

SENATE BILL REPORT

SB 6019

As Reported By Senate Committee On:
Health & Long-Term Care, March 4, 1997
Ways & Means, January 20, 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: Stabilizing long-term care for persons with developmental disabilities living in the community and in residential habilitation centers.

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

Brief History:

Committee Activity: Health & Long-Term Care: 3/3/97, 3/4/97 [DPS, DNP].
Ways & Means: 3/10/97; 1/20/98 [w/oRec-HEA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6019 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senator Fairley.

Staff: Don Sloma (786-7319)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred to Committee on Health & Long-Term Care without recommendation.

Signed by Senators West, Chair; Strannigan, Vice Chair; Fraser, Hochstatter, Kohl, Long, Loveland, Deccio, Rossi, Spanel, Swecker, Thibaudeau and Winsley.

Staff: Tim Yowell (786-7435)

Background: The state Constitution (Article XIII) provides that ... institutions ... for the ... developmentally disabled ... shall be fostered and supported by the state, subject to regulations as may be provided in law.–

Under Title 71A RCW, the state's Department of Social and Health Services (the department) contracts for community residential programs for about 3,600 persons with developmental disabilities, employment and day programs for about 7,900, Medicaid personal care for about 6,900, family support (respite care) for about 2,300, and other services.

Five residential habilitation centers— are permanently established to provide services to persons with developmental disabilities— according to RCW 71A.20.020. The combined average monthly number of persons served in these facilities during the last half of 1996 is estimated to be 1270.

For many years, a conflict has existed between advocates for community based services and advocates for state operated residential habilitation centers (RHCs).

Summary of Substitute Bill: The Legislature declares its intent to bring an end to the long standing conflict between advocates for persons with developmental disabilities. The Legislature affirms its longtime commitment to secure for all persons with developmental disabilities the opportunity to choose where they live. Consistent with this, the Legislature supports the existence of a complete spectrum of options including community services and RHCs, based on appropriated spending levels. It is the state's policy to maintain and enhance the quality of all of these programs.

The terms community residential support services— or community support services— and direct patient care staff— are defined.

So long as there are vacancies in community support services or RHCs, no person with a developmental disability may be denied services, except for lack of funds. All applicants must be given notice of the existence and availability of RHC and community support services as part of eligibility determination procedures. The department must establish waiting lists for admission to RHCs and community support services which must be submitted annually to the Senate Health and Long-Term Care Committee and the House Health Care Committee.

The Legislature intends to stabilize the capacity of community support services and RHCs. Accordingly, the capacity of RHCs and the capacity of community support services must not be reduced below the number of persons served in each of these services during March 1997, except that the department may complete reductions scheduled through the end of the current biennium. Any subsequent reductions at Fircrest School which might be required by formal agreements with the federal Department of Justice must be approved by the Legislature.

If RHC capacity is not needed for current clients, any vacancies must be used to expand services to eligible persons not now receiving services. If RHC capacity is not needed for permanent residents, the department must make RHC vacancies available for respite care. Any restrictions in staffing levels which may be needed may not result in reductions to direct patient care staff.

The department must convene a working group to develop a long range plan for the future of RHCs and community support services. The composition of the working group is outlined. It must contain equal numbers of advocates for RHC services and community

support services. The group's tasks are enumerated. They include seeking to develop consensus on the long range plan, and seeking to develop a lasting, working relationship among working group members and the groups they represent. The department may contract with experts in mediation and large group process facilitation to help the working group complete its tasks.

The department must make annual reports on the working group's activities beginning on December 1, 1997. The working group is disbanded on December 1, 2002. The department must conduct assessments of need, or cause them to be conducted by neutral parties, and must develop other documentation of current and projected service needs, trends and costs.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: \$49,000.

Fiscal Note: Requested on March 4, 1997.

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

Testimony For: This bill can begin the process of ending the long standing conflict between advocates for the developmentally disabled. It stabilizes capacity of RHC and community support services, and establishes a process for the various advocate groups to mediate their differences. It reaffirms state policy to promote quality care and encourages that developmentally disabled people and their families choose where they live from a broad spectrum of options, including RHC care. It provides the department with the flexibility it needs to meet its current commitments to the federal government to downsize Fircrest School, but provides for legislative oversight and approval of any additional reductions. It also requires that applicants for services be informed of both community and RHC service options, and requires the compilation and submittal of waiting lists for both. This, together with the required annual planning reports and other analyses, will help the Legislature make informed policy decisions in the future.

Testimony Against: This bill will not help to resolve the conflict between advocates for community care and those who favor RHCs. It reverses a long standing state policy to reduce the size of RHCs as beds are vacated, and to redirect savings from this downsizing to community placements for these people. Many other states have moved to reduce or eliminate their RHCs. That is what most people with developmental disabilities want. It saves money, supports freedom, encourages independence, promotes happiness, is no more dangerous than RHC care and should continue. While there is a need to stabilize and increase funding for services to the developmentally disabled, we should not presume that the number and type of services we have in the system now represents the right mix. We should plan before we lock in any particular mix of services. The long range planning work group should be proportionately representative of RHC and community service advocates, not equally, since far more people live in the community than at RHCs.

Testified: Doug Sayan (pro); David Lord, WPAS (con); Mary Ann Smith, Self Advocates (con); Senator Lena Swanson (pro); Tracy Van Delwall, Pierce Co. Coalition (pro); Larry Moss, People First (con); Richard Bowyer, Friends of Rainier (pro); Frank Junkin, Fircrest Foundation (pro); David Cooper, Arc of Clark (con); William Anderson, Frances Haddon

Morgan (pro); Jackie MacRae, Parents and Guardians of People with Mental Retardation (pro); David Harris, Veterans Legislative Coalition (pro); Michael Doctor UCP of Washington (pro); Donald Whiting, Secretary of State's office (pro); Greg Devereaux, Duwane Huffaker, Ray Haladnak, WFSE (pro); Nancy Sclater, Pinkerton Brown (pro); Dave Wood, Action for RHCs (pro).