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**SENATE BILL 5359**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Cleveland, Rivers, Darneille, Keiser, Van De Wege, Nguyen, Saldaña, and Wilson, C.; by request of Department of Social and Health Services

AN ACT Relating to funding investigations to protect individuals with disabilities in the supported living program; adding new sections to chapter 71A.12 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  INTENT. The legislature finds that the residential services and supports program administered by the department of social and health services under RCW 71A.12.040 and chapter 388-101 WAC has experienced significant growth and that additional funds are needed to enable the department to aggressively investigate and resolve complaints of abuse, neglect, abandonment, and financial exploitation of the vulnerable populations served by the program. The legislature intends to address current funding levels that limit the department of social and health services' ability to promote vulnerable adult protections in the program. The legislature further intends that the cost of complaint investigation should be supported by an appropriate certification fee paid by the regulated businesses.

NEW SECTION. **Sec.**  RESIDENTIAL SERVICES AND SUPPORTS CERTIFICATION FEES. (1) After initial certification, the certified provider must pay an annual certification fee in accordance with procedures adopted by the department. The annual certification fee must be established in the omnibus appropriations act and any amendment or additions made to that act. The certification fee established by the omnibus appropriations act or any amendment or additions to the act may not exceed the department's costs of conducting complaint investigations as described in section 3 of this act. The certification fee must include all of the department's cost of paying providers for the amount of the certification fee attributed to medicaid clients.

(2) No fee may be required of government-operated programs or court-appointed receivers.

NEW SECTION. **Sec.**  DEPARTMENT DUTIES. (1) The department shall use the funds made available under section 2 of this act to conduct complaint investigations in certified residential services and supports programs.

(2) For the purposes of this section, "complaint investigations" include investigations of (a) complaints about provider practice, and (b) allegations that clients receiving services from the residential services and supports program have been abused, neglected, abandoned, or financially exploited, as those terms are defined in chapter 74.34 RCW.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act are each added to chapter 71A.12 RCW.

NEW SECTION. **Sec.**  If the centers for medicare and medicaid services determines that federal funds cannot be appropriated to match state expenditures under this act, the department of social and health services must cease collecting the fee in section 2 of this act, and this act is of no force and effect. If the centers for medicare and medicaid services makes such a determination, the department must notify the office of financial management and the appropriate committees of the legislature. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019.

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