

CERTIFICATION OF ENROLLMENT

SENATE BILL 5359

Chapter 458, Laws of 2019

66th Legislature
2019 Regular Session

RESIDENTIAL SERVICES AND SUPPORTS PROGRAM--CERTIFICATION FEE FOR
COMPLAINT INVESTIGATIONS

EFFECTIVE DATE: July 1, 2019

Passed by the Senate March 13, 2019
Yeas 47 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House April 25, 2019
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 21, 2019 2:29 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5359** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 21, 2019

**Secretary of State
State of Washington**

SENATE BILL 5359

Passed Legislature - 2019 Regular Session

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

Read first time 01/18/19. Referred to Committee on Health & Long Term Care.

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

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that the
7 residential services and supports program administered by the
8 department of social and health services under RCW 71A.12.040 and
9 chapter 388-101 WAC has experienced significant growth and that
10 additional funds are needed to enable the department to aggressively
11 investigate and resolve complaints of abuse, neglect, abandonment,
12 and financial exploitation of the vulnerable populations served by
13 the program. The legislature intends to address current funding
14 levels that limit the department of social and health services'
15 ability to promote vulnerable adult protections in the program. The
16 legislature further intends that the cost of complaint investigation
17 should be supported by an appropriate certification fee paid by the
18 regulated businesses.

19 NEW SECTION. **Sec. 2.** RESIDENTIAL SERVICES AND SUPPORTS
20 CERTIFICATION FEES. (1) After initial certification, the certified

1 provider must pay an annual certification fee in accordance with
2 procedures adopted by the department. The annual certification fee
3 must be established in the omnibus appropriations act and any
4 amendment or additions made to that act. The certification fee
5 established by the omnibus appropriations act or any amendment or
6 additions to the act may not exceed the department's costs of
7 conducting complaint investigations as described in section 3 of this
8 act. The certification fee must include all of the department's cost
9 of paying providers for the amount of the certification fee
10 attributed to medicaid clients.

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

13 NEW SECTION. **Sec. 3.** DEPARTMENT DUTIES. (1) The department
14 shall use the funds made available under section 2 of this act to
15 conduct complaint investigations in certified residential services
16 and supports programs.

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

23 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each
24 added to chapter 71A.12 RCW.

25 NEW SECTION. **Sec. 5.** If the centers for medicare and medicaid
26 services determines that federal funds cannot be appropriated to
27 match state expenditures under this act, the department of social and
28 health services must cease collecting the fee in section 2 of this
29 act, and this act is of no force and effect. If the centers for
30 medicare and medicaid services makes such a determination, the
31 department must notify the office of financial management and the
32 appropriate committees of the legislature. Rules adopted under this
33 act must meet federal requirements that are a necessary condition to
34 the receipt of federal funds by the state.

35 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect July 1, 2019.

Passed by the Senate March 13, 2019.

Passed by the House April 25, 2019.

Approved by the Governor May 21, 2019.

Filed in Office of Secretary of State May 21, 2019.

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