

SENATE BILL REPORT

SSB 6751

As Passed Senate, February 13, 1998

Title: An act relating to stabilizing long-term care for persons with developmental disabilities living in the community and in residential habilitation centers.

Brief Description: Ensuring a choice of service and residential options for citizens with developmental disabilities.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Deccio, Wojahn, Wood, Franklin, Benton, Thibaudeau, Oke and Winsley).

Brief History:

Committee Activity: Health & Long-Term Care: 2/5/98, 2/6/98 [DPS].
Passed Senate, 2/13/98, 49-0.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6751 be substituted therefor, and the substitute bill do pass.

Signed by Senators Deccio, Chair; Wood, Vice Chair; Benton, Fairley, Franklin, Strannigan and Wojahn.

Staff: Rhoda Jones (786-7198)

Background: Under Title 71A RCW, the Department of Social and Health Services (DSHS) contracts for community residential programs for persons with developmental disabilities, as well as employment and day programs, Medicaid personal care, and family support or respite care, and other services.

Five residential habilitation centers (RHC) provide services to persons with developmental disabilities according to RCW 71A.20.020. Currently, there are approximately 1230 residents in RHCs.

For many years, a conflict has existed between advocates for community-based services and advocates for state-operated residential centers. In 1997, representatives from DSHS and a group of 19 stakeholders met throughout the year to try and reach an agreement over the direction the department should take in providing services to people with developmental disabilities. An agreement in principle was reached at the end of the year, which stated that people with developmental disabilities and their families should have a full spectrum of choices in deciding what services they should receive.

Summary of Bill: The Legislature affirms the commitment to secure for all persons with developmental disabilities the opportunity to choose where they live. This choice should include both community services and residential habilitation centers. The choice must be

supported by state policy and allow, as much as possible, for people to stay in their own homes or communities.

Persons with developmental disabilities will be offered entrance into a residential habilitation center or a community support service, should a vacancy occur. If a person assessed by the department is determined to have assessed needs which require the funded level of resources provided by a residential habilitation center, that person will be offered admittance.

All applicants for developmental disabilities services must be given notice of the existence and availability of residential habilitation centers and community support services. Available options must be clearly explained, with services customized to fit the unique needs and circumstances of the DD clients and their families.

Until June 30, 2003, the capacity of community residential support services and residential habilitation center services must not be reduced below the budgeted capacity in each of these services in the 1997-99 Appropriations Act, except as reductions are necessary to adhere to an agreement with the federal Department of Justice regarding Fircrest School, and subject to budget direction from the Governor.

If this capacity is not needed for current clients of the department, any vacancies that may occur in community support services or residential habilitation center services are used to expand services to eligible developmentally disabled persons not now receiving services. If there is a vacancy in a residential habilitation center, it must be made available to any eligible person who is seeking and desires the services of an RHC. That applicant must also be offered community service. If RHC capacity is not needed for permanent residents, vacancies are used for respite care or other services for eligible DD clients. The unused capacity may only be used if community support service funds are available.

The Department of Social and Health Services must develop an outreach program to ensure that anyone who is eligible for developmental disabilities services, at home, in the community or in residential habilitation centers, will be made aware of these services.

The department, with the participation of the developmental disabilities stakeholders work group (established in 1997) will conduct an assessment of all persons with developmental disabilities who are eligible for services. The analysis will include a broad look at all services, and will result in a long-term strategic plan for the department.

The plan will provide phased-in data collection and analysis on programs, services and funding for the developmentally disabled. The plan will also include budget and statutory recommendations intended to secure choice for all persons with developmental disabilities.

The department is directed to offer community support services to individuals with developmental disabilities if those individuals are offered admission to a residential habitation center.

All provisions of this bill specifically do not create an entitlement to any services.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: People with developmental disabilities should have a choice of where they live and this bill stresses choice. Pro-community and pro-RHC groups have been fighting for too long. This bill sets a direction for the department to take which will allow it to truly respond to the needs of the developmentally disabled people in the state.

Concerns: We want to make sure that the language in RCW 71A.10.011 is not repealed.

Testimony Against: None.

Testified: Jeff Larsen, United Cerebral Palsy of King/Snohomish Counties (pro); Greg Devereux, Washington Federation of State Employees; PRO w/Amendments: Stephen Start, CRRSA; Dave Wood, Action for RCHs; Janet Adams, ARC; Robert Wardell, People First of Washington.

House Amendment(s): References to residential habilitation center– and community support services– are made consistent throughout the bill.

Until 2003, the offer of RHC and community support services are tied to the availability of funds for community support services. When funds for community support services are exhausted, the department may not offer admission to an RHC, regardless of RHC capacity.

The outreach program is limited to eligible applicants and current recipients of developmental disability services, rather than all persons who may need services.

A definition of vacancy– is provided. Vacancy is defined as an opening at an RHC, which when filled would not require the center to exceed its biennial budget capacity.