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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

Read first time 03/15/17. Referred to Committee on Ways & Means.

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

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

7            NEW SECTION.    **Sec. 1.** The legislature finds that:

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

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

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

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

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

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

17 NEW SECTION. **Sec. 2.** (1) It is the intent of the legislature  
18 that:

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

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

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

31 NEW SECTION. **Sec. 3.** In keeping with department of social and  
32 health services and legislative policy, the department:

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

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

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

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

13 (c) Providing choice of community living options and providers,  
14 consistent with federal requirements, including offering to place,  
15 with the consent of the resident or his or her guardian, each  
16 resident of the residential habilitation center on the appropriate  
17 home and community-based waiver, as authorized under 42 U.S.C. Sec.  
18 1396n, and provide continued access to the services that meet his or  
19 her assessed needs;

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

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

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

29 (i) Medical services;

30 (ii) Nursing services;

31 (iii) Dental care;

32 (iv) Behavioral and mental health supports;

33 (v) Habilitative services;

34 (vi) Employment or other day support; and

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

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

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

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

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

8 **Sec. 4.** RCW 71A.20.020 and 2011 1st sp.s. c 30 s 5 are each  
9 amended to read as follows:

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

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

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 71A.20  
21 RCW to read as follows:

22 (1) By December 31, 2022, the department must close Fircrest  
23 school residential habilitation center. All net proceeds from the use  
24 of excess property at Fircrest school residential habilitation  
25 center, including the sale of property, must be deposited in the  
26 developmental disabilities community trust account created in RCW  
27 71A.20.170.

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

30 (a) Must establish state-operated living alternatives to provide  
31 community residential services to residential habilitation center  
32 residents transitioning to the community under this act who prefer a  
33 state-operated living alternative. The department shall offer  
34 residential habilitation center employees opportunities to work in  
35 state-operated living alternatives as they are established;

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

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

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

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

12 (f) May use existing regional or mobile specialty services evenly  
13 distributed throughout the state, such as dental care, physical  
14 therapy, occupational therapy, and specialty nursing care, which can  
15 be made available to former residents of residential habilitation  
16 centers and, within available funds, other individuals with  
17 developmental disabilities residing in the community.

18 **Sec. 6.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each  
19 amended to read as follows:

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

27 (2) Proceeds may come from the lease of the land, conservation  
28 easements, sale of timber, or other activities short of sale of the  
29 property, except as (~~permitted under section 7~~) provided in section  
30 5 of this act.

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

35 (4) Only investment income from the principal of the proceeds  
36 deposited into the trust account may be spent from the account. For  
37 purposes of this section, "investment income" includes lease  
38 payments, rent payments, or other periodic payments deposited into  
39 the trust account. For purposes of this section, "principal" is the

1 actual excess land from which proceeds are assigned to the trust  
2 account.

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

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

15 NEW SECTION. Sec. 7. (1) By June 30, 2018, the department of  
16 social and health services must complete an appraisal of the  
17 charitable, educational, penal, and reform institutions' land on the  
18 Fircrest school campus.

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

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

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

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

32 NEW SECTION. Sec. 8. If any provision of this act or its  
33 application to any person or circumstance is held invalid, the  
34 remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected.

36 NEW SECTION. Sec. 9. If any part of this act is found to be in  
37 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state, the conflicting part of  
2 this act is inoperative solely to the extent of the conflict and with  
3 respect to the agencies directly affected, and this finding does not  
4 affect the operation of the remainder of this act in its application  
5 to the agencies concerned. Rules adopted under this act must meet  
6 federal requirements that are a necessary condition to the receipt of  
7 federal funds by the state.

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