
SENATE BILL 5483

State of Washington

66th Legislature

2019 Regular Session

By Senators Braun, Keiser, Palumbo, Sheldon, Becker, Short, Wilson, C., Hunt, Kuderer, and Darneille

Read first time 01/22/19. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to improving services for individuals with
2 developmental disabilities; adding a new section to chapter 71A.12
3 RCW; creating a new section; and declaring an emergency.

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

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

6 (1) The office of the developmental disabilities ombuds is a
7 private, independent office focused on improving the lives of persons
8 with developmental disabilities in Washington state. It is the duty
9 of the developmental disabilities ombuds to monitor procedures and
10 services provided to people with developmental disabilities; review
11 facilities and residences where services are provided; resolve
12 complaints about services; and issue reports on the services
13 provided.

14 (2) The office of the developmental disabilities ombuds has
15 identified a systemic issue of adults with developmental disabilities
16 being stuck in hospitals without any medical need because there is no
17 alternative setting available to discharge the individual.

18 (3) Many of the individuals that are unable to discharge from the
19 hospital are clients of the developmental disabilities administration
20 of the department of social and health services. In some cases, these
21 clients were receiving residential services and went to the hospital

1 for a medical condition, but when the client was ready for discharge,
2 their residential services provider had terminated services. Other
3 clients were dropped off at the hospital by their residential service
4 provider because the residential service provider could no longer
5 manage the client's care.

6 (4) It is not in the public or the client's interest for
7 hospitals to be used for clients that do not have medical needs.
8 Further, changes must be made to the developmental disabilities
9 administration's service delivery system to ensure clients have
10 access to services that keep them in the community and prevent
11 inappropriate hospital stays.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.12
13 RCW to read as follows:

14 (1) The department shall track and monitor the following items
15 and make the information available to the office of the developmental
16 disabilities ombuds created in RCW 43.382.005, the legislature, and
17 the public upon request:

18 (a) Clients receiving services from a provider that are taken to
19 hospitals. This includes:

20 (i) The number of clients that are taken to hospitals without a
21 medical need;

22 (ii) The number of clients that are taken to hospitals with a
23 medical need, but are unable to discharge once the medical need is
24 met;

25 (iii) The client's length of hospital stay for nonmedical
26 purposes; and

27 (iv) The location where the client is discharged.

28 (b) Clients that are taken to hospitals once their provider
29 terminates services. This includes:

30 (i) The number of clients that are taken to hospitals without a
31 medical need;

32 (ii) The number of clients that are taken to hospitals with a
33 medical need, but are unable to discharge once the medical need is
34 met;

35 (iii) The client's length of hospital stay for nonmedical
36 purposes; and

37 (iv) The location where the client is discharged.

38 (2) Prior to a provider terminating services to a client because
39 the provider is unable to manage the client's care, the department

1 shall provide, to the extent available, crisis stabilization services
2 to support the provider and the client in the client's current
3 setting. These services may include:

4 (a) Psychological assessments, such as full scale intelligence
5 quotient and risk assessments;

6 (b) Technical assistance and consultation on behavior supports
7 for family caregivers, staff, and medical providers; and

8 (c) Therapeutic mental and behavioral health services.

9 (3) In the event that the provider is unable to manage the
10 client's care after crisis stabilization services are provided, the
11 provider may terminate services and the department shall:

12 (a) Transition the client to another provider that meets the
13 client's needs and preferences; or

14 (b) Transition the client to a residential habilitation center
15 for crisis stabilization services until an alternative provider is
16 determined.

17 (4) The department shall make every effort to engage in frequent
18 communication with a hospital that is caring for a client without a
19 medical need, and provide frequent updates on transitioning the
20 client to a more appropriate setting. The department shall provide
21 reimbursement at the daily residential habilitation center rate to
22 any hospital that provides care for:

23 (a) A client without a medical need that is receiving services
24 from a provider; or

25 (b) A client without a medical need that is taken to the hospital
26 once their provider terminated services.

27 (5) This section may not be construed to create a private right
28 of action.

29 (6) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise:

31 (a) "Administration" means the developmental disabilities
32 administration of the department of social and health services.

33 (b) "Crisis stabilization services" has the same meaning as
34 defined in RCW 71A.10.020.

35 (c) "Provider" means an individual, a facility, or an agency that
36 is one or more of the following: Licensed, certified, contracted by
37 the department, or state operated to provide residential or supported
38 living services to administration clients.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

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