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SENATE BILL 5429

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State of Washington

62nd Legislature

2011 Regular Session

By Senator Chase

Read first time 01/25/11. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to protecting residents of state facilities during  
2 discharges and reductions in service, ensuring admissions pursuant to  
3 federal law; amending RCW 71A.20.020; and adding a new chapter to Title  
4 71A RCW.

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

6 **Sec. 1.** RCW 71A.20.020 and 1994 c 215 s 1 are each amended to read  
7 as follows:

8 (1) The following residential habilitation centers are permanently  
9 established to provide services to persons with developmental  
10 disabilities: Lakeland Village, located at Medical Lake, Spokane  
11 county; Rainier School, located at Buckley, Pierce county; Yakima  
12 Valley School, located at Selah, Yakima county; Fircrest School,  
13 located at Seattle, King county; and Frances Haddon Morgan Children's  
14 Center, located at Bremerton, Kitsap county.

15 (2) Residential habilitation centers must be fostered and supported  
16 by the state.

17 (3) Eligibility for admission to residential habilitation centers  
18 must exclusively be determined under the requirements of federal law  
19 and regulations.

1       (4) Any individual entitled to admission to a residential  
2 habilitation center is entitled to a fully informed choice between  
3 admission to a residential habilitation center or appropriate  
4 alternatives.

5       NEW SECTION.   **Sec. 2.**   DEFINITIONS.   The definitions in this  
6 section apply throughout this chapter unless the context clearly  
7 requires otherwise.

8       (1) "Closure" means the decision to permanently cease operations of  
9 a facility and terminate participation of the facility in the Title XIX  
10 medicaid program;

11       (2) "Discharge" or "relocation" means the permanent movement of an  
12 individual to another facility or place which operates independently  
13 from the facility.

14       (3) "Facility" means a state-operated nursing facility or an  
15 intermediate care facility for individuals with intellectual  
16 disabilities participating in the Title XIX medicaid program.

17       (4) "Resident" means a person admitted to a facility and includes  
18 the resident's guardian or other legal representative;

19       (5) "Secretary" means the secretary of social and health services;

20       (6) "Transfer" means the permanent movement of an entire facility,  
21 including residents served, staff, and records, to a new location.

22       NEW SECTION.   **Sec. 3.**   NOTIFICATION OF FACILITY CLOSURE AND GENERAL  
23 PLAN OF CLOSURE.   (1) The secretary shall submit written notification  
24 of an impending voluntary closure of the facility to all of the  
25 following:

- 26       (a) Federal agencies as required by law;
- 27       (b) The state long-term care ombudsman; and
- 28       (c) Residents of the facility.

29       (2) The written notification must be provided not later than the  
30 date that is one hundred twenty days prior to the date of the closure.

31       (3) The written notification must include:

32       (a) A general plan for the discharge and adequate relocation of the  
33 residents by a specified date prior to closure, including:

34       (i) A description of the organization and staffing implementing the  
35 requirements in this chapter; and

1 (ii) Assurances that the residents will be relocated to the most  
2 appropriate facility or other residential setting in terms of quality,  
3 services, and location, and taking into consideration the needs,  
4 choice, and best interests of each resident; and

5 (b) A description of all the steps the administrator of the  
6 facility is required to take under section 4 of this act and the right  
7 to a hearing under section 5 of this act.

8 NEW SECTION. **Sec. 4.** IMPLEMENTATION OF DISCHARGE AND RELOCATION  
9 OF RESIDENTS. The secretary shall, with respect to each resident, take  
10 all of the following steps:

11 (1) Prepare and ensure the safe and orderly discharge and  
12 relocation of a resident from the facility on a case-by-case basis;

13 (2) Prepare a final summary of the resident's developmental,  
14 behavioral, social, health, and nutritional status, and, with the  
15 consent of the resident, parents (if the client is a minor), or legal  
16 guardian, provide a copy to staff implementing this section and  
17 alternative facilities;

18 (3) Involve the resident and his or her family in all care,  
19 benefit, and service decisions prompted by the transition; fully  
20 identify, inform, and disclose the resident of all alternative  
21 facilities and service options; and ensure that the resident exercises  
22 a fully informed choice whether he or she wishes to move and to what  
23 facility or place;

24 (4) Consistent with the requirements of an individual plan of care  
25 under 42 C.F.R. Sec. 456.380, develop a postdischarge plan of care  
26 based on an independent current assessment of the resident's needs for  
27 facility care and the type of care needed, and documenting each  
28 resident's needs and preferences and outlining plans to assist the  
29 resident's adjustment to the new living environment;

30 (5) In the postdischarge plan, include the following:

31 (a) An assessment of the resident's medical and psychological  
32 condition and needs, including the necessity and to prepare the  
33 resident for discharge and relocation;

34 (b) An assessment that includes analysis and mediation of any risk  
35 of death or injury resulting from changes in the location, including  
36 shock or posttraumatic stress resulting from change of location, and  
37 unfamiliarity with staff, surroundings, and peers;

1 (c) Prior notification of the resident's new facility or  
2 residential setting is advised in writing in advance of the resident's  
3 conditions and needs;

4 (d) Adequate and appropriate transportation on the day of transfer  
5 or discharge; and

6 (e) Documentation that the discharge and relocation is in the best  
7 interests of the resident; and

8 (6) Execute the closure, discharge, and relocation of all residents  
9 in compliance with federal and state law, including this chapter.

10 NEW SECTION. **Sec. 5.** RIGHT TO HEARING. (1) A resident has a  
11 right to a hearing in the event:

12 (a) A proposal is made to relocate to a facility where equal or  
13 greater services will not be provided to the resident;

14 (b) The secretary fails to comply with any of the requirements of  
15 this chapter; or

16 (c) A resident disagrees with the postdischarge plan.

17 (2) The right to hearing is not exclusive of other remedies  
18 available to the resident under state or federal law.

19 NEW SECTION. **Sec. 6.** RELOCATION PRIOR TO CLOSURE OF RESIDENTIAL  
20 HABILITATION CENTER. The secretary shall ensure that, before a  
21 facility closes, all residents of the facility have been successfully  
22 relocated to another facility or an alternative home and community-  
23 based setting.

24 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act constitute  
25 a new chapter in Title 71A RCW.

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