

HOUSE BILL REPORT

SHB 1035

As Amended by Senate

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: By House Committee on Children & Family Services (originally sponsored by 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].

Floor Activity:

Passed House: 3/7/95, 96-0.

Senate Amended.

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 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.

EFFECT OF SENATE AMENDMENT(S):

The Senate striking amendment deletes the requirement that the Department of Social and Health Services notify the coroner or medical examiner that the death of a child or developmentally disabled person occurred in a department licensed or contracted facility. The requirement that the department refer every death of a child or developmentally disabled person in a licensed or contracted facility to the local health department for a mortality review is deleted.

The Department of Health, in conjunction with the Department of Social and Health Services, local health departments, coroners, medical examiners and others will develop a consistent process for reviewing unexpected deaths of children receiving services through the Department of Social and Health Services.

Appropriation: None.

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

Effective Date of 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.

Votes on Final Passage:

Yeas 96; Excused 2

Excused: Blanton, Grant