

HOUSE BILL REPORT

HB 2190

As Reported by House Committee On:
Children & Family Services

Title: An act relating to planning for the residential care needs of individuals with developmental disabilities.

Brief Description: Creating a commission to study care for persons with developmental disabilities.

Sponsors: Representatives Kagi, Darneille, Morrell, O'Brien and Kenney.

Brief History:

Committee Activity:

Children & Family Services: 2/28/05, 3/2/05 [DPS].

Brief Summary of Substitute Bill

- Creates a commission to review the need for, and existing capacity of, residential services for individuals with developmental disabilities.

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hinkle, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Darneille, Dickerson, Dunn, Haler and Pettigrew.

Staff: Cynthia Forland (786-7152).

Background:

The Division of Developmental Disabilities in the Department of Social and Health Services (DSHS) provides or purchases a broad array of services and supports for individuals with developmental disabilities and their families in the state. Currently, approximately 1,000 individuals with developmental disabilities are served in the state's five Residential Habilitation Centers (RHCs) and approximately 4,200 receive residential services in the community. Residential services in the community are provided in a range of settings, including adult family homes, boarding homes, community nursing facilities, companion homes, and supported living.

Summary of Substitute Bill:

A commission is created in the Office of the Governor to review the need for, and existing capacity of, residential services for individuals with developmental disabilities in the state, including the RHCs and community residential settings. The commission is required to develop a plan for meeting the residential care needs of these individuals. The commission must take into consideration the research conducted by the Joint Legislative Audit and Review Committee relating to the state's RHCs.

In developing the residential plan, the commission must consider, at a minimum, the following factors:

- the needs of individuals currently being served in RHCs or community residential programs;
- staff expertise and specialization of care at existing facilities;
- utilization level of existing RHCs;
- capacity for growth of each of the existing RHCs and community residential programs;
- the relative costs and benefits of serving individuals in RHCs and community residential programs;
- the geographic factors associated with each RHC and its proximity to dense populations as well as other similar facilities; and
- costs and savings related to the consolidation or closure, or both, of RHCs.

The commission is to consist of 13 members as follows:

- one representative each of the Governor's Office, the Office of Financial Management, the DSHS, and the Washington State Developmental Disabilities Council, appointed by the Governor;
- one representative of organized labor, appointed by the Governor;
- one representative of community residential care providers, appointed by the Governor;
- one representative of an advocacy organization for residents of RHCs and their families, and one representative of an advocacy organization for individuals served in community residential programs and their families, appointed by the Governor;
- one individual with a developmental disability who is or has been a resident in an RHC and who is being or has been served in a community residential program, appointed by the Governor; and
- two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom must be a member of the majority caucus and one of whom must be a member of the minority caucus, and two members of the Senate appointed by the President of the Senate, one of whom must be a member of the majority caucus and one of whom must be a member of the minority caucus. The legislative members of the commission are to be ex officio, nonvoting members.

The commission is to select a chairperson from among its members. Legislative members of the commission are to be reimbursed for travel expenses in accordance with state law.

Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with state law.

The commission is required to provide its residential plan to the Governor and the appropriate committees of the Legislature by January 1, 2006.

Substitute Bill Compared to Original Bill:

The membership of the commission is expanded to include: a representative of an advocacy organization for individuals served in community residential programs and their families; and an individual with a developmental disability who is or has been a resident in an RHC and who is being or has been served in a community residential program. It is provided that the representative of organized labor on the commission is to be appointed by the Governor, consistent with the other nonlegislative members of the commission. References are clarified to community residential programs by referring to those as programs rather than facilities.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) The Legislature has been in a state of no-decision for several years concerning residential services for individuals with developmental disabilities. Fircrest has been downsized. There has been a lot of debate about the current capacity of RHCs, their utilization, and their costs. This issue should be focused on, addressed, and resolved.

(With concerns on original bill) Contrary to language in the bill, the demand for RHC services is really unknown. A lot of people are unserved or underserved. We need to determine that first. The decline in population of RHCs is based on policy, not on any kind of market force. There has been a de facto freeze on admissions since 1988. The capacity of RHCs in Washington is very much similar to the current population that resides there. Many of the facilities are new and state-of-the-art. Individuals with developmental disabilities care about where they live and the services they receive, even though they may not be able to verbalize those concerns due to the extreme nature of their disabilities. The bill should include the stakeholders' agreement as a starting place for this study. We need a comprehensive study of need that the commission can use to make their plan.

The current system of community residential services is not considered an entitlement program. As you document these needs through this study, there will be the expectation that these services will be funded. Currently, the funding for community residential programs by the Legislature is very crisis-oriented. An area of particular concern is aging caregivers given the fact that most of the care is being provided by families for both children and adults with developmental disabilities. You may want to call that specific population out in terms of the study. You may want to be specific about whether the study is about adults or children, or both. Assessment information from the DDD will not be available until September 2007, but the report in the bill is due to the Legislature in January 2006.

(With amendments to the original bill) This bill is appreciated. However, language in the bill presupposes what some of the answers might be. The representative of organized labor on the commission should be defined a little better. It should be a representative of public workers who actually do these jobs.

This bill acknowledges the importance of assessing not only the needs of persons with developmental disabilities but whether we are providing the services that meet those needs. However, the bill is based on the myth that there has been a natural decline in the need for residential services. The fact is that the decline in use of RHCs has been an artificial and policy-driven decline, and the reality is that a strong need for these services truly still exists. the DSHS's inhumane policies harm real people because not everyone can live in the community. This bill must include direction for an impartial study conducted by a third party that can provide clear, concise, and truthful information about the true needs of individuals with disabilities within our state.

Hopefully this bill will help unlock this very difficult issue. A person with a developmental disability who has lived both at an RHC and in a community support alternative should be added to the membership of the commission. The bill should include something to trigger action. The lack of action on this issue is pretty staggering. References in the bill to "residential facilities" should be changed to "residential programs." A representative of an advocacy coalition for residents living in the community should be added to the membership of the commission.

Testimony Against: None.

Persons Testifying: Representative Kagi, prime sponsor; and Cherie R. Tessier, People First of Washington.

(With concerns on original bill) Jim Hardman, Washington State Disabilities Issues Caucus and Guardian; Kathy Leitch, Department of Social and Health Services; Bob Gee; and Saskia Davis, Friends of Fircrest.

(With amendments on original bill) Bev Hermanson, Washington Federation of State Employees; Jeanelle C. Baldwin; Ed Holen, Washington State Developmental Disabilities Council; Sharon Case, Community Residential Services Association;

Persons Signed In To Testify But Not Testifying: None.