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SENATE BILL 6019

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State of Washington

55th Legislature

1997 Regular Session

By Senators Deccio, Wojahn, Winsley, Wood, Benton, Heavey, Franklin, Thibaudeau, Sheldon, Kohl, Hochstatter, Swanson, Schow, Prince, Roach, Oke, McAuliffe, Long, Bauer, Patterson and Rasmussen

Read first time 02/27/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to stabilizing long-term care for persons with  
2 developmental disabilities living in the community and in residential  
3 habilitation centers; amending RCW 71A.10.011, 71A.10.020, 71A.16.010,  
4 and 71A.16.030; adding a new section to chapter 71A.12 RCW; adding a  
5 new section to chapter 71A.10 RCW; making an appropriation; and  
6 declaring an emergency.

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

8 **Sec. 1.** RCW 71A.10.011 and 1995 c 383 s 1 are each amended to read  
9 as follows:

10 The legislature recognizes that the emphasis of state developmental  
11 disability services is shifting from institutional-based care to  
12 community services in an effort to increase the personal and social  
13 independence and fulfillment of persons with developmental  
14 disabilities, consistent with state policy as expressed in RCW  
15 71A.10.015. (~~It is the intent of the legislature that financial~~  
16 ~~savings achieved from program reductions and efficiencies within the~~  
17 ~~developmental disabilities program shall be redirected within the~~  
18 ~~program to provide public or private community-based services for~~  
19 ~~eligible persons who would otherwise be unidentified or unserved.))~~

1 Unless and until medicine eliminates or substantially reduces the  
2 incidence of developmental disabilities, it is the policy of the state  
3 of Washington to maintain and enhance the quality of its residential  
4 habilitation centers permanently established according to RCW  
5 71A.20.020 and its community residential support services.

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

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

10 (1) "Community residential support services" or "community support  
11 services" means the services listed in RCW 71A.12.040.

12 (2) "Department" means the department of social and health  
13 services.

14 ~~((+2))~~ (3) "Developmental disability" means a disability  
15 attributable to mental retardation, cerebral palsy, epilepsy, autism,  
16 or another neurological or other condition of an individual found by  
17 the secretary to be closely related to mental retardation or to require  
18 treatment similar to that required for individuals with mental  
19 retardation, which disability originates before the individual attains  
20 age eighteen, which has continued or can be expected to continue  
21 indefinitely, and which constitutes a substantial handicap to the  
22 individual. By January 1, 1989, the department shall promulgate rules  
23 which define neurological or other conditions in a way that is not  
24 limited to intelligence quotient scores as the sole ~~((determinate~~  
25 ~~{determinant}))~~ determinant of these conditions, and notify the  
26 legislature of this action.

27 ~~((+3))~~ (4) "Direct patient care staff" means those personnel in  
28 residential rehabilitation centers or in community residential support  
29 services who have frequent, direct interaction with, and who provide  
30 direct assistance to, persons with developmental disabilities as the  
31 major portion of their regular employment duties.

32 (5) "Eligible person" means a person who has been found by the  
33 secretary under RCW 71A.16.040 to be eligible for services.

34 ~~((+4))~~ (6) "Habilitative services" means those services provided  
35 by program personnel to assist persons in acquiring and maintaining  
36 life skills and to raise their levels of physical, mental, social, and  
37 vocational functioning. Habilitative services include education,  
38 training for employment, and therapy.

1       (~~(5)~~) (7) "Legal representative" means a parent of a person who  
2 is under eighteen years of age, a person's legal guardian, a person's  
3 limited guardian when the subject matter is within the scope of the  
4 limited guardianship, a person's attorney at law, a person's attorney  
5 in fact, or any other person who is authorized by law to act for  
6 another person.

7       (~~(6)~~) (8) "Notice" or "notification" of an action of the  
8 secretary means notice in compliance with RCW 71A.10.060.

9       (~~(7)~~) (9) "Residential habilitation center" or "central core  
10 facility" means a state-operated facility for persons with  
11 developmental disabilities governed by chapter 71A.20 RCW.

12       (~~(8)~~) (10) "Secretary" means the secretary of social and health  
13 services or the secretary's designee.

14       (~~(9)~~) (11) "Service" or "services" means services provided by  
15 state or local government to carry out this title.

16       **Sec. 3.** RCW 71A.16.010 and 1988 c 176 s 401 are each amended to  
17 read as follows:

18       It is the intention of the legislature in this chapter to establish  
19 a single point of referral for persons with developmental disabilities  
20 and their families so that they may have a place of entry and  
21 continuing contact for services authorized under this title to persons  
22 with developmental disabilities. So long as there are vacancies within  
23 the capacity of residential habilitation centers as specified in RCW  
24 71A.20.020 or in community residential support services, no person with  
25 a developmental disability may be denied the services of a residential  
26 habilitation center or community residential support services, except  
27 for lack of funds as provided by legislative appropriation from both  
28 state and federal sources.

29       **Sec. 4.** RCW 71A.16.030 and 1988 c 176 s 403 are each amended to  
30 read as follows:

31       (1) The secretary shall establish a single procedure for persons to  
32 apply for a determination of eligibility for services provided to  
33 persons with developmental disabilities. This procedure must require  
34 that all applicants be given notice of the existence and availability  
35 of residential habilitation center and community residential support  
36 services. The department shall establish waiting lists for admission  
37 to residential habilitation centers, including permanently available

1 respite and other services, as well as waiting lists for community  
2 residential support services. The department shall include these  
3 waiting lists in an annual report to the senate health and long-term  
4 care committee and the house of representatives health care committee  
5 on actual admissions to the residential habilitation centers and to  
6 community residential support services.

7 (2) An application may be submitted by a person with a  
8 developmental disability, by the legal representative of a person with  
9 a developmental disability, or by any other person who is authorized by  
10 rule of the secretary to submit an application.

11 NEW SECTION. Sec. 5. A new section is added to chapter 71A.12 RCW  
12 to read as follows:

13 (1) The legislature recognizes that essential residential  
14 habitation center and community residential support services should be  
15 available to each person with developmental disabilities in our state.

16 (2) The legislature recognizes that there have been substantially  
17 increasing demands for all of these services. Therefore, the  
18 legislature believes that any reductions in the capacity of these  
19 services could jeopardize a needed balance in the developmental  
20 disabilities system. The legislature intends to stabilize the capacity  
21 of community residential support and residential habilitation center  
22 services. The combined capacity of these services may not be reduced  
23 below levels assumed in chapter 283, Laws of 1996, the 1996 supplement  
24 to the 1995-97 operating budget. If such capacity is not needed for  
25 current clients of the department, any vacancies that may occur in  
26 community residential support or residential habilitation center  
27 services shall be used to expand services to eligible developmentally  
28 disabled persons not now receiving services. If residential  
29 habilitation center capacity is not needed for permanent residents, the  
30 department shall make any residential habilitation center vacancies  
31 available for respite care. Any restrictions in staffing ratios that  
32 may be needed to implement this section within available resources may  
33 not result in reductions to direct patient care staff.

34 NEW SECTION. Sec. 6. A new section is added to chapter 71A.10 RCW  
35 to read as follows:

36 The department of social and health services shall convene a  
37 working group for the purpose of developing a long range plan for the

1 future of residential habilitation center and community support  
2 services.

3 This working group shall be composed of people with developmental  
4 disabilities, their family members and guardians, and others who are  
5 selected by the secretary and who equally reflect the broad range of  
6 interest within the developmental disabilities community, including  
7 residential habilitation center and community residential support  
8 services.

9 The department shall contract with experts in mediation and large  
10 group process facilitation to develop the long range planning process  
11 described in this section. Based on the recommendations of the  
12 experts, the department shall appoint the working group members by  
13 August 1, 1997.

14 The working group shall convene by September 1, 1997. The working  
15 group shall seek a consensus on a single long range plan and seek to  
16 develop a lasting, working relationship among its members and the  
17 groups they represent. The working group shall submit an initial  
18 report with recommendations as outlined in this section by December 1,  
19 1997. The working group shall report annually, on December 1st  
20 thereafter, until it makes its final report and ceases to exist on  
21 December 1, 2002.

22 The working group shall address those topics necessary for the  
23 completion of its task, including at least the following: The role,  
24 configuration, and capacity of the permanently established residential  
25 habilitation centers; respite care; crisis intervention services;  
26 supports for people who exhibit challenging behaviors, have a mental  
27 illness, or are medically fragile; quality assurance; consumer and  
28 family choices; appropriate settings for legal offenders; managed care;  
29 due process and grievance procedures; employee dislocation and  
30 turnover; equitable service allocation; residential service guidelines;  
31 future uses for unneeded institutional property; and future use of  
32 adult family homes. The working group shall also implement a process  
33 for ongoing communication and future dispute resolution.

34 The working group's annual reports must include recommendations for  
35 legislation and budgetary appropriations. The department shall conduct  
36 assessments of need, or cause them to be conducted by neutral parties,  
37 and shall develop and include in its reports to the legislature  
38 supporting documentation of current and projected population and  
39 service trends, needs, and costs.

1        NEW SECTION.    **Sec. 7.**    The sum of forty-nine thousand dollars, or  
2 as much thereof as may be necessary, is appropriated for the biennium  
3 ending June 30, 1999, from the general fund to the department of social  
4 and health services for the purposes of section 6 of this act.

5        NEW SECTION.    **Sec. 8.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 immediately.

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