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**SENATE BILL 5889**

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

**By** Senators Rossi, Brown, Braun, Rivers, and Sheldon

AN ACT Relating to the consolidation of residential habilitation centers and expansion of home and community-based services for individuals with developmental disabilities; amending RCW 71A.20.020 and 71A.20.170; adding a new section to chapter 71A.20 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that:

(1) 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;

(2) 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;

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

(4) 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;

(5) 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

(6) In a time of fiscal constraint, the state should consider the needs of all persons with developmental disabilities and spend its limited resources in a manner that serves more people, while not compromising the care people require.

NEW SECTION. **Sec.**  (1) It is the intent of the legislature that:

(a) Supported living, state-operated living alternatives, and other community-based residential services supporting people with developmental disabilities should be available in the most integrated setting appropriate to individual needs; and

(b) An extensive transition planning and placement process should be used to ensure that people moving from a residential habilitation center to a community setting have the services and supports needed to meet their assessed health and welfare needs.

(2) By July 1, 2019, ownership of charitable, educational, penal, and reform institutions' land on the Fircrest school campus will transfer from the department of natural resources to the department of social and health services.

NEW SECTION. **Sec.**  In keeping with department of social and health services and legislative policy, the department:

(1) Must ensure that each resident's individual habilitation plan includes a plan for discharge to the community;

(2) Must use a person-centered approach in developing the discharge plan to assess the resident's needs and identify services the resident requires to successfully transition to the community, including:

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

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

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

(d) Providing residents and their families or guardians opportunities to visit state-operated living alternatives and supported living options in the community;

(e) Offering residents leaving a residential habilitation center a right to return to a residential habilitation center during the first year following their move;

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

(i) Medical services;

(ii) Nursing services;

(iii) Dental care;

(iv) Behavioral and mental health supports;

(v) Habilitative services;

(vi) Employment or other day support; and

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

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

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

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

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

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

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

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

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

(1) By December 31, 2022, the department must close Fircrest school residential habilitation center. 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 created in RCW 71A.20.170.

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

(a) Must establish state-operated living alternatives to provide community residential services to residential habilitation center residents transitioning to the community under this act 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 supported living program placements in the community for former residential habilitation center residents who prefer and choose a supported living program;

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

(d) May use placements in a residential habilitation center, in the limited cases where the department concludes that a community placement cannot meet the assessed needs of a client, to utilize the programs and services that are unique to the residential habilitation centers;

(e) Shall continue to utilize state-staffed crisis stabilization beds based upon funding provided in the appropriations act and the geographic areas with the greatest needs for those services; and

(f) May use existing regional or mobile specialty services evenly distributed throughout the state, such as dental care, physical therapy, occupational therapy, and specialty 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.

**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 5 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 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 reform institutions' land on the Fircrest school campus.

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

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

(b) A land swap of equal value between the charitable, educational, penal, and reform 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.

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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