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SENATE BILL 6733

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State of Washington 57th Legislature

2002 Regular Session

By Senators Thibaudeau, Deccio, Kohl-Welles, Prentice and Rasmussen

Read first time 01/30/2002. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to extending service choices for people with  
2 developmental disabilities including those living in their own homes;  
3 amending RCW 71A.16.010 and 71A.16.030; adding new sections to chapter  
4 71A.20 RCW; and repealing 1998 c 216 s 9 (uncodified).

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.20 RCW  
7 to read as follows:

8 The legislature finds that caring for individuals with  
9 developmental disabilities in their own homes dramatically reduces the  
10 cost to the state of their care. There are thirty-two thousand state  
11 clients with developmental disabilities currently receiving services in  
12 their own homes. The legislature recognizes that being a caregiver is  
13 a difficult job and to provide good care, caregivers themselves need  
14 occasional relief. Many caregivers face health and emotional problems,  
15 including ongoing depression, frustration, and isolation. It is  
16 documented that caregiver stress also affects the individual receiving  
17 care. Stressed caregivers are more likely to provide inadequate care  
18 and are more likely to eventually seek out-of-home alternatives for the  
19 family member.

1       The legislature finds that respite care provides temporary, short-  
2 term relief for people whose job otherwise never stops. Research has  
3 shown that caregivers who receive respite care are more likely to stay  
4 healthy themselves, and continue to provide at-home care for a loved  
5 one indefinitely.

6       NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.20 RCW  
7 to read as follows:

8       Any vacancies that occur in residential habilitation centers shall  
9 permanently remain available for respite care. The department shall  
10 offer respite care to any eligible individual with developmental  
11 disabilities, including children age thirteen and under, as these beds  
12 become available.

13       **Sec. 3.** RCW 71A.16.010 and 1998 c 216 s 3 are each amended to read  
14 as follows:

15       (1) It is the intention of the legislature in this chapter to  
16 establish a single point of referral for persons with developmental  
17 disabilities and their families so that they may have a place of entry  
18 and continuing contact for services authorized under this title to  
19 persons with developmental disabilities. Eligible persons with  
20 developmental disabilities, whether they live in the community or  
21 residential habilitation centers, should have the opportunity to choose  
22 where they live.

23       (2) (~~Until June 30, 2003, and~~) Subject to subsection (3) of this  
24 section, if there is a vacancy in a residential habilitation center,  
25 the department shall offer admittance to the center to any eligible  
26 adult, or eligible adolescent on an exceptional case-by-case basis,  
27 with developmental disabilities if his or her assessed needs require  
28 the funded level of resources that are provided by the center.

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

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

1 (5) Nothing in this section shall be construed to create an  
2 entitlement to state services for persons with developmental  
3 disabilities.

4 (~~(6) Subsections (2) through (6) of this section expire June 30,~~  
5 ~~2003.~~)

6 **Sec. 4.** RCW 71A.16.030 and 1998 c 216 s 4 are each amended to read  
7 as follows:

8 (1) The department will develop an outreach program to ensure that  
9 any eligible person with developmental disabilities services in homes,  
10 the community, and residential habilitation centers will be made aware  
11 of these services. (~~(This subsection (1) expires June 30, 2003.)~~)

12 (2) The secretary shall establish a single procedure for persons to  
13 apply for a determination of eligibility for services provided to  
14 persons with developmental disabilities.

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

29 (4) An application may be submitted by a person with a  
30 developmental disability, by the legal representative of a person with  
31 a developmental disability, or by any other person who is authorized by  
32 rule of the secretary to submit an application.

33 NEW SECTION. **Sec. 5.** 1998 c 216 s 9 (uncodified) is repealed.

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