
ENGROSSED SUBSTITUTE HOUSE BILL 1552

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Human Services (originally sponsored by Representatives Leonard, Sommers, Ogden, Riley, Talcott, Flemming, Silver, H. Myers, Thibaudeau, Padden, Karahalios, Johanson and Quall)

Read first time 02/17/93.

1 AN ACT Relating to individuals with developmental disabilities;
2 amending RCW 71A.10.015, 71A.10.050, 71A.12.010, 71A.12.020,
3 71A.12.030, 71A.14.010, 71A.20.010, and 71A.20.150; adding a new
4 section to chapter 71A.20 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that (1) the
7 legislative budget committee conducted an extensive and rigorous study
8 of service and residential needs of people with a developmental
9 disability; (2) the legislative budget committee surveyed the service
10 needs of residents of residential habilitation centers and found most
11 of the residents could be successfully supported in community
12 placements; (3) home and community-based services and supports offer
13 the greatest opportunity to people with developmental disabilities for
14 personal self-control, integration with the community, and the ability
15 to lead as normal a life as possible; (4) the Americans With
16 Disabilities Act provides the federal framework to ensure that each
17 person with a developmental disability is provided with the opportunity
18 to attain the greatest degree of personal choice and community
19 normalization possible; (5) community residential and service options

1 will benefit the majority of people currently housed in residential
2 habilitation centers; (6) current state and federal funds spent on
3 housing and services in residential habilitation centers will benefit
4 more persons with developmental disabilities in community-based
5 residential and support services; (7) impediments to serving people
6 with developmental disabilities in the most appropriate, cost-effective
7 setting must be removed to allow for the efficient, effective, and
8 appropriate expenditure of limited state and federal funds; (8) some
9 persons with developmental disabilities require specialized care and
10 treatment available only in residential habilitation centers, and
11 institutional care will continue to be available for people with
12 developmental disabilities who require that level of care.

13 **Sec. 2.** RCW 71A.10.015 and 1988 c 176 s 101 are each amended to
14 read as follows:

15 The legislature recognizes the capacity of all persons, including
16 those with developmental disabilities, to be personally and socially
17 productive. The legislature further recognizes the state's obligation
18 to provide aid to persons with developmental disabilities through a
19 uniform, coordinated system of services to enable them to achieve a
20 greater measure of independence and fulfillment and to enjoy all rights
21 and privileges under the Constitution and laws of the United States,
22 including the Americans with Disabilities Act, and the state of
23 Washington. The legislature recognizes that home and community-based
24 settings offer the greatest opportunity for normal living for persons
25 with developmental disabilities.

26 **Sec. 3.** RCW 71A.10.050 and 1989 c 175 s 138 are each amended to
27 read as follows:

28 (1) An applicant or recipient or former recipient of a
29 developmental disabilities service under this title from the department
30 of social and health services has the right to appeal the following
31 department actions:

32 (a) A denial of an application for eligibility under RCW
33 71A.16.040;

34 (b) An unreasonable delay in acting on an application for
35 eligibility, for a service, or for an alternative service under RCW
36 71A.18.040;

37 (c) A denial, reduction, or termination of a service;

1 (d) A claim that the person owes a debt to the state for an
2 overpayment;

3 (e) A disagreement with an action of the secretary under RCW
4 71A.10.060 or 71A.10.070;

5 (f) A decision to return a resident of ((an-[a])) a habilitation
6 center to the community; and

7 (g) A decision to change a person's placement from one category of
8 residential services to a different category of residential services.

9 The adjudicative proceeding is governed by the Administrative
10 Procedure Act, chapter 34.05 RCW.

11 ~~(2) ((This subsection applies only to an adjudicative proceeding in
12 which the department action appealed is a decision to return a resident
13 of a habilitation center to the community. The resident or his or her
14 representative may appeal on the basis of whether the specific
15 placement decision is in the best interests of the resident. When the
16 resident or his or her representative files an application for an
17 adjudicative proceeding under this section the department has the
18 burden of proving that the specific placement decision is in the best
19 interests of the resident.~~

20 ~~(3))~~ When the department takes any action described in subsection
21 (1) of this section it shall give notice as provided by RCW 71A.10.060.
22 The notice must include a statement advising the recipient of the right
23 to an adjudicative proceeding and the time limits for filing an
24 application for an adjudicative proceeding. Notice of a decision to
25 return a resident of a habilitation center to the community under RCW
26 71A.20.080 must also include a statement advising the recipient of the
27 right to file a petition for judicial review of an adverse adjudicative
28 order as provided in chapter 34.05 RCW.

29 **Sec. 4.** RCW 71A.12.010 and 1988 c 176 s 201 are each amended to
30 read as follows:

31 It is declared to be the policy of the state to authorize the
32 secretary to develop and coordinate state services for persons with
33 developmental disabilities in the most normal, least restrictive
34 setting; to encourage research and staff training for state and local
35 personnel working with persons with developmental disabilities; and to
36 cooperate with communities to encourage the establishment and
37 development of services to persons with developmental disabilities
38 through locally administered and locally controlled programs.

1 The complexities of developmental disabilities require the services
2 of many state departments as well as those of the community. Services
3 should be planned and provided (~~(as a part of a continuum)~~) in response
4 to the individual needs of the person with a developmental disability.
5 A pattern of (~~(facilities)~~) supports and services should be
6 established, within appropriations designated for this purpose, which
7 is sufficiently complete to meet the needs of each person with a
8 developmental disability regardless of age or degree of handicap, and
9 at each stage of the person's development.

10 **Sec. 5.** RCW 71A.12.020 and 1988 c 176 s 202 are each amended to
11 read as follows:

12 (1) To the extent that state, federal, or other funds designated
13 for services to persons with developmental disabilities are available,
14 the secretary shall provide every eligible person with habilitative
15 services suited to the person's needs, regardless of age or degree of
16 developmental disability.

17 (2) The secretary shall provide persons who receive services with
18 the opportunity for integration with nonhandicapped and less
19 handicapped persons to the greatest extent possible in the most normal
20 and least restrictive setting.

21 (3) The secretary shall establish minimum standards for
22 habilitative services, including, but not limited to, the development
23 of a resource allocation system based on individual need for supports
24 and fair distribution of available resources. Consumers, advocates,
25 service providers, appropriate professionals, and local government
26 agencies shall be involved in the development of the standards.

27 (4) The secretary shall develop a resource allocation system,
28 service models, and staffing levels so that services, residential
29 services, and supports are provided in the most cost-effective manner
30 possible.

31 (5) The secretary shall ensure services provided in both community
32 and institutional settings are designed to promote acquisition of
33 independent living skills and self-sufficiency.

34 **Sec. 6.** RCW 71A.12.030 and 1988 c 176 s 203 are each amended to
35 read as follows:

36 The secretary is authorized to provide, or arrange with others to
37 provide, all supports and services (~~(and facilities)~~) that are

1 necessary or appropriate to accomplish the purposes of this title, and
2 to take all actions that are necessary or appropriate to accomplish the
3 purposes of this title. The secretary shall adopt rules under the
4 administrative procedure act, chapter 34.05 RCW, as are appropriate to
5 carry out this title.

6 **Sec. 7.** RCW 71A.14.010 and 1988 c 176 s 301 are each amended to
7 read as follows:

8 The legislative policy to provide a coordinated and comprehensive
9 state and local program of services for persons with developmental
10 disability in the most normal, least restrictive setting, is expressed
11 in RCW 71A.12.010.

12 **Sec. 8.** RCW 71A.20.010 and 1988 c 176 s 701 are each amended to
13 read as follows:

14 This chapter covers the operation of residential habilitation
15 centers. The selection of persons to be served at the centers is
16 governed by chapters 71A.16 and 71A.18 RCW. The purpose((s)) of this
17 chapter ((are:—To provide for those children and adults who are
18 exceptional in their needs for care, treatment, and education by reason
19 of developmental disabilities, residential care designed to develop
20 their individual capacities to their optimum; to provide for
21 admittance, withdrawal and discharge from state residential
22 habilitation centers upon application; and to insure a comprehensive
23 program for the education, guidance, care, treatment, and
24 rehabilitation of all persons admitted to residential habilitation
25 centers)) is to provide needed services to special populations who
26 cannot be served in a cost-effective manner in home or community-based
27 settings.

28 **Sec. 9.** RCW 71A.20.150 and 1988 c 176 s 715 are each amended to
29 read as follows:

30 Without committing the department to continued provision of
31 service, the secretary may admit a person eligible for services under
32 this chapter to a residential habilitation center for a period not to
33 exceed thirty days for observation prior to determination of needed
34 services, where such observation is necessary to determine the extent
35 and necessity of services to be provided, including people with

1 developmental disabilities committed to the custody of the secretary
2 under chapter 71.05 RCW.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 71A.20
4 RCW to read as follows:

5 The secretary shall close residential habilitation centers or major
6 portions of residential habilitation centers if, in the judgment of the
7 secretary, it is cost-effective to do so. Funds appropriated by the
8 legislature for residential habilitation centers shall be used for the
9 following purposes when a residential habilitation center or major
10 portion of a residential habilitation center is closed: (1) To provide
11 for the ongoing support of former residents in community-based
12 residential, support, and service programs; and (2) to provide services
13 to currently unserved, eligible people with developmental disabilities
14 living in the community. If residential habilitation centers or major
15 portions of residential habilitation centers are closed under this
16 section, the secretary shall notify the appropriate policy and fiscal
17 committees of the senate and house of representatives of the decision.

18 All employees of closed residential habilitation centers or major
19 portions of residential habilitation centers, who are classified under
20 chapter 41.06 RCW, the state civil service law, shall be transferred as
21 appropriate or as otherwise provided in the procedures adopted by the
22 personnel board pursuant to RCW 41.06.150. The personnel board shall
23 provide employees under this section with the opportunity to transfer
24 to other state jobs for which the employee is qualified in the
25 department of social and health services and other state agencies.

26 Residential habilitation centers closed under this section shall be
27 managed in compliance with the requirements of RCW 79.01.006 and
28 79.01.007.

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