

# SENATE BILL REPORT

## SB 5429

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As of February 25, 2011

**Title:** An act relating to protecting residents of state facilities during discharges and reductions in service, ensuring admissions pursuant to federal law.

**Brief Description:** Concerning the discharge and relocation of residents of state facilities.

**Sponsors:** Senator Chase.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 1/31/11.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Rhoda Donkin (786-7465)

**Background:** The state operates five residential habilitation centers (RHC) 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. Today approximately 900 individuals reside in RHCs, as permanent residents, for short term or respite stays. There are 36 individuals under age 21.

Over the years there have been repeated efforts to reduce the number of people in RHCs as trends for providing services to persons with developmental disabilities have increasingly focused on doing so in community settings. Today, the Department of Social and Health Services (department) provides community-based services through a number of programs to approximately 20,000 clients. These 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 RHC or in the community, an estimated 14,000 eligible clients do not receive any paid services due to lack of available funding.

Currently the department is implementing 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. All of the 50 residents of Frances Haddon Morgan will be relocated to either a

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community residential placement, such as a state operated living arrangement (SOLA) or to one of three remaining RHCs.

The department plans to set up three new SOLAs, and 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 ten residents leaving Yakima Valley School will do so by the end of 2011. The department is planning to establish crisis stabilization programs for children and adults using, where possible, institutional staff who will no longer be employed at the closed facilities.

**Summary of Bill:** Residential habilitation centers (RHC) must be fostered and supported by the state.

Eligibility for admission to residential habilitation centers must exclusively be determined under the requirements of federal law and regulations. Any individual entitled to admission to a RHC is entitled to a fully informed choice of RHC placement and all appropriate alternatives.

The department must provide written notification of an impending voluntary closure of an RHC or other state-operated nursing facility for individuals with intellectual disabilities receiving federal Medicaid funding. This notification must go to all federal agencies as required by law, the state long-term care ombudsman, and residents of the facility no later than 120 days prior to closure.

Written notification must include a general plan for discharge and relocation of the residents, a description of the organization and staffing, assurances that residents are relocated to the most appropriate facility, and a description of how the rights of residents are carried out.

The department must provide a discharge and relocation plan for each resident on a case-by-case basis. The department must also produce a summary of the resident's developmental, behavioral, social, health and nutritional status; fully identify and inform residents of all their service options; and develop a post discharge plan of care outlining ways of adjusting to the new living environment. The post discharge plan must include medical and psychological needs, and an analysis of risk or injury that may occur from changing locations.

Residents have a right to a hearing in the event that a proposal is made to relocate to a facility where the services are not equal or greater, and when the resident disagrees with the discharge plan.

The department must ensure that, before a facility closes, all residents of the facility have been successfully relocated to another facility or an alternative home and community-based setting.

**Appropriation:** None.

**Fiscal Note:** Requested on January 24, 2011.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: People with developmental disabilities have to be given a choice and if they choose to live in an RHC, the state has to allow for this. There are older children in RHCs with behavior that is so challenging, they can't live in the community. The community does not have the supports needed to support them. I have a daughter at Yakima Valley School because even with community support, now that she has Alzheimer's, she can only be safe at an RHC. The RHCs should be kept open as regional centers with specialized services that are badly needed by individuals with disabilities in the community.

CON: There are providers across the state ready and able to care for people with very challenging behaviors. It is not necessary to have this happen in state institutions. Children should not be raised in institutions. People who leave institutions never want to go back. There is no comparison between community life and life in an institution; the quality of life is so much better in the community. The only way to pay for community care is if we consolidate these institutions. Today they are not operating at capacity, which means we are wasting money on expenses that could go toward services to the thousands of people in the community who need care and the families who need respite.

**Persons Testifying:** PRO: Senator Chase, prime sponsor; Jean Barrett, guardian; Stacy Dimmich, Janet Jared, FYVC; Cheryl Felak, Because We Care; Lynn French, Josie Barrera, Toni Penuel, Cindy Maglietti, SEIU; Sharon Smith, Steven Jones, YVS; Julian Wheeler, Friends of Fircrest; Sharon Juza, Yakima Valley School; Michael Johnson, parent.

CON: Robbin Naylor, Chad Higman, Community Residential Services Association; Lance Morehouse, ARC of King County; Sue Elliott, ARC; Diana Stadden, parent; Ed Holen, Developmental Disabilities Council; Mike Raymond, Self Advocates of Washington.