



Disability Rights

WASHINGTON

Washington's protection and advocacy system

No New Nursing Facility at Fircrest: Washington State can and should support people with IDD in the community instead of spending millions on outdated institutions.

People with intellectual and developmental disabilities (IDD) should not be required to live in segregated, institutional settings when their support needs can be met in the community. Disability Rights Washington (DRW) has a long history of advocating for this, largely in response to the clear directives of our constituents: people with IDD, including current and former residents of the state institutions. There are also many well-documented safety and security issues in our state institutions. Several are facing serious loss of federal funding for ongoing safety and health violations.

DRW is very pleased that a recent legislative reportⁱ and its resulting proposed legislation (HB 2572/SB 6419) made many recommendations to invest in growing the capacity and quality of community-based services for people with IDD. However, the proposed legislation also recommends that the state build a new nursing facility at Fircrest, estimated to cost \$60-\$100 million.ⁱⁱ DRW is in support of HB 2572/SB6419's emphasis on investing in community-based options, but, for the following reasons, we are strongly opposed to pursuing a new nursing facility:

- **Individuals who require a nursing facility level of care are served in community settings.**

DSHS has developed a variety of Medicaid waivers that allow people who require nursing facility level of care to live in the community but receive appropriate level of care.ⁱⁱⁱ The current residents of the Fircrest nursing facility ("Y buildings") could receive care and supports in the community through a Medicaid waiver.

- **Individuals with high-acuity support needs are successfully served in community settings.**

A 2010 DSHS report demonstrated that individuals with the highest level of support needs were successfully served in community residential service settings.^{iv} Nursing facilities are not necessary to provide support to people with high-acuity needs and residents of the "Y buildings" can have their care needs met in community settings. The state has thus far failed to consider overall reduced costs of this option for "Y building" residents.

- **Individuals have successfully moved from RHCs to community placements.**

In 2019, the Developmental Disabilities Administration (DDA) reported that 47 individuals successfully moved out of the Rainier School to community placements. The individuals in the "Y buildings" deserve the same opportunity to live in a quality community setting instead of remaining isolated at an institution.

- **The \$6.7 million allocation for facility design could be used for state-operated community placements.**

The capital budget includes \$6.7 million to design the new Fircrest nursing facility. Last year, the State allocated \$4.2 million to create 15 state-operated community placements for individuals moving out of Rainier School. Thus, the proposed \$6.7million could be invested in creating approximately 24 state-operated community placements for individuals instead of being spent on design plans for a new facility.

- **Community placements can be developed more quickly than a facility can be built.**

The state describes the "Y buildings" as being in disrepair. Individuals need to be moved out of these buildings and into a safe, quality setting as soon as possible. Designing and building a new nursing facility will likely take many years. The residents of the "Y buildings" could move safely into community settings much more quickly.

- **Washington State should invest in closing institutions.**

The RHCs in Washington have a long history of being sites of abuse and neglect against people with IDD.^v Several of the RHCs have been recently decertified or closed by regulators for lack of compliance with essential health and safety regulations.^{vi} Washington State should not continue to invest in a system that harms and segregates people with IDD. It is time to focus on expanding the capacity and quality of services in the community and not investing millions in outdated institutions.



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- ⁱ “Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers, and Improve Services,” Report to the Washington State Legislature, Engrossed Substitute House Bill 1109, Sec. 203(2)(e)(i), November 27, 2019, available at: https://s3.wp.wsu.edu/uploads/sites/2180/2019/12/2019-Ruckelshaus-Workgroup-Report-to-Legislature_Intellectual-Developmental-Disabilities-Policy-1.pdf
- ⁱⁱ SAGE Architectural Alliance, “Predesign Study: Nursing Facility New Capacity at Fircrest School, Shoreline,” Department of Social and Health Services, Washington State Office of Financial Management, October 26, 2018, available at: <https://www.dshs.wa.gov/sites/default/files/FSA/capital/Projects/FIRCREST%20NF%20FINAL%20REPORT%202018.pdf>
- ⁱⁱⁱ Centers for Medicare and Medicaid Services, “Washington Waiver Factsheet,” State Waivers List, available at: <https://www.medicare.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/Waiver-Descript-Factsheet/WA-Waiver-Factsheet.html>
- ^{iv} Barbara A Lucenko PhD, Lijian He PhD, and David Mancuso Phd, “Assessment Findings for Persons with Developmental Disabilities Served in Institutional and Community Settings,” Washington State Department of Social and Health Services Research and Data Analysis Division, Report 5.35, January 2010.
- ^v Disability Rights Washington, “Reports: Treatment Facilities,” available at: <https://www.disabilityrightswa.org/programs/treatment-facilities/reports/>
- ^{vi} Lisa Copeland, “DSHS to continue transition of remaining residents at facility for persons with developmental disabilities following federal inspections,” Washington State Department of Social and Health Services Office of Communications, March 8, 2019, available at: <https://www.dshs.wa.gov/sesa/office-communications/media-release/dshs-continue-transition-remaining-residents-facility-persons-developmental-disabilities-following-federal-inspection>