
SENATE BILL 5887

State of Washington

65th Legislature

2017 Regular Session

By Senator King

1 AN ACT Relating to the future use of residential habilitation
2 centers; amending RCW 71A.20.180 and 71A.20.170; and creating new
3 sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

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

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

16 (c) The public interest would best be served by a broad array of
17 services that would support people with developmental disabilities at
18 home or in the community, whenever practicable, and that promote
19 individual autonomy, dignity, and choice;

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

1 services they receive, and deserve to continue receiving services
2 that meet their needs if they choose to receive those services in a
3 community setting;

4 (e) As other care options for people with developmental
5 disabilities have become more available, the relative need for
6 residential habilitation center beds has declined. The legislature
7 recognizes, however, that residential habilitation centers will
8 continue to be a critical part of the state's long-term care options;
9 and that services should promote individual dignity, autonomy, and a
10 home-like environment; and

11 (f) Mental health services and secure detoxification services
12 provided at the Yakima Valley School provide value for individuals
13 and their families. The model for providing these services at Yakima
14 Valley School will serve as a model for potential expansion to other
15 locations, including the other residential habilitation centers.

16 (2) The legislature intends that by July 1, 2019, the ownership
17 of charitable, educational, penal, and reformatory institutions land
18 on the Fircrest school campus will transfer from the department of
19 natural resources to the department of social and health services.

20 **Sec. 2.** RCW 71A.20.180 and 2011 1st sp.s. c 30 s 6 are each
21 amended to read as follows:

22 (1) ~~((By December 31, 2011, the department shall:~~

23 ~~(a) Close Frances Haddon Morgan residential rehabilitation center
24 and relocate current residents consistent with the requirements of
25 section 7 of this act; and~~

26 ~~(b) Establish at least two state operating living alternatives on
27 the campus of the Frances Haddon Morgan center, if residents have
28 chosen to receive care in such a setting and subject to federal
29 requirements related to the receipt of federal medicaid matching
30 funds.~~

31 ~~(2)(a) Upon August 24, 2011, the department shall not permit any
32 new admission to Yakima Valley School unless such admission is
33 limited to the provision of short term respite or crisis
34 stabilization services. Except as provided in (b) of this subsection,
35 no current permanent resident of Yakima Valley School shall be
36 required or compelled to relocate to a different care setting as a
37 result of chapter 30, Laws of 2011 1st sp. sess.~~

38 ~~(b))~~ (a) The Yakima Valley School shall ~~((continue to))~~ operate
39 as a residential habilitation center ~~((until such time that the~~

1 census of permanent residents has reached sixteen persons. As part of
2 the closure plan, at least two cottages will be converted to state-
3 operated living alternatives, subject to federal requirements related
4 to the receipt of federal medicaid matching funds.

5 ~~(3) To assure the successful implementation of subsections (1)~~
6 ~~and (2) of this section,)).~~ Subject to the availability of amounts
7 appropriated for this specific purpose, the Yakima Valley School must
8 operate crisis stabilization beds and respite service beds as the
9 capacity of the school allows and as the needs of the community
10 require. Subject to the availability of amounts appropriated for this
11 specific purpose, the Yakima Valley School must continue to provide
12 mental health treatment services and secure detoxification services
13 as the capacity of the school allows and as the needs of the
14 community require.

15 (b) As of the effective date of this section, long-term
16 admissions are permitted.

17 (2) The average census of long-term admissions at the end of each
18 fiscal year must not exceed:

19 (a) Sixty-four residents at Yakima Valley School;

20 (b) One hundred sixty residents at Fircrest School;

21 (c) Two hundred seventy-two residents at Rainier School;

22 (d) One hundred sixty residents at Lakeland Village.

23 (3) The department, within available funds:

24 (a) Shall establish state-operated living alternatives, within
25 funds specifically provided in the omnibus appropriations act, to
26 provide community residential services to residential habilitation
27 center residents transitioning to the community under chapter 30,
28 Laws of 2011 1st sp. sess. who prefer a state-operated living
29 alternative. The department shall offer residential habilitation
30 center employees opportunities to work in state-operated living
31 alternatives as they are established;

32 (b) May use existing supported living program capacity in the
33 community for former residential habilitation center residents who
34 prefer and choose a supported living program;

35 ~~(c) ((Shall continue to staff and operate at Yakima Valley School~~
36 ~~crisis stabilization beds and respite service beds at the existing~~
37 ~~bed capacity as of June 1, 2011, for individuals with developmental~~
38 ~~disabilities requiring such services;~~

39 ~~(d))~~ Shall establish up to eight state-staffed crisis
40 stabilization beds and up to eight state-staffed respite beds based

1 upon funding provided in the omnibus appropriations act and the
2 geographic areas with the greatest need for those services; (~~and~~
3 ~~(e)~~) (d) Shall establish regional or mobile specialty services
4 evenly distributed throughout the state, such as dental care,
5 physical therapy, occupational therapy, and specialized nursing care,
6 which can be made available to former residents of residential
7 habilitation centers and, within available funds, other individuals
8 with developmental disabilities residing in the community; and
9 (e) Shall continue to provide respite services in the residential
10 habilitation centers and continue to develop respite care in the
11 community.

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

14 (1) The developmental disabilities community trust account is
15 created in the state treasury. All net proceeds from the use of
16 excess property identified in the 2002 joint legislative audit and
17 review committee capital study or other studies of the division of
18 developmental disabilities residential habilitation centers that
19 would not impact current residential habilitation center operations
20 must be deposited into the account.

21 (2) Proceeds may come from the lease of the land, conservation
22 easements, sale of timber, or other activities short of sale of the
23 property, except as (~~permitted under section 7~~) provided in section
24 4 of this act.

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

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

36 (5) Moneys in the account may be spent only after appropriation.
37 Expenditures from the account shall be used (~~exclusively~~) to
38 provide family support and/or employment/day services to eligible
39 persons with developmental disabilities who can be served by

1 community-based developmental disability services. Expenditures from
2 the account may also be used for supported living, state-operated
3 living alternatives, and other community-based residential services
4 supporting people with developmental disabilities. It is the intent
5 of the legislature that the account ((should)) must not be used to
6 replace, supplant, or reduce existing appropriations.

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

9 NEW SECTION. Sec. 4. (1) By June 30, 2018, the department of
10 social and health services must complete an appraisal of the
11 charitable, educational, penal, and reformatory institutions land on
12 the Fircrest school campus.

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

19 (a) Purchase of the charitable, educational, penal, and
20 reformatory institutions land on the Fircrest school campus;

21 (b) A land swap of equal value between the charitable,
22 educational, penal, and reformatory institutions land on the Fircrest
23 school campus and other state-owned property; and

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

26 (3) All net proceeds from the use of excess property at Fircrest
27 school residential habilitation center, including the sale of
28 property, must be deposited in the developmental disabilities
29 community trust account established in RCW 71A.20.170.

30 NEW SECTION. Sec. 5. If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

34 NEW SECTION. Sec. 6. If any part of this act is found to be in
35 conflict with federal requirements that are a prescribed condition to
36 the allocation of federal funds to the state, the conflicting part of
37 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application
3 to the agencies concerned. Rules adopted under this act must meet
4 federal requirements that are a necessary condition to the receipt of
5 federal funds by the state.

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