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**SENATE BILL 5506**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Kauffman, Dhingra, Hasegawa, Keiser, Lovelett, Randall, Rivers, Saldaña, Shewmake, Wagoner, and C. Wilson

AN ACT Relating to enhanced behavior support homes; amending RCW 43.185.020; adding new sections to chapter 43.185 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that there is a growing crisis for individuals with intellectual and developmental disabilities reaching adulthood that cannot access safe and appropriate community living options. The current supported living housing model often fails those with intellectual and developmental disabilities who have significant behavioral challenges by refusing to take them as clients, leading to housing insatiability. These vulnerable individuals then often bounce between their family home, if they have one; temporary respite placements; hospital boarding; jail; or homelessness at great expense to our state, medical, and mental health systems. By this act, the legislature intends to establish an enhanced behavior support homes model in Washington state for purposes of providing intensive behavioral services and support to adults and children with intellectual and developmental disabilities who require enhanced services and support due to challenging behaviors that cannot be safely and holistically managed in an exclusively community setting, and who are at risk of institutionalization or out-of-state placement, or are transitioning to the community from an intermediate care facility, hospital, or other state-operated residential facility.

**Sec.**  RCW 43.185.020 and 2013 c 145 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Contracted amount" means the aggregate amount of all state funds for which the department has monitoring and compliance responsibility.

((~~(2)~~)) (3) "Delayed egress" means a device that gives staff awareness of movements within the facility. If a door control system is used, it must not prevent a resident from leaving on their own accord, except temporary delays such as delayed egress consistent with state building code.

(4) "Department" means the department of commerce.

((~~(3)~~)) (5) "Director" means the director of the department of commerce.

(6) "Enhanced behavior support home" means a residential facility or a group home that provides 24-hour nonmedical care in a homelike setting to individuals with developmental disabilities who require enhanced behavior support, staffing, and supervision. An enhanced behavior support home shall have a maximum capacity of four clients. The enhanced behavior support home shall be eligible for federal medicaid home and community-based services funding.

(7) "Enhanced behavioral services and support" means additional staffing supervision, facility characteristics, and psychiatric or other services and support to address a client's challenging behaviors, which are beyond what is typically available in other community facilities or a group home to serve individuals in a community setting rather than in an institution.

(8) "Individual behavior support plan" means the plan that identifies and documents the behavior and intensive support and service needs of a client and details the strategies and interventions to be employed and type and amount of services to be provided to address those needs, and includes the entity responsible for providing those services and timelines for when each identified individual behavior support will commence.

(9) "Individual behavior support team" means those individuals who develop, monitor, and revise the individual behavior support plan for clients residing in an enhanced behavior support home. The team shall, at a minimum, be composed of the following individuals:

(a) Administration service coordinator and other administration representatives, as necessary;

(b) Client and, where appropriate, his or her guardian or authorized representative;

(c) Service provider's board-certified behavior analyst or qualified behavior modification professional;

(d) Enhanced behavior support home administrator;

(e) Clients' rights advocate, unless the client objects on his or her own behalf to participation by the clients' rights advocate; and

(f) Others deemed necessary by the client, or his or her guardian or authorized representative, for developing a comprehensive and effective individual behavior support plan.

(10) "Residential habilitation center" means a state-operated facility for persons with developmental disabilities governed by chapter 71A.20 RCW.

(11) "Service" or "services" means services provided by state or local government to carry out Title 71A RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 43.185 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the enhanced behavior support homes program is established to provide enhanced behavioral services and support to serve individuals in a community setting rather than in an institution.

(2) The director shall license or certify enhanced behavior support homes that meet state minimum standards.

(3) The department must establish rules working with the administration and the department of social and health services to create standards for licensure or certification of enhanced behavior support homes. The rules, at a minimum, must:

(a) Require 24-hour supervision of residents;

(b) Establish staffing requirements that provide an appropriate response to the acuity of the residents;

(c) Establish requirements for the ability to use delayed egress devices of the time-delay type;

(d) Establish resident rights that are substantially similar to the rights of residents in residential habilitation centers; and

(e) Establish program standards, including program design requirements, staffing structure, staff qualifications, and training. Training requirements shall include:

(i) A minimum of 40 hours of emergency intervention training, which shall include the techniques the licensee will use to prevent injury and maintain safety regarding clients who are a danger to self or others and shall emphasize positive behavior support and techniques that are alternatives to physical restraints;

(ii) Additional training for direct care staff to address the specialized needs of the clients, including training in emergency interventions.

NEW SECTION. **Sec.**  A new section is added to chapter 43.185 RCW to read as follows:

(1) The director and the entities providing state services under chapter 71A.12 RCW and local services under chapter 71A.14 RCW shall:

(a) Work with willing residential habilitation centers licensed under chapter 71A.20 RCW and group training homes licensed or certified under chapter 71A.22 RCW to assess their capacity to become licensed or certified to meet the requirements of this chapter; and

(b) Enter into contracts and payment arrangements with such centers and homes choosing to provide enhanced behavior support placements, to the extent that willing licensed or certified facilities are available.

(2) Nothing in this section requires any residential habilitation centers or group training homes to be licensed or certified to provide enhanced behavior support placements.

NEW SECTION. **Sec.**  A new section is added to chapter 43.185 RCW to read as follows:

(1) The enhanced behavior support home provider is responsible for coordinating the development and updating of each client's individual behavior support plan with the client's individual behavior support team. The initial individual behavior support plan shall be developed within 14 days of the client's admission to the enhanced behavior support home.

(2) The plan shall maximize the opportunities for independence, recovery, employment, the resident's participation in service planning decisions, and collaboration with peer-supported services, and provide for care and services in the least restrictive manner appropriate to the individual resident.

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