
SENATE BILL 6780

State of Washington

61st Legislature

2010 Regular Session

By Senator Keiser

1 AN ACT Relating to community living for persons with developmental
2 disabilities; amending RCW 71A.16.010 and 71A.16.040; adding new
3 sections to chapter 71A.16 RCW; creating a new section; repealing RCW
4 71A.20.020 and 71A.20.080; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) The state recognizes the importance of the well-being of
8 persons with developmental disabilities who are transferred between
9 residential habilitation centers, or discharged from a residential
10 habilitation center to the community.

11 (b) People with disabilities share, with all Washingtonians, the
12 desire to live full, productive lives in proximity to those who care
13 about and love them.

14 (c) Due to limited resources, many people with developmental
15 disabilities who reside with family members or on their own do not
16 receive adequate supports to help maintain their lives in the
17 community.

18 (d) People with developmental disabilities in residential

1 habilitation centers and state-operated living arrangements benefit
2 from the dedicated state employees who work with and on their behalf.

3 (e) There is a shortage of certain key services and resources for
4 people with developmental disabilities in the community, and the
5 state's residential habilitation centers have employees whose
6 specialized knowledge and expertise would greatly benefit community-
7 based programs and the people they serve.

8 (f) The people who dedicate their lives to serving people with
9 disabilities deserve positions that pay a living wage and promote
10 stable and secure lives for both employees and clients.

11 (2) The legislature intends that:

12 (a) A person with a developmental disability may not be moved from
13 an institutional to a community setting until sufficient services and
14 support arrangements are authorized and funded to support the assessed
15 health and safety needs of the person and continued growth and
16 development in a stable community setting.

17 (b) The rights, health, and safety of all persons with
18 developmental disabilities must be secure, and adequate support and
19 services to meet the needs of these individuals must be provided.

20 (c) The network of high-quality, efficient, and cost-effective
21 publicly operated programs must be expanded to serve residential
22 habilitation center clients in the community.

23 **Sec. 2.** RCW 71A.16.010 and 1998 c 216 s 3 are each amended to read
24 as follows:

25 ~~((1))~~ It is the intention of the legislature in this chapter to
26 establish a single point of referral for persons with developmental
27 disabilities and their families so that they may have a place of entry
28 and continuing contact for services authorized under this title to
29 persons with developmental disabilities. Eligible persons with
30 developmental disabilities, whether they live in the community or
31 residential habilitation centers, should have the opportunity to choose
32 where they live from available options, which must include a funded
33 placement in the most integrated setting appropriate to the needs of
34 the qualified individual.

35 ~~((2) Until June 30, 2003, and subject to subsection (3) of this~~
36 ~~section, if there is a vacancy in a residential habilitation center,~~
37 ~~the department shall offer admittance to the center to any eligible~~

1 ~~adult, or eligible adolescent on an exceptional case by case basis,~~
2 ~~with developmental disabilities if his or her assessed needs require~~
3 ~~the funded level of resources that are provided by the center.~~

4 ~~(3) The department shall not offer a person admittance to a~~
5 ~~residential habilitation center under subsection (2) of this section~~
6 ~~unless the department also offers the person appropriate community~~
7 ~~support services listed in RCW 71A.12.040.~~

8 ~~(4) Community support services offered under subsection (3) of this~~
9 ~~section may only be offered using funds specifically designated for~~
10 ~~this purpose in the state operating budget. When these funds are~~
11 ~~exhausted, the department may not offer admittance to a residential~~
12 ~~habilitation center, or community support services under this section.~~

13 ~~(5) Nothing in this section shall be construed to create an~~
14 ~~entitlement to state services for persons with developmental~~
15 ~~disabilities.~~

16 ~~(6) Subsections (2) through (6) of this section expire June 30,~~
17 ~~2003.)~~

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.16 RCW
19 to read as follows:

20 (1) By November 1, 2010, the department of social and health
21 services shall submit to the appropriate committees of the legislature
22 its implementation plan, with timelines and estimated costs, to fulfill
23 the requirements of this act. The implementation plan shall determine
24 how, within five years, the department shall:

25 (a) Establish state-operated living arrangements to serve clients
26 transitioning from residential habilitation centers;

27 (b) Transition people residing in residential habilitation centers
28 to community settings with appropriate levels of support;

29 (c) Minimize disruption in people's lives by:

30 (i) Offering to place all residents of residential habilitation
31 centers placement on the appropriate home and community-based waiver
32 and provide continued access to these services for so long as the
33 resident or his or her guardian consents to their provision. Persons
34 who have been determined eligible for services prior to discharge from
35 a residential habilitation center continue to be eligible for services
36 thereafter, and are subsequently entitled to all services for which
37 they have an assessed need;

1 (ii) Preparing clients and their families for the transition to the
2 community, including visits to community living settings;

3 (iii) Providing choice of community living options and providers;
4 and

5 (iv) Supporting continued family involvement;

6 (d) Maximize federal funding, including the roads to community
7 living grant;

8 (e) Maximize continuity of state employment for current employees
9 of residential habilitation centers;

10 (f) Provide opportunities for staff-client relationships
11 established in the residential habilitation centers to continue in
12 community settings; and

13 (g) Improve the efficient use of state funds and use any savings
14 achieved through efficiencies to extend services to people with
15 developmental disabilities currently receiving limited or no services.

16 (2) The plan must describe how the department shall, by December
17 31, 2011:

18 (a) Assess and return all children currently living at residential
19 habilitation centers to their families with intensive supports or
20 otherwise to children's intensive care in community settings;

21 (b) Expand capacity in the community to enable people transitioning
22 from residential habilitation centers to live stably in the community
23 or with their families;

24 (c) Provide quality assurance and follow-up for existing
25 residential habilitation center residents who will be transitioned to
26 the community; and

27 (d) Start transitioning portions of two residential habilitation
28 centers, one west and one east of the Cascade mountains, to regional
29 resources that provide crisis beds, respite beds, and skilled nursing
30 services.

31 (3) The plan must describe how the department shall, by December
32 31, 2012:

33 (a) Close Frances Haddon Morgan Center and vacate the campus;

34 (b) Close portions of other residential habilitation centers;

35 (c) Establish two community resource teams, one west and one east
36 of the Cascade mountains. Community resource teams must be composed of
37 staff with specialized expertise in the treatment of people with
38 developmental disabilities, including professionals licensed under

1 chapters 18.32, 18.35, 18.59, 18.71, 18.74, and 18.79 RCW, adaptive
2 equipment specialists, and staff trained in evidence-based treatment of
3 autism spectrum disorders.

4 (4) The plan must describe how the department shall, by December
5 31, 2014:

6 (a) Close remaining residential habilitation center facilities,
7 except for the portions described in subsection (2)(d) of this section;
8 and

9 (b) Maintain or establish a small number of skilled nursing
10 facility beds, allowing current residential habilitation residents
11 whose medical needs require twenty-four hour skilled nursing to age in
12 place.

13 NEW SECTION. **Sec. 4.** A new section is added to chapter 71A.16 RCW
14 to read as follows:

15 Beginning November 1, 2011, and annually through November 1, 2013,
16 the department shall submit to the appropriate committees of the
17 legislature an annual report that provides cumulative data and analysis
18 and recommendations. The report must include at least the following:

- 19 (1) Progress toward meeting the requirements of this act;
20 (2) Satisfaction levels for clients transitioned to the community
21 and their guardians;
22 (3) Stability of placement and provider turnover;
23 (4) Safety and health outcomes, including incidents,
24 hospitalizations, and mortality;
25 (5) Sufficiency and quality of services, including:
26 (a) Employment and day activities;
27 (b) Community involvement; and
28 (c) Accessibility of former residents to family, friends, and
29 guardians.

30 **Sec. 5.** RCW 71A.16.040 and 1989 c 175 s 141 are each amended to
31 read as follows:

32 (1) On receipt of an application for services submitted under RCW
33 71A.16.030, the secretary in a timely manner shall make a written
34 determination as to whether the applicant is eligible for services
35 provided under this title for persons with developmental disabilities.

1 (2) The secretary shall give notice of the secretary's
2 determination on eligibility to the person who submitted the
3 application and to the applicant, if the applicant is a person other
4 than the person who submitted the application for services. The notice
5 shall also include a statement advising the recipient of the right to
6 an adjudicative proceeding under RCW 71A.10.050 and the right to
7 judicial review of the secretary's final decision.

8 (3) The secretary may establish rules for redetermination of
9 eligibility for services under this title.

10 (4) Persons who have been determined eligible for services before
11 discharge from a residential habilitation center continue to be
12 eligible for services thereafter, and are subsequently entitled to all
13 services for which they have an assessed need.

14 NEW SECTION. Sec. 6. The following acts or parts of acts are each
15 repealed:

16 (1) RCW 71A.20.020 (Residential habilitation centers) and 1994 c
17 215 s 1 & 1988 c 176 s 702; and

18 (2) RCW 71A.20.080 (Return of resident to community--Notice--
19 Adjudicative proceeding--Judicial review--Effect of appeal) and 1989 c
20 175 s 143 & 1988 c 176 s 708.

21 NEW SECTION. Sec. 7. Section 6 of this act takes effect June 30,
22 2012.

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