
Ways & Means Committee

2SSB 5459

Brief Description: Regarding services for people with developmental disabilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Kline, Keiser, Regala and McAuliffe).

Brief Summary of Second Substitute Bill

- Prohibits persons under age 16 from admission to a Residential Habilitation Center (RHC) and allows short term crisis or respite admissions only for persons between age 16 and age 21.
- Closes Frances Haddon Morgan Center by December 31, 2011, and requires a person-centered approach to transition existing residents out of the institution.
- Freezes admissions to Yakima Valley School, except for limited, short-term admissions for crisis and respite.
- Prohibits the Department of Social and Health Services (DSHS) from: requiring current residents of Yakima Valley School to relocate; downsizing RHCs other than what is specified; and closing or consolidating any RHC prior to July 1, 2013, other than what is specified.
- Requires any savings achieved by the closure of Frances Haddon Morgan to be deposited into the Community Residential Investment Account and to be used for additional community resources.
- Establishes a legislative taskforce to make recommendations on the long-term need for RHC capacity and to develop strategies for reframing the mission of Yakima Valley School to include ending its designation as an RHC.
- Requires the DSHS to establish state operated living alternatives (SOLAs) and, upon federal approval, convert current RHC housing into SOLAs for clients who are transitioning out of RHCs.
- Requires DSHS to report, beginning November 1, 2012, and every year thereafter, on client and guardian satisfaction, stability of placement and provider turnover, and safety and health outcomes.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Hearing Date: 5/23/11

Staff: Carma Matti-Jackson (786-7140).

Background:

The Division of Developmental Disabilities within the Department of Social and Health Services (DSHS) provides supports and services to persons with developmental disabilities who qualify for Medicaid. Services include case management, needs assessments, support in activities of daily living, employment, and rehabilitative therapies. The DSHS also provides medical, dental, and pharmaceutical services to Medicaid eligible persons with developmental disabilities. Services may be provided in three different service settings: in the client's own home, in a community residential home, or in a residential habilitation center (RHC).

The state operates five institutions, referred to as RHCs, which are established in statute to provide services and housing for persons with developmental disabilities: Rainier School in Buckley, Lakeland Village in Medical Lake, Fircrest School in Shoreline, Frances Haddon Morgan Children's Center in Bremerton, and Yakima Valley School in Selah. Approximately 900 individuals currently reside in RHCs. Most of these are permanent residents, but some are clients are in the RHCs for short-term or respite stays. Yakima Valley School currently has 12 short-term beds. Of the residents living in RHCs, there are 36 individuals under age 21.

Under the federal Medicaid statute, Title XIX, a person with a developmental disability has an entitlement to be placed in a RHC. A person with a developmental disability, or their representative, may waive the right to be placed in an RHC and choose to receive services in the community instead, through a home and community based waiver. Community-based services are provided through a number of programs to approximately 20,000 clients. These services are designed as alternatives to institutions for eligible individuals with developmental disabilities who either live with family members, in rented housing, or in contracted or licensed residential housing in the community. Besides the individuals who receive some services either through RHCs or in the community, an estimated 14,000 eligible clients do not receive any paid services due to lack of available resources.

The system of care in Washington for persons with developmental disabilities has shifted away from institutional care and towards home and community based care. The peak capacity for clients served in RHCs was over 4,000 residents; however, this was reached when the infrastructure was ward-type housing. Currently, RHCs are designed in cottages that house about 8 residents in each cottage. In 1983 the first home and community based waiver was implemented for developmental disabilities. As of 1990, 44 percent of all out-of-home placements were in RHCs. Currently, 14 percent of all out-of-home placements are in RHCs.

Currently, the DSHS has developed plans to close two of the five RHCs: Frances Haddon Morgan by June 30, 2011, and Yakima Valley School by December 31, 2012. The closure of these facilities is included in the Governor's proposed budget for the 2011-2013 biennium. The plan would reduce the total number of residents served in RHCs to about 800. All 53 residents of Frances Haddon Morgan would be relocated to either a community residential placement, such as a state operated living alternative (SOLA), or to one of three remaining RHCs.

The plan includes the implementation of three new SOLAs, and the DSHS is currently working with Fircrest, Lakeland, and Rainier to accommodate residents leaving Frances Haddon Morgan who do not want a community placement.

It is planned that the first 10 residents leaving Yakima Valley School will do so by the end of 2011. The proposal includes the establishment of crisis stabilization programs for children and adults using, where possible, institutional staff who will no longer be employed at the closed institutions.

Summary of Bill:

Persons under age 16 will no longer be admitted to Residential Habilitation Centers. Persons between the age 16 and age 21 may be admitted for short-term respite or crisis stabilization services.

Crisis stabilization services are defined as temporary intensive services that typically do not exceed 60 days. Respite services are defined to mean relief for families and caregivers to include 24 hour care for consecutive days.

The DSHS is required to close Frances Haddon Morgan by December 31, 2011. The DSHS is required to use a person-centered approach for developing a discharge plan and assessing the resident's needs. Employees of the RHC are to be included in the transition planning. The DSHS is instructed to engage in a family-to-family mentoring program for persons moving out of the RHC. Residents who leave an RHC must be offered a "right to return" to an RHC during the first year following their move. A work group is convened to review the quality assurance oversight for the persons who have moved out of an RHC and to provide feedback on the transition process.

Admissions to Yakima Valley School are frozen, with the exception of limited, short-term admissions for crisis or respite. A minimum of eight crisis stabilization beds and eight respite service beds are established there. No current resident of Yakima Valley School is required to relocate to a different care setting. Yakima Valley School will remain an operational until there are no longer clients receiving RHC services there.

The DSHS may not do any additional downsizing of RHCs other than what is specified in the bill. The bill prohibits any closures of RHCs to commence prior to July 1, 2013, other than what is specified.

Mobile specialty teams are established throughout the state to provide treatment, including therapies and specialized nursing, to clients with developmental disabilities.

The DSHS shall establish SOLAs for residents who are transitioning out of RHCs into the community and shall offer RHC employees opportunities to work in them. Nonprofits will be offered an opportunity to purchase one or more houses located on the grounds of a closing RHC for the purpose of converting them into SOLAs.

A Legislative taskforce is established to consider future uses of the RHCs. The taskforce will make recommendations on the long-term need for RHC capacity, whether other RHCs should

close (and, if so, provide a recommended timeline), and strategies for reframing the mission of Yakima Valley School that include a plan to end its designation as an RHC and to convert no less than two houses to SOLAs. A report is due to the Legislature by July 1, 2013.

Beginning November 1, 2012, and annually thereafter, the DSHS must report on its progress toward meeting the requirements of this act, including client and guardian satisfaction, stability of placement and provider turnover, and safety and health outcomes.

Any savings achieved by the consolidation of an RHC is deposited into the Community Residential Investment Account. Funds deposited are used to provide services to persons with developmental disabilities who are currently receiving either limited or no service or to enhance rates paid to community residential services.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill contains an emergency clause and takes effect on June 30, 2011.