

2 **SSB 6751** - CONF REPT
3 By Conference Committee

4 ADOPTED 3/12/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.10
8 RCW to read as follows:

9 It is the intent of the legislature to affirm its long-time
10 commitment to secure for eligible persons with developmental
11 disabilities in partnership with their families or legal guardians the
12 opportunity to choose where they live. Consistent with this
13 commitment, the legislature supports the existence of a complete
14 spectrum of options, including community support services and
15 residential habilitation centers.

16 The choice of service options must be supported by state policy,
17 whether the choice is residential habilitation centers or community
18 support services. The intent of the legislature is to ensure choice of
19 service options to persons with developmental disabilities allowing, to
20 the maximum extent possible, that they not have to leave their home or
21 community.

22 The legislature supports the respective roles that both residential
23 habilitation centers and community support services play in providing
24 options and resources for people with developmental disabilities and
25 their families who need services. The legislature recognizes that
26 services must ensure credibility, responsiveness, and reasonable
27 quality, whether they are state, county, or community funded.

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

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

32 (1) "Community residential support services," or "community support
33 services," and "in-home services" means one or more of the services
34 listed in RCW 71A.12.040.

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

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

16 (~~(3)~~) (4) "Eligible person" means a person who has been found by
17 the secretary under RCW 71A.16.040 to be eligible for services.

18 (~~(4)~~) (5) "Habilitative services" means those services provided
19 by program personnel to assist persons in acquiring and maintaining
20 life skills and to raise their levels of physical, mental, social, and
21 vocational functioning. Habilitative services include education,
22 training for employment, and therapy.

23 (~~(5)~~) (6) "Legal representative" means a parent of a person who
24 is under eighteen years of age, a person's legal guardian, a person's
25 limited guardian when the subject matter is within the scope of the
26 limited guardianship, a person's attorney at law, a person's attorney
27 in fact, or any other person who is authorized by law to act for
28 another person.

29 (~~(6)~~) (7) "Notice" or "notification" of an action of the
30 secretary means notice in compliance with RCW 71A.10.060.

31 (~~(7)~~) (8) "Residential habilitation center" means a state-
32 operated facility for persons with developmental disabilities governed
33 by chapter 71A.20 RCW.

34 (~~(8)~~) (9) "Secretary" means the secretary of social and health
35 services or the secretary's designee.

36 (~~(9)~~) (10) "Service" or "services" means services provided by
37 state or local government to carry out this title.

1 (11) "Vacancy" means an opening at a residential habilitation
2 center, which when filled, would not require the center to exceed its
3 biannually budgeted capacity.

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

6 (1) It is the intention of the legislature in this chapter to
7 establish a single point of referral for persons with developmental
8 disabilities and their families so that they may have a place of entry
9 and continuing contact for services authorized under this title to
10 persons with developmental disabilities. Eligible persons with
11 developmental disabilities, whether they live in the community or
12 residential habilitation centers, should have the opportunity to choose
13 where they live.

14 (2) Until June 30, 2003, and subject to subsection (3) of this
15 section, if there is a vacancy in a residential habilitation center,
16 the department shall offer admittance to the center to any eligible
17 adult, or eligible adolescent on an exceptional case-by-case basis,
18 with developmental disabilities if his or her assessed needs require
19 the funded level of resources that are provided by the center.

20 (3) The department shall not offer a person admittance to a
21 residential habilitation center under subsection (2) of this section
22 unless the department also offers the person appropriate community
23 support services listed in RCW 71A.12.040.

24 (4) Community support services offered under subsection (3) of this
25 section may only be offered using funds specifically designated for
26 this purpose in the state operating budget. When these funds are
27 exhausted, the department may not offer admittance to a residential
28 habilitation center, or community support services under this section.

29 (5) Nothing in this section shall be construed to create an
30 entitlement to state services for persons with developmental
31 disabilities.

32 (6) Subsections (2) through (6) of this section expire June 30,
33 2003.

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

36 (1) The department will develop an outreach program to ensure that
37 any eligible person with developmental disabilities services in homes,

1 the community, and residential habilitation centers will be made aware
2 of these services. This subsection (1) expires June 30, 2003.

3 (2) The secretary shall establish a single procedure for persons to
4 apply for a determination of eligibility for services provided to
5 persons with developmental disabilities.

6 ~~((+2))~~ (3) Until June 30, 2003, the procedure set out under
7 subsection (1) of this section must require that all applicants and all
8 persons with developmental disabilities currently receiving services
9 from the division of developmental disabilities within the department
10 be given notice of the existence and availability of residential
11 habilitation center and community support services. For genuine choice
12 to exist, people must know what the options are. Available options
13 must be clearly explained, with services customized to fit the unique
14 needs and circumstances of developmentally disabled clients and their
15 families. Choice of providers and design of services and supports will
16 be determined by the individual in conjunction with the department.
17 When the person cannot make these choices, the person's legal guardian
18 may make them, consistent with chapter 11.88 or 11.92 RCW. This
19 subsection expires June 30, 2003.

20 (4) An application may be submitted by a person with a
21 developmental disability, by the legal representative of a person with
22 a developmental disability, or by any other person who is authorized by
23 rule of the secretary to submit an application.

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

26 (1) The legislature recognizes that residential habilitation center
27 and community support services should be available to each eligible
28 person with developmental disabilities in our state within appropriated
29 funds.

30 (2) The legislature recognizes that there have been substantially
31 increasing demands for all of these services. Therefore, the
32 legislature believes that any reductions in the capacity of these
33 services could jeopardize a needed balance in the developmental
34 disabilities system. The legislature intends to stabilize the capacity
35 of community support services and residential habilitation center
36 services. The capacity of the residential habilitation centers shall
37 not be reduced below the capacity provided for in chapter 149, Laws of
38 1997, subject to budget direction from the governor or reductions

1 needed to adhere to an agreement with the federal department of justice
2 regarding Fircrest School. The capacity of community support services
3 shall not be reduced below the capacity provided for by the
4 appropriation specified in chapter 149, Laws of 1997, subject to budget
5 direction from the governor. If the direction from the governor
6 requires reductions in the division of developmental disabilities, the
7 budgets of both the residential habilitation centers and community
8 support services shall be considered.

9 (3) If such capacity is not needed for current clients of the
10 department, any vacancies that may occur in community support services
11 or residential habilitation center services shall be used to expand
12 services to eligible persons with developmental disabilities not now
13 receiving services. If a vacancy is created it will be made available
14 to any eligible individual who is seeking and desires the services of
15 a residential habilitation center under RCW 71A.16.010. If residential
16 habilitation center capacity is not being used for permanent residents,
17 the department shall make any residential habilitation center vacancies
18 available for respite care and any other services needed to care for
19 this population in residential habilitation centers, other than
20 permanent residents.

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

23 As a means of implementing a choice-oriented system for people with
24 developmental disabilities, staff of residential habilitation centers
25 will continue to increase vocational and community access for current
26 residents. Likewise, specialized residential habilitation services
27 will be more easily accessed by community residents within available
28 funds.

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 71A.12 RCW
30 to read as follows:

31 The department shall conduct an analysis whereby it identifies all
32 persons with developmental disabilities who are eligible for services
33 under Title 71A RCW, and whether they are served, unserved, or
34 underserved. The department will gather data on the services and
35 supports required by this population, their families or their
36 guardians, and the cost of providing these services. This analysis
37 will include assessing services such as those at residential

1 habilitation centers, those community support services listed in RCW
2 71A.12.040, and including, but not limited to, supported employment,
3 family support, post high school transition programs, crisis
4 intervention services, supports for persons who have a developmental
5 disability and also a mental illness, alternative uses for residential
6 habilitation centers, community vocational services, respite care,
7 specialized medical treatment, and appropriate placements for persons
8 with developmental disabilities who are also offenders. The assessment
9 shall be done with the participation of the developmental disabilities
10 stakeholders work group. The assessment will commence no later than
11 July 1, 1998.

12 The assessment data will not be used to determine or allocate
13 services for individual people. It will be used by the department,
14 with the participation of the developmental disabilities stakeholder
15 work group, to develop a long-term strategic plan. The plan will
16 include three phases, the first one beginning December 1, 1998; the
17 second beginning December 1, 2000; and the third beginning December 1,
18 2002. For each phase the department will provide incremental data and
19 assessment of programs, services, and funding for persons with
20 developmental disabilities and their families. For each phase the plan
21 must also include budget and statutory recommendations intended to
22 secure for all persons with developmental disabilities the opportunity
23 to choose where they live, and shall support the existence of a
24 complete spectrum of options including community support services, and
25 residential habilitation centers that are consistent with those needs.

26 NEW SECTION. **Sec. 8.** A new section is added to chapter 71A.12 RCW
27 to read as follows:

28 For the purposes of section 7 of this act, the developmental
29 disabilities stakeholder work group is the division of developmental
30 disabilities strategies for the future stakeholder work group
31 established by the secretary in 1997 to develop recommendations on
32 future directions and strategies for service delivery improvement,
33 resulting in an agreement on the directions the department should
34 follow in considering the respective roles of the residential
35 habilitation centers and community support services, including a focus
36 on the resources for people in need of services.

