funds  
29 for the support of any aspect of a community developmental disabilities  
30 program as defined in this chapter shall submit program plans to the  
31 secretary for prior review and approval before such plans are submitted  
32 to any federal agency.

33 NEW SECTION. **Sec. 18.** A new section is added to chapter 71A.14  
34 RCW to read as follows:

35 The local support network may accept and expend gifts and grants  
36 received from private, county, and state sources, and any federal funds

1 received through a state agency. The local support networks shall  
2 recommend to the legislature incentives to encourage private gifts and  
3 contributions.

4 NEW SECTION. **Sec. 19.** A new section is added to chapter 71A.14  
5 RCW to read as follows:

6 FAMILY SUPPORT PROGRAM. (1) To carry out the intent of chapter  
7 . . . , Laws of 1993 (this act) the family support program is  
8 established and shall have the following family-focused principles:

9 (a) To empower families of individuals with developmental  
10 disabilities to determine their own needs and choices and to meet those  
11 unique needs and choices with individualized flexible services designed  
12 to increase the integration, contribution, productivity, and inclusion  
13 in the community of the individual with developmental disabilities at  
14 all stages of his or her life without overly intruding.

15 (b) To provide a systematic process for access to and participation  
16 in the family support program and other programs that help families  
17 identify and satisfy their health, education, social service, and other  
18 needs and choices.

19 (2) The state policy principles declared in RCW 74.14A.025 apply to  
20 families with members with developmental disabilities seeking services  
21 from state and local, private, and public agencies.

22 (3) The family support program shall have the following system-wide  
23 principles and goals:

24 (a) To provide services in settings that are close to the patterns  
25 and norms of society and sensitive to regional, cultural, and ethnic  
26 characteristics of families and communities.

27 (b) To promote the return of individuals with developmental  
28 disabilities where appropriate from out-of-home placement.

29 (c) To promote the appropriate placement, with family support, in  
30 independent and interdependent residential living settings by  
31 providing home and community-based services to families in the least  
32 restrictive appropriate setting.

33 (d) To provide services for families as close to their home  
34 communities as possible and to promote integration of individuals with  
35 developmental disabilities and their families into their communities.

36 (e) To be sensitive to the differing capacities of local  
37 communities and to complement existing public and private community

1 resources, including natural and informal supports provided by family  
2 and friends.

3 (f) To give priority to planning, developing, implementing, and  
4 evaluating family support programs that prevent, ameliorate, or reduce  
5 the impact of developmental disabilities on families.

6 (4) It is intended that the family support program shall  
7 supplement, rather than supplant, any existing rights, entitlement, or  
8 services for which families and individuals with developmental  
9 disabilities may be eligible under any other state or federal law or  
10 regulation.

11 NEW SECTION. **Sec. 20.** A new section is added to chapter 71A.14  
12 RCW to read as follows:

13 (1) The family support program shall be used by the local support  
14 networks to assist in developing community-based services by:

15 (a) Establishing a program of grants to regional and local agencies  
16 and providers, both public and private, and to consumer groups to  
17 establish or develop family support services;

18 (b) Contracting directly with providers, both public and private,  
19 including consumer groups, to establish services in regions of the  
20 state where services are not readily available;

21 (c) Promoting research and training staff in the principles and  
22 practices of family support; and

23 (d) Using available state, regional, and local parent-to-parent  
24 programs to support outreach to families so that families may become  
25 aware of available family support services.

26 (2) The family support program may provide technical assistance to  
27 public and private agencies and consumer groups that are developing or  
28 offering family support services to provide appropriate, flexible, and  
29 cost-effective home and community-based services for families in order  
30 to prevent and ameliorate the impact of developmental disabilities on  
31 families.

32 **Sec. 21.** RCW 71A.14.020 and 1988 c 176 s 302 are each amended to  
33 read as follows:

34 (1) The county governing authority of any county may appoint a  
35 developmental disability board to plan services for persons with  
36 developmental disabilities, to provide directly or indirectly a  
37 continuum of care and services to persons with developmental

1 disabilities within the county or counties served by the community  
2 board. The governing authorities of more than one county by joint  
3 action may appoint a single developmental disability board. Nothing in  
4 this section shall prohibit a county or counties from combining the  
5 developmental disability board with another county board, such as a  
6 mental health board.

7 (2) Members appointed to the board shall include but not be limited  
8 to representatives of public, private, or voluntary agencies,  
9 representatives of local governmental units, and citizens knowledgeable  
10 about developmental disabilities or interested in services to persons  
11 with developmental disabilities in the community.

12 (3) The board shall consist of not less than nine nor more than  
13 fifteen members.

14 (4) Members shall be appointed for terms of three years and until  
15 their successors are appointed and qualified.

16 (5) The members of the developmental disability board shall not be  
17 compensated for the performance of their duties as members of the  
18 board, but may be paid subsistence rates and mileage in the amounts  
19 prescribed by RCW 42.24.090. If a county or group of counties  
20 participates in a local support network, this section does not apply.

21 This section shall expire on July 1, 1997.

22 **Sec. 22.** RCW 71A.14.030 and 1988 c 176 s 303 are each amended to  
23 read as follows:

24 Pursuant to RCW 71A.14.040 the secretary shall work with the county  
25 governing authorities and developmental disability boards who apply for  
26 state funds to coordinate and provide local services for persons with  
27 developmental disabilities and their families. The secretary is  
28 authorized to (~~promulgate~~) adopt rules establishing the eligibility  
29 of each county and the developmental disability board for state funds  
30 to be used for the work of the board in coordinating and providing  
31 services to persons with developmental disabilities and their families.  
32 An application for state funds shall be made by the board with the  
33 approval of the county governing (~~authority~~) authorities, or by the  
34 county governing authority on behalf of the board. If a county or  
35 group of counties participates in a local support network, this section  
36 does not apply.

37 This section shall expire on July 1, 1997.

1       **Sec. 23.** RCW 71A.14.040 and 1988 c 176 s 304 are each amended to  
2 read as follows:

3       The secretary shall review the applications (~~((from the county~~  
4 ~~governing authority))~~) made under RCW 71A.14.030. The secretary may  
5 approve an application if it meets the requirements of this chapter and  
6 the rules (~~((promulgated))~~) adopted by the secretary. The secretary  
7 shall (~~((promulgate))~~) adopt rules to assist in determining the amount of  
8 the grant. In (~~((promulgating))~~) adopting the rules, the secretary shall  
9 consider the population of the area served, the needs of the area, and  
10 the ability of the community to provide funds for the developmental  
11 disability program provided in this title. If a county or group of  
12 counties participates in a local support network, this section does not  
13 apply.

14       This section shall expire on July 1, 1997.

15       **Sec. 24.** RCW 71A.14.050 and 1988 c 176 s 305 are each amended to  
16 read as follows:

17       The department may require by rule that in order to be eligible for  
18 state funds, the county and the developmental disability board shall  
19 provide the following indirect services to the community:

20       (1) Serve as an informational and referral agency within the  
21 community for persons with developmental disabilities and their  
22 families;

23       (2) Coordinate all local services for persons with developmental  
24 disabilities and their families to insure the maximum utilization of  
25 all available services;

26       (3) Prepare comprehensive plans for present and future development  
27 of services and for reasonable progress toward the coordination of all  
28 local services to persons with developmental disabilities. If a county  
29 or group of counties participates in a local support network, this  
30 section does not apply.

31       This section shall expire on July 1, 1997.

32       **Sec. 25.** RCW 71A.14.060 and 1988 c 176 s 306 are each amended to  
33 read as follows:

34       The secretary by rule may authorize the county and the  
35 developmental disability board to provide any service for persons with  
36 developmental disabilities that the department is authorized to  
37 provide, except for operating residential habilitation centers under

1 chapter 71A.20 RCW. If a county or group of counties participates in  
2 a local support network, this section does not apply.

3 This section shall expire on July 1, 1997.

4 **Sec. 26.** RCW 71A.14.070 and 1988 c 176 s 307 are each amended to  
5 read as follows:

6 In order for the developmental disability board or local support  
7 network to plan, coordinate, and provide required services for persons  
8 with developmental disabilities, the county governing authority and the  
9 board or local support network shall be eligible to obtain such  
10 confidential information from public or private schools and the  
11 department as is necessary to accomplish the purposes of this chapter.  
12 Such information shall be kept in accordance with state law and rules  
13 ((promulgated)) adopted by the secretary under chapter 34.05 RCW to  
14 permit the use of the information to coordinate and plan services. All  
15 persons permitted to have access to or to use such information shall  
16 sign an oath of confidentiality, substantially as follows:

17 "As a condition of obtaining information from (fill in facility,  
18 agency, or person) I, . . . . ., agree not to divulge, publish, or  
19 otherwise make known to unauthorized persons or the public any  
20 information obtained in the course of using such confidential  
21 information, where release of such information may possibly make the  
22 person who received such services identifiable. I recognize that  
23 unauthorized release of confidential information may subject me to  
24 civil liability under state law."

25 **Sec. 27.** RCW 71A.14.080 and 1988 c 176 s 308 are each amended to  
26 read as follows:

27 The county governing authority and the developmental disability  
28 board or local support network created under ((RCW 71A.14.020)) chapter  
29 . . . ., Laws of 1993 (this act) are authorized to receive and spend  
30 funds received from the state under this chapter, or any federal funds  
31 received through any state agency, or any gifts or donations received  
32 ((by it)) for the benefit of persons with developmental disabilities.

33 **Sec. 28.** RCW 71A.14.090 and 1988 c 176 s 309 are each amended to  
34 read as follows:

1 ((RCW 71A.12.120 authorizes)) Local governments and local support  
2 networks are authorized to participate in federal programs for persons  
3 with developmental disabilities.

4 **Sec. 29.** RCW 71A.14.110 and 1988 c 176 s 311 are each amended to  
5 read as follows:

6 Any county or city within a county either of which is situated on  
7 the state boundaries or any local support network that is situated on  
8 the state boundaries is authorized to contract for developmental  
9 disability services with a county situated in either the states of  
10 Oregon or Idaho, which county is located on boundaries with the state  
11 of Washington.

12 **Sec. 30.** RCW 71A.16.020 and 1988 c 176 s 402 are each amended to  
13 read as follows:

14 (1) A person is eligible for services under this title if the  
15 ((secretary)) local support network finds that the person has a  
16 developmental disability as defined in RCW 71A.10.020(2).

17 (2) The secretary may adopt rules further defining and implementing  
18 the criteria in the definition of "developmental disability" under RCW  
19 71A.10.020(2).

20 **Sec. 31.** RCW 71A.16.040 and 1989 c 175 s 141 are each amended to  
21 read as follows:

22 (1) On receipt of an application for services submitted under RCW  
23 71A.16.030, the ((secretary)) local support network in a timely manner  
24 shall make a written determination as to whether the applicant is  
25 eligible for services provided under this title for persons with  
26 developmental disabilities.

27 (2) The ((secretary)) local support network shall give notice of  
28 the ((secretary's)) local support network's determination on  
29 eligibility to the person who submitted the application and to the  
30 applicant, if the applicant is a person other than the person who  
31 submitted the application for services. The notice shall also include  
32 a statement advising the recipient of the right to an adjudicative  
33 proceeding under RCW 71A.10.050 and the right to judicial review of the  
34 ((secretary's)) local support network's final decision.

35 (3) Having determined eligibility, the local support network shall  
36 establish the level of financial responsibility, if any, according to

1 chapter . . . , Laws of 1993 (this act) and notify the applicant and the  
2 applicant's family, if the applicant is under the age of eighteen, of  
3 this determination.

4 (4) The secretary may establish rules for redetermination of  
5 eligibility for services under this title.

6 **Sec. 32.** RCW 71A.16.050 and 1988 c 176 s 405 are each amended to  
7 read as follows:

8 The determination made under this chapter is only as to whether a  
9 person is eligible for services. After the ~~((secretary))~~ local support  
10 network has determined under this chapter that a person is eligible for  
11 services, the ~~((secretary))~~ local support network shall make ~~((a~~  
12 ~~determination as to what services are appropriate for the person))~~ an  
13 assessment of the person's support needs in consultation with the  
14 family, if appropriate.

15 NEW SECTION. **Sec. 33.** A new section is added to chapter 71A.16  
16 RCW to read as follows:

17 (1) For eligible persons under the age of eighteen:

18 (a) Early childhood development services shall be provided free of  
19 charge without regard to family income;

20 (b) Family support services shall be provided free of charge for  
21 families whose gross income is less than one hundred eighty-five  
22 percent of the federal poverty level adjusted for family size; and

23 (c) Family support services shall be provided on a sliding fee  
24 scale to be established by the secretary in rule for families whose  
25 gross income is above one hundred eighty-five percent of the federal  
26 poverty level, adjusted for family size. A family's total payments  
27 shall be reduced by the out-of-pocket medical expenses for the eligible  
28 individual.

29 (2) For eligible persons age eighteen and over:

30 (a) Developmental disability services shall be provided free of  
31 charge if the gross income of the eligible person, his or her spouse,  
32 and children is less than one hundred eighty-five percent of the  
33 federal poverty level adjusted for family size;

34 (b) Developmental disability services shall be provided on a  
35 sliding fee scale to be established by the secretary in rule for  
36 individuals whose gross family income is above one hundred eighty-five  
37 percent of the federal poverty level. A family's total payments shall

1 be reduced by the out-of-pocket medical expenses for the eligible  
2 individual; and

3 (c) There shall be no financial responsibility on the part of  
4 parents or any relatives other than a spouse or minor children of the  
5 individual with developmental disabilities.

6 **Sec. 34.** RCW 71A.18.010 and 1988 c 176 s 501 are each amended to  
7 read as follows:

8 (1) The ~~((secretary))~~ local support network may produce and  
9 maintain in collaboration with the individual and his or her family, if  
10 applicable, an individual service plan for each eligible person which  
11 shall include family support services, unless it is inappropriate to do  
12 so and which may vary with support capabilities. In no case may the  
13 local support network restrict access to early childhood development  
14 services it determines are needed. In order to operate within  
15 appropriated funding levels, the local support network may restrict  
16 access to certain other specialized or intensive services in order to  
17 maximize basic support services to a larger number of individuals with  
18 developmental disabilities. An individual service plan is a plan that  
19 identifies the needs of a person and his or her family for services and  
20 determines what services will be in the best interests of the person  
21 ~~((and))~~, will meet the person's needs, and support the person in the  
22 least restrictive setting.

23 (2)(a) For eligible individuals whose individual service plan as  
24 provided for under this section calls for family support as a needed  
25 service, the local support network may assist the family to develop a  
26 family support services plan. In developing the plan the local support  
27 network shall conduct an assessment in the following manner:

28 (i) Ensure that the family participates in the assessment to the  
29 greatest extent possible;

30 (ii) With the permission of the family, involve other persons who  
31 are knowledgeable about the needs of the member with developmental  
32 disabilities and who can identify and assist the family in assessing  
33 the social, psychological, and medical needs of all family members;

34 (iii) Identify services and goods that the family is currently  
35 receiving, other services and goods available to the family through  
36 public and private agencies, friends, and relatives and services and  
37 goods that the family is not currently receiving and that the family

1 needs to maintain the family member with developmental disabilities at  
2 home;

3 (iv) Identify the services and goods needed by the family that are  
4 available from sources other than public or private sources, including  
5 friends and family;

6 (v) Identify the services and goods needed by the family that are  
7 available for funding through the program;

8 (vi) Where possible the assessment shall take place in the home of  
9 a family member unless the family chooses another setting; and

10 (vii) During the assessment process the member with developmental  
11 disabilities shall be included to the greatest extent possible by the  
12 person or persons conducting the assessment.

13 (b) The plan shall include, but not be limited to:

14 (i) Documentation of the individual and family's need for service  
15 and identification of the individual or family's strengths and  
16 resources that the plan may supplement or support to meet the family's  
17 needs;

18 (ii) Notice of the specific programs, subsidies, or services for  
19 which the individual or family is eligible;

20 (iii) A clear explanation of the way in which the programs,  
21 subsidies, or services will be provided to the individual or family;

22 (iv) A statement of the specific goals of the services and the  
23 methods to be used in achieving the goals and the measures for success;

24 (v) A projected timetable for obtaining goals.

25 (c) Each service plan shall include all of the following:

26 (i) A list of services and goods that will be funded through the  
27 family support program, the estimated costs of each and an estimate of  
28 the length of time each will need to be funded through the program; and

29 (ii) For families receiving vouchers, a written participation  
30 agreement, which shall be signed by a parent and the local support  
31 network, governing expenditure of program funds by or on behalf of the  
32 family.

33 (d) An annual review shall be made by the local support network of  
34 each family participating in the family support program. The review  
35 shall include a review of the needs of the family for family support  
36 services, including an assessment prepared by the family and the local  
37 support network as to whether there is cooperation and active  
38 participation by the family in the planning and whether the needs and  
39 the goals of the individual service plan are being met.

1        The family may at any time request a review of their needs and the  
2 services to meet those needs.

3        **Sec. 35.** RCW 71A.18.020 and 1988 c 176 s 601 are each amended to  
4 read as follows:

5        (~~The secretary may~~) Local support networks shall provide ((a  
6 service to a person eligible under this title if funds are available.  
7 ~~If there is an individual service plan, the secretary shall consider~~  
8 ~~the need for services as provided in that plan))~~ early childhood  
9 development services as required in chapter . . . , Laws of 1993 (this  
10 act) to all eligible children under age three as determined in the  
11 individual service plan required under RCW 71A.18.010. Within  
12 available funds local support networks shall provide family support  
13 services as identified in individual service plans. The local support  
14 network may provide limits on family support services in order to  
15 assure an equitable distribution of funds.

16        **Sec. 36.** RCW 71A.18.040 and 1989 c 175 s 142 are each amended to  
17 read as follows:

18        (1) A person who is receiving a service under this title or the  
19 person's legal representative may request the (~~secretary~~) local  
20 support network to authorize a service that is available under this  
21 title in place of a service that the person is presently receiving.

22        (2) The (~~secretary~~) local support network upon receiving a  
23 request for change of service shall consult in the same manner as that  
24 provided for the secretary in RCW 71A.10.070 and within ninety days  
25 shall determine whether the following criteria are met:

26        (a) The alternative plan proposes a less dependent program than the  
27 person is participating in under current service;

28        (b) The alternative service is appropriate under the goals and  
29 objectives of the person's individual service plan;

30        (c) The alternative service is not in violation of applicable state  
31 and federal law; and

32        (d) The service can reasonably be made available.

33        (3) If the requested alternative service meets all of the criteria  
34 of subsection (2) of this section, the service shall be authorized as  
35 soon as reasonable, but not later than one hundred twenty days after  
36 completion of the determination process, unless the (~~secretary~~) local  
37 support network determines that:

- 1 (a) The alternative plan is more costly than the current plan;  
2 (b) Current appropriations are not sufficient to implement the  
3 alternative service without reducing services to existing clients; or  
4 (c) Providing alternative service would take precedence over other  
5 priorities for delivery of service.

6 (4) The ~~((secretary))~~ local support network shall give notice ~~((as~~  
7 ~~provided))~~ in the same manner as that provided to the secretary in RCW  
8 71A.10.060 of the grant of a request for a change of service. The  
9 ~~((secretary))~~ local support network shall give notice ((as provided))  
10 in the same manner as that provided to the secretary in RCW 71A.10.060  
11 of denial of a request for change of service and of the right to an  
12 adjudicative proceeding.

13 (5) When the secretary has changed service from a residential  
14 habilitation center to a setting other than a residential habilitation  
15 center, the secretary shall reauthorize service at the residential  
16 habilitation center if the ~~((secretary))~~ local support network in  
17 reevaluating the needs of the person finds that the person needs  
18 service in a residential habilitation center.

19 (6) If the ~~((secretary))~~ local support network determines that  
20 current appropriations are sufficient to deliver additional services  
21 without reducing services to persons who are presently receiving  
22 services, the ~~((secretary))~~ local support network is authorized to give  
23 persons notice in the same manner as that provided under RCW 71A.10.060  
24 that they may request the services as new services or as changes of  
25 services under this section.

26 **Sec. 37.** RCW 71A.18.050 and 1988 c 176 s 604 are each amended to  
27 read as follows:

28 (1) When considering the discontinuance of a service that is being  
29 provided to a person, the ~~((secretary))~~ local support network shall  
30 consult ~~((as))~~ in the same manner as that required in RCW 71A.10.070.

31 (2) The discontinuance of a service under this section does not  
32 affect the person's eligibility for services. Other services may be  
33 provided or the same service may be restored when it is again available  
34 or when it is again needed.

35 (3) Except when the service is discontinued at the request of the  
36 person receiving the service or that person's legal representative, the  
37 ~~((secretary))~~ local support network shall give notice ~~((as))~~ in the  
38 same manner as that required in RCW 71A.10.060.

1        NEW SECTION.    **Sec. 38.**    A new section is added to chapter 71A.20  
2    RCW to read as follows:

3        (1) The legislature declares its intent that individuals with  
4    developmental disabilities in the state of Washington not be committed  
5    to mental hospitals when their primary diagnosis is developmental  
6    disabilities and not mental illness or some other mental disorder.

7        (2) The secretary shall establish two secure, specialized, separate  
8    programs in existing buildings on the grounds of residential  
9    habilitation centers.

10       (a) One shall be located in eastern Washington and shall have a  
11    capacity for twenty individuals with developmental disabilities who  
12    have been or are about to be committed under chapter 71.05 RCW.

13       (b) One shall be located in western Washington and shall have a  
14    capacity for forty individuals with developmental disabilities who have  
15    been or are about to be committed under chapter 71.05 RCW.

16       (3) The secretary shall place individuals with developmental  
17    disabilities who have been committed or are about to be committed under  
18    chapter 71.05 RCW at the facilities established in subsection (1) of  
19    this section if their primary diagnosed problem is developmental  
20    disabilities.

21       (4) The secretary shall not place individuals with developmental  
22    disabilities at the facilities established in subsection (1) of this  
23    section if their primary diagnosis is mental illness or some other  
24    mental disorder and developmental disabilities is only an ancillary  
25    condition.

26       NEW SECTION.    **Sec. 39.**    A new section is added to chapter 71A.20  
27    RCW to read as follows:

28       (1) It is the intent of the legislature that the residential  
29    habilitation centers shall develop into specialized resources to assure  
30    public safety, provide assessments and treatment plans for specialized  
31    disabling conditions, or provide specialized support, including  
32    specialized respite care, that cannot be provided cost-effectively  
33    through family support or other community-based services.

34       (2) The secretary and the local support networks shall develop a  
35    plan by July 1, 1994, that will establish the July 1, 2001, size of  
36    each residential habilitation center.    The plan shall include:

1 (a) Specific criteria for admission to and continued residence in  
2 the residential habilitation centers consistent with the purposes  
3 stated in this section;

4 (b) An estimate of the number of people meeting the public safety  
5 or specialized care criteria who are expected to require admission to  
6 or continued residence in state-operated care;

7 (c) A review of the service needs of each resident of the  
8 developmental disabilities state institutions and identify the level of  
9 services appropriate to maintain the person in the most normal and  
10 least restrictive setting that is consistent with the person's needs.

11 (d) A plan for assuring safe and high quality community care for  
12 current residential habilitation center residents who do not meet  
13 residential habilitation center placement criteria;

14 (e) Proposed uses for excess institutional grounds and buildings by  
15 other governmental or private entities in ways that the proceeds will  
16 benefit the developmentally disabled; and

17 (f) Strategies to retrain and/or provide new jobs in developmental  
18 disability community care or in other public service for any staff not  
19 needed in residential habilitation centers.

20 NEW SECTION. **Sec. 40.** A new section is added to chapter 28A.155  
21 RCW to read as follows:

22 (1) The individual education plan for a student with development  
23 disabilities as defined under RCW 71A.10.020 shall include transition  
24 services beginning not later than when the student reaches age sixteen.  
25 The portion of the individual education plan regarding transition  
26 services shall be reviewed annually. The plan for transition services  
27 shall be developed in conjunction with a local support network. To the  
28 extent consistent with an appropriate education for the student,  
29 preference shall be given to providing transitional services in a  
30 community setting, to the preferences of parents and guardians, and to  
31 the student's occupational preferences and interests.

32 (2) If available and if consistent with an appropriate education  
33 for the student and with subsection (1) of this section, a school  
34 district, a group of school districts, or special education  
35 cooperatives shall contract for the provision of transition services  
36 through a local support network for persons with developmental  
37 disabilities.

1 (3) As used in this section, transition services means a  
2 coordinated set of activities for a student, designed within an  
3 outcome-oriented process, that promotes movement from school to  
4 postschool activities, including postsecondary education, vocational  
5 education and training, integrated employment including supported  
6 employment, continuing and adult education, adult services, independent  
7 living, or community participation.

8 (4) The superintendent of public instruction shall adopt rules as  
9 needed to implement this section. These rules are in addition to the  
10 rules adopted by the superintendent of public instruction to provide  
11 for transition services for students who are not developmentally  
12 disabled but have other handicapping conditions.

13 NEW SECTION. **Sec. 41.** A new section is added to chapter 43.63A  
14 RCW to read as follows:

15 The developmental disabilities planning council shall evaluate the  
16 family support program under Title 71A RCW and annually submit to the  
17 governor, the legislature, and the department an evaluation report that  
18 includes but is not limited to the following:

19 (1) Information on the impact of the family support program on  
20 families, including sample case studies on families who chose to  
21 participate in the program, families who chose not to participate, and  
22 families who participated but whose eligibility terminated;

23 (2) Information on the types of services used by families;

24 (3) Information on family satisfaction with the family support  
25 program, including sample case studies of the adequacy of the services,  
26 and the need for services not available;

27 (4) With confidentiality protected, sample decisions on appeals  
28 from the denial or termination of eligibility for the family support  
29 program, together with statistics on the actual number of appeals, the  
30 outcome of those appeals, and changes in the family support program  
31 made as a result of the appeals;

32 (5) Information on efforts to reach families who may be eligible  
33 for the family support program;

34 (6) Information on efforts to return family members with  
35 developmental disabilities from state or private institutions or foster  
36 care that can be attributed to the alternative services offered by the  
37 family support program;

1 (7) Information on programs that can be attributed to the family  
2 support program to ameliorate the impact of developmental disabilities  
3 on families; and

4 (8) Information on family satisfaction with the family support  
5 program and their willingness to continue providing total or partial  
6 care to their family member with developmental disabilities.

7 NEW SECTION. **Sec. 42.** The following acts or parts of acts are  
8 each repealed:

9 (1) RCW 71A.10.010 and 1988 c 176 s 1;

10 (2) RCW 71A.10.800 and 1988 c 176 s 1008;

11 (3) RCW 71A.10.901 and 1988 c 176 s 1004;

12 (4) RCW 71A.10.902 and 1988 c 176 s 1001;

13 (5) RCW 71A.12.040 and 1988 c 176 s 204;

14 (6) RCW 71A.12.050 and 1988 c 176 s 205; and

15 (7) RCW 71A.14.010 and 1988 c 176 s 301.

16 NEW SECTION. **Sec. 43.** The code reviser shall rename the chapter  
17 heading of chapter 71A.12 RCW to read "State Responsibilities."

18 NEW SECTION. **Sec. 44.** The legislature finds that the cost of  
19 operating and delivering services in residential habilitation centers  
20 has been increasing rapidly. It is the intent of the legislature in  
21 implementing sections 45 and 46 of this act to decrease the cost of  
22 these services, but still maintain an environment to protect those  
23 individuals with developmental disabilities who are profoundly disabled  
24 or medically fragile.

25 **Sec. 45.** RCW 71A.20.020 and 1988 c 176 s 702 are each amended to  
26 read as follows:

27 By December 31, 1993, the following residential habilitation  
28 centers ((are permanently established to provide services to persons  
29 with developmental disabilities)) shall be certified as either skilled  
30 nursing facilities or intermediate care facilities for the mentally  
31 retarded, or a combination of both, under federal medicaid  
32 requirements: Interlake School, located at Medical Lake, Spokane  
33 county; Lakeland Village, located at Medical Lake, Spokane county;  
34 Rainier School, located at Buckley, Pierce county; Yakima Valley  
35 School, located at Selah, Yakima county; Fircrest School, located at

1 Seattle, King county; and Frances Haddon Morgan Children's Center,  
2 located at Bremerton, Kitsap county.

3 NEW SECTION. **Sec. 46.** A new section is added to chapter 74.09 RCW  
4 to read as follows:

5 The facilities under RCW 71A.20.020 shall be certified, managed,  
6 and administered by the department of social and health services for  
7 the benefit of the residents. In determining the type of certification  
8 appropriate for each facility or portion thereof, the secretary of  
9 social and health services shall consider:

- 10 (1) The individual care needs of the residents; and  
11 (2) The cost-effectiveness of certification based on an economy of  
12 scale.

13 NEW SECTION. **Sec. 47.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

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