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**SENATE BILL 5887**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator King

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

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

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

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

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

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

(d) In Washington state, people living in residential habilitation centers and their families are satisfied with the services they receive, and deserve to continue receiving services that meet their needs if they choose to receive those services in a community setting;

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

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

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

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

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

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

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

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

~~(b)~~)) (a) The Yakima Valley School shall ((~~continue to~~)) operate as a residential habilitation center ((~~until such time that the census of permanent residents has reached sixteen persons. As part of the closure plan, at least two cottages will be converted to state-operated living alternatives, subject to federal requirements related to the receipt of federal medicaid matching funds.~~

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

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

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

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

(b) One hundred sixty residents at Fircrest School;

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

(d) One hundred sixty residents at Lakeland Village.

(3) The department, within available funds:

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

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

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

~~(d)~~)) Shall establish up to eight state-staffed crisis stabilization beds and up to eight state-staffed respite beds based upon funding provided in the omnibus appropriations act and the geographic areas with the greatest need for those services; ((~~and~~

~~(e)~~)) (d) Shall establish regional or mobile specialty services evenly distributed throughout the state, such as dental care, physical therapy, occupational therapy, and specialized nursing care, which can be made available to former residents of residential habilitation centers and, within available funds, other individuals with developmental disabilities residing in the community; and

(e) Shall continue to provide respite services in the residential habilitation centers and continue to develop respite care in the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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