

**ESHB 1109** - S AMD TO WM COMM AMD (S-3636.2/19) **494**  
By Senator O'Ban

**NOT ADOPTED 04/04/2019**

1 On page 21, after line 7, insert the following:

2 "(4) If during the 2019-2021 fiscal biennium the state auditor  
3 discovers that the department of social and health services,  
4 department of veterans affairs, or department of children, youth, and  
5 families has failed to perform the activities required under this act  
6 when the conditions or care at an agency operated facility or  
7 institution is found by a federal or state agency or court to be  
8 inadequate, deficient, or endanger clients, staff, or federal  
9 funding, the state auditor must perform those activities on behalf of  
10 the agency. The agency must reimburse the state auditor for those  
11 costs from its appropriations."

12 On page 61, after line 19, insert the following:

13 "(8)(a) During the 2019-2021 fiscal biennium, whenever the  
14 conditions or care at a department of social and health services  
15 operated facility or institution is found by a federal or state  
16 agency or court to be inadequate, deficient, or endanger clients,  
17 staff, or federal funding, the department must:

18 (i) Issue a press release to the media of the findings within  
19 five days;

20 (ii) Produce a plan to the governor and the state auditor  
21 detailing a timeline of actions to be taken to address the findings  
22 within thirty days;

23 (iii) Notify all legal representatives or custodians of residents  
24 at the facility or institution of the findings and the action plan  
25 within forty-five days and provide quarterly updates thereafter of  
26 the status of plan until federal or state agency or court ruling  
27 reach a final resolution; and

28 (iv) Identify any alternative residential placement settings that  
29 may be available to the client.

30 (b) If the federal or state agency or court makes additional or  
31 revised findings of inadequacy, deficiency, or endangerment, the  
32 activities under (a) of this subsection must be performed initially  
33 independent from any previous findings. However, the department may

1 combine plans and quarterly updates thereafter to include all  
2 findings made by that federal or state agency or court.

3 (c) The activities required in (a) and (b) of this subsection are  
4 supplemental to any other actions required by the department to  
5 address the findings of the federal or state agency or court and must  
6 be accomplished using amounts appropriated in this act.

7 (d) If the state auditor is required to perform the activities  
8 under this section on behalf of the department, the department must  
9 reimburse the state auditor for those costs."

10 On page 129, after line 30, insert the following:

11 "(c)(i) During the 2019-2021 fiscal biennium, whenever the  
12 conditions or care at a department of veterans affairs operated  
13 facility or institution is found by a federal or state agency or  
14 court to be inadequate, deficient, or endanger clients, staff, or  
15 federal funding, the department must:

16 (A) Issue a press release to the media of the findings within  
17 five days;

18 (B) Produce a plan to the governor and the state auditor  
19 detailing a timeline of actions to be taken to address the findings  
20 within thirty days;

21 (C) Notify all legal representatives or custodians of residents  
22 at the facility or institution of the findings and the action plan  
23 within forty-five days and provide quarterly updates thereafter of  
24 the status of plan until federal or state agency or court ruling  
25 reach a final resolution; and

26 (D) Identify any alternative residential placement settings that  
27 may be available to the client.

28 (ii) If the federal or state agency or court makes additional or  
29 revised findings of inadequacy, deficiency, or endangerment, the  
30 activities under (c)(i) of this subsection must be performed  
31 initially independent from any previous findings. However, the  
32 department may combine plans and quarterly updates thereafter to  
33 include all findings made by that federal or state agency or court.

34 (iii) The activities required in (c) (i) and (ii) of this  
35 subsection are supplemental to any other actions required by the  
36 department to address the findings of the federal or state agency or  
37 court and must be accomplished using amounts appropriated in this  
38 act.

1 (iv) If the state auditor is required to perform the activities  
2 under this section on behalf of the department, the department must  
3 reimburse the state auditor for those costs."

4 On page 157, after line 29, insert the following:

5 "(k)(i) During the 2019-2021 fiscal biennium, whenever the  
6 conditions or care at a department of children, youth, and families  
7 operated facility or institution is found by a federal or state  
8 agency or court to be inadequate, deficient, or endanger clients,  
9 staff, or federal funding, the department must:

10 (A) Issue a press release to the media of the findings within  
11 five days;

12 (B) Produce a plan to the governor and the state auditor  
13 detailing a timeline of actions to be taken to address the findings  
14 within thirty days;

15 (C) Notify all legal representatives or custodians of residents  
16 at the facility or institution of the findings and the action plan  
17 within forty-five days and provide quarterly updates thereafter of  
18 the status of plan until federal or state agency or court ruling  
19 reach a final resolution; and

20 (D) Identify any alternative residential placement settings that  
21 may be available to the client.

22 (ii) If the federal or state agency or court makes additional or  
23 revised findings of inadequacy, deficiency, or endangerment, the  
24 activities under (k)(i) of this subsection must be performed  
25 initially independent from any previous findings. However, the  
26 department may combine plans and quarterly updates thereafter to  
27 include all findings made by that federal or state agency or court.

28 (iii) The activities required in (k)(i) and (ii) of this  
29 subsection are supplemental to any other actions required by the  
30 department to address the findings of the federal or state agency or  
31 court and must be accomplished using amounts appropriated in this  
32 act.

33 (iv) If the state auditor is required to perform the activities  
34 under this section on behalf of the department, the department must  
35 reimburse the state auditor for those costs."

EFFECT: Requires that if a DSHS, DVA, and DCYF operated facility  
or institution is found by a federal or state agency or court to be  
inadequate, deficient, or endanger clients, staff, or federal  
funding, the department must: (1) Issue a press release, (2) produce

a plan to the governor and the state auditor to address the findings, and (3) notify and update quarterly all legal representatives or custodians of residents at the facility or institution of the findings, the action plan, and available alternative placement options. Must be performed within existing appropriations, and if not performed, the state auditor must do it on the agency's behalf at agency's cost.

FISCAL IMPACT (2019-2021): \$0 Near General Fund—State/\$0 Total Funds

FOUR-YEAR OUTLOOK EFFECT: \$0 Near General Fund—State

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