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**SENATE BILL 5594**

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**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senators Keiser, Rivers, Cleveland, Fain, Darneille, Miloscia, Wellman, Frockt, Conway, and Rossi

Read first time 01/30/17. Referred to Committee on Health Care.

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) Changes and upgrades must be made to Fircrest School in  
13 accordance with the governor's master plan as described in the  
14 2017-2019 omnibus operating appropriations act.

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 and  
8 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) Employment or other day support; and

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

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

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

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

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

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

35 (1) By December 31, 2022, a building at Fircrest School  
36 residential habilitation center must be remodeled and updated to  
37 serve as a nursing home for nursing home patients living at Fircrest  
38 School as of the effective date of this section and to provide  
39 respite as funds are made available. The department must take steps

1 necessary to consolidate other buildings and ensure residents are  
2 provided the opportunity to remain at Fircrest School in the  
3 remodeled facility or move into the community in state-operated  
4 living arrangements. All net proceeds generated from the use of  
5 excess property at Fircrest School residential habilitation center  
6 must be deposited in the developmental disabilities community trust  
7 account established in RCW 71A.20.170.

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

10 (a) Shall establish state-operated living alternatives to provide  
11 community residential services to residential habilitation center  
12 residents transitioning to the community under this act who prefer a  
13 state-operated living alternative. The department shall offer  
14 residential habilitation center employees opportunities to work in  
15 state-operated living alternatives as they are established;

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

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

22 (d) Must inform residents that they may transition into the newly  
23 remodeled building at Fircrest School residential habilitation center  
24 as provided in subsection (1) of this section, and utilize the  
25 programs and services that are unique to the residential habilitation  
26 center;

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

31 (f) May use the comprehensive community health center described  
32 in section 6 of this act and the existing regional or mobile  
33 specialty services evenly distributed throughout the state, such as  
34 dental care, physical therapy, occupational therapy, and specialty  
35 nursing care, which can be made available to former residents of  
36 residential habilitation centers and, within available funds, other  
37 individuals with developmental disabilities residing in the  
38 community.

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

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

10       (2) Proceeds may come from the lease of the land, conservation  
11 easements, sale of timber, or other activities short of sale of the  
12 property, except as (~~permitted under section 7~~) provided in section  
13 4 of this act.

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

18       (4) Only investment income from the principal of the proceeds  
19 deposited into the trust account may be spent from the account. For  
20 purposes of this section, "investment income" includes lease  
21 payments, rent payments, or other periodic payments deposited into  
22 the trust account. For purposes of this section, "principal" is the  
23 actual excess land from which proceeds are assigned to the trust  
24 account.

25       (5) Moneys in the account may be spent only after appropriation.  
26 Expenditures from the account shall be used (~~exclusively~~) to  
27 provide family support and/or employment/day services to eligible  
28 persons with developmental disabilities who can be served by  
29 community-based developmental disability services. Expenditures from  
30 the account must be used for supported living, state-operated living  
31 alternatives, and other community-based residential services  
32 supporting people with developmental disabilities. It is the intent  
33 of the legislature that the account should not be used to replace,  
34 supplant, or reduce existing appropriations.

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

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

1 By December 31, 2022, building must be started on a comprehensive  
2 community health center on the grounds of Fircrest School residential  
3 habilitation center. The center will use and build on the existing  
4 services available at Fircrest School, including medical and dental  
5 services and adaptive technology services. Care provided at the  
6 center must be available to residents of Fircrest School and  
7 community residents, including individuals with developmental  
8 disabilities residing in the community.

9 NEW SECTION. **Sec. 7.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 8.** If any part of this act is found to be in  
14 conflict with federal requirements that are a prescribed condition to  
15 the allocation of federal funds to the state, the conflicting part of  
16 this act is inoperative solely to the extent of the conflict and with  
17 respect to the agencies directly affected, and this finding does not  
18 affect the operation of the remainder of this act in its application  
19 to the agencies concerned. Rules adopted under this act must meet  
20 federal requirements that are a necessary condition to the receipt of  
21 federal funds by the state.

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