

Friends of Rainier's Opinion on Senate Bill 6423, 6623, 6780

SB6423. *Against*. This bill amends (but really repeals) the earlier statute that permanently established Lakeland Village, Spokane, Rainier, Yakima Valley, and Fircrest as the state's RHC's. Instead, SB6423 authorizes the state (but does not require the state) to provide residential and habilitation services, through state habilitation centers, to persons who are found eligible and in need of care provided by a nursing facility or intermediate care facility.

SB 6623. *Against*. This bill is a sort of "push people out of the RHC's" bill with a lot of (**vague**) assurances of "adequate support" that will be "monitored" "assured" and "funded" to meet the "assessed needs" of residents who are discharged from the RHC's. What the "assessed needs" are is never defined, and whether or not they will be the same needs as they were in the RHC is not clear. What the "adequate supports" are is similarly not defined. Nor is the quality of the service, nor (as one would expect) the provider of the service. The ex resident "must have access to these services for as long as the resident or his or her guardian consents to their provision."

Included in this bill is a sales job for community placement. Discharge planning must begin with admission to an RHC, there must be frequent activities to "assist the resident and his or her guardian, legal representative, and family in learning about opportunities for support in the community." Residents and their representatives are directed to have frequent visits with individuals who receive community-based services; at least semi annually there must be an offer of a funded community based placement; annually, there must be a placement offer from a provider who can not refuse admission.

ALL THIS ASIDE, THE MOST DANGEROUS PART OF SB6623 IS IT'S RE-WORKING OF THE FROBERG LAW, AN RHC RESIDENT'S BEST LEGAL PROTECTION AGAINST OUTPLACEMENT NOT IN HIS BEST INTEREST, and his only protection before the move actually takes place.

Under Froberg, the State of Washington must prove that the move to the community is in the "best interest" of the resident. "Best interest" is a higher legal standard than providing "equal or better" services or program, or "meeting the needs of" a resident. That is why the new language that SB 6623 tries to introduce in an amended RCW 71A.10.050 is so potentially damaging. A changed .050 would define by statute that "best interest" was in the "most integrated" (read community) setting that "meets the resident's individual needs."

It is the purpose of the adjudicative proceeding **itself** to determine whether or not the resident's best interest is served in the "most integrated setting." To determine this before hand by statute defeats the purpose of "Froberg." Secondly, **meeting an individual's "needs" may not be the same as his "best interest" in any venue.** The new **6623 presumptive "best interest" definition excludes from "best interest" consideration harm caused from the move itself**, which may be substantial. After the 2004 Fircrest move, the death rate was 10%. Attorney Jim Hardman pointed out to

the writer that in custody suits a non custodial parent suing for custody must prove that what they can provide for the moved child will be much BETTER than what was provided for them in their current living situation, just because the move itself is widely acknowledged by experts to be damaging for the children moved. And these are children of normal intelligence, not the multi-impaired severely and profoundly retarded.

Also excluded from consideration in this proposed new “best interest” definition is the consideration of multiple moves, caused by the providers of community homes going broke, “moving on,” and so on.

SB 6780. *Against.* This bill begins by repealing 71A.20.020, the same 5 RHC statute that 6423 essentially repeals, and just gets worse from there.

It goes on to repeal 71A.20.080, and in doing so, guts “Froberg.” This particular legislation repeals the part of Froberg which allows a resident to stay in place in his RHC until his appeal is completed, through Superior Court, should his representatives choose to pursue his appeal for that length of time. Of course, should 6780 pass, and should the State of Washington succeed in closing it’s RHCs according to the schedule proposed, there would be no RHC for many residents to reside in...

Like 6623, 6780 speaks vaguely about “appropriate supports,” “appropriate needs,” “sufficient supports.” It is unclear what these terms actually mean, how the assessments will be made, or whether ex RHC residents will receive the same levels of service that they did in the RHC’s. It is this writer’s supposition that they probably will not, because the bill’s authors seem intent on using community “efficiencies” to serve the unserved in the community. (It seems especially paradoxical here that the bill’s authors intend to find community “efficiencies” with the RHC population without being able to use economies of scale.)

6780 seeks to close the RHCs.

By 2011, the authors of 6780 intend that the **two RHC’s that will remain at the end of the closure process** begin transitioning. **These two RHC’s will not be places to live.** They will be crisis beds, respite beds, and will provide skilled nursing services. One will be on the west side of the Cascades, one on the east.

In 2012, Frances Haddon Morgan Center will close. Portions of the other RHC’s will close. By 2014, the RHC’s should be closed, except for the two mentioned above. **By December, 2014, except for a “small number” of residents who are in skilled nursing facility beds, RHC residents are projected “to be liv(ing) stably in the community or with their families.”**

This bill does propose use of SOLA’s, and provides for the establishment of two community “resource teams.” 6780 does provide for legislative reporting, but after the **moves are already completed, and after the RHC’s have been closed.**

