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**SUBSTITUTE HOUSE BILL 2767**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Early Learning & Human Services (originally sponsored by Representatives Walsh, Kagi, Kilduff, Schmick, and Dye)

AN ACT Relating to defining and using the term center-based services for individuals with developmental disabilities; amending RCW 71A.12.080; and reenacting and amending RCW 71A.10.020.

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

**Sec.**  RCW 71A.10.020 and 2014 c 139 s 2 are each reenacted and amended to read as follows:

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

(1) "Assessment" means an evaluation is provided by the department to determine:

(a) If the individual meets functional and financial criteria for medicaid services; and

(b) The individual's support needs for service determination.

(2) "Center-based services" means job-training, skill development, and community employment services provided by a qualified organization for individuals with significant disabilities. Services can be provided at a facility, or any portion thereof, or at an integrated community site operated by the corporation, where business work activities are carried on and whose primary purpose is to provide gainful employment training and preparatory training services to individuals with disabilities who are not prepared for competitive employment, or during such time as employment opportunities for the individual in the competitive labor market do not exist; services may include: Skill evaluation, job training, and other employment-related services for individuals with developmental and other significant disabilities whose mental, emotional, or physical limitations keep them from obtaining work in the competitive labor market.

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

((~~(3)~~)) (4) "Crisis stabilization services" means services provided to persons with developmental disabilities who are experiencing behaviors that jeopardize the safety and stability of their current living situation. Crisis stabilization services include:

(a) Temporary intensive services and supports, typically not to exceed sixty days, to prevent psychiatric hospitalization, institutional placement, or other out-of-home placement; and

(b) Services designed to stabilize the person and strengthen their current living situation so the person may continue to safely reside in the community during and beyond the crisis period.

((~~(4)~~)) (5) "Department" means the department of social and health services.

((~~(5)~~)) (6) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual. By January 1, 1989, the department shall promulgate rules which define neurological or other conditions in a way that is not limited to intelligence quotient scores as the sole determinant of these conditions, and notify the legislature of this action.

((~~(6)~~)) (7) "Eligible person" means a person who has been found by the secretary under RCW 71A.16.040 to be eligible for services.

((~~(7)~~)) (8) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and to raise their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

((~~(8)~~)) (9) "Legal representative" means a parent of a person who is under eighteen years of age, a person's legal guardian, a person's limited guardian when the subject matter is within the scope of the limited guardianship, a person's attorney‑at‑law, a person's attorney‑in‑fact, or any other person who is authorized by law to act for another person.

((~~(9)~~)) (10) "Notice" or "notification" of an action of the secretary means notice in compliance with RCW 71A.10.060.

((~~(10)~~)) (11) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

((~~(11)~~)) (12) "Respite services" means relief for families and other caregivers of people with disabilities, typically not to exceed ninety days, to include both in-home and out-of-home respite care on an hourly and daily basis, including twenty-four hour care for several consecutive days. Respite care workers provide supervision, companionship, and personal care services temporarily replacing those provided by the primary caregiver of the person with disabilities. Respite care may include other services needed by the client, including medical care which must be provided by a licensed health care practitioner.

((~~(12)~~)) (13) "Secretary" means the secretary of social and health services or the secretary's designee.

((~~(13)~~)) (14) "Service" or "services" means services provided by state or local government to carry out this title.

((~~(14)~~)) (15) "Service request list" means a list of eligible persons who have received an assessment for service determination and their assessment shows that they meet the eligibility requirements for the requested service but were denied access due to funding limits.

((~~(15)~~)) (16) "State-operated living alternative" means programs for community residential services which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports to individuals who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. State-operated living alternatives are operated and staffed with state employees.

((~~(16)~~)) (17) "Supported living" means community residential services and housing which may include assistance with activities of daily living, behavioral, habilitative, interpersonal, protective, medical, nursing, and mobility supports provided to individuals with disabilities who have been assessed by the department as meeting state and federal requirements for eligibility in home and community-based waiver programs for individuals with developmental disabilities. Supported living services are provided under contracts with private agencies or with individuals who are not state employees.

((~~(17)~~)) (18) "Vacancy" means an opening at a residential habilitation center, which when filled, would not require the center to exceed its biennially budgeted capacity.

**Sec.**  RCW 71A.12.080 and 1988 c 176 s 208 are each amended to read as follows:

(1) The secretary shall adopt rules concerning the eligibility of residents of residential habilitation centers for placement in community residential programs under this title; determination of ability of such persons or their estates to pay all or a portion of the cost of care, support, and training; the manner and method of licensing or certification and inspection and approval of such community residential programs for placement under this title; and procedures for the payment of costs of care, maintenance, and training in community residential programs. The rules shall include standards for care, maintenance, and training to be met by such community residential programs.

(2) The secretary shall coordinate state activities and resources relating to placement in community residential programs to help efficiently expend state and local resources and, to the extent designated funds are available, create an effective community residential program.

(3) The secretary shall adopt rules and revise existing rules to ensure that the term "center-based services" is used to refer to services meeting the definition provided in RCW 71A.10.020.

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