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**SUBSTITUTE SENATE BILL 5594**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Health Care (originally sponsored by Senators Keiser, Rivers, Cleveland, Fain, Darneille, Miloscia, Wellman, Frockt, Conway, and Rossi)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to transition services for people with  
2 developmental disabilities; amending RCW 71A.20.170; adding new  
3 sections to chapter 71A.20 RCW; adding a new section to chapter 70.10  
4 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) A developmental disability is a natural part of human life  
8 and the presence of a developmental disability does not diminish a  
9 person's rights or the opportunity to participate in the life of the  
10 local community;

11 (2) The system of services for people with developmental  
12 disabilities should provide a balanced range of health, social, and  
13 supportive services. The receipt of services should be coordinated so  
14 as to minimize administrative cost and service duplication and  
15 eliminate unnecessarily complex system organization;

16 (3) The public interest would best be served by a broad array of  
17 services that would support people with developmental disabilities,  
18 and promote individual autonomy, dignity, and choice; and

19 (4) In Washington state, people living in residential  
20 habilitation centers and their families are satisfied with the

1 services they receive, and deserve to continue receiving services  
2 that meet their needs.

3 NEW SECTION. **Sec. 2.** It is the intent of the legislature that:

4 (1) Supported living, state-operated living alternatives, and  
5 other community-based residential services supporting people with  
6 developmental disabilities should be available in the most integrated  
7 setting appropriate to individual needs;

8 (2) An extensive transition planning and placement process will  
9 be used to ensure that people moving from a residential habilitation  
10 center to a community setting will have the services and supports in  
11 place needed to meet their assessed health and welfare needs; and

12 (3) The next phase of the Fircrest master plan process that  
13 generates revenue as identified in the 2017-2019 omnibus capital  
14 appropriations act proceed.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.20  
16 RCW to read as follows:

17 In keeping with department and legislative policy, the  
18 department:

19 (1) Must ensure that each resident's individual habilitation plan  
20 includes a plan for discharge to the community;

21 (2) Must use a person-centered approach in developing the  
22 discharge plan to assess the resident's needs and identify services  
23 the resident requires to successfully transition to the community,  
24 including:

25 (a) Engaging families and guardians of residents by offering  
26 family-to-family mentoring provided by family members who themselves  
27 experienced moving a family member with developmental disabilities  
28 from an institution to the community. The department shall contract  
29 with the developmental disabilities council to provide mentoring  
30 services;

31 (b) Employees of the residential habilitation centers and the  
32 department providing transition planning for residents. To strengthen  
33 continuity of care for residents leaving residential habilitation  
34 centers, the department shall provide opportunities for residential  
35 habilitation center employees to obtain employment in state-operated  
36 living alternatives;

37 (c) Providing choice of community living options and providers,  
38 consistent with federal requirements, including offering to place,

1 with the consent of the resident or his or her guardian, each  
2 resident of the residential habilitation center on the appropriate  
3 home and community-based waiver, as authorized under 42 U.S.C. Sec.  
4 1396n, and provide continued access to the services that meet his or  
5 her assessed needs;

6 (d) Providing residents and their families or guardians  
7 opportunities to visit state-operated living alternatives, companion  
8 homes, and supported living options in the community;

9 (e) Offering residents leaving a residential habilitation center  
10 a right to return to a residential habilitation center during the  
11 first year following their move;

12 (f) Addressing services in addition to those that will be  
13 provided by residential services providers that are necessary to  
14 address the resident's assessed needs, including:

15 (i) Medical services;

16 (ii) Nursing services;

17 (iii) Dental care;

18 (iv) Behavioral and mental health supports;

19 (v) Habilitative services;

20 (vi) Provider training;

21 (vii) Employment or other day support; and

22 (viii) Transportation or other supports needed to assist family  
23 and friends in maintaining regular contact with the resident;

24 (3) Shall assure that, prior to discharge from a residential  
25 habilitation center, clients continue to be eligible for services for  
26 which they have an assessed need;

27 (4) Shall maximize federal funding for transitioning clients  
28 through the roads to community living grant;

29 (5) Shall limit the ability of a state-operated living  
30 alternative to reject clients; and

31 (6) Shall employ the quality assurance process currently in use  
32 by the department, including unannounced visits, to monitor the  
33 adjustment of each resident who leaves a residential habilitation  
34 center.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 71A.20  
36 RCW to read as follows:

37 (1) By December 31, 2022, a building at Fircrest School  
38 residential habilitation center must be remodeled and updated to  
39 serve as a nursing home for nursing home patients living at Fircrest

1 School as of the effective date of this section and to provide  
2 respite as funds are made available. The department must take steps  
3 necessary to consolidate other buildings and ensure residents are  
4 provided the opportunity to remain at Fircrest School or move into  
5 the community in state-operated living arrangements. Former Fircrest  
6 School residents who fail to succeed in the community may, after  
7 repeated failures, remain in the community or may choose to move to  
8 another residential habilitation center; however, former Fircrest  
9 School residents may not return to Fircrest School. All net proceeds  
10 generated from the use of excess property at Fircrest School  
11 residential habilitation center must be deposited in the  
12 developmental disabilities community trust account established in RCW  
13 71A.20.170.

14 (2) To assure the successful implementation of subsection (1) of  
15 this section, the department, within available funds:

16 (a) Shall establish state-operated living alternatives to provide  
17 community residential services to residential habilitation center  
18 residents transitioning to the community under this act who prefer a  
19 state-operated living alternative. The department shall offer  
20 residential habilitation center employees opportunities to work in  
21 state-operated living alternatives as they are established;

22 (b) May use supported living program placements in the community  
23 for former residential habilitation center residents who prefer and  
24 choose a supported living program;

25 (c) May use skilled nursing facility program placements in the  
26 community for former residential habilitation center residents who  
27 prefer and choose to live in a skilled nursing facility;

28 (d) Must inform residents that they may transition into the newly  
29 remodeled building at Fircrest School residential habilitation center  
30 as provided in subsection (1) of this section, and utilize the  
31 programs and services that are unique to the residential habilitation  
32 center;

33 (e) Shall establish up to eight additional state-staffed crisis  
34 stabilization beds based upon funding provided in the omnibus  
35 appropriations act and the geographic areas with the greatest needs  
36 for those services; and

37 (f) May use the comprehensive community health center described  
38 in section 6 of this act and the regional or mobile specialty  
39 services evenly distributed throughout the state, such as dental  
40 care, physical therapy, occupational therapy, crisis stabilization

1 services, and specialty nursing care, which can be made available to  
2 former residents and respites of residential habilitation centers  
3 and, within available funds, other individuals with developmental  
4 disabilities residing in the community.

5 **Sec. 5.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each  
6 amended to read as follows:

7 (1) The developmental disabilities community trust account is  
8 created in the state treasury. All net proceeds from the use of  
9 excess property identified in the 2002 joint legislative audit and  
10 review committee capital study or other studies of the division of  
11 developmental disabilities residential habilitation centers that  
12 would not impact current residential habilitation center operations  
13 must be deposited into the account.

14 (2) Proceeds may come from the lease of the land, conservation  
15 easements, sale of timber, or other activities short of sale of the  
16 property, (~~except as permitted under section 7 of this act~~)  
17 however, revenue generated from Fircrest School properties as  
18 provided in section 4 of this act and revenue generated with the next  
19 phase of the Fircrest School master plan process identified in the  
20 2017-2019 omnibus capital appropriations act, must be deposited into  
21 the account.

22 (3) "Excess property" includes that portion of the property at  
23 Rainier school previously under the cognizance and control of  
24 Washington State University for use as a dairy/forage research  
25 facility.

26 (4) Only investment income from the principal of the proceeds  
27 deposited into the trust account may be spent from the account. For  
28 purposes of this section, "investment income" includes lease  
29 payments, rent payments, or other periodic payments deposited into  
30 the trust account. For purposes of this section, "principal" is the  
31 actual excess land from which proceeds are assigned to the trust  
32 account.

33 (5) Moneys in the account may be spent only after appropriation.  
34 Expenditures from the account shall be used (~~exclusively~~) to  
35 provide: Family support and/or employment/day services to eligible  
36 persons with developmental disabilities who can be served by  
37 community-based developmental disability services; and supported  
38 living, state-operated living alternatives, and other community-based  
39 residential services supporting people with developmental

1 disabilities. It is the intent of the legislature that the account  
2 should not be used to replace, supplant, or reduce existing  
3 appropriations.

4 (6) The account shall be known as the Dan Thompson memorial  
5 developmental disabilities community trust account.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.10  
7 RCW to read as follows:

8 By December 31, 2022, building must be started on a federally  
9 qualified health center located on property sold or leased by  
10 Fircrest School residential habilitation center. The center will use  
11 and build on the existing services available at Fircrest School,  
12 including medical and dental services and adaptive technology  
13 services. Care provided at the federally qualified health center must  
14 be available to residents of Fircrest School and community residents,  
15 including individuals with developmental disabilities residing in the  
16 community.

17 NEW SECTION. **Sec. 7.** If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 8.** If any part of this act is found to be in  
22 conflict with federal requirements that are a prescribed condition to  
23 the allocation of federal funds to the state, the conflicting part of  
24 this act is inoperative solely to the extent of the conflict and with  
25 respect to the agencies directly affected, and this finding does not  
26 affect the operation of the remainder of this act in its application  
27 to the agencies concerned. Rules adopted under this act must meet  
28 federal requirements that are a necessary condition to the receipt of  
29 federal funds by the state.

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