
SUBSTITUTE SENATE BILL 5490

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Health & Human Services (originally sponsored by Senators Niemi, L. Smith, Talmadge, Wojahn, M. Rasmussen, McAuliffe and Erwin)

Read first time 03/03/93.

1 AN ACT Relating to developmental disabilities; amending RCW
2 71A.10.015, 71A.10.020, 71A.10.050, 71A.10.060, 71A.10.070, 71A.12.010,
3 71A.12.020, 71A.12.030, 71A.12.060, 71A.12.070, 71A.12.080, 71A.12.100,
4 71A.12.120, 71.14A.020, 71A.14.030, 71A.14.040, 71A.14.050, 71A.14.060,
5 71A.14.070, 71A.14.080, 71A.14.090, 71A.14.110, 71A.16.020, 71A.16.040,
6 71A.16.050, 71A.18.010, 71A.18.020, 71A.18.040, 71A.18.050, and
7 71A.20.020; adding a new section to chapter 71A.12 RCW; adding new
8 sections to chapter 71A.14 RCW; adding a new section to chapter 71A.16
9 RCW; adding new sections to chapter 71A.20 RCW; adding a new section to
10 chapter 28A.155 RCW; adding a new section to chapter 43.63A RCW; adding
11 a new section to chapter 74.09 RCW; creating new sections; and
12 repealing RCW 71A.10.010, 71A.10.800, 71A.10.901, 71A.10.902,
13 71A.12.040, 71A.12.050, and 71A.14.010.

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

15 **Sec. 1.** RCW 71A.10.015 and 1988 c 176 s 101 are each amended to
16 read as follows:

17 The legislature recognizes the capacity of all persons, including
18 those with developmental disabilities, to be personally and socially
19 productive. The legislature further recognizes the state's obligation

1 to provide aid to persons with developmental disabilities and their
2 families through a uniform, coordinated system of locally administered
3 services to enable them to achieve a greater measure of independence
4 and fulfillment and to enjoy all rights and privileges under the
5 Constitution and laws of the United States and the state of Washington.
6 The legislature recognizes that living in home and community-based
7 settings is most conducive to personal growth and independence and is
8 generally more cost-effective than institutional care. Toward this
9 goal, the legislature intends to preserve, strengthen, and maintain
10 families caring for their members with developmental disabilities,
11 including families that select out-of-home placement as members with
12 developmental disabilities reach adulthood, but continue to provide
13 some support to the members with developmental disabilities outside the
14 home. Public policy encourages the family to seek out-of-home living
15 and treats the adult member as a separate individual, interdependent on
16 the family and appropriate services. The legislature finds that if
17 families and friends in ongoing relationships with individuals with
18 developmental disabilities provide support, augmented by family support
19 and community-based services, the cost of long-term care may decrease.

20 **Sec. 2.** RCW 71A.10.020 and 1988 c 176 s 102 are each amended to
21 read as follows:

22 As used in this title, the following terms have the meanings
23 indicated unless the context clearly requires otherwise.

24 (1) "Case management" includes, but is not limited to, those
25 services that assist eligible families to gain access to social,
26 medical, legal, educational, and other services and includes:

27 (a) Services that assure, through a continuing relationship between
28 an agency or provider and a family, that the changing needs of the
29 family are recognized and appropriately met;

30 (b) Coordinating and monitoring services provided to families by
31 two or more persons, organizations, or agencies; and

32 (c) Providing information to families about the availability of
33 services and assisting them in obtaining appropriate services.

34 (2) "Community-based services" means formal programs and informal
35 associations designed to promote independence, productivity, and
36 integration for individuals with developmental disabilities and their
37 families.

1 (3) "Department" means the department of social and health
2 services.

3 ~~((2))~~ (4) "Developmental disability" means ~~((a disability~~
4 ~~attributable to mental retardation, cerebral palsy, epilepsy, autism,~~
5 ~~or another neurological or other condition of an individual found by~~
6 ~~the secretary to be closely related to mental retardation or to require~~
7 ~~treatment similar to that required for individuals with mental~~
8 ~~retardation, which disability originates before the individual attains~~
9 ~~age eighteen, which has continued or can be expected to continue~~
10 ~~indefinitely, and which constitutes a substantial handicap to the~~
11 ~~individual. By January 1, 1989, the department shall promulgate rules~~
12 ~~which define neurological or other conditions in a way that is not~~
13 ~~limited to intelligence quotient scores as the sole determinate~~
14 ~~[determinant] of these conditions, and notify the legislature of this~~
15 ~~action)) severe, chronic disability that (a) is attributable to a~~
16 mental or physical impairment (or combination); (b) is manifested
17 before age twenty-two years; (c) is likely to continue indefinitely;
18 (d) results in a number of substantial functional limitations of
19 activities of daily living or instrumental activities of daily living
20 to be defined by the secretary in rule. Persons who received services
21 on January 1, 1993, shall continue to be eligible to receive services
22 as determined by individual service plan assessments performed under
23 this title.

24 (5) "Early childhood development services" means services designed
25 to ameliorate the effects of a developmental delay in a child under age
26 three. Depending upon the child's assessed needs, such services may
27 include audiology, communication disorders therapy, family counseling
28 and education, occupational therapy, physical therapy, psychological
29 services, and special instruction.

30 ~~((3))~~ (6) "Eligible person" means a person who has been found by
31 the secretary or local support network under RCW 71A.16.040 to be
32 eligible for services.

33 ~~((4))~~ (7) "Family" means the unit that consists of an individual
34 member with a developmental disability and one or more natural,
35 adoptive, or foster parents, or siblings, or grandparents, or children,
36 or guardians, regardless of where each member resides.

37 (8) "Habilitative services" means ~~((those))~~ services ~~((provided by~~
38 ~~program personnel))~~ to assist persons in acquiring and maintaining life
39 skills and to raise their levels of physical, mental, social, and

1 vocational functioning. Habilitative services include, but are not
2 limited to, education, training for employment, (~~and~~) therapy, and
3 residential skills training and support.

4 (~~(5)~~) (9) "Independence" means the extent to which individuals
5 with developmental disabilities and their families exert control and
6 choice over their own lives.

7 (10) "Integration" and "inclusion" mean (a) the use by individuals
8 with developmental disabilities and their families of the same
9 community resources that are used by and are available to other
10 individuals; (b) the participation by persons with developmental
11 disabilities and their families in the same community activities in
12 which individuals without developmental disabilities participate,
13 together with regular contact with individuals without developmental
14 disabilities; and (c) the residing in homes or in homelike settings by
15 individuals with developmental disabilities.

16 (11) "Legal representative" means a parent of a person who is under
17 eighteen years of age, a person's legal guardian, a person's limited
18 guardian when the subject matter is within the scope of the limited
19 guardianship, a person's attorney at law, a person's attorney in fact,
20 or any other person who is authorized by law to act for another person.

21 (~~(6)~~) (12) "Local support network" means one or more regional
22 support networks according to chapter 71.24 RCW and either (a) having
23 a resident population of not fewer than one hundred fifty thousand
24 persons or (b) consisting of not fewer than three counties.

25 (13) "Notice" or "notification" of an action of the secretary means
26 notice in compliance with RCW 71A.10.060.

27 (~~(7)~~) (14) "Productivity" or "contribution" mean engagement by an
28 individual with developmental disabilities in income-producing work
29 that is measured through improvements in wages and benefits, employment
30 status, or job advancement, or engagement by an individual with a
31 developmental disability in work contributing to household or
32 community.

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

36 (~~(8)~~) (16) "Residential setting" means a setting in which an
37 individual or agency contracts with and is reimbursed by the department
38 or a local support network to provide assistance with activities of
39 daily living or instrumental activities of daily living. Such settings

1 include but are not limited to adult family homes, assisted living
2 facilities, children's foster homes, group homes, including state-
3 operated living alternatives, intermediate care facilities for the
4 mentally retarded, nursing homes, public and private psychiatric
5 hospitals, residential habilitation centers, and tenant support
6 arrangements.

7 (17) "Secretary" means the secretary of social and health services
8 or the secretary's designee.

9 ~~((+9))~~ (18) "Service" or "services" means ~~((services provided by~~
10 ~~state or local government))~~ actions and activities undertaken to
11 increase the independence of persons with developmental disabilities
12 provided by the state in residential habilitation centers or by local
13 support networks to carry out this title.

14 (19) "Therapeutic services" means occupational, physical,
15 communication, respiratory, vision, behavior management, mental health,
16 medication management, and other therapies to increase, maintain, or
17 improve the functional capacities of individuals with developmental
18 disabilities.

19 **Sec. 3.** RCW 71A.10.050 and 1989 c 175 s 138 are each amended to
20 read as follows:

21 (1) An applicant or recipient or former recipient of a
22 developmental disabilities service under this title from the department
23 of social and health services or the local support network has the
24 right to appeal the following department or local support network
25 actions:

26 (a) A denial of an application for eligibility under RCW
27 71A.16.040;

28 (b) An unreasonable delay in acting on an application for
29 eligibility, for a service, or for an alternative service under RCW
30 71A.18.040;

31 (c) A denial, reduction, or termination of a service;

32 (d) A claim that the person owes a debt to the state for an
33 overpayment;

34 (e) A disagreement with an action of the secretary under RCW
35 71A.10.060 or 71A.10.070;

36 (f) A decision to return a resident of ~~((an [a]))~~ a residential
37 habilitation center to the community; and

1 (g) A decision to change a person's (~~(placement)~~) support from one
2 (~~(category)~~) type of (~~(residential services to a different category of~~
3 ~~residential services)~~) support to another.

4 The adjudicative proceeding is governed by the Administrative
5 Procedure Act, chapter 34.05 RCW.

6 (2) This subsection applies only to an adjudicative proceeding in
7 which the department action appealed is a decision to return a person
8 who is a resident of a habilitation center as of the effective date of
9 this act to the community. The resident or his or her representative
10 may appeal on the basis of whether the specific placement decision is
11 in the best interests of the resident. When the resident or his or her
12 representative files an application for an adjudicative proceeding
13 under this section the department has the burden of proving that the
14 specific placement decision is (~~(in the best interests)~~) of equal or
15 greater value to the resident.

16 (3) When the department takes any action described in subsection
17 (1) of this section it shall give notice as provided by RCW 71A.10.060.
18 The notice must include a statement advising the recipient of the right
19 to an adjudicative proceeding and the time limits for filing an
20 application for an adjudicative proceeding. Notice of a decision to
21 return a resident of a habilitation center to the community under RCW
22 71A.20.080 must also include a statement advising the recipient of the
23 right to file a petition for judicial review of an adverse adjudicative
24 order as provided in chapter 34.05 RCW.

25 **Sec. 4.** RCW 71A.10.060 and 1989 c 175 s 139 are each amended to
26 read as follows:

27 (1) Whenever this title requires the secretary to give notice, the
28 secretary shall give notice to the person with a developmental
29 disability and, except as provided in subsection (3) of this section,
30 to at least one other person. The other person shall be the first
31 person known to the secretary in the following order of priority:

32 (a) A legal representative of the person with a developmental
33 disability;

34 (b) A parent of a person with a developmental disability who is
35 eighteen years of age or older;

36 (c) Other kin of the person with a developmental disability, with
37 preference to persons with the closest kinship;

1 (d) The Washington protection and advocacy system for the rights of
2 persons with developmental disabilities, appointed in compliance with
3 42 U.S.C. Sec. 6042; or

4 (e) A person who is not an employee of the department or of a
5 person who contracts with the department under this title who, in the
6 opinion of the secretary, will be concerned with the welfare of the
7 person.

8 (2) Notice to a person with a developmental disability shall be
9 given in a way that the person is best able to understand. This can
10 include reading or explaining the materials to the person.

11 (3) A person with a developmental disability may, ~~in ((writing))~~ a
12 way that the person is best able, request the secretary to give notice
13 only to that person. The secretary shall comply with that direction
14 unless the secretary denies the request because the person may be at
15 risk of losing rights if the secretary complies with the request. The
16 secretary shall give notice as provided in subsections (1) and (2) of
17 this section. On filing an application with the secretary within
18 thirty days of receipt of the notice, the person who made the request
19 has the right to an adjudicative proceeding under RCW 71A.10.050 on the
20 secretary's decision.

21 (4) The giving of notice to a person under this title does not
22 empower the person who is given notice to take any action or give any
23 consent.

24 **Sec. 5.** RCW 71A.10.070 and 1989 c 175 s 140 are each amended to
25 read as follows:

26 (1) Whenever this title places on the secretary the duty to
27 consult, the secretary shall carry out that duty by consulting with the
28 person with a developmental disability and, except as provided in
29 subsection (2) of this section, with at least one other person. The
30 other person shall be in order of priority:

31 (a) A legal representative of the person with a developmental
32 disability;

33 (b) A parent of a person with a developmental disability who is
34 eighteen years of age or older;

35 (c) Other kin of the person with a developmental disability, with
36 preference to persons with the closest kinship;

1 (d) The Washington protection and advocacy system for the rights of
2 persons with developmental disabilities, appointed in compliance with
3 42 U.S.C. Sec. 6042; or

4 (e) Any other person who is not an employee of the department or of
5 a person who contracts with the department under this title who, in the
6 opinion of the secretary, will be concerned with the welfare of the
7 person.

8 (2) A person with a developmental disability may, ~~in ((writing)) a~~
9 way that the person is best able, request the secretary to consult only
10 with that person. The secretary shall comply with that direction
11 unless the secretary denies the request because the person may be at
12 risk of losing rights if the secretary complies with the request. The
13 secretary shall give notice as provided in RCW 71A.10.060 when a
14 request is denied. On filing an application with the secretary within
15 thirty days of receipt of the notice, the person who made the request
16 has the right to an adjudicative proceeding under RCW 71A.10.050 on the
17 secretary's decision.

18 (3) Consultation with a person under this section does not
19 authorize the person who is consulted to take any action or give any
20 consent.

21 **Sec. 6.** RCW 71A.12.010 and 1988 c 176 s 201 are each amended to
22 read as follows:

23 (1) It is declared to be the policy of the state to authorize the
24 secretary to ~~((develop and coordinate state))~~ encourage the local
25 development and coordination of services for persons with developmental
26 disabilities and their families; to encourage research and staff
27 training for state and local personnel working with persons with
28 developmental disabilities and their families; and to cooperate with
29 communities to encourage the establishment and development of services
30 to persons with developmental disabilities through locally administered
31 and locally controlled programs.

32 (2) The complexities of developmental disabilities require ~~((the))~~
33 that community services ((of)) be funded by many state departments ((as
34 well as those of)) in addition to services funded and supported within
35 the community. Services should be planned ~~((and)),~~ provided, and
36 coordinated as a part of a ~~((continuum))~~ local support network. A
37 pattern of facilities and services should be established, within
38 appropriations designated for this purpose, which is sufficiently

1 complete to meet the needs of each person with a developmental
2 disability regardless of age or degree of handicap, and at each stage
3 of the person's development.

4 (3) The department shall assist local support networks in
5 coordinating efforts by public and private agencies to provide services
6 for individuals with developmental disabilities and their families.
7 The department shall apply the principles of coordination in chapter
8 198, Laws of 1992, to this chapter.

9 Coordination efforts shall include, but not be limited to:

10 (a) Identifying services provided by different agencies to
11 eliminate duplication;

12 (b) Designating areas of responsibility for services, identifying
13 existing gaps in services, and assigning responsibility for providing
14 the missing services; and

15 (c) Coordinating planning among and implementation by agencies and
16 consumer groups to ensure that interagency programs receive approval
17 from individuals with developmental disabilities and their families.

18 **Sec. 7.** RCW 71A.12.020 and 1988 c 176 s 202 are each amended to
19 read as follows:

20 (1) To the extent that state, federal, or other funds designated
21 for services to persons with developmental disabilities are available,
22 and consistent with the provisions of chapter ..., Laws of 1993 (this
23 act) the secretary shall work with interested local communities to
24 provide every eligible person with habilitative services suited to the
25 person's needs, regardless of age or degree of developmental
26 disability.

27 (2) Consistent with the provisions of chapter ..., Laws of 1993
28 (this act) the secretary shall work with interested local communities
29 to provide persons who receive services with the opportunity for
30 integration with nonhandicapped and less handicapped persons to the
31 greatest extent possible.

32 (3) The secretary shall establish minimum standards for
33 habilitative services. Consumers, advocates, service providers,
34 appropriate professionals, and local government agencies shall be
35 involved in the development of the standards.

36 NEW SECTION. **Sec. 8.** A new section is added to chapter 71A.12 RCW
37 to read as follows:

1 (1) The department is designated as the state developmental
2 disabilities authority.

3 (2) The secretary shall provide for public, consumer, and licensed
4 service provider participation in developing the state developmental
5 disabilities program as provided in this title.

6 (3) The secretary shall be designated as the local support network
7 if a local support network fails to meet state minimum standards or
8 refuses to exercise responsibilities under chapter . . ., Laws of 1993
9 (this act).

10 (4) The secretary shall:

11 (a) Assure that any local support network community developmental
12 disabilities program prevent or reduce out-of-state, inappropriate out-
13 of-home, inpatient, or institutional care by providing access to
14 services under this chapter for the local support network's residents
15 with developmental disabilities;

16 (i) Such programs shall provide:

17 (A) Early childhood development services;

18 (B) Employment and community-based services;

19 (C) Family support;

20 (D) Individual and family resource coordination, which includes
21 providing information to individuals with developmental disabilities
22 and their families concerning the availability of services and
23 assisting them in obtaining appropriate services;

24 (E) Information and referral;

25 (F) Residential services or appropriate residential support for
26 those receiving residential services as of January 1, 1993;

27 (ii) Such programs may provide:

28 (A) Architectural services;

29 (B) Family counseling;

30 (C) Health services and equipment;

31 (D) Legal services;

32 (E) Residential services or appropriate residential support for
33 those needing, but not yet receiving, such services as of January 1,
34 1993;

35 (F) Therapy services and equipment; and

36 (G) Transportation services;

37 (b) Include services under this title in the standard contract or
38 contracts which are in effect between the local support network and the
39 state;

1 (c) Develop standards for certification of providers and local
2 support networks;

3 (d) Certify local support networks that meet state minimum
4 standards;

5 (e) Periodically inspect certified local support networks at
6 reasonable times and in a reasonable manner;

7 (f) Adopt preliminary rules by January 1, 1994, rules as are
8 necessary to implement the department's responsibilities under this
9 chapter pursuant to chapter 34.05 RCW. The rules shall include
10 criteria for waiving the requirement that a regional support network or
11 group of regional support networks shall have a minimum population of
12 one hundred fifty thousand or consist of at least three counties. The
13 criteria shall require at a minimum that the regional support network
14 establish that its per capita operating costs will be not greater nor
15 their services less than local support networks that satisfy the
16 minimum size requirements;

17 (g) In collaboration with local support networks, establish
18 specific criteria in contract that shall be used to evaluate local
19 support network performance. The criteria shall include reduction in
20 the percentage of out-of-home care, reduction in the percentage of
21 state and local inpatient hospital and other institutional care,
22 reduction in the cost of persons served, and increased consumer
23 employment and earnings;

24 (h) Disburse the first funds for the local support networks that
25 are ready to begin implementation within sixty days of approval of the
26 biennial contract. The department must either approve or reject the
27 biennial contract within sixty days of receipt;

28 (i) No later than two years after the creation of a local support
29 network, allocate one hundred percent of available resources to local
30 support networks created in a single grant distributed in accordance
31 with chapter . . . , Laws of 1993 (this act);

32 (j) Notify local support networks of their allocation of available
33 resources at least sixty days prior to the start of a new biennial
34 contract period; and

35 (k) Deny funding allocations to local support networks based solely
36 upon formal findings of noncompliance with the terms of the local
37 support network's contract with the department. Written notice and at
38 least thirty days for corrective action must precede any such action.

1 In such cases, local support networks shall have full rights to appeal
2 under chapter 34.05 RCW.

3 (5) Each certified local support network and service provider shall
4 file with the secretary, on request, such data, statistics, schedules,
5 and information as the secretary reasonably requires. A certified
6 local support network or service provider that, without good cause,
7 fails to furnish any data, statistics, schedules, or information as
8 requested, or files fraudulent reports thereof, may have its
9 certification revoked or suspended.

10 (6) The secretary may suspend, revoke, limit, or restrict a
11 certification, or refuse to grant a certification for failure to
12 conform to the law, applicable rules, or applicable standards, or
13 failure to meet the minimum standards established pursuant to this
14 section.

15 (7) Notwithstanding the existence or pursuit of any other remedy,
16 the secretary may, in the manner provided by law, upon the advice of
17 the attorney general who shall represent the secretary in the
18 proceedings, maintain an action in the name of the state for an
19 injunction or other process against any person or governmental unit to
20 restrain or prevent the establishment, conduct, or operation of a local
21 support network or service provider without certification under this
22 chapter.

23 (8) The department, in consultation with affected parties, shall
24 establish a distribution process that reflects local support network
25 needs assessments based on the number of persons with developmental
26 disabilities.

27 (9) The department of social and health services, in cooperation
28 with the state congressional delegation, shall actively seek waivers of
29 federal requirements and such modifications of federal regulations as
30 are necessary to allow federal medicaid reimbursement for services
31 under this title. The department shall periodically report its efforts
32 to the ways and means and health and human services committees of the
33 senate and the appropriations and human services committees of the
34 house of representatives.

35 (10) The state developmental disabilities authority may not
36 determine the roles and responsibilities of local support networks as
37 to each other by rule, except to assure that all duties required of
38 local support networks are assigned and that a single authority has

1 final responsibility for all available resources and performance under
2 the local support network's contract with the secretary.

3 (11) The secretary shall assure the cooperation and coordination of
4 all government agencies under his or her jurisdiction with the local
5 support networks in the provision of developmental disabilities
6 services.

7 **Sec. 9.** RCW 71A.12.030 and 1988 c 176 s 203 are each amended to
8 read as follows:

9 (1) The secretary ((is authorized)) shall encourage the development
10 of a system of local support networks to provide, or arrange with
11 others to provide, all services and facilities that are necessary or
12 appropriate to accomplish the purposes of this title, and to take all
13 actions that are necessary or appropriate to accomplish the purposes of
14 this title, except for those duties specifically reserved for the state
15 according to this title. The secretary shall adopt rules under the
16 administrative procedure act, chapter 34.05 RCW, as are appropriate to
17 carry out this title.

18 (2) By December 1 of each year, the secretary shall approve local
19 support networks requested by regional support networks. Regional
20 support networks seeking to be approved as a local support network by
21 January 1 of any year shall submit their intentions by August 1 of the
22 previous year along with preliminary plans. The secretary shall assume
23 all local support network duties not otherwise assigned under this
24 title.

25 The implementation of local support networks, or the secretary's
26 assumption of all responsibilities under this title, shall be included
27 in all state and federal plans affecting the state developmental
28 disabilities program including at least those required by this chapter,
29 the medicaid program, and any other federal program that provides
30 funding for this program. Nothing in these plans shall be inconsistent
31 with the intent and requirements of this chapter.

32 **Sec. 10.** RCW 71A.12.060 and 1988 c 176 s 206 are each amended to
33 read as follows:

34 Except as may be specifically contracted with local support
35 networks, the secretary is authorized to pay for all or a portion of
36 the costs of care, support, and training of residents of a residential

1 habilitation center who are placed in community residential programs
2 under this section and RCW 71A.12.070 and 71A.12.080.

3 **Sec. 11.** RCW 71A.12.070 and 1988 c 176 s 207 are each amended to
4 read as follows:

5 All payments made by the secretary or by a local support network
6 under RCW 71A.12.060 shall, insofar as reasonably possible, be
7 supplementary to payments to be made for the costs of care, support,
8 and training in a community residential program by the estate of such
9 resident of the residential habilitation center, or from any resource
10 which such resident may have, or become entitled to, from any public,
11 federal, or state agency. ~~((Payments by the secretary under this title
12 may, in the secretary's discretion, be paid directly to community
13 residential programs, or to counties having created developmental
14 disability boards under chapter 71A.14 RCW.))~~

15 **Sec. 12.** RCW 71A.12.080 and 1988 c 176 s 208 are each amended to
16 read as follows:

17 (1) The secretary with advice from the local support networks shall
18 adopt rules ~~((concerning))~~ affirming the eligibility of all residents
19 of residential habilitation centers for placement in the least
20 restrictive community residential ~~((programs))~~ setting or community
21 supports under this title~~((+))~~. The secretary shall refer individuals
22 to local support networks for placement in the most cost-effective
23 available program consistent with this title. Nothing in this title
24 shall preclude supervised placements where it is necessary to assure
25 public safety, to provide specialized diagnoses of developmental
26 disabilities, or provide for specialized support including specialized
27 respite care that cannot be provided cost-effectively through family
28 support or other nonfacility based services.

29 (2) The secretary shall adopt rules concerning the determination of
30 the ability according to supplemental security income (SSI) criteria of
31 ~~((such))~~ persons living in residential habilitation centers or
32 community residential programs or their estates to pay all or a portion
33 of the cost of care, support, and training; the manner and method of
34 licensing or certification and inspection and approval of such
35 community residential programs for placement under this title; and
36 procedures for the payment of costs of care, maintenance, and training
37 in community residential programs. The rules shall include standards

1 for care, maintenance, and training to be met by such community
2 residential programs.

3 ~~((+2))~~ (3) The secretary shall coordinate state activities and
4 resources relating to placement in community residential programs to
5 help efficiently expend state and local resources and, to the extent
6 designated funds are available, create an effective community
7 residential program.

8 **Sec. 13.** RCW 71A.12.100 and 1988 c 176 s 210 are each amended to
9 read as follows:

10 Consistent with the general powers of the secretary and the intent
11 of chapter . . . , Laws of 1993 (this act) regarding the encouragement
12 of local services network development and whether or not a particular
13 person with a developmental disability is involved, the secretary may:

14 (1) Provide information to the public on developmental disabilities
15 and available services;

16 (2) Engage in research concerning developmental disabilities and
17 the habilitation of persons with developmental disabilities, and
18 cooperate with others who do such research;

19 (3) Provide consultant services to public and private agencies to
20 promote and coordinate services to persons with developmental
21 disabilities;

22 (4) Provide training for persons in state or local governmental
23 agencies, including local support networks, or with private entities
24 who come in contact with persons with developmental disabilities or who
25 have a role in the care or habilitation of persons with developmental
26 disabilities.

27 **Sec. 14.** RCW 71A.12.120 and 1988 c 176 s 212 are each amended to
28 read as follows:

29 (1) The governor may take whatever action is necessary to enable
30 the state to participate in the manner set forth in this title in any
31 programs provided by any federal law and to designate state agencies
32 authorized to administer within this state the several federal acts
33 providing federal moneys to assist in providing services and training
34 at the state or local level for persons with developmental disabilities
35 and for persons who work with persons with developmental disabilities.

36 (2) Designated state agencies may apply for and accept and disburse
37 federal grants, matching funds, or other funds or gifts or donations

1 from any source available (~~for use by the state or by local~~
2 ~~government~~) to local support networks to provide more adequate
3 services for and habilitation of persons with developmental
4 disabilities.

5 NEW SECTION. **Sec. 15.** A new section is added to chapter 71A.14
6 RCW to read as follows:

7 (1) The local support network shall:

8 (a) Contract as needed with certified service providers to provide
9 services and supports according to the provisions of chapter . . . ,
10 Laws of 1993 (this act). The local support network may, in the absence
11 of a certified service provider entity, become a certified service
12 provider entity pursuant to minimum standards required for
13 certification by the department for the purpose of providing services
14 not available from certified service providers;

15 (b) Operate as a service provider if it deems that doing so is more
16 efficient and cost-effective than contracting for services. When doing
17 so, the local support network shall comply with rules adopted by the
18 secretary that shall provide measurements to determine when a local
19 support network provided service is more efficient and cost-effective;

20 (c) Monitor and perform biennial fiscal audits of certified service
21 providers who have contracted with the local support network to provide
22 services required by this chapter. The monitoring and audits shall be
23 performed by means of a formal process that insures that the certified
24 service providers and professionals designated in this subsection meet
25 the terms of their contracts, including the minimum standards of
26 service delivery as established by the department;

27 (d) Coordinate services for eligible persons who are in jeopardy of
28 becoming patients at a state or local mental hospital or a residential
29 habilitation center;

30 (e) Within three months of recognition, submit an overall two-year
31 operating and capital plan, timeline, and budget and after two years
32 submit an overall six-year operating and capital plan, timeline, and
33 budget and submit progress reports and an updated two-year plan
34 biennially thereafter, within available resources to administer and
35 provide for the availability of all services under chapter . . . , Laws
36 of 1993 (this act) as have been mutually agreed to by the secretary and
37 the local support network. As part of this operating and capital plan
38 and budget, the local support network shall prepare, adopt, review,

1 solicit public input in the preparation of, and, as appropriate, revise
2 a family support plan and budget that shall:

3 (i) Assess needs, establish goals, and set priorities for the
4 provision of family support services to families of individuals with
5 developmental disabilities;

6 (ii) Provide for coordinated delivery of family support services
7 and establish comprehensive services, resources, and programs for
8 families; and

9 (iii) Review and comment on plans and services provided by
10 departmental divisions and other state agencies that affect the state
11 plan;

12 (f) Assume all duties that prior to chapter . . . , Laws of 1993
13 (this act) were assigned to county authorities by this title;

14 (g) Assume all duties specified in their plans and joint operating
15 agreements through biennial contractual agreements with the secretary.
16 Such contracts may include agreements to provide periods of stable
17 community living and work or other day activities for specific
18 developmentally disabled persons who have resided at state or local
19 mental hospitals or residential habilitation centers;

20 (h) Not restrict access to services or service providers if doing
21 so will jeopardize the receipt of federal funds;

22 (i) Implement the biennial plan by requiring that providers of
23 family support services, as applicable:

24 (A) Identify and coordinate all available resources, both formal,
25 and informal, public and private, so that the family's identified needs
26 can be met and their strengths applied;

27 (B) Include participation of families with members with
28 developmental disabilities in all phases of planning, developing,
29 implementing, and evaluating the programs that affect them;

30 (C) Be staffed by qualified staff who are trained in the principles
31 of the family support program;

32 (D) Be flexible, so that families will have power to decide what
33 services to use, how to use them, and how often to use them, unless the
34 law requires otherwise on behalf of the individual with developmental
35 disabilities;

36 (E) Apply the family-focused principles identified in this act;

37 (F) Disseminate information so that eligible families will know of
38 the availability of services; and

1 (G) Avoid discrimination on the basis of race, sex, religion,
2 ethnicity, national origin, or disabling condition in the employment of
3 individuals in the program;

4 (j)(A) Use funds allocated for the family support program to
5 purchase a broad range of goods and services within the following
6 categories to support the family. Services authorized by the family
7 support program shall include, but not be limited to:

8 (I) Case management and service coordination that includes
9 individualized planning;

10 (II) Specialized diagnosis and evaluation;

11 (III) Medical and dental care not otherwise covered by third-party
12 payors;

13 (IV) Respite care for families;

14 (V) Personal assistance services;

15 (VI) Homemaker services;

16 (VII) Home health services;

17 (VIII) Therapeutic and nursing services not otherwise covered;

18 (IX) Home and vehicle modifications;

19 (X) Equipment and supplies;

20 (XI) Transportation;

21 (XII) Recreation and social services;

22 (XIII) Specialized nutrition and clothing;

23 (XIV) Counseling services;

24 (XV) Parent education and training;

25 (XVI) Communication services;

26 (XVII) Crisis intervention;

27 (XVIII) Vocational and employment supports;

28 (XIX) Day care;

29 (XX) Specialized utility costs;

30 (XXI) Self-advocacy training; and

31 (XXII) Estate and transition planning.

32 (B) The local support network may use funds allocated for the
33 family support program, including vouchers, cash subsidies, and grants,
34 to meet the special needs of each eligible family.

35 (C) Funds distributed under this chapter on behalf of the family
36 may be used only to provide those goods and services necessary to meet
37 the family's unmet needs as determined in the assessment and the
38 individual service plan.

1 (D) Families receiving cash subsidies under the family support
2 program shall have the authority to decide how the services will be
3 used, subject to the following conditions:

4 (I) The family shall annually prepare a report in the way that the
5 family is best able stating how the cash subsidy was used to meet the
6 special needs of the family.

7 (II) The family shall promptly report to the local support network
8 any event or condition affecting eligibility for services, including
9 but not limited to:

10 (aa) Death of the family member with developmental disabilities;

11 (bb) Death of the responsible adult in the eligible family to whom
12 the cash subsidy or services were being provided;

13 (cc) Placement outside the home of the member with developmental
14 disabilities;

15 (dd) Change of state of residence of the eligible family; and

16 (ee) Any other change in need for services or eligibility for any
17 assistance programs from other agencies.

18 (E) Family support cash subsidy payments shall not be alienable by
19 assignment, sale, garnishment, execution, or otherwise and in the event
20 of family bankruptcy shall not pass to or through a trustee or any
21 other person acting on behalf of the creditors;

22 (k) Provide services to promote and enhance effective transition
23 from educational or treatment programs to employment for persons with
24 developmental disabilities, as defined in RCW 71A.10.020. The local
25 support network shall also enhance the use of alternative resources
26 such as social security work incentives and natural supports and
27 promote competitive, integrated employment opportunities in both the
28 public and private sector.

29 (2) The local support network may:

30 (a) Receive technical assistance from the housing trust fund and
31 may identify and submit projects for housing and housing support
32 services to the housing trust fund established under chapter 43.185
33 RCW. Projects identified or submitted under this subsection must be
34 fully integrated with the local support network six-year operating and
35 capital plan, timeline, and budget required by subsection (1) of this
36 section.

37 (b) Request that any state-owned land, building, facility, or other
38 capital asset that was ever purchased, deeded, given, or placed in
39 trust for the care of the developmentally disabled and that is within

1 the boundaries of a local support network be made available to support
2 the operations of the local support network. State agencies managing
3 such capital assets shall give first priority to requests for their use
4 pursuant to this chapter.

5 (c) Develop a package of incentives, offered by application to
6 interested local school districts, that enhance the transition of
7 students with developmental disabilities from school to work. The
8 incentives may include, but are not limited to, technical assistance
9 and training for teachers or staff, curriculum development, and other
10 measures necessary to promote flexible teaching and educational
11 practices that support the transition to integrated, competitive, and
12 continuing employment; and collaborate with businesses, government
13 agencies, local schools, postsecondary educational institutions, or
14 other relevant local authorities to develop and encourage collaborative
15 community linkages and partnerships that create placement
16 opportunities, provide mentors and prepare individuals with
17 developmental disabilities for the transition from school or treatment
18 programs to work.

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

21 The local support networks shall make satisfactory showing to the
22 secretary that state funds shall in no case be used to replace local
23 funds from any source being used to finance developmental disabilities
24 services prior to January 1, 1993.

25 NEW SECTION. **Sec. 17.** A new section is added to chapter 71A.14
26 RCW to read as follows:

27 In order to establish eligibility for funding under this chapter,
28 any local support network or networks seeking to obtain federal funds
29 for the support of any aspect of a community developmental disabilities
30 program as defined in this chapter shall submit program plans to the
31 secretary for prior review and approval before such plans are submitted
32 to any federal agency.

33 NEW SECTION. **Sec. 18.** A new section is added to chapter 71A.14
34 RCW to read as follows:

35 The local support network may accept and expend gifts and grants
36 received from private, county, and state sources, and any federal funds

1 received through a state agency. The local support networks shall
2 recommend to the legislature incentives to encourage private gifts and
3 contributions.

4 NEW SECTION. **Sec. 19.** A new section is added to chapter 71A.14
5 RCW to read as follows:

6 FAMILY SUPPORT PROGRAM. (1) To carry out the intent of chapter
7 . . . , Laws of 1993 (this act) the family support program is
8 established and shall have the following family-focused principles:

9 (a) To empower families of individuals with developmental
10 disabilities to determine their own needs and choices and to meet those
11 unique needs and choices with individualized flexible services designed
12 to increase the integration, contribution, productivity, and inclusion
13 in the community of the individual with developmental disabilities at
14 all stages of his or her life without overly intruding.

15 (b) To provide a systematic process for access to and participation
16 in the family support program and other programs that help families
17 identify and satisfy their health, education, social service, and other
18 needs and choices.

19 (2) The state policy principles declared in RCW 74.14A.025 apply to
20 families with members with developmental disabilities seeking services
21 from state and local, private, and public agencies.

22 (3) The family support program shall have the following system-wide
23 principles and goals:

24 (a) To provide services in settings that are close to the patterns
25 and norms of society and sensitive to regional, cultural, and ethnic
26 characteristics of families and communities.

27 (b) To promote the return of individuals with developmental
28 disabilities where appropriate from out-of-home placement.

29 (c) To promote the appropriate placement, with family support, in
30 independent and interdependent residential living settings by
31 providing home and community-based services to families in the least
32 restrictive appropriate setting.

33 (d) To provide services for families as close to their home
34 communities as possible and to promote integration of individuals with
35 developmental disabilities and their families into their communities.

36 (e) To be sensitive to the differing capacities of local
37 communities and to complement existing public and private community

1 resources, including natural and informal supports provided by family
2 and friends.

3 (f) To give priority to planning, developing, implementing, and
4 evaluating family support programs that prevent, ameliorate, or reduce
5 the impact of developmental disabilities on families.

6 (4) It is intended that the family support program shall
7 supplement, rather than supplant, any existing rights, entitlement, or
8 services for which families and individuals with developmental
9 disabilities may be eligible under any other state or federal law or
10 regulation.

11 NEW SECTION. **Sec. 20.** A new section is added to chapter 71A.14
12 RCW to read as follows:

13 (1) The family support program shall be used by the local support
14 networks to assist in developing community-based services by:

15 (a) Establishing a program of grants to regional and local agencies
16 and providers, both public and private, and to consumer groups to
17 establish or develop family support services;

18 (b) Contracting directly with providers, both public and private,
19 including consumer groups, to establish services in regions of the
20 state where services are not readily available;

21 (c) Promoting research and training staff in the principles and
22 practices of family support; and

23 (d) Using available state, regional, and local parent-to-parent
24 programs to support outreach to families so that families may become
25 aware of available family support services.

26 (2) The family support program may provide technical assistance to
27 public and private agencies and consumer groups that are developing or
28 offering family support services to provide appropriate, flexible, and
29 cost-effective home and community-based services for families in order
30 to prevent and ameliorate the impact of developmental disabilities on
31 families.

32 **Sec. 21.** RCW 71A.14.020 and 1988 c 176 s 302 are each amended to
33 read as follows:

34 (1) The county governing authority of any county may appoint a
35 developmental disability board to plan services for persons with
36 developmental disabilities, to provide directly or indirectly a
37 continuum of care and services to persons with developmental

1 disabilities within the county or counties served by the community
2 board. The governing authorities of more than one county by joint
3 action may appoint a single developmental disability board. Nothing in
4 this section shall prohibit a county or counties from combining the
5 developmental disability board with another county board, such as a
6 mental health board.

7 (2) Members appointed to the board shall include but not be limited
8 to representatives of public, private, or voluntary agencies,
9 representatives of local governmental units, and citizens knowledgeable
10 about developmental disabilities or interested in services to persons
11 with developmental disabilities in the community.

12 (3) The board shall consist of not less than nine nor more than
13 fifteen members.

14 (4) Members shall be appointed for terms of three years and until
15 their successors are appointed and qualified.

16 (5) The members of the developmental disability board shall not be
17 compensated for the performance of their duties as members of the
18 board, but may be paid subsistence rates and mileage in the amounts
19 prescribed by RCW 42.24.090. If a county or group of counties
20 participates in a local support network, this section does not apply.

21 This section shall expire on July 1, 1997.

22 **Sec. 22.** RCW 71A.14.030 and 1988 c 176 s 303 are each amended to
23 read as follows:

24 Pursuant to RCW 71A.14.040 the secretary shall work with the county
25 governing authorities and developmental disability boards who apply for
26 state funds to coordinate and provide local services for persons with
27 developmental disabilities and their families. The secretary is
28 authorized to (~~promulgate~~) adopt rules establishing the eligibility
29 of each county and the developmental disability board for state funds
30 to be used for the work of the board in coordinating and providing
31 services to persons with developmental disabilities and their families.
32 An application for state funds shall be made by the board with the
33 approval of the county governing (~~authority~~) authorities, or by the
34 county governing authority on behalf of the board. If a county or
35 group of counties participates in a local support network, this section
36 does not apply.

37 This section shall expire on July 1, 1997.

1 **Sec. 23.** RCW 71A.14.040 and 1988 c 176 s 304 are each amended to
2 read as follows:

3 The secretary shall review the applications (~~((from the county~~
4 ~~governing authority))~~) made under RCW 71A.14.030. The secretary may
5 approve an application if it meets the requirements of this chapter and
6 the rules (~~((promulgated))~~) adopted by the secretary. The secretary
7 shall (~~((promulgate))~~) adopt rules to assist in determining the amount of
8 the grant. In (~~((promulgating))~~) adopting the rules, the secretary shall
9 consider the population of the area served, the needs of the area, and
10 the ability of the community to provide funds for the developmental
11 disability program provided in this title. If a county or group of
12 counties participates in a local support network, this section does not
13 apply.

14 This section shall expire on July 1, 1997.

15 **Sec. 24.** RCW 71A.14.050 and 1988 c 176 s 305 are each amended to
16 read as follows:

17 The department may require by rule that in order to be eligible for
18 state funds, the county and the developmental disability board shall
19 provide the following indirect services to the community:

20 (1) Serve as an informational and referral agency within the
21 community for persons with developmental disabilities and their
22 families;

23 (2) Coordinate all local services for persons with developmental
24 disabilities and their families to insure the maximum utilization of
25 all available services;

26 (3) Prepare comprehensive plans for present and future development
27 of services and for reasonable progress toward the coordination of all
28 local services to persons with developmental disabilities. If a county
29 or group of counties participates in a local support network, this
30 section does not apply.

31 This section shall expire on July 1, 1997.

32 **Sec. 25.** RCW 71A.14.060 and 1988 c 176 s 306 are each amended to
33 read as follows:

34 The secretary by rule may authorize the county and the
35 developmental disability board to provide any service for persons with
36 developmental disabilities that the department is authorized to
37 provide, except for operating residential habilitation centers under

1 chapter 71A.20 RCW. If a county or group of counties participates in
2 a local support network, this section does not apply.

3 This section shall expire on July 1, 1997.

4 **Sec. 26.** RCW 71A.14.070 and 1988 c 176 s 307 are each amended to
5 read as follows:

6 In order for the developmental disability board or local support
7 network to plan, coordinate, and provide required services for persons
8 with developmental disabilities, the county governing authority and the
9 board or local support network shall be eligible to obtain such
10 confidential information from public or private schools and the
11 department as is necessary to accomplish the purposes of this chapter.
12 Such information shall be kept in accordance with state law and rules
13 (~~promulgated~~) adopted by the secretary under chapter 34.05 RCW to
14 permit the use of the information to coordinate and plan services. All
15 persons permitted to have access to or to use such information shall
16 sign an oath of confidentiality, substantially as follows:

17 "As a condition of obtaining information from (fill in facility,
18 agency, or person) I,, agree not to divulge, publish, or
19 otherwise make known to unauthorized persons or the public any
20 information obtained in the course of using such confidential
21 information, where release of such information may possibly make the
22 person who received such services identifiable. I recognize that
23 unauthorized release of confidential information may subject me to
24 civil liability under state law."

25 **Sec. 27.** RCW 71A.14.080 and 1988 c 176 s 308 are each amended to
26 read as follows:

27 The county governing authority and the developmental disability
28 board or local support network created under (~~RCW 71A.14.020~~) chapter
29, Laws of 1993 (this act) are authorized to receive and spend
30 funds received from the state under this chapter, or any federal funds
31 received through any state agency, or any gifts or donations received
32 (~~by it~~) for the benefit of persons with developmental disabilities.

33 **Sec. 28.** RCW 71A.14.090 and 1988 c 176 s 309 are each amended to
34 read as follows:

1 ((RCW 71A.12.120 authorizes)) Local governments and local support
2 networks are authorized to participate in federal programs for persons
3 with developmental disabilities.

4 **Sec. 29.** RCW 71A.14.110 and 1988 c 176 s 311 are each amended to
5 read as follows:

6 Any county or city within a county either of which is situated on
7 the state boundaries or any local support network that is situated on
8 the state boundaries is authorized to contract for developmental
9 disability services with a county situated in either the states of
10 Oregon or Idaho, which county is located on boundaries with the state
11 of Washington.

12 **Sec. 30.** RCW 71A.16.020 and 1988 c 176 s 402 are each amended to
13 read as follows:

14 (1) A person is eligible for services under this title if the
15 ((secretary)) local support network finds that the person has a
16 developmental disability as defined in RCW 71A.10.020(2).

17 (2) The secretary may adopt rules further defining and implementing
18 the criteria in the definition of "developmental disability" under RCW
19 71A.10.020(2).

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

22 (1) On receipt of an application for services submitted under RCW
23 71A.16.030, the ((secretary)) local support network in a timely manner
24 shall make a written determination as to whether the applicant is
25 eligible for services provided under this title for persons with
26 developmental disabilities.

27 (2) The ((secretary)) local support network shall give notice of
28 the ((secretary's)) local support network's determination on
29 eligibility to the person who submitted the application and to the
30 applicant, if the applicant is a person other than the person who
31 submitted the application for services. The notice shall also include
32 a statement advising the recipient of the right to an adjudicative
33 proceeding under RCW 71A.10.050 and the right to judicial review of the
34 ((secretary's)) local support network's final decision.

35 (3) Having determined eligibility, the local support network shall
36 establish the level of financial responsibility, if any, according to

1 chapter . . . , Laws of 1993 (this act) and notify the applicant and the
2 applicant's family, if the applicant is under the age of eighteen, of
3 this determination.

4 (4) The secretary may establish rules for redetermination of
5 eligibility for services under this title.

6 **Sec. 32.** RCW 71A.16.050 and 1988 c 176 s 405 are each amended to
7 read as follows:

8 The determination made under this chapter is only as to whether a
9 person is eligible for services. After the ~~((secretary))~~ local support
10 network has determined under this chapter that a person is eligible for
11 services, the ~~((secretary))~~ local support network shall make ~~((a~~
12 ~~determination as to what services are appropriate for the person))~~ an
13 assessment of the person's support needs in consultation with the
14 family, if appropriate.

15 NEW SECTION. **Sec. 33.** A new section is added to chapter 71A.16
16 RCW to read as follows:

17 (1) For eligible persons under the age of eighteen:

18 (a) Early childhood development services shall be provided free of
19 charge without regard to family income;

20 (b) Family support services shall be provided free of charge for
21 families whose gross income is less than one hundred eighty-five
22 percent of the federal poverty level adjusted for family size; and

23 (c) Family support services shall be provided on a sliding fee
24 scale to be established by the secretary in rule for families whose
25 gross income is above one hundred eighty-five percent of the federal
26 poverty level, adjusted for family size. A family's total payments
27 shall be reduced by the out-of-pocket medical expenses for the eligible
28 individual.

29 (2) For eligible persons age eighteen and over:

30 (a) Developmental disability services shall be provided free of
31 charge if the gross income of the eligible person, his or her spouse,
32 and children is less than one hundred eighty-five percent of the
33 federal poverty level adjusted for family size;

34 (b) Developmental disability services shall be provided on a
35 sliding fee scale to be established by the secretary in rule for
36 individuals whose gross family income is above one hundred eighty-five
37 percent of the federal poverty level. A family's total payments shall

1 be reduced by the out-of-pocket medical expenses for the eligible
2 individual; and

3 (c) There shall be no financial responsibility on the part of
4 parents or any relatives other than a spouse or minor children of the
5 individual with developmental disabilities.

6 **Sec. 34.** RCW 71A.18.010 and 1988 c 176 s 501 are each amended to
7 read as follows:

8 (1) The ~~((secretary))~~ local support network may produce and
9 maintain in collaboration with the individual and his or her family, if
10 applicable, an individual service plan for each eligible person which
11 shall include family support services, unless it is inappropriate to do
12 so and which may vary with support capabilities. In no case may the
13 local support network restrict access to early childhood development
14 services it determines are needed. In order to operate within
15 appropriated funding levels, the local support network may restrict
16 access to certain other specialized or intensive services in order to
17 maximize basic support services to a larger number of individuals with
18 developmental disabilities. An individual service plan is a plan that
19 identifies the needs of a person and his or her family for services and
20 determines what services will be in the best interests of the person
21 ~~((and))~~, will meet the person's needs, and support the person in the
22 least restrictive setting.

23 (2)(a) For eligible individuals whose individual service plan as
24 provided for under this section calls for family support as a needed
25 service, the local support network may assist the family to develop a
26 family support services plan. In developing the plan the local support
27 network shall conduct an assessment in the following manner:

28 (i) Ensure that the family participates in the assessment to the
29 greatest extent possible;

30 (ii) With the permission of the family, involve other persons who
31 are knowledgeable about the needs of the member with developmental
32 disabilities and who can identify and assist the family in assessing
33 the social, psychological, and medical needs of all family members;

34 (iii) Identify services and goods that the family is currently
35 receiving, other services and goods available to the family through
36 public and private agencies, friends, and relatives and services and
37 goods that the family is not currently receiving and that the family

1 needs to maintain the family member with developmental disabilities at
2 home;

3 (iv) Identify the services and goods needed by the family that are
4 available from sources other than public or private sources, including
5 friends and family;

6 (v) Identify the services and goods needed by the family that are
7 available for funding through the program;

8 (vi) Where possible the assessment shall take place in the home of
9 a family member unless the family chooses another setting; and

10 (vii) During the assessment process the member with developmental
11 disabilities shall be included to the greatest extent possible by the
12 person or persons conducting the assessment.

13 (b) The plan shall include, but not be limited to:

14 (i) Documentation of the individual and family's need for service
15 and identification of the individual or family's strengths and
16 resources that the plan may supplement or support to meet the family's
17 needs;

18 (ii) Notice of the specific programs, subsidies, or services for
19 which the individual or family is eligible;

20 (iii) A clear explanation of the way in which the programs,
21 subsidies, or services will be provided to the individual or family;

22 (iv) A statement of the specific goals of the services and the
23 methods to be used in achieving the goals and the measures for success;

24 (v) A projected timetable for obtaining goals.

25 (c) Each service plan shall include all of the following:

26 (i) A list of services and goods that will be funded through the
27 family support program, the estimated costs of each and an estimate of
28 the length of time each will need to be funded through the program; and

29 (ii) For families receiving vouchers, a written participation
30 agreement, which shall be signed by a parent and the local support
31 network, governing expenditure of program funds by or on behalf of the
32 family.

33 (d) An annual review shall be made by the local support network of
34 each family participating in the family support program. The review
35 shall include a review of the needs of the family for family support
36 services, including an assessment prepared by the family and the local
37 support network as to whether there is cooperation and active
38 participation by the family in the planning and whether the needs and
39 the goals of the individual service plan are being met.

1 The family may at any time request a review of their needs and the
2 services to meet those needs.

3 **Sec. 35.** RCW 71A.18.020 and 1988 c 176 s 601 are each amended to
4 read as follows:

5 (~~The secretary may~~) Local support networks shall provide ((a
6 service to a person eligible under this title if funds are available.
7 ~~If there is an individual service plan, the secretary shall consider~~
8 ~~the need for services as provided in that plan))~~ early childhood
9 development services as required in chapter . . . , Laws of 1993 (this
10 act) to all eligible children under age three as determined in the
11 individual service plan required under RCW 71A.18.010. Within
12 available funds local support networks shall provide family support
13 services as identified in individual service plans. The local support
14 network may provide limits on family support services in order to
15 assure an equitable distribution of funds.

16 **Sec. 36.** RCW 71A.18.040 and 1989 c 175 s 142 are each amended to
17 read as follows:

18 (1) A person who is receiving a service under this title or the
19 person's legal representative may request the (~~secretary~~) local
20 support network to authorize a service that is available under this
21 title in place of a service that the person is presently receiving.

22 (2) The (~~secretary~~) local support network upon receiving a
23 request for change of service shall consult in the same manner as that
24 provided for the secretary in RCW 71A.10.070 and within ninety days
25 shall determine whether the following criteria are met:

26 (a) The alternative plan proposes a less dependent program than the
27 person is participating in under current service;

28 (b) The alternative service is appropriate under the goals and
29 objectives of the person's individual service plan;

30 (c) The alternative service is not in violation of applicable state
31 and federal law; and

32 (d) The service can reasonably be made available.

33 (3) If the requested alternative service meets all of the criteria
34 of subsection (2) of this section, the service shall be authorized as
35 soon as reasonable, but not later than one hundred twenty days after
36 completion of the determination process, unless the (~~secretary~~) local
37 support network determines that:

- 1 (a) The alternative plan is more costly than the current plan;
2 (b) Current appropriations are not sufficient to implement the
3 alternative service without reducing services to existing clients; or
4 (c) Providing alternative service would take precedence over other
5 priorities for delivery of service.

6 (4) The ~~((secretary))~~ local support network shall give notice ~~((as~~
7 ~~provided))~~ in the same manner as that provided to the secretary in RCW
8 71A.10.060 of the grant of a request for a change of service. The
9 ~~((secretary))~~ local support network shall give notice ((as provided))
10 in the same manner as that provided to the secretary in RCW 71A.10.060
11 of denial of a request for change of service and of the right to an
12 adjudicative proceeding.

13 (5) When the secretary has changed service from a residential
14 habilitation center to a setting other than a residential habilitation
15 center, the secretary shall reauthorize service at the residential
16 habilitation center if the ~~((secretary))~~ local support network in
17 reevaluating the needs of the person finds that the person needs
18 service in a residential habilitation center.

19 (6) If the ~~((secretary))~~ local support network determines that
20 current appropriations are sufficient to deliver additional services
21 without reducing services to persons who are presently receiving
22 services, the ~~((secretary))~~ local support network is authorized to give
23 persons notice in the same manner as that provided under RCW 71A.10.060
24 that they may request the services as new services or as changes of
25 services under this section.

26 **Sec. 37.** RCW 71A.18.050 and 1988 c 176 s 604 are each amended to
27 read as follows:

28 (1) When considering the discontinuance of a service that is being
29 provided to a person, the ~~((secretary))~~ local support network shall
30 consult ~~((as))~~ in the same manner as that required in RCW 71A.10.070.

31 (2) The discontinuance of a service under this section does not
32 affect the person's eligibility for services. Other services may be
33 provided or the same service may be restored when it is again available
34 or when it is again needed.

35 (3) Except when the service is discontinued at the request of the
36 person receiving the service or that person's legal representative, the
37 ~~((secretary))~~ local support network shall give notice ~~((as))~~ in the
38 same manner as that required in RCW 71A.10.060.

1 NEW SECTION. **Sec. 38.** A new section is added to chapter 71A.20
2 RCW to read as follows:

3 (1) The legislature declares its intent that individuals with
4 developmental disabilities in the state of Washington not be committed
5 to mental hospitals when their primary diagnosis is developmental
6 disabilities and not mental illness or some other mental disorder.

7 (2) The secretary shall establish two secure, specialized, separate
8 programs in existing buildings on the grounds of residential
9 habilitation centers.

10 (a) One shall be located in eastern Washington and shall have a
11 capacity for twenty individuals with developmental disabilities who
12 have been or are about to be committed under chapter 71.05 RCW.

13 (b) One shall be located in western Washington and shall have a
14 capacity for forty individuals with developmental disabilities who have
15 been or are about to be committed under chapter 71.05 RCW.

16 (3) The secretary shall place individuals with developmental
17 disabilities who have been committed or are about to be committed under
18 chapter 71.05 RCW at the facilities established in subsection (1) of
19 this section if their primary diagnosed problem is developmental
20 disabilities.

21 (4) The secretary shall not place individuals with developmental
22 disabilities at the facilities established in subsection (1) of this
23 section if their primary diagnosis is mental illness or some other
24 mental disorder and developmental disabilities is only an ancillary
25 condition.

26 NEW SECTION. **Sec. 39.** A new section is added to chapter 71A.20
27 RCW to read as follows:

28 (1) It is the intent of the legislature that the residential
29 habilitation centers shall develop into specialized resources to assure
30 public safety, provide assessments and treatment plans for specialized
31 disabling conditions, or provide specialized support, including
32 specialized respite care, that cannot be provided cost-effectively
33 through family support or other community-based services.

34 (2) The secretary and the local support networks shall develop a
35 plan by July 1, 1994, that will establish the July 1, 2001, size of
36 each residential habilitation center. The plan shall include:

1 (a) Specific criteria for admission to and continued residence in
2 the residential habilitation centers consistent with the purposes
3 stated in this section;

4 (b) An estimate of the number of people meeting the public safety
5 or specialized care criteria who are expected to require admission to
6 or continued residence in state-operated care;

7 (c) A review of the service needs of each resident of the
8 developmental disabilities state institutions and identify the level of
9 services appropriate to maintain the person in the most normal and
10 least restrictive setting that is consistent with the person's needs.

11 (d) A plan for assuring safe and high quality community care for
12 current residential habilitation center residents who do not meet
13 residential habilitation center placement criteria;

14 (e) Proposed uses for excess institutional grounds and buildings by
15 other governmental or private entities in ways that the proceeds will
16 benefit the developmentally disabled; and

17 (f) Strategies to retrain and/or provide new jobs in developmental
18 disability community care or in other public service for any staff not
19 needed in residential habilitation centers.

20 NEW SECTION. **Sec. 40.** A new section is added to chapter 28A.155
21 RCW to read as follows:

22 (1) The individual education plan for a student with development
23 disabilities as defined under RCW 71A.10.020 shall include transition
24 services beginning not later than when the student reaches age sixteen.
25 The portion of the individual education plan regarding transition
26 services shall be reviewed annually. The plan for transition services
27 shall be developed in conjunction with a local support network. To the
28 extent consistent with an appropriate education for the student,
29 preference shall be given to providing transitional services in a
30 community setting, to the preferences of parents and guardians, and to
31 the student's occupational preferences and interests.

32 (2) If available and if consistent with an appropriate education
33 for the student and with subsection (1) of this section, a school
34 district, a group of school districts, or special education
35 cooperatives shall contract for the provision of transition services
36 through a local support network for persons with developmental
37 disabilities.

1 (3) As used in this section, transition services means a
2 coordinated set of activities for a student, designed within an
3 outcome-oriented process, that promotes movement from school to
4 postschool activities, including postsecondary education, vocational
5 education and training, integrated employment including supported
6 employment, continuing and adult education, adult services, independent
7 living, or community participation.

8 (4) The superintendent of public instruction shall adopt rules as
9 needed to implement this section. These rules are in addition to the
10 rules adopted by the superintendent of public instruction to provide
11 for transition services for students who are not developmentally
12 disabled but have other handicapping conditions.

13 NEW SECTION. **Sec. 41.** A new section is added to chapter 43.63A
14 RCW to read as follows:

15 The developmental disabilities planning council shall evaluate the
16 family support program under Title 71A RCW and annually submit to the
17 governor, the legislature, and the department an evaluation report that
18 includes but is not limited to the following:

19 (1) Information on the impact of the family support program on
20 families, including sample case studies on families who chose to
21 participate in the program, families who chose not to participate, and
22 families who participated but whose eligibility terminated;

23 (2) Information on the types of services used by families;

24 (3) Information on family satisfaction with the family support
25 program, including sample case studies of the adequacy of the services,
26 and the need for services not available;

27 (4) With confidentiality protected, sample decisions on appeals
28 from the denial or termination of eligibility for the family support
29 program, together with statistics on the actual number of appeals, the
30 outcome of those appeals, and changes in the family support program
31 made as a result of the appeals;

32 (5) Information on efforts to reach families who may be eligible
33 for the family support program;

34 (6) Information on efforts to return family members with
35 developmental disabilities from state or private institutions or foster
36 care that can be attributed to the alternative services offered by the
37 family support program;

1 (7) Information on programs that can be attributed to the family
2 support program to ameliorate the impact of developmental disabilities
3 on families; and

4 (8) Information on family satisfaction with the family support
5 program and their willingness to continue providing total or partial
6 care to their family member with developmental disabilities.

7 NEW SECTION. **Sec. 42.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 71A.10.010 and 1988 c 176 s 1;

10 (2) RCW 71A.10.800 and 1988 c 176 s 1008;

11 (3) RCW 71A.10.901 and 1988 c 176 s 1004;

12 (4) RCW 71A.10.902 and 1988 c 176 s 1001;

13 (5) RCW 71A.12.040 and 1988 c 176 s 204;

14 (6) RCW 71A.12.050 and 1988 c 176 s 205; and

15 (7) RCW 71A.14.010 and 1988 c 176 s 301.

16 NEW SECTION. **Sec. 43.** The code reviser shall rename the chapter
17 heading of chapter 71A.12 RCW to read "State Responsibilities."

18 NEW SECTION. **Sec. 44.** The legislature finds that the cost of
19 operating and delivering services in residential habilitation centers
20 has been increasing rapidly. It is the intent of the legislature in
21 implementing sections 45 and 46 of this act to decrease the cost of
22 these services, but still maintain an environment to protect those
23 individuals with developmental disabilities who are profoundly disabled
24 or medically fragile.

25 **Sec. 45.** RCW 71A.20.020 and 1988 c 176 s 702 are each amended to
26 read as follows:

27 By December 31, 1993, the following residential habilitation
28 centers ((are permanently established to provide services to persons
29 with developmental disabilities)) shall be certified as either skilled
30 nursing facilities or intermediate care facilities for the mentally
31 retarded, or a combination of both, under federal medicaid
32 requirements: Interlake School, located at Medical Lake, Spokane
33 county; Lakeland Village, located at Medical Lake, Spokane county;
34 Rainier School, located at Buckley, Pierce county; Yakima Valley
35 School, located at Selah, Yakima county; Fircrest School, located at

1 Seattle, King county; and Frances Haddon Morgan Children's Center,
2 located at Bremerton, Kitsap county.

3 NEW SECTION. **Sec. 46.** A new section is added to chapter 74.09 RCW
4 to read as follows:

5 The facilities under RCW 71A.20.020 shall be certified, managed,
6 and administered by the department of social and health services for
7 the benefit of the residents. In determining the type of certification
8 appropriate for each facility or portion thereof, the secretary of
9 social and health services shall consider:

- 10 (1) The individual care needs of the residents; and
11 (2) The cost-effectiveness of certification based on an economy of
12 scale.

13 NEW SECTION. **Sec. 47.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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