
HOUSE BILL 1913

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Locke, Morris, Leonard, Brough, Kremen, Jones, Karahalios, Flemming, Lemmon and J. Kohl

Read first time 02/15/93. Referred to Committee on Human Services.

1 AN ACT Relating to supports for people with developmental
2 disabilities; amending RCW 71A.10.015, 71A.10.020, 71A.10.030,
3 71A.10.050, 71A.10.060, 71A.10.070, 71A.10.080, 71A.12.020, 71A.12.030,
4 71A.12.040, 71A.12.060, 71A.12.070, 71A.12.080, 71A.12.090, 71A.12.100,
5 71A.12.110, 71A.12.120, 71A.12.130, 71A.12.140, 71A.12.150, 71A.14.020,
6 71A.14.070, 71A.14.080, 71A.14.090, 71A.14.100, 71A.14.110, 71A.16.010,
7 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, 71A.18.010, 71A.18.020,
8 71A.18.030, 71A.18.040, 71A.18.050, 71A.20.010, 71A.20.020, 71A.20.030,
9 71A.20.040, 71A.20.070, 71A.20.080, 71A.20.090, 71A.20.100, 71A.20.120,
10 71A.20.150, 71A.22.010, 71A.22.030, and 71A.22.050; adding new sections
11 to chapter 71A.12 RCW; recodifying RCW 71A.14.020, 71A.14.070,
12 71A.14.080, 71A.14.090, 71A.14.100, and 71A.14.110; and repealing RCW
13 71A.10.010, 71A.10.800, 71A.10.901, 71A.10.902, 71A.12.010, 71A.12.050,
14 71A.14.030, 71A.14.040, 71A.14.050, and 71A.14.060.

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

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

18 The legislature recognizes the capacity of all persons, including
19 those with developmental disabilities, to be personally and socially

1 productive. The legislature (~~fur~~) recognizes the state's
2 obligation to provide aid to persons with developmental disabilities
3 through a uniform, coordinated system of (~~services~~) supports to
4 enable them to achieve a greater measure of independence and
5 fulfillment and to enjoy all rights and privileges under the
6 Constitution and laws of the United States and the state of Washington.
7 The legislature further finds that many changes are taking place in
8 society related to persons with disabilities, changes that challenge
9 traditionally held beliefs in how best to assist persons with
10 disabilities in leading productive lives and the extent to which
11 persons with developmental disabilities can lead productive,
12 independent lives.

13 These challenges require a fundamental rethinking of how best to
14 design and implement ways to assist the developmentally disabled in
15 leading as independent a life as possible. Fundamental to this new
16 thinking is the belief that the individual, the individual's family,
17 and his or her community are the best persons and the best place to
18 make decisions about the future. Supports must be planned for,
19 designed, and delivered as close to the individual and his or her
20 family as possible. The legislature finds that a community-based,
21 local support delivery system founded on counties or groups of counties
22 should be the basis of the developmental disabilities delivery system.

23 To further this goal and to reduce administrative duplication and
24 cost, counties are encouraged to establish local support networks, that
25 integrate planning, administration, and support delivery duties under
26 RCW 71A.12.040.

27 Further, it is the intent of the legislature to provide a
28 coordinated system of supports for all long-term care human services.
29 To this end, counties are encouraged to integrate developmental
30 disability support systems into existing systems serving the aged,
31 mentally ill, chemically dependent, or others with long-term care
32 needs.

33 It is the policy of the legislature that the majority of supports
34 provided for persons with developmental disabilities be provided in
35 their homes or communities. In order to implement this policy, the
36 legislature intends to increase the proportion of the total
37 appropriation related to support for the developmentally disabled in
38 settings other than residential habilitation center settings.

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

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

5 (1) "Department" means the department of social and health
6 services.

7 (2) "Developmental disability" means a disability attributable to
8 mental retardation, cerebral palsy, epilepsy, autism, or another
9 neurological or other condition of an individual found by the secretary
10 to be closely related to mental retardation or to require treatment
11 similar to that required for individuals with mental retardation, which
12 disability originates before the individual attains age eighteen, which
13 has continued or can be expected to continue indefinitely, and which
14 constitutes a substantial handicap to the individual. ~~((By January 1,~~
15 ~~1989, the department shall promulgate rules which define neurological~~
16 ~~or other conditions in a way that is not limited to intelligence~~
17 ~~quotient scores as the sole determinate [determinant] of these~~
18 ~~conditions, and notify the legislature of this action.))~~

19 (3) "Local support network" means a county or group of counties
20 that have entered into a formal joint operating agreement to provide
21 supports to the developmentally disabled in their geographic area.

22 (4) "Eligible person" means a person who has been found by the
23 secretary under RCW 71A.16.040 to be eligible for ~~((services))~~
24 supports.

25 ~~((+4))~~ (5) "Habilitative ~~((services))~~ supports" means those
26 ~~((services))~~ supports provided by program personnel to assist persons
27 in acquiring and maintaining life skills and to raise their levels of
28 physical, mental, social, and vocational functioning. Habilitative
29 ~~((services))~~ supports include, but are not limited to, education,
30 training for employment, and therapy.

31 ~~((+5))~~ (6) "Individual and family resource coordination" means the
32 planning, coordination, and authorization of habilitative, residential,
33 housing, and other community support services administered pursuant to
34 an individual support plan.

35 (7) "Legal representative" means a parent of a person who is under
36 eighteen years of age, a person's legal guardian, a person's limited
37 guardian when the subject matter is within the scope of the limited
38 guardianship, a person's attorney at law, a person's attorney in fact,
39 or any other person who is authorized by law to act for another person.

1 (~~(6)~~) (8) "Notice" or "notification" of an action of the
2 secretary means notice in compliance with RCW 71A.10.060.

3 (~~(7)~~) (9) "Residential habilitation center" means a state-
4 operated facility for persons with developmental disabilities governed
5 by chapter 71A.20 RCW.

6 (~~(8)~~) (10) "Secretary" means the secretary of social and health
7 services or the secretary's designee.

8 (~~(9)~~) (11) "~~(Service)~~ Support" or "~~(services)~~ supports" means
9 ~~(services)~~ actions and activities undertaken to increase the
10 independence of persons with developmental disabilities provided by the
11 state in residential habilitation centers or by local ~~(government)~~
12 support networks to carry out this title.

13 **Sec. 3.** RCW 71A.10.030 and 1988 c 176 s 103 are each amended to
14 read as follows:

15 (1) The existence of developmental disabilities does not affect the
16 civil rights of the person with the developmental disability except as
17 otherwise provided by law.

18 (2) The ~~(secretary's)~~ local support network's determination under
19 RCW 71A.16.040 that a person is eligible for ~~(services)~~ supports
20 under this title shall not deprive the person of any civil rights or
21 privileges. The ~~(secretary's)~~ local support network's determination
22 alone shall not constitute cause to declare the person to be legally
23 incompetent.

24 (3) This title shall not be construed to deprive the parent or
25 parents of any parental rights with relation to a child residing in a
26 residential habilitation center, except as provided in this title for
27 the orderly operation of such residential habilitation centers.

28 **Sec. 4.** RCW 71A.10.050 and 1989 c 175 s 138 are each amended to
29 read as follows:

30 (1) An applicant or recipient or former recipient of a
31 developmental disabilities ~~(service)~~ support under this title from
32 the department of social and health services or local support network
33 has the right to appeal the following department or local support
34 network actions:

35 (a) A denial of an application for eligibility under RCW
36 71A.16.040;

1 (b) An unreasonable delay in acting on an application for
2 eligibility, for a ~~((service))~~ support, or for an alternative
3 ~~((service))~~ support under RCW 71A.18.040;

4 (c) A denial, reduction, or termination of a ~~((service))~~ support or
5 placement, including residential;

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

8 (e) A disagreement with an action of the secretary under RCW
9 71A.10.060 or 71A.10.070; and

10 (f) A decision to return a resident of ~~((an-[a]))~~ a habilitation
11 center to the community~~((; and~~

12 ~~((g) A decision to change a person's placement from one category of~~
13 ~~residential services to a different category of residential services)).~~

14 The adjudicative proceeding is governed by the Administrative
15 Procedure Act, chapter 34.05 RCW.

16 (2) This subsection applies only to an adjudicative proceeding in
17 which the department action appealed is a decision to return a resident
18 of a habilitation center to the community. The resident or his or her
19 representative may appeal on the basis of whether the specific
20 placement decision is in the best interests of the resident. When the
21 resident or his or her representative files an application for an
22 adjudicative proceeding under this section the department has the
23 burden of proving that the specific placement decision is in the best
24 interests of the resident.

25 (3) When the department or local support network takes any action
26 described in subsection (1) of this section it shall give notice as
27 provided by RCW 71A.10.060. The notice must include a statement
28 advising the recipient of the right to an adjudicative proceeding and
29 the time limits for filing an application for an adjudicative
30 proceeding. Notice of a decision to return a resident of a
31 habilitation center to the community under RCW 71A.20.080 must also
32 include a statement advising the recipient of the right to file a
33 petition for judicial review of an adverse adjudicative order as
34 provided in chapter 34.05 RCW.

35 **Sec. 5.** RCW 71A.10.060 and 1989 c 175 s 139 are each amended to
36 read as follows:

37 (1) Whenever this title requires the secretary or local support
38 network to give notice, the secretary or local support network shall

1 give notice to the person with a developmental disability and, except
2 as provided in subsection (3) of this section, to at least one other
3 person. The other person shall be the first person known to the
4 secretary in the following order of priority:

5 (a) A legal representative of the person with a developmental
6 disability;

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

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

11 (d) The Washington protection and advocacy system for the rights of
12 persons with developmental disabilities, appointed in compliance with
13 42 U.S.C. Sec. 6042; or

14 (e) A person who is not an employee of the department, an employee
15 or representative of a local support network, or ((ef)) a person who
16 contracts with the department or local support network under this title
17 who, in the opinion of the secretary, will be concerned with the
18 welfare of the person.

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

22 (3) A person with a developmental disability may in writing request
23 the secretary to give notice only to that person. The secretary shall
24 comply with that direction unless the secretary denies the request
25 because the person may be at risk of losing rights if the secretary
26 complies with the request. The secretary shall give notice as provided
27 in subsections (1) and (2) of this section. On filing an application
28 with the secretary within thirty days of receipt of the notice, the
29 person who made the request has the right to an adjudicative proceeding
30 under RCW 71A.10.050 on the secretary's decision.

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

34 **Sec. 6.** RCW 71A.10.070 and 1989 c 175 s 140 are each amended to
35 read as follows:

36 (1) Whenever this title places on the secretary or local support
37 network the duty to consult, the secretary or local support network
38 shall carry out that duty by consulting with the person with a

1 developmental disability and, except as provided in subsection (2) of
2 this section, with at least one other person. The other person shall
3 be in order of priority:

4 (a) A legal representative of the person with a developmental
5 disability;

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

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

10 (d) The Washington protection and advocacy system for the rights of
11 persons with developmental disabilities, appointed in compliance with
12 42 U.S.C. Sec. 6042; or

13 (e) Any other person who is not an employee of the department, an
14 employee or representative of the local support network, or ((of)) a
15 person who contracts with the department or local support networks
16 under this title who, in the opinion of the secretary, will be
17 concerned with the welfare of the person.

18 (2) A person with a developmental disability may in writing request
19 the secretary to consult only with that person. The secretary shall
20 comply with that direction unless the secretary denies the request
21 because the person may be at risk of losing rights if the secretary
22 complies with the request. The secretary shall give notice as provided
23 in RCW 71A.10.060 when a request is denied. On filing an application
24 with the secretary within thirty days of receipt of the notice, the
25 person who made the request has the right to an adjudicative proceeding
26 under RCW 71A.10.050 on the secretary's decision.

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

30 **Sec. 7.** RCW 71A.10.080 and 1991 c 333 s 1 are each amended to read
31 as follows:

32 (1) The governor shall designate an agency to implement a program
33 for the protection and advocacy of the rights of persons with
34 developmental disabilities pursuant to the developmentally disabled
35 assistance and bill of rights act, 89 Stat. 486; 42 U.S.C. Secs.
36 6000-6083 (1975), (as amended). The designated agency shall have the
37 authority to pursue legal, administrative, and other appropriate
38 remedies to protect the rights of the developmentally disabled and to

1 investigate allegations of abuse and neglect. The designated agency
2 shall be independent of any state agency or local support network that
3 provides treatment or services other than advocacy (~~(services)~~)
4 supports to persons with developmental disabilities.

5 (2) The agency designated under subsection (1) of this section
6 shall implement a program for the protection and advocacy of the rights
7 of mentally ill persons pursuant to the protection and advocacy for
8 mentally ill individuals act of 1986, 100 Stat. 478; 42 U.S.C. Secs.
9 10801-10851 (1986), (as amended). The designated agency shall have the
10 authority to pursue legal, administrative, and other appropriate
11 remedies to protect the rights of mentally ill persons and to
12 investigate allegations of abuse or neglect of mentally ill persons.
13 The designated agency shall be independent of any state agency that
14 provides treatment or services other than advocacy services to mentally
15 ill persons.

16 (3) The governor shall designate an appropriate state official, and
17 local support networks shall designate an appropriate official, each to
18 serve as liaison between the agency designated to implement the
19 protection and advocacy programs and the state departments (~~(and)~~),
20 agencies, and local support networks that provide services to persons
21 with developmental disabilities and mentally ill persons.

22 NEW SECTION. Sec. 8. (1) A county may establish a local support
23 network by submitting a notice of intent to the secretary by September
24 of any year and within nine months of submitting notice, receive
25 approval from the secretary for a comprehensive plan for delivery of
26 supports to persons with developmental disabilities.

27 (2) Counties with a population of less than sixty thousand may also
28 establish a local support network but shall first enter into a joint
29 operating agreement with one or more counties so that the combined
30 population of all participating counties is greater than sixty
31 thousand. The secretary may accept a notice of intent from a county
32 with a population of less than sixty thousand under conditions
33 established by the secretary.

34 (3) The secretary shall assume all duties assigned to counties
35 prior to the effective date of this act that are not established as
36 local support networks on July 1, 1997.

1 NEW SECTION. **Sec. 9.** The roles and responsibilities of county
2 authorities that enter into joint operating agreements will be
3 determined by the terms of the agreement and the provisions of law.
4 The department may not change the roles and responsibilities of county
5 authorities as to each other under local support network agreement,
6 however, the department shall assure that all duties required of local
7 support networks are assigned and that a single authority has final
8 responsibility for all available resources and performance under the
9 local support network's contract with the secretary.

10 NEW SECTION. **Sec. 10.** (1) The county or group of counties seeking
11 recognition as a local support network shall develop a comprehensive
12 plan for delivery of supports to persons with developmental
13 disabilities and, when appropriate, their families, who are located
14 within the boundaries of the local support network. The plan shall
15 include an assessment of needs and the strategies necessary to
16 implement the delivery of supports to meet those needs.

17 (2) The needs assessment shall include input from persons with
18 developmental disabilities, parents of children with developmental
19 disabilities, guardians, providers of support services including
20 schools, the business community, and any other interested members of
21 the community.

22 (3) The comprehensive plan shall address coordination with other
23 agencies and organizations that provide supports to people with
24 developmental disabilities. These agencies include, but are not
25 limited to, mental health regional service networks, area aging
26 administrations, local health departments, interagency coordinating
27 committees for birth to six services, the division of children and
28 family services of the department, and community service offices of the
29 department.

30 (4) The comprehensive plan shall provide for delivery of core
31 services. The secretary shall designate core services by rule.

32 (5) The comprehensive plan shall provide for assuming existing
33 contracts to ensure ongoing supports. These services include, but are
34 not limited to, housing, residential supports, and employment supports.

35 (6) An approved comprehensive plan shall be the basis for the
36 state-to-local-support-network contract.

37 (7) The secretary shall approve comprehensive plans developed under
38 this section and approved plans shall be reviewed and updated on a

1 biennial basis. Changes that result from a biennial review of an
2 approved comprehensive plan shall be submitted to the secretary no
3 later than January 1 prior to the beginning of the biennium.

4 NEW SECTION. **Sec. 11.** The secretary shall consider the following
5 in approving a comprehensive plan:

6 (1) The state's need for a reasonable degree of state-wide
7 standardization and control of services;

8 (2) The local support network's need for a reasonable degree of
9 flexibility and freedom to design, staff, and administer services in a
10 manner that the local support network deems appropriate for its local
11 needs;

12 (3) The demonstrated relevancy, quality, effectiveness, and
13 efficiency of the local support network's program of supports;

14 (4) The adequacy of the local support network's accounting of
15 expenditure of state funds; and

16 (5) The local support network's ability to integrate support for
17 the developmentally disabled with other long-term care support
18 services.

19 NEW SECTION. **Sec. 12.** Based on the provisions of the local
20 support network comprehensive plans, local support networks shall
21 receive as a consolidated grant that portion of the state's budget
22 allocated to persons with developmental disabilities in community
23 settings in that local support network's catchment area. The grant
24 shall include, but shall not be limited to, funds used for residential
25 supports and services, case management services, regional
26 administrative services, and other funds appropriated for services
27 provided in community settings. The grant shall not include
28 appropriations for the state operated living alternatives program.

29 NEW SECTION. **Sec. 13.** In addition to the consolidated grant, the
30 local support networks shall accept the existing personnel currently
31 engaged in state-provided direct services at the regional level.
32 Allocation and transfer of funds and personnel for each local support
33 network shall be accomplished over a two-year period from the time the
34 local support network is recognized. The office of financial
35 management shall establish guidelines and assist in implementing the
36 allocation of funds and the transfer of personnel.

1 NEW SECTION. **Sec. 14.** The department shall review quarterly the
2 allocation of funds to each local support network and, if the
3 department determines that allocation of funds do not reflect the need
4 of a particular local support network, the department shall propose a
5 revision of the allocation of local support network block grants in the
6 next biennial budget.

7 NEW SECTION. **Sec. 15.** The legislative budget committee shall
8 conduct a study of the effectiveness of the change in the delivery of
9 supports for persons with developmental disabilities. The primary goal
10 of the study is to evaluate the effect of chapter . . . , Laws of
11 1993 (this act) on the quality of the supports provided, the number of
12 people receiving those supports, and the procedures that local support
13 networks have developed to integrate supports for persons with
14 developmental disabilities into other systems currently operated by
15 local, county, or state governments for providing social service
16 supports. In addition, the report must evaluate the contracting
17 process in terms of its ability to meet the standards developed under
18 chapter . . . , Laws of 1993 (this act). The legislative budget
19 committee shall submit the report to the appropriate committees of the
20 legislature by January 1, 1996.

21 NEW SECTION. **Sec. 16.** In addition to the duties and powers of the
22 secretary provided under chapter . . . , Laws of 1993 (this act), the
23 secretary shall:

24 (1) Develop procedures for and facilitate the effective
25 coordination and integration of state supports with local support
26 network supports for persons with developmental disabilities;

27 (2) Ensure within available resources that a consistent set of core
28 services is part of each local support network's comprehensive plan;

29 (3) Review and evaluate the relevancy, quality, effectiveness, and
30 efficiency of local support network programs;

31 (4) Develop basis data required of the local support networks to
32 fulfill the roles established under chapter . . . , Laws of 1993 (this
33 act);

34 (5) Provide consultive services to local support networks seeking
35 to be recognized; and

36 (6) Audit, or cause to be audited, the expenditure of state funds
37 by local support networks. Copies of the audit reports must be

1 forwarded biennially to the committee on ways and means of the senate
2 and the committee on appropriations of the house of representatives.

3 NEW SECTION. **Sec. 17.** The appropriation for supports for persons
4 with developmental disabilities who are not in residential habilitation
5 centers in relation to the appropriation for those who are shall
6 increase during the biennia 1993-1995 to 2001-2003 at a percentage rate
7 at least as great as the increase in such expenditures from the biennia
8 1981-1983 to 1991-1993. For the purposes of this calculation,
9 expenditures for former residents of residential habilitation centers
10 may not be included in the calculation of the percentage increase for
11 the 1993-1995 to 2001-2003 biennium period.

12 NEW SECTION. **Sec. 18.** By July 1, 1997, local support networks
13 shall administer a portion of funds appropriated by the legislature to
14 provide support for those persons with developmental disabilities in
15 residential habilitation centers and persons with a primary diagnosis
16 of developmental disability in state mental hospitals whose original or
17 chosen community residences are from counties within the boundaries of
18 the local support networks. The local support networks shall reimburse
19 the state for use of the residential habilitation centers and state
20 hospitals at a rate equal to that assumed by the legislature when
21 appropriating funds for that care at state institutions during the
22 biennium when reimbursement occurs. The secretary shall establish a
23 task force to implement this provision no later than July 1, 1995. The
24 task force must be composed of representatives from the department,
25 local support networks, parents, advocates, state employees, and
26 support providers.

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

29 (1) It is the objective of the program that the supports provided
30 persons with developmental disabilities enhance those that already
31 exist in families and communities and that through this combination of
32 public and private supports persons with developmental disabilities
33 have the ability to be as fully functioning a member of a local
34 community as their potential permits.

35 (2) To the extent that state, federal, or other funds designated
36 for (~~services~~) supports to persons with developmental disabilities

1 are available, the secretary and local support networks shall provide
2 every eligible person with habilitative (~~((services))~~) supports suited to
3 the person's needs, regardless of age or degree of developmental
4 disability.

5 ~~((2) The secretary shall provide persons who receive services with
6 the opportunity for integration with nonhandicapped and less
7 handicapped persons to the greatest extent possible.~~

8 ~~(3) The secretary shall establish minimum standards for
9 habilitative services. Consumers, advocates, service providers,
10 appropriate professionals, and local government agencies shall be
11 involved in the development of the standards.)~~ (3) The program must
12 include supports that assist an individual to become as independent as
13 the individual's ability permits.

14 **Sec. 20.** RCW 71A.12.030 and 1988 c 176 s 203 are each amended to
15 read as follows:

16 The secretary or local support network is authorized to provide, or
17 arrange with others to provide, all (~~((services))~~) supports and
18 facilities that are necessary or appropriate to accomplish the purposes
19 of this title, and to take all actions that are necessary or
20 appropriate to accomplish the purposes of this title. The secretary,
21 in consultation with local support networks, shall adopt rules under
22 the administrative procedure act, chapter 34.05 RCW, as are appropriate
23 to carry out this title.

24 **Sec. 21.** RCW 71A.12.040 and 1988 c 176 s 204 are each amended to
25 read as follows:

26 (~~((Services))~~) Supports that the secretary or local support networks
27 may provide or arrange with others to provide that support people in a
28 manner which both increases their independence and enhances natural
29 support systems under this title include, but are not limited to:

- 30 (1) Architectural (~~((services))~~) supports;
- 31 (2) (~~((Case management services))~~) Individual and family resource
32 coordination;
- 33 (3) Early childhood intervention;
- 34 (4) Employment services and vocational services;
- 35 (5) Family counseling;
- 36 (6) Family support;
- 37 (7) Information and referral;

1 (8) Health ~~((services))~~ supports and equipment;
2 (9) Legal services;
3 (10) ~~((Residential services and support))~~ Housing supports;
4 (11) Residential supports;
5 (12) Respite care;
6 ~~((12))~~ (13) Therapy services and equipment; and
7 ~~((13))~~ (14) Transportation services~~((; and~~
8 ~~(14) Vocational services))~~.

9 **Sec. 22.** RCW 71A.12.060 and 1988 c 176 s 206 are each amended to
10 read as follows:

11 The secretary ~~((is authorized to pay for all or a portion of))~~
12 shall transfer the costs of care, support, and training ~~((of))~~ incurred
13 for residents of a residential habilitation center who ~~((are placed~~
14 ~~in))~~ move into the community ~~((residential programs))~~ under this
15 section and RCW 71A.12.070 and 71A.12.080 to the local support network
16 providing supports to the individual placed.

17 **Sec. 23.** RCW 71A.12.070 and 1988 c 176 s 207 are each amended to
18 read as follows:

19 All payments made by the secretary under RCW 71A.12.060 shall,
20 insofar as reasonably possible, be supplementary to payments to be made
21 for the costs of care, support, and training in a community
22 ~~((residential))~~ program by the estate of such resident of the
23 residential habilitation center, or from any resource which such
24 resident may have, or become entitled to, from any public, federal, or
25 state agency. ~~((Payments by the secretary under this title may, in the~~
26 ~~secretary's discretion, be paid directly to community residential~~
27 ~~programs, or to counties having created developmental disability boards~~
28 ~~under chapter 71A.14 RCW.))~~

29 **Sec. 24.** RCW 71A.12.080 and 1988 c 176 s 208 are each amended to
30 read as follows:

31 (1) The secretary in consultation with local support networks,
32 shall adopt rules concerning the eligibility of residents of
33 residential habilitation centers for placement in community
34 ~~((residential))~~ programs under this title; determination of ability of
35 such persons or their estates to pay all or a portion of the cost of
36 care, support, and training; the manner and method of licensing or

1 certification and inspection and approval of such community
2 (~~residential~~) programs for placement under this title; and procedures
3 for the payment of costs of care, maintenance, and training in
4 community (~~residential~~) programs. The rules shall include standards
5 for care, maintenance, and training to be met by (~~such~~) local support
6 networks in providing the community (~~residential~~) programs.

7 (2) The secretary shall coordinate state activities and resources
8 relating to placement in community (~~residential~~) programs (~~to help~~
9 ~~efficiently expend state and local resources~~), assist local support
10 networks in developing means to encourage people to be placed in the
11 community, and, to the extent designated funds are available, create an
12 effective community (~~residential~~) program.

13 (3) The secretary and local support networks shall report to the
14 legislature in December of 1995, 1997, and 1999 on community supports
15 developed for people who have moved from residential habilitation
16 centers or who might benefit from such a move.

17 (4) For the purposes of this section, the individual's county of
18 residence is determined as follows:

19 (a) If the individual is receiving supports that include nighttime
20 sleeping accommodations provided in a departmental facility, the county
21 of residence is that county in which the individual maintained his or
22 her primary place of residence at the time the individual entered a
23 departmental facility;

24 (b) If the individual is receiving a service that does not include
25 nighttime sleeping accommodations in a departmental facility, the
26 county of residence is that county in which the individual maintains
27 his or her primary place of residence; and

28 (c) The department may change the recognized place of residence of
29 an individual on the request of the individual or by mutual agreement
30 of the department and relevant local support networks.

31 **Sec. 25.** RCW 71A.12.090 and 1988 c 176 s 209 are each amended to
32 read as follows:

33 If a person with developmental disabilities is the parent of a
34 child who is about to be placed for adoption or foster care by the
35 secretary, the parent shall be eligible to receive (~~services~~) other
36 departmental supports in order to promote the integrity of the family
37 unit.

1 **Sec. 26.** RCW 71A.12.100 and 1988 c 176 s 210 are each amended to
2 read as follows:

3 Consistent with the general powers of the secretary and local
4 support networks and whether or not a particular person with a
5 developmental disability is involved, the secretary and local support
6 networks may:

7 (1) Provide information to the public on developmental disabilities
8 and available (~~(services))~~ supports;

9 (2) Engage in research concerning developmental disabilities and
10 the habilitation of persons with developmental disabilities, and
11 cooperate with others who do such research;

12 (3) Provide consultant services to public and private agencies to
13 promote and coordinate (~~(services))~~ supports to persons with
14 developmental disabilities;

15 (4) Provide training for persons in state or local governmental
16 agencies or with private entities who come in contact with persons with
17 developmental disabilities or who have a role in the care or
18 habilitation of persons with developmental disabilities.

19 **Sec. 27.** RCW 71A.12.110 and 1988 c 176 s 211 are each amended to
20 read as follows:

21 (1) The secretary (~~(may))~~ shall enter into agreements with (~~(any~~
22 ~~person, corporation, or governmental entity))~~ local support networks to
23 pay the (~~(contracting party))~~ local support network to (~~(perform~~
24 ~~services))~~ provide supports that the (~~(secretary is))~~ local support
25 networks are authorized to provide under this title, except for
26 operation of residential habilitation centers under chapter 71A.20 RCW.

27 (2) The secretary by contract or by rule (~~(may))~~ shall impose
28 standards for (~~(services))~~ supports contracted for (~~(by))~~ with the
29 (~~(secretary))~~ local support networks.

30 (3) The secretary shall develop contracting procedures with the
31 local support networks for the local support networks planned delivery
32 of supports. The procedures and contracts must identify levels of
33 supports, proposed changes in supports, and actions required to ensure
34 that resources are expended in as efficient manner as possible.

35 (4) The secretary shall develop procedures for monitoring local
36 support network compliance with the terms and conditions of the
37 contracts entered into between the department and local support
38 networks. The monitoring criteria must provide information as to

1 levels of supports, changes to existing supports, and activities
2 undertaken by local support networks that support efficient resource
3 utilization, as well as those that are not resource efficient.

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

6 (1) The governor may take whatever action is necessary to enable
7 the state and local support networks to participate in the manner set
8 forth in this title in any programs provided by any federal law and to
9 designate state agencies authorized to administer within this state the
10 several federal acts providing federal moneys to assist in providing
11 (~~services~~) supports and training at the state or local level for
12 persons with developmental disabilities and for persons who work with
13 persons with developmental disabilities.

14 (2) Designated state agencies may apply for and accept and disburse
15 federal grants, matching funds, or other funds or gifts or donations
16 from any source available for use by the state or by local government
17 to provide more adequate (~~services~~) supports for and habilitation of
18 persons with developmental disabilities.

19 (3) The department shall aggressively pursue methods for obtaining
20 federal funds for supports provided by local support networks.

21 **Sec. 29.** RCW 71A.12.130 and 1988 c 176 s 213 are each amended to
22 read as follows:

23 The secretary may receive and accept from any person, organization,
24 or estate gifts of money or personal property on behalf of a
25 residential habilitation center, or the residents therein, or on behalf
26 of the entire program for persons with developmental disabilities, or
27 any part of the program, and to use the gifts for the purposes
28 specified by the donor where such use is consistent with law. In the
29 absence of a specified purpose, the secretary shall use such money or
30 personal property for the general benefit of persons with developmental
31 disabilities. The secretary shall keep an accurate record of the
32 amount or kind of gift, the date received, manner expended, and the
33 name and address of the donor. Any increase resulting from such gift
34 may be used for the same purpose as the original gift. Use of the
35 gifts must be done in consultation with local support networks.

1 **Sec. 30.** RCW 71A.12.140 and 1988 c 176 s 214 are each amended to
2 read as follows:

3 Each state agency that administers federal or state funds for
4 ~~((services))~~ supports to persons with developmental disabilities, or
5 for research or staff training in the field of developmental
6 disabilities, shall:

7 (1) Investigate and determine the nature and extent of ~~((services))~~
8 supports within its legal authority that are presently available to
9 persons with developmental disabilities in this state;

10 (2) Develop and prepare, in consultation with local support
11 networks, any state plan or application which may be necessary to
12 establish the eligibility of the state, local support networks or any
13 community to participate in any program established by the federal
14 government relating to persons with developmental disabilities;

15 (3) Cooperate with other state agencies providing ~~((services))~~
16 supports to persons with developmental disabilities to determine the
17 availability of services and facilities within the state, and to
18 coordinate state and local ~~((services))~~ support network supports in
19 order to maximize ~~((services))~~ supports to persons with developmental
20 disabilities and their families; and

21 ~~((Review and approve any proposed plans that local governments~~
22 ~~are required to submit for the expenditure of funds by local~~
23 ~~governments for services to persons with developmental disabilities;~~
24 ~~and~~

25 ~~(5))~~ Provide consultant and staff training for state and local
26 support network personnel working in the field of developmental
27 ~~((disability))~~ disabilities.

28 **Sec. 31.** RCW 71A.12.150 and 1988 c 176 s 215 are each amended to
29 read as follows:

30 The secretary shall have the authority, in the name of the state,
31 to enter into contracts with any duly authorized representative of the
32 United States of America, or its territories, or other states for the
33 provision of ~~((services))~~ supports under this title at the expense of
34 the United States, its territories, or other states. The contracts may
35 provide for the separate or joint maintenance, care, treatment,
36 training, or education of persons. The contracts shall provide that
37 all payments due to the state of Washington from the United States, its
38 territories, or other states for ~~((services))~~ supports rendered under

1 the contracts shall be paid to the department and transmitted to the
2 state treasurer for deposit in the general fund.

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

5 (1) The county (~~governing authority of any county may~~) or group
6 of counties who establish local support networks shall appoint a
7 developmental (~~disability~~) disabilities board to plan services for
8 persons with developmental disabilities, to provide directly or
9 indirectly a continuum of care and (~~services~~) supports to persons
10 with developmental disabilities (~~within the county or counties served~~
11 ~~by the community board. The governing authorities of more than one~~
12 ~~county by joint action may appoint a single developmental disability~~
13 ~~board~~). Nothing in this section shall prohibit a county or counties
14 from combining the developmental (~~disability~~) disabilities board with
15 another county board, such as a mental health board.

16 (2) Members appointed to the board shall include but not be limited
17 to representatives of public, private, or voluntary agencies,
18 representatives of local governmental units, persons with developmental
19 disabilities, and citizens knowledgeable about developmental
20 disabilities or interested in (~~services~~) supports to persons with
21 developmental disabilities in the community.

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

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

26 (5) The members of the developmental (~~disability~~) disabilities
27 board shall not be compensated for the performance of their duties as
28 members of the board, but may be paid subsistence rates and mileage in
29 the amounts prescribed by RCW 42.24.090.

30 **Sec. 33.** RCW 71A.14.070 and 1988 c 176 s 307 are each amended to
31 read as follows:

32 In order for local support networks and the developmental
33 (~~disability~~) disabilities board to plan, coordinate, and provide
34 required (~~services~~) supports for persons with developmental
35 disabilities, the local support networks and county governing authority
36 and the board shall be eligible to obtain such confidential information
37 from public or private schools and the department as is necessary to

1 accomplish the purposes of this chapter. Such information shall be
2 kept in accordance with state law and rules promulgated by the
3 secretary under chapter 34.05 RCW to permit the use of the information
4 to coordinate and plan (~~(services)~~) supports. All persons permitted to
5 have access to or to use such information shall sign an oath of
6 confidentiality, substantially as follows:

7 "As a condition of obtaining information from (fill in facility,
8 agency, or person) I,, agree not to divulge, publish, or
9 otherwise make known to unauthorized persons or the public any
10 information obtained in the course of using such confidential
11 information, where release of such information may possibly make the
12 person who received such services identifiable. I recognize that
13 unauthorized release of confidential information may subject me to
14 civil liability under state law."

15 **Sec. 34.** RCW 71A.14.080 and 1988 c 176 s 308 are each amended to
16 read as follows:

17 The (~~(county governing authority)~~) local support network and the
18 developmental (~~(disability)~~) disabilities board created under RCW
19 71A.14.020 are authorized to receive and spend funds received from the
20 state under this chapter, or any federal funds received through any
21 state agency, or any gifts or donations received by it for the benefit
22 of persons with developmental disabilities.

23 **Sec. 35.** RCW 71A.14.090 and 1988 c 176 s 309 are each amended to
24 read as follows:

25 RCW 71A.12.120 authorizes local (~~(governments)~~) support networks to
26 participate in federal programs for persons with developmental
27 disabilities.

28 **Sec. 36.** RCW 71A.14.100 and 1988 c 176 s 310 are each amended to
29 read as follows:

30 Counties are authorized by RCW 71.20.110 to fund (~~(county)~~) local
31 support network activities under this chapter. Expenditures of county
32 funds under this chapter shall be subject to the provisions of chapter
33 36.40 RCW and other statutes relating to expenditures by counties.

34 **Sec. 37.** RCW 71A.14.110 and 1988 c 176 s 311 are each amended to
35 read as follows:

1 Any (~~county or city within a county either of which~~) local
2 support network that is situated on the state boundaries is authorized
3 to contract for supports for persons with developmental (~~disability~~
4 ~~services~~) disabilities with a county situated in either the states of
5 Oregon or Idaho, which county is located on boundaries with the state
6 of Washington.

7 **Sec. 38.** RCW 71A.16.010 and 1988 c 176 s 401 are each amended to
8 read as follows:

9 It is the intention of the legislature in this chapter to establish
10 a single point of referral for persons with developmental disabilities
11 and their families so that they may have a place of entry and
12 continuing contact for (~~services~~) supports authorized under this
13 title to persons with developmental disabilities.

14 **Sec. 39.** RCW 71A.16.020 and 1988 c 176 s 402 are each amended to
15 read as follows:

16 (1) A person is eligible for (~~services~~) supports under this title
17 if the secretary finds that the person has a developmental
18 (~~disability~~) disabilities as defined in RCW 71A.10.020(2).

19 (2) The secretary may adopt rules further defining and implementing
20 the criteria in the definition of "developmental disability" under RCW
21 71A.10.020(2).

22 **Sec. 40.** RCW 71A.16.030 and 1988 c 176 s 403 are each amended to
23 read as follows:

24 (1) The secretary shall establish a single procedure for persons to
25 apply for a determination of eligibility for (~~services~~) supports
26 provided to persons with developmental disabilities. This procedure
27 must be implemented by local support networks.

28 (2) An application may be submitted by a person with a
29 developmental disability, by the legal representative of a person with
30 a developmental disability, or by any other person who is authorized by
31 rule of the secretary to submit an application.

32 **Sec. 41.** RCW 71A.16.040 and 1989 c 175 s 141 are each amended to
33 read as follows:

34 (1) On receipt of an application for services submitted under RCW
35 71A.16.030, the (~~secretary~~) local support network in a timely manner

1 shall make a written determination as to whether the applicant is
2 eligible for ~~((services))~~ supports provided under this title for
3 persons with developmental disabilities.

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

12 (3) The secretary, in consultation with local support networks, may
13 establish rules for redetermination of eligibility for ~~((services))~~
14 supports under this title.

15 **Sec. 42.** RCW 71A.16.050 and 1988 c 176 s 405 are each amended to
16 read as follows:

17 The determination made under this chapter is only as to whether a
18 person is eligible for ~~((services))~~ supports. After the ~~((secretary))~~
19 local support network has determined under this chapter that a person
20 is eligible for ~~((services))~~ supports, the ~~((secretary))~~ local support
21 network shall make a determination as to what ~~((services))~~ supports are
22 appropriate for the person.

23 **Sec. 43.** RCW 71A.18.010 and 1988 c 176 s 501 are each amended to
24 read as follows:

25 The ~~((secretary))~~ local support network may produce and maintain an
26 individual ~~((service))~~ support plan for each eligible person. An
27 individual ~~((service))~~ support plan is a plan that identifies the needs
28 of a person for ~~((services))~~ supports and determines what ~~((services))~~
29 supports will be in the best interests of the person and will meet the
30 person's needs.

31 **Sec. 44.** RCW 71A.18.020 and 1988 c 176 s 601 are each amended to
32 read as follows:

33 The ~~((secretary))~~ local support network may provide a ~~((service))~~
34 support to a person eligible under this title if funds are available.
35 If there is an individual ~~((service))~~ support plan, the ~~((secretary))~~

1 local support network shall consider the need for ((~~services~~)) supports
2 as provided in that plan.

3 **Sec. 45.** RCW 71A.18.030 and 1988 c 176 s 602 are each amended to
4 read as follows:

5 An eligible person or the person's legal representative may reject
6 an authorized ((~~service~~)) support. Rejection of an authorized
7 ((~~service~~)) support shall not affect the person's eligibility for
8 ((~~services~~)) supports and shall not eliminate the person from
9 consideration for other ((~~services~~)) supports or for the same
10 ((~~service~~)) support at a different time or under different
11 circumstances.

12 **Sec. 46.** RCW 71A.18.040 and 1989 c 175 s 142 are each amended to
13 read as follows:

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

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

23 (a) The alternative plan proposes a less dependent program than the
24 person is participating in under current ((~~service~~)) supports;

25 (b) The alternative ((~~service~~)) support is appropriate under the
26 goals and objectives of the person's individual ((~~service~~)) support
27 plan;

28 (c) The alternative ((~~service~~)) support is not in violation of
29 applicable state and federal law; and

30 (d) The ((~~service~~)) support can reasonably be made available.

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

36 (a) The alternative plan is more costly than the current plan;

1 (b) Current appropriations are not sufficient to implement the
2 alternative ((~~service~~)) support without reducing ((~~services~~)) supports
3 to existing clients; or

4 (c) Providing alternative ((~~service~~)) supports would take
5 precedence over other priorities for delivery of ((~~service~~)) supports.

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

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

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

25 **Sec. 47.** RCW 71A.18.050 and 1988 c 176 s 604 are each amended to
26 read as follows:

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

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

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

1 **Sec. 48.** RCW 71A.20.010 and 1988 c 176 s 701 are each amended to
2 read as follows:

3 This chapter covers the operation of residential habilitation
4 centers. The selection of persons to be served at the centers is
5 governed by chapters 71A.16 and 71A.18 RCW. The purposes of this
6 chapter are: To provide for those children and adults who are
7 exceptional in their needs for care, treatment, and education by reason
8 of developmental disabilities(~~(7)~~); residential care designed to
9 develop their individual capacities to their optimum; to provide for
10 admittance, withdrawal and discharge from state residential
11 habilitation centers upon application; and to insure a comprehensive
12 program for the education, guidance, care, treatment, and
13 rehabilitation of all persons admitted to residential habilitation
14 centers.

15 **Sec. 49.** RCW 71A.20.020 and 1988 c 176 s 702 are each amended to
16 read as follows:

17 The following residential habilitation centers are permanently
18 established to provide (~~(services)~~) supports to persons with
19 developmental disabilities: Interlake School, located at Medical Lake,
20 Spokane county; Lakeland Village, located at Medical Lake, Spokane
21 county; Rainier School, located at Buckley, Pierce county; Yakima
22 Valley School, located at Selah, Yakima county; Fircrest School,
23 located at Seattle, King county; and Frances Haddon Morgan Children's
24 Center, located at Bremerton, Kitsap county.

25 **Sec. 50.** RCW 71A.20.030 and 1988 c 176 s 703 are each amended to
26 read as follows:

27 (1) The secretary may use surplus physical facilities at Eastern
28 State Hospital as a residential habilitation center, which shall be
29 known as the "Interlake School."

30 (2) The secretary may designate and select such buildings and
31 facilities and tracts of land at Eastern State Hospital that are
32 surplus to the needs of the department for mentally ill persons and
33 that are reasonably necessary and adequate for (~~(services)~~) supports
34 for persons with developmental disabilities. The secretary shall also
35 designate those buildings, equipment, and facilities which are to be
36 used jointly and mutually by both Eastern State Hospital and Interlake
37 School.

1 **Sec. 51.** RCW 71A.20.040 and 1988 c 176 s 704 are each amended to
2 read as follows:

3 The secretary may under RCW 72.29.010 use the Harrison Memorial
4 Hospital property at Bremerton, Kitsap county, for ((~~services~~))
5 supports to persons with developmental disabilities.

6 **Sec. 52.** RCW 71A.20.070 and 1990 c 33 s 590 are each amended to
7 read as follows:

8 (1) An educational program shall be created and maintained for each
9 residential habilitation center pursuant to RCW 28A.190.030 through
10 28A.190.050. The educational program shall provide a comprehensive
11 program of academic, vocational, recreational, and other educational
12 ((~~services~~)) supports best adapted to meet the needs and capabilities
13 of each resident.

14 (2) The superintendent of public instruction shall assist the
15 secretary in all feasible ways, including financial aid, so that the
16 educational programs maintained within the residential habilitation
17 centers are comparable to the programs advocated by the superintendent
18 of public instruction for children with similar aptitudes in local
19 school districts.

20 (3) Within available resources, the secretary shall, upon request
21 from a local school district, provide such clinical, counseling, and
22 evaluating ((~~services~~)) supports as may assist the local district
23 lacking such professional resources in determining the needs of its
24 exceptional children.

25 **Sec. 53.** RCW 71A.20.080 and 1989 c 175 s 143 are each amended to
26 read as follows:

27 Whenever in the judgment of the secretary, the treatment and
28 training of any resident of a residential habilitation center has
29 progressed to the point that it is deemed advisable to return such
30 resident to the community, the secretary may grant placement on such
31 terms and conditions as the secretary may deem advisable after
32 consultation in the manner provided in RCW 71A.10.070. The secretary
33 shall give written notice of the decision to return a resident to the
34 community as provided in RCW 71A.10.060. The notice must include a
35 statement advising the recipient of the right to an adjudicative
36 proceeding under RCW 71A.10.050 and the time limits for filing an
37 application for an adjudicative proceeding. The notice must also

1 include a statement advising the recipient of the right to judicial
2 review of an adverse adjudicative order as provided in chapter 34.05
3 RCW.

4 A placement decision shall not be implemented at any level during
5 any period during which an appeal can be taken or while an appeal is
6 pending and undecided, unless authorized by court order so long as the
7 appeal is being diligently pursued.

8 The department of social and health services, in consultation with
9 local support networks, shall periodically evaluate at reasonable
10 intervals the adjustment of the resident to the specific placement to
11 determine whether the resident should be continued in the placement or
12 returned to the institution or given a different placement.

13 **Sec. 54.** RCW 71A.20.090 and 1988 c 176 s 709 are each amended to
14 read as follows:

15 The secretary shall determine by the application of proper criteria
16 the maximum number of persons to reside in the residential quarters of
17 each residential habilitation center. The secretary in authorizing
18 ((service)) support at a residential habilitation center shall not
19 exceed the maximum population for the residential habilitation center
20 unless the secretary makes a written finding of reasons for exceeding
21 the rated capacity.

22 **Sec. 55.** RCW 71A.20.100 and 1988 c 176 s 710 are each amended to
23 read as follows:

24 The secretary shall serve as custodian without compensation of
25 personal property of a resident of a residential habilitation center
26 that is located at the residential habilitation center, including
27 moneys deposited with the secretary for the benefit of the resident.
28 As custodian, the secretary shall have authority to disburse moneys
29 from the resident's fund for the following purposes and subject to the
30 following limitations:

31 (1) Subject to specific instructions by a donor of money to the
32 secretary for the benefit of a resident, the secretary may disburse any
33 of the funds belonging to a resident for such personal needs of the
34 resident as the secretary may deem proper and necessary.

35 (2) The secretary may pay to the department as reimbursement for
36 the costs of care, support, maintenance, treatment, hospitalization,
37 medical care, and habilitation of a resident from the resident's fund

1 when such fund exceeds a sum as established by rule of the department,
2 to the extent of any notice and finding of financial responsibility
3 served upon the secretary after such findings shall have become final.
4 If the resident does not have a guardian, parent, spouse, or other
5 person acting in a representative capacity, upon whom notice and
6 findings of financial responsibility have been served, then the
7 secretary shall not make payments to the department as provided in this
8 subsection, until a guardian has been appointed by the court, and the
9 time for the appeal of findings of financial responsibility as provided
10 in RCW 43.20B.430 shall not commence to run until the appointment of
11 such guardian and the service upon the guardian of notice and findings
12 of financial responsibility.

13 (3) When (~~services~~) supports to a person are changed from a
14 residential center to another setting, the secretary shall deliver to
15 the person, or to the parent, guardian, or agency legally responsible
16 for the person, all or such portion of the funds of which the secretary
17 is custodian as defined in this section, or other property belonging to
18 the person, as the secretary may deem necessary to the person's
19 welfare, and the secretary may deliver to the person such additional
20 property or funds belonging to the person as the secretary may from
21 time to time deem proper, so long as the person continues to receive
22 (~~service~~) supports under this title. When the resident no longer
23 receives any (~~services~~) supports under this title, the secretary
24 shall deliver to the person, or to the parent, person, or agency
25 legally responsible for the person, all funds or other property
26 belonging to the person remaining in the secretary's possession as
27 custodian.

28 (4) All funds held by the secretary as custodian may be deposited
29 in a single fund, the receipts and expenditures from the fund to be
30 accurately accounted for by the secretary. All interest accruing from,
31 or as a result of the deposit of such moneys in a single fund shall be
32 credited to the personal accounts of the residents. All expenditures
33 under this section shall be subject to the duty of accounting provided
34 for in this section.

35 (5) The appointment of a guardian for the estate of a resident
36 shall terminate the secretary's authority as custodian of any funds of
37 the resident which may be subject to the control of the guardianship,
38 upon receipt by the secretary of a certified copy of letters of
39 guardianship. Upon the guardian's request, the secretary shall

1 immediately forward to the guardian any funds subject to the control of
2 the guardianship or other property of the resident remaining in the
3 secretary's possession, together with a full and final accounting of
4 all receipts and expenditures made.

5 (6) Upon receipt of a written request from the secretary stating
6 that a designated individual is a resident of the residential
7 habilitation center and that such resident has no legally appointed
8 guardian of his or her estate, any person, bank, corporation, or agency
9 having possession of any money, bank accounts, or choses in action
10 owned by such resident, shall, if the amount does not exceed two
11 hundred dollars, deliver the same to the secretary as custodian and
12 mail written notice of the delivery to such resident at the residential
13 habilitation center. The receipt by the secretary shall constitute
14 full and complete acquittance for such payment and the person, bank,
15 corporation, or agency making such payment shall not be liable to the
16 resident or his or her legal representative. All funds so received by
17 the secretary shall be duly deposited by the secretary as custodian in
18 the resident's fund to the personal account of the resident. If any
19 proceeding is brought in any court to recover property so delivered,
20 the attorney general shall defend the lawsuit without cost to the
21 person, bank, corporation, or agency that delivered the property to the
22 secretary, and the state shall indemnify such person, bank,
23 corporation, or agency against any judgment rendered as a result of
24 such proceeding.

25 **Sec. 56.** RCW 71A.20.120 and 1988 c 176 s 712 are each amended to
26 read as follows:

27 The subject of financial responsibility for the provision of
28 (~~services~~) supports to persons in residential habilitation centers is
29 covered by RCW 43.20B.410 through 43.20B.455.

30 **Sec. 57.** RCW 71A.20.150 and 1988 c 176 s 715 are each amended to
31 read as follows:

32 Without committing the department to continued provision of
33 (~~service~~) supports, the secretary may admit a person eligible for
34 (~~services~~) supports under this chapter to a residential habilitation
35 center for a period not to exceed thirty days for observation prior to
36 determination of needed (~~services~~) supports, where such observation

1 is necessary to determine the extent and necessity of ~~((services))~~
2 supports to be provided.

3 **Sec. 58.** RCW 71A.22.010 and 1988 c 176 s 801 are each amended to
4 read as follows:

5 The secretary may enter into agreements with any ~~((person or with
6 any person, corporation, or association operating a day training center
7 or group training home or a combination day training center and group
8 training home approved by the department,))~~ local support network for
9 the payment of all, or a portion, of the cost of the care, treatment,
10 maintenance, support, and training of persons with developmental
11 disabilities in a day training center or group training home or a
12 combination day training center and group training home.

13 **Sec. 59.** RCW 71A.22.030 and 1988 c 176 s 803 are each amended to
14 read as follows:

15 All payments made by the ~~((secretary))~~ local support network under
16 this chapter, shall be, insofar as possible, supplementary to payments
17 to be made to a day training center or group training home, or a
18 combination of both, by the persons with developmental disabilities
19 resident in the home or center. Payments made by the ~~((secretary))~~
20 local support network under this chapter shall not exceed actual costs
21 for the care, treatment, support, maintenance, and training of any
22 person with a developmental disability whether at a day training center
23 or group training home or combination of both.

24 **Sec. 60.** RCW 71A.22.050 and 1988 c 176 s 805 are each amended to
25 read as follows:

26 (1) Except as otherwise provided in this section, the provisions of
27 this title govern applications for payment by ~~((the state))~~ a local
28 support network for services in a day training center or group training
29 home ~~((approved by the secretary under this chapter))~~.

30 (2) In determining eligibility and the amount of payment, the local
31 support network secretary shall make special provision for group
32 training homes where parents are actively involved as a member of the
33 administrative board of the group training home and who may provide for
34 some of the ~~((services))~~ supports required by a resident therein. The
35 special provisions shall include establishing eligibility requirements
36 for a person ~~((placed))~~ receiving supports in such a group training

1 home to have a parent able and willing to attend administrative board
2 meetings and participate insofar as possible in carrying out special
3 activities deemed by the board to contribute to the well being of the
4 residents.

5 (3) If the ((~~secretary~~)) local support network determines that a
6 person is eligible for ((~~services~~)) supports in a day training center
7 or group training home, the ((~~secretary~~)) local support network shall
8 determine the extent and type of ((~~services~~)) supports to be provided
9 and the amount that the ((~~department~~)) local support network will pay,
10 based upon the needs of the person and the ability of the parent or the
11 guardian to pay or contribute to the payment of the monthly cost of the
12 ((~~services~~)) supports.

13 (4) The ((~~secretary~~)) local support network may, upon application
14 of the person who is receiving ((~~services~~)) supports or the person's
15 legal representative, after investigation of the ability or inability
16 of such persons to pay, or without application being made, modify the
17 amount of the monthly payments to be paid by the ((~~secretary~~)) local
18 support network for ((~~services~~)) supports at a day training center or
19 group training home or combination of both.

20 NEW SECTION. Sec. 61. The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 71A.10.010 and 1988 c 176 s 1;
- 23 (2) RCW 71A.10.800 and 1988 c 176 s 1008;
- 24 (3) RCW 71A.10.901 and 1988 c 176 s 1004;
- 25 (4) RCW 71A.10.902 and 1988 c 176 s 1001;
- 26 (5) RCW 71A.12.010 and 1988 c 176 s 201;
- 27 (6) RCW 71A.12.050 and 1988 c 176 s 205;
- 28 (7) RCW 71A.14.030 and 1988 c 176 s 303;
- 29 (8) RCW 71A.14.040 and 1988 c 176 s 304;
- 30 (9) RCW 71A.14.050 and 1988 and 176 c 305 s 1; and
- 31 (10) RCW 71A.14.060 and 1988 c 176 s 306.

32 NEW SECTION. Sec. 62. RCW 71A.14.020, 71A.14.070, 71A.14.080,
33 71A.14.090, 71A.14.100, and 71A.14.110 are each recodified as sections
34 in chapter 71A.12 RCW.

1 NEW SECTION. **Sec. 63.** Sections 8 through 18 of this act are each
2 added to chapter 71A.12 RCW.

--- **END** ---