
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5483

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Braun, Keiser, Palumbo, Sheldon, Becker, Short, Wilson, C., Hunt, Kuderer, and Darneille)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to improving services for individuals with
2 developmental disabilities; adding a new section to chapter 71A.12
3 RCW; creating a new section; and declaring an emergency.

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

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

6 (1) The office of the developmental disabilities ombuds is a
7 private, independent office focused on improving the lives of persons
8 with developmental disabilities in Washington state. It is the duty
9 of the developmental disabilities ombuds to monitor procedures and
10 services provided to people with developmental disabilities; review
11 facilities and residences where services are provided; resolve
12 complaints about services; and issue reports on the services
13 provided.

14 (2) The office of the developmental disabilities ombuds has
15 identified a systemic issue of adults with developmental disabilities
16 being stuck in hospitals without any medical need because there is no
17 alternative setting available to discharge the individual.

18 (3) Many of the individuals that are unable to discharge from the
19 hospital are clients of the developmental disabilities administration
20 of the department of social and health services. In some cases, these
21 clients were receiving residential services and went to the hospital

1 for a medical condition, but when the client was ready for discharge,
2 their residential services provider had terminated services. Other
3 clients were dropped off at the hospital by their residential service
4 provider because the residential service provider could no longer
5 manage the client's care.

6 (4) It is not in the public or the client's interest for
7 hospitals to be used for clients that do not have medical needs.
8 Further, changes must be made to the developmental disabilities
9 administration's service delivery system to ensure clients have
10 access to services that keep them in the community and prevent
11 inappropriate hospital stays.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12
13 RCW to read as follows:

14 (1) Within existing resources, the department shall track and
15 monitor the following items and make the deidentified information
16 available to the office of the developmental disabilities ombuds
17 created in RCW 43.382.005, the legislature, the Washington state
18 hospital association, and the public upon request:

19 (a) Information about clients receiving services from a provider
20 that are taken to a hospital. This includes:

21 (i) The number of clients that are taken to a hospital without a
22 medical need;

23 (ii) The number of clients that are taken to a hospital with a
24 medical need, but are unable to discharge once the medical need is
25 met;

26 (iii) Each client's length of hospital stay for nonmedical
27 purposes;

28 (iv) The reason each client was unable to be discharged from a
29 hospital once the client's medical need was met;

30 (v) The location, including the type of provider, where each
31 client was before being taken to a hospital; and

32 (vi) The location where each client is discharged.

33 (b) Information about clients that are taken to a hospital once
34 their provider terminates services. This includes:

35 (i) The number of clients that are taken to a hospital without a
36 medical need;

37 (ii) The number of clients that are taken to a hospital with a
38 medical need, but are unable to discharge once the medical need is
39 met;

1 (iii) Each client's length of hospital stay for nonmedical
2 purposes;

3 (iv) The reason each client was unable to be discharged from a
4 hospital once the client's medical need was met;

5 (v) For each client, the reason the provider terminated services;

6 (vi) The location, including the type of provider, where each
7 client was before being taken to a hospital; and

8 (vii) The location where each client is discharged.

9 (2) A provider must notify the department when a client is taken
10 to a hospital so that the department may track and collect data as
11 required under subsection (1) of this section.

12 (3) A provider must notify the department before terminating
13 services on the basis that the provider is unable to manage the
14 client's care. Prior to a provider terminating services to a client
15 because the provider is unable to manage the client's care, and
16 subject to the availability of amounts appropriated for this specific
17 purpose, the department shall offer crisis stabilization services to
18 support the provider and the client in the client's current setting.

19 (4) In the event that the provider is unable to manage the
20 client's care after crisis stabilization services are offered, the
21 provider may terminate services and, subject to the availability of
22 amounts appropriated for this specific purpose, the department shall:

23 (a) Transition the client to another provider that meets the
24 client's needs and preferences; or

25 (b) Transition the client to a residential habilitation center
26 for crisis stabilization services until an alternative provider is
27 determined.

28 (5)(a) The department shall be responsible for frequently and
29 appropriately communicating with a hospital that is caring for a
30 client without a medical need, and providing frequent updates on
31 transitioning the client to a more appropriate setting.

32 (b) The department shall coordinate providing psychological and
33 habilitative services to clients who are being cared for at a
34 hospital without a medical need.

35 (c) Subject to the availability of amounts appropriated for this
36 specific purpose, the department shall coordinate with the
37 appropriate state agencies to reimburse any hospital that provides
38 care for:

39 (i) A client without a medical need that is receiving services
40 from a provider; or

1 (ii) A client without a medical need that is taken to the
2 hospital once their provider terminated services.

3 (6) This section may not be construed to create a private right
4 of action.

5 (7) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise:

7 (a) "Administration" means the developmental disabilities
8 administration of the department of social and health services.

9 (b) "Crisis stabilization services" has the same meaning as
10 defined in RCW 71A.10.020.

11 (c) "Hospital" means a facility licensed under chapter 70.41 or
12 71.12 RCW.

13 (d) "Provider" means a certified residential services and support
14 program that contracts with the administration to provide services to
15 administration clients. "Provider" also includes the state-operated
16 living alternatives program operated by the administration.

17 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of
19 the state government and its existing public institutions, and takes
20 effect immediately.

--- END ---