H-2122.1

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**SUBSTITUTE HOUSE BILL 1792**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Kagi and Ormsby; by request of Department of Social and Health Services)

AN ACT Relating to investigative costs for residential services and supports programs; adding new sections to chapter 71A.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  INTENT. The legislature finds that Washington's system to support persons with developmental and intellectual disabilities in chapter 388-101 WAC of the supported living program of the residential services and supports program should more aggressively investigate and resolve complaints of abuse or neglect for the vulnerable populations it serves. The legislature intends to address current funding levels that limit the department of social and health services' ability to promote vulnerable adult protections in the program. The legislature further intends that the cost of complaint investigation should be supported by an appropriate certification fee paid by the regulated businesses.

NEW SECTION. **Sec.**  RESIDENTIAL SERVICES AND SUPPORTS CERTIFICATION FEES. (1) After initial certification, the certified provider must pay an annual certification fee. Beginning July 1, 2017, and thereafter, the annual certification fee must be established in the omnibus appropriations act and any amendment or additions made to that act. The certification fee established in the omnibus appropriations act and any amendment or additions made to that act may not exceed the department's costs for investigation of complaints about provider practice and individuals alleged to have abused, neglected, abandoned, or exploited clients. The certification fee must include all of the department's cost of paying providers for the amount of the certification fee attributed to medicaid clients.

(2) No fee may be required of government-operated programs, the portion of certified residential services and supports clients for whom the program pays licensing fees under chapter 70.128 or 18.20 RCW, or court-appointed receivers.

NEW SECTION. **Sec.**  DEPARTMENT DUTIES. The department shall use additional investigative resources to address a significant growth in the residential services and supports program complaint workload. The department shall use the resources to intervene for clients in a timelier manner when there is possible abuse or neglect. "Complaints," as used in this section, include both complaints about provider practice, under this chapter, and complaints about individuals alleged to have abused, neglected, abandoned, or exploited clients, under chapter 74.34 RCW.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act are each added to chapter 71A.12 RCW.

NEW SECTION. **Sec.**  If the director of the centers for medicare and medicaid services determines that federal funds cannot be appropriated to match state expenditures under this act, the department must cease collecting the fee in section 2 of this act, and this act is of no force and effect. If the centers for medicare and medicaid services makes such a determination, the department must notify the office of financial management and the appropriate committees of the legislature. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2017.

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