
ENGROSSED SUBSTITUTE HOUSE BILL 1792

State of Washington

65th Legislature

2017 Regular Session

By House Appropriations (originally sponsored by Representatives Kagi and Ormsby; by request of Department of Social and Health Services)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to investigative costs for residential services
2 and supports programs; adding new sections to chapter 71A.12 RCW;
3 creating a new section; providing an effective date; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that
7 Washington's system to support persons with developmental and
8 intellectual disabilities in chapter 388-101 WAC of the supported
9 living program of the residential services and supports program
10 should more aggressively investigate and resolve complaints of abuse
11 or neglect for the vulnerable populations it serves. The legislature
12 intends to address current funding levels that limit the department
13 of social and health services' ability to promote vulnerable adult
14 protections in the program. The legislature further intends that the
15 cost of complaint investigation should be supported by an appropriate
16 certification fee paid by the regulated businesses.

17 NEW SECTION. **Sec. 2.** RESIDENTIAL SERVICES AND SUPPORTS
18 CERTIFICATION FEES. (1) After initial certification, the certified
19 provider must pay an annual certification fee. Beginning July 1,
20 2018, and thereafter, the annual certification fee must be

1 established in the omnibus appropriations act and any amendment or
2 additions made to that act. The certification fee established in the
3 omnibus appropriations act and any amendment or additions made to
4 that act may not exceed the department's costs for investigation of
5 complaints about provider practice and individuals alleged to have
6 abused, neglected, abandoned, or exploited clients. The certification
7 fee must include all of the department's cost of paying providers for
8 the amount of the certification fee attributed to medicaid clients.

9 (2) No fee may be required of government-operated programs, the
10 portion of certified residential services and supports clients for
11 whom the program pays licensing fees under chapter 70.128 or 18.20
12 RCW, or court-appointed receivers.

13 NEW SECTION. **Sec. 3.** DEPARTMENT DUTIES. The department shall
14 use additional investigative resources to address a significant
15 growth in the residential services and supports program complaint
16 workload. The department shall use the resources to intervene for
17 clients in a timelier manner when there is possible abuse or neglect.
18 "Complaints," as used in this section, include both complaints about
19 provider practice, under this chapter, and complaints about
20 individuals alleged to have abused, neglected, abandoned, or
21 exploited clients, under chapter 74.34 RCW.

22 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
23 added to chapter 71A.12 RCW.

24 NEW SECTION. **Sec. 5.** If the director of the centers for
25 medicare and medicaid services determines that federal funds cannot
26 be appropriated to match state expenditures under this act, the
27 department must cease collecting the fee in section 2 of this act,
28 and this act is of no force and effect. If the centers for medicare
29 and medicaid services makes such a determination, the department must
30 notify the office of financial management and the appropriate
31 committees of the legislature. Rules adopted under this act must meet
32 federal requirements that are a necessary condition to the receipt of
33 federal funds by the state.

34 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
35 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect July 1, 2018.

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