

# HOUSE BILL REPORT

## HB 1035

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### As Reported By House Committee On: Children & Family Services

**Title:** An act relating to death investigations in residential facilities operated or under control of the department of social and health services.

**Brief Description:** Requiring the attorney general to convene a death investigation if a death occurs in a residential facility operated or under the control of the department of social and health services.

**Sponsors:** Representatives Thibaudeau, Morris, Scott, Tokuda, Costa, Mason, Brown, Ogden, Basich, Wolfe, Patterson and Chopp.

**Brief History:**

**Committee Activity:**

Children & Family Services: 1/20/95, 2/24/95 [DPS].

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### HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Cooke, Chairman; Lambert, Vice Chairman; Stevens, Vice Chairman; Thibaudeau, Ranking Minority Member; Brown, Assistant Ranking Minority Member; Boldt; Buck; Carrell; Padden; Patterson and Tokuda.

**Staff:** David Knutson (786-7146).

**Background:** The Department of Social and Health Services provides residential care directly to clients in institutions that serve people with developmental disabilities or mental illness, and that serve juvenile offenders and other populations. The department also pays for the residential care of individuals in a wide variety of licensed and contracted facilities. When a death occurs in one of these residential settings, an investigation could be conducted by the Department of Social and Health Services, the county coroner or medical examiner, the local health department in the case of child mortality reviews, or all three.

**Summary of Substitute Bill:** When a death of a child or person with developmental disabilities occurs in a residential facility licensed by, operated by, or under contract with the Department of Social and Health Services, the department will notify the

coroner or medical examiner of the death. The department will request a mortality review by the local health department following the death of a child or person with developmental disabilities.

**Substitute Bill Compared to Original Bill:** The substitute bill removes the requirement that the Attorney General convene a death investigation team to review each death occurring in a residential facility operated by or under contract with the Department of Social and Health Services.

**Appropriation:** None.

**Fiscal Note:** Requested on original bill on January 9, 1995.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There should be an independent investigation of deaths occurring in facilities the Department of Social and Health Services controls, funds, or regulates.

**Testimony Against:** Current procedures for investigating deaths already provide for independent reviews of deaths in facilities affiliated with the Department of Social and Health Services. The Attorney General should not become involved in death investigations.

**Testified:** Don Knapp, Foster Parents Association of Washington State (pro); Judy Arnold, Thurston County Coroner (con); Darrell Russell, Washington Association Prosecuting Attorneys (con); Myra Owens, citizen (pro); Pat DeBoer, AMI WS (pro); and Lee Ann Miller, Assistant Attorney General.