
SECOND SUBSTITUTE SENATE BILL 5594

State of Washington

65th Legislature

2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators Keiser, Rivers, Cleveland, Fain, Darneille, Miloscia, Wellman, Frockt, Conway, and Rossi)

READ FIRST TIME 03/22/17.

1 AN ACT Relating to transition services for people with
2 developmental disabilities; amending RCW 71A.12.320, 71A.20.020, and
3 71A.20.170; adding new sections to chapter 71A.20 RCW; and creating
4 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) Persons with developmental disabilities are best served by a
17 broad array of services that provide them with needed supports, and
18 promote individual autonomy, dignity, and choice. Further, supported
19 living, state-operated living alternatives, and other community-based
20 residential services should be available in the most integrated
21 setting appropriate to individual needs; and

1 (4) An extensive transition planning and placement process must
2 be used to provide that people moving from a residential habilitation
3 center to a community setting have the services and supports in place
4 needed to meet their assessed needs.

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

7 (1) In keeping with department and legislative policy, the
8 department:

9 (a) Must ensure that each resident's individual habilitation plan
10 includes a plan for discharge to the community that uses the person-
11 centered plan developed by the department that assesses the
12 resident's needs and identifies services the resident requires to
13 successfully transition to the community, including:

14 (i) Engaging families and guardians of residents by offering
15 family-to-family mentoring provided by family members who themselves
16 experienced moving a family member with developmental disabilities
17 from an institution to the community. The department shall contract
18 with the developmental disabilities council to provide mentoring
19 services;

20 (ii) Employees of the residential habilitation centers and the
21 department providing transition planning for residents. To strengthen
22 continuity of care for residents leaving residential habilitation
23 centers, the department shall provide opportunities for residential
24 habilitation center employees to obtain employment in state-operated
25 living alternatives;

26 (iii) Providing choice of community living options and providers,
27 consistent with federal requirements, including offering to place,
28 with the consent of the resident or his or her guardian, each
29 resident of the residential habilitation center on the appropriate
30 home and community-based waiver, as authorized under 42 U.S.C. Sec.
31 1396n, and provide continued access to the services that meet his or
32 her assessed needs;

33 (iv) Providing residents and their families or guardians
34 opportunities to visit state-operated living alternatives, companion
35 homes, and supported living options in the community;

36 (v) Offering residents leaving a residential habilitation center
37 a right to return to a residential habilitation center;

1 (vi) Addressing services in addition to those that will be
2 provided by residential services providers that are necessary to
3 address the resident's assessed needs, including:

- 4 (A) Medical services;
- 5 (B) Nursing services;
- 6 (C) Dental care;
- 7 (D) Behavioral and mental health supports;
- 8 (E) Habilitative services;
- 9 (F) Provider training;
- 10 (G) Employment or other day support; and

11 (H) Transportation or other supports needed to assist family and
12 friends in maintaining regular contact with the resident;

13 (b) Shall assure that, prior to discharge from a residential
14 habilitation center, clients continue to be eligible for services for
15 which they have an assessed need;

16 (c) Shall maximize federal funding for transitioning clients
17 through the roads to community living grant;

18 (d) Shall limit the ability of a state-operated living
19 alternative to reject clients that are referred pursuant to this
20 section. In circumstances where acceptance of a client in a
21 particular household would be inconsistent with the needs of the
22 clients in that household, so as to cause harm to the client or other
23 clients, or cause serious, protracted disruption, the client shall be
24 provided with another community housing option that is supported by
25 the state-operated living alternative program and meets the client's
26 choices and needs. The state-operated living alternative shall not
27 eject or discontinue service to any client that has been accepted
28 into the state-operated living alternative program, except where
29 agreed to by the client; and

30 (e) Shall employ the quality assurance process currently in use
31 by the department, including unannounced visits as permitted in RCW
32 71A.12.320, to monitor the adjustment of each resident who leaves a
33 residential habilitation center.

34 **Sec. 3.** RCW 71A.12.320 and 2016 c 172 s 3 are each amended to
35 read as follows:

36 (1) Within funds appropriated for this purpose, the developmental
37 disabilities administration shall increase home visits for clients
38 identified as having the highest risk of abuse and neglect.

1 (2)(a) The developmental disabilities administration must develop
2 a process to determine which of its clients who receive an annual
3 developmental disabilities assessment are at highest risk of abuse or
4 neglect. The administration may consider factors such as:

5 (i) Whether the client lives with the client's caregiver and
6 receives no other developmental disabilities administration services,
7 or whether the client is largely or entirely dependent on a sole
8 caregiver for assistance, and the caregiver is largely or entirely
9 dependent on the client for his or her income;

10 (ii) Whether the client has limited ability to supervise the
11 caregiver, to express himself or herself verbally, has few community
12 contacts, or no independent person outside the home is identified to
13 assist the client;

14 (iii) Whether the client has experienced a destabilizing event
15 such as hospitalization, arrest, or victimization;

16 (iv) Whether the client has moved from a residential habilitation
17 center to the community;

18 (v) Whether the client has been the subject of an adult
19 protective services or child protective services referral in the past
20 year; or

21 ((~~v~~)) (vi) Whether the client lives in an environment that
22 jeopardizes personal safety.

23 (b) The developmental disabilities administration must visit
24 those clients identified as having the highest risk of abuse or
25 neglect at least once every four months, including unannounced visits
26 as needed. This unannounced visit may replace a scheduled visit;
27 however if the case manager is unable to meet with the client, a
28 follow-up visit must be scheduled. A client may refuse to allow an
29 unannounced visit to take place, but this fact must be noted.

30 (3) The developmental disabilities administration may develop
31 rules to implement this section.

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

34 To assure the successful implementation of section 6 of this act,
35 the department, within available funds:

36 (1) Shall establish state-operated living alternatives to provide
37 community residential services to residential habilitation center
38 residents transitioning to the community under this act who prefer a
39 state-operated living alternative. The department shall offer

1 residential habilitation center employees opportunities to work in
2 state-operated living alternatives as they are established;

3 (2) May use supported living program placements in the community
4 for former residential habilitation center residents who prefer and
5 choose a supported living program;

6 (3) May use skilled nursing facility program placements in the
7 community for former residential habilitation center residents who
8 prefer and choose to live in a skilled nursing facility;

9 (4) Shall establish additional state-staffed crisis stabilization
10 beds based upon the geographic areas with the greatest needs for
11 those services; and

12 (5) Shall establish regional or mobile specialty services evenly
13 distributed throughout the state, such as dental care, physical
14 therapy, occupational therapy, and specialized nursing care, which
15 can be made available to former residents of residential habilitation
16 centers and, within available funds, other individuals with
17 developmental disabilities residing in the community.

18 **Sec. 5.** RCW 71A.20.020 and 2011 1st sp.s. c 30 s 5 are each
19 amended to read as follows:

20 (1) Except as provided in subsections (2) and (3) of this
21 section, the following residential habilitation centers are
22 permanently established to provide services to persons with
23 developmental disabilities: Lakeland Village, located at Medical
24 Lake, Spokane county; Rainier School, located at Buckley, Pierce
25 county; Yakima Valley School, located at Selah, Yakima county; and
26 Fircrest School, located at Seattle, King county.

27 (2) The Yakima Valley School, located at Selah, Yakima county,
28 shall cease to operate as a residential habilitation center when the
29 conditions in RCW 71A.20.180(2)(b) are met.

30 (3) The Fircrest School, located in Shoreline, Washington, shall
31 cease to operate as a residential habilitation center when the
32 conditions in section 6 of this act are met.

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

35 (1) Beginning on the effective date of this section, the
36 department shall not permit any new admission to Fircrest School to
37 either the intermediate care facility or the nursing facility unless

1 the admission is limited to the provision of short-term respite or
2 crisis stabilization services.

3 (2) By December 31, 2022, the intermediate care facility at
4 Fircrest School must cease operation. Between the effective date of
5 this section and December 31, 2022, residents of the intermediate
6 care facility must be relocated to a state-operated living
7 alternative, supported living program, skilled nursing facility, or a
8 residential habilitation center, depending on the needs and wishes of
9 the resident. Except as provided in subsection (3) of this section,
10 no current nursing facility permanent resident of Fircrest School is
11 required or compelled to relocate to a different care setting.

12 (3) The nursing facility portion of the Fircrest School shall
13 continue to operate until such time that the census of permanent
14 residents has reached sixteen persons. As part of this plan, the
15 department may remodel an existing building to accommodate the
16 nursing facility population.

17 NEW SECTION. **Sec. 7.** (1) The department of social and health
18 services must study and make recommendations on developing and
19 building a federally qualified health center that provides dental
20 care, medical care, physical therapy, occupational therapy, crisis
21 stabilization services, and/or specialty nursing care to former
22 residential habilitation center residents and other individuals with
23 developmental disabilities who live in the community. The study must
24 address:

25 (a) Location of the federally qualified health center that can
26 serve the greatest number of the developmental disability population
27 and takes into consideration ease of access for this population;

28 (b) Use, by the federally qualified health center, of dental
29 equipment and assistive technologies currently in use at Fircrest
30 School;

31 (c) Potential health care entities that may operate the federally
32 qualified health care center; and

33 (d) Financing options, including necessary waiver language to
34 allow residential habilitation center residents to seek care at the
35 federally qualified health center.

36 (2) In conducting its study and developing its recommendations,
37 the department of social and health services must consult with
38 federally qualified health centers and members and representatives of
39 the developmental disabled community.

1 (3) Recommendations must be delivered to the appropriate
2 committees of the legislature by December 31, 2018.

3 **Sec. 8.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each
4 amended to read as follows:

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

12 (2) Proceeds may come from the lease of the land, conservation
13 easements, sale of timber, or other activities short of sale of the
14 property(~~(, except as permitted under section 7 of this act))~~;
15 however, revenue generated from Fircrest School properties when
16 Fircrest School ceases to operate as provided in section 6 of this
17 act and revenue generated with the next phase of the Fircrest School
18 master plan process identified in the 2017-2019 omnibus capital
19 appropriations act, must be deposited into the account.

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

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

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

1 should not be used to replace, supplant, or reduce existing
2 appropriations.

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

5 NEW SECTION. **Sec. 9.** (1) By June 30, 2018, the department of
6 social and health services must complete an appraisal of the
7 charitable, educational, penal, and reform institutions land on the
8 Fircrest school campus.

9 (2) By October 1, 2018, the department of social and health
10 services must submit a report to the governor and the relevant fiscal
11 and policy committees of the legislature outlining options for
12 transferring the ownership of charitable, educational, penal, and
13 reform institutions land on the Fircrest school campus. The options
14 must include, but are not limited to:

15 (a) Purchase of the charitable, educational, penal, and reform
16 institutions land on the Fircrest school campus;

17 (b) A land swap of equal value between the charitable,
18 educational, penal, and reform institutions land on the Fircrest
19 school campus and other state-owned property; and

20 (c) A combination of the options outlined within (a) and (b) of
21 this subsection.

22 NEW SECTION. **Sec. 10.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 11.** If any part of this act is found to be in
27 conflict with federal requirements that are a prescribed condition to
28 the allocation of federal funds to the state, the conflicting part of
29 this act is inoperative solely to the extent of the conflict and with
30 respect to the agencies directly affected, and this finding does not
31 affect the operation of the remainder of this act in its application
32 to the agencies concerned. Rules adopted under this act must meet
33 federal requirements that are a necessary condition to the receipt of
34 federal funds by the state.

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