
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-1752.3/17 3rd draft

ATTY/TYPIST: RB:amh

BRIEF DESCRIPTION: Concerning transition services for people with developmental disabilities.

1 AN ACT Relating to transition services for people with
2 developmental disabilities; amending RCW 71A.20.170; adding new
3 sections to chapter 71A.20 RCW; adding a new section to chapter 70.10
4 RCW; and creating new sections.

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

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

7 (1) A developmental disability is a natural part of human life
8 and the presence of a developmental disability does not diminish a
9 person's rights or the opportunity to participate in the life of the
10 local community;

11 (2) The system of services for people with developmental
12 disabilities should provide a balanced range of health, social, and
13 supportive services. The receipt of services should be coordinated so
14 as to minimize administrative cost and service duplication and
15 eliminate unnecessarily complex system organization;

16 (3) The public interest would best be served by a broad array of
17 services that would support people with developmental disabilities,
18 and promote individual autonomy, dignity, and choice; and

19 (4) In Washington state, people living in residential
20 habilitation centers and their families are satisfied with the

1 services they receive, and deserve to continue receiving services
2 that meet their needs.

3 NEW SECTION. **Sec. 2.** It is the intent of the legislature that:

4 (1) Supported living, state-operated living alternatives, and
5 other community-based residential services supporting people with
6 developmental disabilities should be available in the most integrated
7 setting appropriate to individual needs;

8 (2) An extensive transition planning and placement process will
9 be used to ensure that people moving from a residential habilitation
10 center to a community setting will have the services and supports in
11 place needed to meet their assessed health and welfare needs; and

12 (3)(a) The department of social and health services will proceed
13 with implementing the Fircrest master plan, identifying potential and
14 actual proceeds available through lease of the land, conservation
15 easements, sale of timber, or other activities.

16 (b) By July 1, 2019, ownership of charitable, educational, penal,
17 and reform institutions land on the Fircrest school campus will
18 transfer from the department of natural resources to the department
19 of social and health services.

20 (c) Except as otherwise provided in statute, all net proceeds
21 generated from the use of property at Fircrest School residential
22 habilitation center must be deposited into the developmental
23 disabilities community trust account established in RCW 71A.20.170.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 71A.20
25 RCW to read as follows:

26 (1) In keeping with department and legislative policy, the
27 department:

28 (a) Must ensure that each resident's individual habilitation plan
29 includes a plan for discharge to the community that uses the person-
30 centered plan developed by the department that assesses the
31 resident's needs and identifies services the resident requires to
32 successfully transition to the community, including:

33 (i) Engaging families and guardians of residents by offering
34 family-to-family mentoring provided by family members who themselves
35 experienced moving a family member with developmental disabilities
36 from an institution to the community. The department shall contract
37 with the developmental disabilities council to provide mentoring
38 services;

1 (ii) Employees of the residential habilitation centers and the
2 department providing transition planning for residents. To strengthen
3 continuity of care for residents leaving residential habilitation
4 centers, the department shall provide opportunities for residential
5 habilitation center employees to obtain employment in state-operated
6 living alternatives;

7 (iii) Providing choice of community living options and providers,
8 consistent with federal requirements, including offering to place,
9 with the consent of the resident or his or her guardian, each
10 resident of the residential habilitation center on the appropriate
11 home and community-based waiver, as authorized under 42 U.S.C. Sec.
12 1396n, and provide continued access to the services that meet his or
13 her assessed needs;

14 (iv) Providing residents and their families or guardians
15 opportunities to visit state-operated living alternatives, companion
16 homes, and supported living options in the community;

17 (v) Offering residents leaving a residential habilitation center
18 a right to return to a residential habilitation center;

19 (vi) Addressing services in addition to those that will be
20 provided by residential services providers that are necessary to
21 address the resident's assessed needs, including:

22 (A) Medical services;

23 (B) Nursing services;

24 (C) Dental care;

25 (D) Behavioral and mental health supports;

26 (E) Habilitative services;

27 (F) Provider training;

28 (G) Employment or other day support; and

29 (H) Transportation or other supports needed to assist family and
30 friends in maintaining regular contact with the resident;

31 (b) Shall assure that, prior to discharge from a residential
32 habilitation center, clients continue to be eligible for services for
33 which they have an assessed need;

34 (c) Shall maximize federal funding for transitioning clients
35 through the roads to community living grant;

36 (d) Shall limit the ability of a state-operated living
37 alternative to reject clients unless the rejection is based on
38 considering and assessing the needs of other clients residing in the
39 state-operated living alternative; and

1 (e) Shall employ the quality assurance process currently in use
2 by the department, including unannounced visits, to monitor the
3 adjustment of each resident who leaves a residential habilitation
4 center.

5 (2) When the remodeled and updated nursing home is completed
6 under section 4 of this act, no new long-term admissions at Fircrest
7 School are permitted.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 71A.20
9 RCW to read as follows:

10 (1) By June 30, 2021, a building at Fircrest School residential
11 habilitation center must be remodeled and updated to serve as a
12 nursing home for nursing home patients living at Fircrest School and
13 to provide crisis stabilization services as funds are made available.
14 The department must also take steps necessary to implement the
15 Fircrest School master plan including demolishing buildings that are
16 structurally unsound and ensuring residents may remain at Fircrest
17 School or move into the community in state-operated living
18 alternatives. Additional care must be taken when considering the
19 needs of former Frances Haddon Morgan residents who are residing at
20 Fircrest School. Former Fircrest School residents who fail to succeed
21 in the community may, after repeated failures, remain in the
22 community or may choose to move to another residential habilitation
23 center; however, former Fircrest School residents may not return to
24 Fircrest School. All net proceeds generated from the use of property
25 under department of natural resources or department control at
26 Fircrest School residential habilitation center must be deposited in
27 the developmental disabilities community trust account established in
28 RCW 71A.20.170.

29 (2) To assure the successful implementation of subsection (1) of
30 this section, the department, within available funds:

31 (a) Shall establish state-operated living alternatives to provide
32 community residential services to residential habilitation center
33 residents transitioning to the community under this act who prefer a
34 state-operated living alternative. The department shall offer
35 residential habilitation center employees opportunities to work in
36 state-operated living alternatives as they are established;

37 (b) May use supported living program placements in the community
38 for former residential habilitation center residents who prefer and
39 choose a supported living program;

1 (c) May use skilled nursing facility program placements in the
2 community for former residential habilitation center residents who
3 prefer and choose to live in a skilled nursing facility;

4 (d) Must inform residents that they may transition into the newly
5 remodeled building at Fircrest School residential habilitation center
6 as provided in subsection (1) of this section or other appropriate
7 facilities, and utilize the programs and services that are unique to
8 the residential habilitation center;

9 (e) Shall establish up to eight or more additional state-staffed
10 crisis stabilization beds based upon funding provided in the omnibus
11 appropriations act and the geographic areas with the greatest needs
12 for those services; and

13 (f) May use the comprehensive community health center described
14 in section 6 of this act and the regional or mobile specialty
15 services evenly distributed throughout the state, such as dental
16 care, physical therapy, occupational therapy, crisis stabilization
17 services, and specialty nursing care, which can be made available to
18 former residents and respites of residential habilitation centers
19 and, within available funds, other individuals with developmental
20 disabilities residing in the community.

21 **Sec. 5.** RCW 71A.20.170 and 2011 1st sp.s. c 30 s 12 are each
22 amended to read as follows:

23 (1) The developmental disabilities community trust account is
24 created in the state treasury. All net proceeds from the use of
25 excess property identified in the 2002 joint legislative audit and
26 review committee capital study or other studies of the division of
27 developmental disabilities residential habilitation centers that
28 would not impact current residential habilitation center operations
29 must be deposited into the account.

30 (2) Proceeds may come from the lease of the land, conservation
31 easements, sale of timber, or other activities short of sale of the
32 property, (~~except as permitted under section 7 of this act~~)
33 however, revenue generated from Fircrest School properties as
34 provided in section 4 of this act and revenue generated with the next
35 phase of the Fircrest School master plan process identified in the
36 2017-2019 omnibus capital appropriations act, must be deposited into
37 the account.

38 (3) (~~"Excess property" includes that portion of the property at~~
39 ~~Rainier school previously under the cognizance and control of~~

1 ~~Washington State University for use as a dairy/forage research~~
2 ~~facility.~~

3 ~~(4))~~ Only investment income from the principal of the proceeds
4 deposited into the trust account may be spent from the account. For
5 purposes of this section, "investment income" includes lease
6 payments, rent payments, or other periodic payments deposited into
7 the trust account. For purposes of this section, "principal" is the
8 actual excess land from which proceeds are assigned to the trust
9 account.

10 ~~((5))~~ (4) Moneys in the account may be spent only after
11 appropriation. Expenditures from the account shall be used
12 ~~((exclusively))~~ to provide: Family support and/or employment/day
13 services to eligible persons with developmental disabilities who can
14 be served by community-based developmental disability services; and
15 supported living, state-operated living alternatives, and other
16 community-based residential services supporting people with
17 developmental disabilities. It is the intent of the legislature that
18 the account should not be used to replace, supplant, or reduce
19 existing appropriations.

20 ~~((6))~~ (5) The account shall be known as the Dan Thompson
21 memorial developmental disabilities community trust account.

22 NEW SECTION. Sec. 6. A new section is added to chapter 70.10
23 RCW to read as follows:

24 By December 31, 2022, the department must design and begin
25 construction on a federally qualified health center located on
26 property sold or leased by Fircrest School residential habilitation
27 center. The center will use and build on the existing services
28 available at Fircrest School, including medical and dental services
29 and adaptive technology services. Care provided at the federally
30 qualified health center must be available to residents of Fircrest
31 School and community residents, including individuals with
32 developmental disabilities residing in the community.

33 NEW SECTION. Sec. 7. (1) By June 30, 2018, the department of
34 social and health services must complete an appraisal of the
35 charitable, educational, penal, and reform institutions land on the
36 Fircrest school campus.

37 (2) By October 1, 2018, the department of social and health
38 services must submit a report to the governor and the relevant fiscal

1 and policy committees of the legislature outlining options for
2 transferring the ownership of charitable, educational, penal, and
3 reform institutions land on the Fircrest school campus. The options
4 must include, but are not limited to:

5 (a) Purchase of the charitable, educational, penal, and reform
6 institutions land on the Fircrest school campus;

7 (b) A land swap of equal value between the charitable,
8 educational, penal, and reform institutions land on the Fircrest
9 school campus and other state-owned property; and

10 (c) A combination of the options outlined within (a) and (b) of
11 this subsection.

12 NEW SECTION. **Sec. 8.** If any provision of this act or its
13 application to any person or circumstance is held invalid, the
14 remainder of the act or the application of the provision to other
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 9.** If any part of this act is found to be in
17 conflict with federal requirements that are a prescribed condition to
18 the allocation of federal funds to the state, the conflicting part of
19 this act is inoperative solely to the extent of the conflict and with
20 respect to the agencies directly affected, and this finding does not
21 affect the operation of the remainder of this act in its application
22 to the agencies concerned. Rules adopted under this act must meet
23 federal requirements that are a necessary condition to the receipt of
24 federal funds by the state.

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