
HOUSE BILL 1527

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Appleton, Green, and Johnson

Read first time 01/29/13. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to services for people with developmental
2 disabilities; amending RCW 71A.16.040; and adding new sections to
3 chapter 71A.20 RCW.

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

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

7 The department:

8 (1) May, within sixty days of admission to a residential
9 habilitation center, ensure that each resident's individual
10 habilitation plan includes a plan for discharge to the community;

11 (2) Shall use a person-centered approach in developing the
12 discharge plan to assess the resident's needs and identify services the
13 resident requires to successfully transition to the community,
14 including:

15 (a) Employees of the residential habilitation centers and the
16 department providing transition planning for residents. To strengthen
17 continuity of care for residents leaving residential habilitation
18 centers, the department shall provide opportunities for residential

1 habilitation center employees to obtain employment in state-operated
2 living alternatives;

3 (b) Providing choice of community living options and providers,
4 consistent with federal requirements, including offering to place, with
5 the consent of the resident or his or her guardian, each resident of
6 the residential habilitation center on the appropriate home and
7 community-based waiver, as authorized under 42 U.S.C. Sec. 1396n, and
8 provide continued access to the services through medicaid and through
9 state funds made available for this purpose that meet his or her
10 assessed needs;

11 (c) Providing residents and their families or guardians
12 opportunities to visit state-operated living alternatives and supported
13 living options in the community;

14 (d) Offering residents leaving a residential habilitation center a
15 "right to return" to a residential habilitation center for two years
16 following their move;

17 (e) Addressing services in addition to those that will be provided
18 by residential services providers that are necessary to address the
19 resident's assessed needs, including:

20 (i) Medical services;

21 (ii) Nursing services;

22 (iii) Dental care;

23 (iv) Behavioral and mental health supports;

24 (v) Habilitation services; and

25 (vi) Employment or other day support;

26 (3) Shall assure that, prior to discharge from a residential
27 habilitation center, clients continue to be eligible for services for
28 which they have an assessed need;

29 (4) Shall maximize federal funding for transitioning clients
30 through the roads to community living grant;

31 (5) Shall limit the ability of a state-operated living alternative
32 to reject clients;

33 (6) Shall use any savings achieved through efficiencies to extend
34 services, including state-staffed and private contractor-staffed crisis
35 stabilization and respite services, to people with developmental
36 disabilities currently receiving limited or no services;

37 (7)(a) Shall employ the quality assurance process currently in use

1 by the department to monitor the adjustment of each resident who leaves
2 a residential habilitation center; and

3 (b) Shall convene a work group to review findings from the quality
4 assurance for people moving process and provide feedback on the
5 transition process. The work group shall include representatives of
6 the developmental disabilities council, disability rights Washington,
7 University of Washington center for human development and disability,
8 providers, families and advocates of persons with disabilities, and a
9 parent, sibling, or guardian of a resident of a residential
10 habilitation center; and

11 (8) Shall ensure that no paid caregiver is acting as a guardian for
12 someone they are caring for as a part of their occupation. Any client
13 without a guardian must be afforded one consistent with chapters 11.88
14 and 11.92 RCW.

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

17 Beginning November 1, 2013, and annually thereafter, the department
18 shall submit information to the appropriate committees of the
19 legislature regarding persons who have transitioned from residential
20 habilitation centers to the community, for the first two years
21 following each person's new placement, including:

- 22 (1) Progress toward meeting the requirements of this act;
- 23 (2) Client and guardian satisfaction with services;
- 24 (3) Stability of placement and provider turnover, including
25 information on returns to a residential habilitation center under
26 section 1(2)(d) of this act;
- 27 (4) Safety and health outcomes;
- 28 (5) Types of services received by clients transitioned to the
29 community; and
- 30 (6) Continued accessibility of former residents to family.

31 **Sec. 3.** RCW 71A.16.040 and 1989 c 175 s 141 are each amended to
32 read as follows:

33 (1) On receipt of an application for services submitted under RCW
34 71A.16.030, the secretary in a timely manner shall make a written
35 determination as to whether the applicant is eligible for services
36 provided under this title for persons with developmental disabilities.

1 (2) The secretary shall give notice of the secretary's
2 determination on eligibility to the person who submitted the
3 application and to the applicant, if the applicant is a person other
4 than the person who submitted the application for services. The notice
5 shall also include a statement advising the recipient of the right to
6 an adjudicative proceeding under RCW 71A.10.050 and the right to
7 judicial review of the secretary's final decision.

8 (3) The secretary shall not redetermine the eligibility of a
9 current eligible adult person, except where a comprehensive assessment
10 of the person shows a significant increase in the functional abilities
11 of the person such that he or she will no longer benefit from the
12 services available through this title.

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

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