
SUBSTITUTE HOUSE BILL 2226

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Government Operations (originally sponsored by Representatives Reams, Mulliken, D. Sommers, Carrell, Campbell, Horn, L. Thomas, Sheahan, D. Schmidt, Elliot, Johnson, Thompson, Stevens, Goldsmith and Backlund)

Read first time 02/02/96.

1 AN ACT Relating to state government reorganization; amending RCW
2 72.09.040 and 43.17.020; reenacting and amending RCW 43.17.010; adding
3 a new section to chapter 41.06 RCW; adding a new section to chapter
4 72.09 RCW; adding a new section to chapter 43.43 RCW; adding new
5 chapters to Title 43 RCW; creating new sections; providing an effective
6 date; providing an expiration date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that the department of
9 social and health services is required to perform an overwhelming
10 number of responsibilities. Due to this, the department of social and
11 health services has grown to an unmanageable and unwieldy bureaucracy
12 that cannot function effectively and must be reorganized. The
13 legislature finds a study is warranted of the long-term effects and
14 advantages of locally designed and administered social service programs
15 presently administered by the state. The legislature recognizes that
16 pending changes in federal law may impact organization and necessitate
17 the amendment of any reorganization plan. In the meantime, it is the
18 intent of the legislature to have a task force created by this act
19 specifically review the potential for dividing the department of social

1 and health services into the three new departments of medical
2 assistance, transitional services, and long-term care and health, and
3 report back to the legislature by November 1, 1997. It is also the
4 intent of the legislature to consider the elimination of the executive
5 division of the department of social and health services, including but
6 not limited to the office of the secretary. The legislature recognizes
7 that many recipients of services from the department of social and
8 health services receive those services from more than one division of
9 the agency. The legislature intends that proper linkage between the
10 new and existing departments of government will be established so
11 clients will continue to be served through effective means.

12 NEW SECTION. **Sec. 2.** (1) A bipartisan task force is created to
13 develop specific policy recommendations concerning restructuring the
14 department of social and health services by transferring its functions
15 to new or existing agencies. The task force shall have fifteen
16 members, eight of whom are legislative members. Two members shall be
17 from each caucus in the house of representatives, appointed by the
18 speaker of the house of representatives and two members shall be from
19 each caucus in the senate, appointed by the president of the senate.
20 The governor shall appoint seven remaining members, one of whom shall
21 be designated chair with approval of the speaker of the house of
22 representatives and the president of the senate. The gubernatorial
23 appointees shall include individuals served by the department of social
24 and health services as clients and individuals within the department of
25 social and health services performing caseworker or first-level
26 supervisory functions as well as contractors and vendors.

27 (2) Task force members shall serve without pay. Nonlegislative
28 members shall be paid travel expenses incurred in their travel to and
29 from meetings of the task force and while attending meetings of the
30 task force in accordance with RCW 43.03.050 and 43.03.060. Legislative
31 members shall be paid travel expenses incurred in their travel to and
32 from meetings of the task force and while attending meetings of the
33 task force in accordance with RCW 44.04.120.

34 (3) The task force shall examine the existing functions and
35 responsibilities of the department of social and health services and
36 recommend their transfer into the new departments established under
37 this act, or propose alternative methods of restructuring the

1 department of social and health services into separate or existing
2 state agencies. Further, the task force shall:

3 (a) Examine all health care functions within the department of
4 social and health services together with related health care functions
5 elsewhere in state government including the department of health and
6 the state health care authority; consider integration of those
7 functions into a single or separate agencies or other alternatives;

8 (b) Examine the juvenile rehabilitation administration functions;
9 consider whether to transfer them to the new department of children and
10 family services, or to a new independent department of juvenile
11 rehabilitation, or divide the functions between the department of
12 corrections and the new department of children and family services;

13 (c) Examine child protective service functions; recommend
14 structures that would continue them with the new department of children
15 and family services, or require a separate independent agency, or other
16 alternatives;

17 (d) Review the department of social and health services economic
18 services administration; recommend transferring those functions to a
19 new agency, or combine it with the employment security department or
20 other alternatives;

21 (e) Examine the restructuring of the department of social and
22 health services in this act and recommendations of the task force as to
23 their impact upon more effective local service delivery systems;
24 recommend how to continue the interrelationship between state and local
25 nonprofit organizations in a cost-effective manner; and

26 (f) Examine the licensing and placement functions within the
27 children's administration; recommend alternative structures to
28 eliminate conflicting pressure of ensuring a child's health and safety,
29 and the placement requirements for abused and neglected children.

30 (4) By November 1, 1997, the task force shall submit to the
31 legislature recommendations for proposed legislation implementing the
32 task force recommendations of the committee for the restructuring of
33 the department of social and health services.

34 (5) The task force shall terminate June 30, 1998, unless further
35 extended by legislative act.

36

PART 1

37

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

1 NEW SECTION. **Sec. 101.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "Department" means the department of children and family
5 services.

6 (2) "Director" means the director of children and family services.

7 NEW SECTION. **Sec. 102.** There is hereby created a department of
8 state government to be known as the department of children and family
9 services. The department shall be vested with all powers and duties
10 transferred to it under this chapter and such other powers and duties
11 as may be authorized by law.

12 NEW SECTION. **Sec. 103.** (1)(a) All powers, duties, and functions
13 of the department of social and health services pertaining to children
14 and family services are transferred to the department of children and
15 family services. This includes all functions performed by the
16 children's administration, including children's protective services, as
17 it exists on July 1, 1996. All references to the secretary or the
18 department of social and health services in the Revised Code of
19 Washington shall be construed to mean the director or the department of
20 children and family services when referring to the functions
21 transferred in this section.

22 (b) All powers, duties, and functions of the department of
23 community, trade, and economic development pertaining to early
24 childhood education assistance programs, head start programs, and youth
25 violence contracts are transferred to the department of children and
26 family services. All references to the director or the department of
27 community, trade, and economic development in the Revised Code of
28 Washington shall be construed to mean the director or the department of
29 children and family services when referring to the functions
30 transferred in this section.

31 (2)(a) All reports, documents, surveys, books, records, files,
32 papers, or written material in the possession of the department of
33 social and health services or the department of community, trade, and
34 economic development pertaining to the powers, functions, and duties
35 transferred shall be delivered to the custody of the department of
36 children and family services. All cabinets, furniture, office
37 equipment, motor vehicles, and other tangible property employed by the

1 department of social and health services or the department of
2 community, trade, and economic development in carrying out the powers,
3 functions, and duties transferred shall be made available to the
4 department of children and family services. All funds, credits, or
5 other assets held in connection with the powers, functions, and duties
6 transferred shall be assigned to the department of children and family
7 services.

8 (b) Any appropriations made to the department of social and health
9 services or the department of community, trade, and economic
10 development for carrying out the powers, functions, and duties
11 transferred shall, on the effective date of this section, be
12 transferred and credited to the department of children and family
13 services.

14 (c) Whenever any question arises as to the transfer of any funds,
15 books, documents, records, papers, files, equipment, or other tangible
16 property used or held in the exercise of the powers and the performance
17 of the duties and functions transferred, the director of financial
18 management shall make a determination as to the proper allocation and
19 certify the same to the state agencies concerned.

20 (3) All rules and all pending business before the department of
21 social and health services or the department of community, trade, and
22 economic development pertaining to the powers, functions, and duties
23 transferred shall be continued and acted upon by the department of
24 children and family services. All existing contracts and obligations
25 shall remain in full force and shall be performed by the department of
26 children and family services.

27 (4) The transfer of the powers, duties, and functions of the
28 department of social and health services and the department of
29 community, trade, and economic development shall not affect the
30 validity of any act performed before the effective date of this
31 section.

32 (5) If apportionments of budgeted funds are required because of the
33 transfers directed by this section, the director of financial
34 management shall certify the apportionments to the agencies affected,
35 the state auditor, and the state treasurer. Each of these shall make
36 the appropriate transfer and adjustments in funds and appropriation
37 accounts and equipment records in accordance with the certification.

38 (6) Nothing contained in this section may be construed to alter any
39 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or
2 until the bargaining unit has been modified by action of the personnel
3 board as provided by law.

4 NEW SECTION. **Sec. 104.** The executive head and appointing
5 authority of the department shall be the director. The director shall
6 be appointed by the governor, with the consent of the senate, and shall
7 serve at the pleasure of the governor. The director shall be paid a
8 salary to be fixed by the governor in accordance with RCW 43.03.040.
9 If a vacancy occurs in the position while the senate is not in session,
10 the governor shall make a temporary appointment until the next meeting
11 of the senate.

12 NEW SECTION. **Sec. 105.** (1) The director may create such
13 administrative structures as the director considers appropriate, except
14 as otherwise specified by law. In creating administrative structures,
15 the director shall endeavor to promote efficient public management, to
16 improve programs, and to take full advantage of the economies, both
17 fiscal and administrative, to be gained from the consolidation of
18 functions.

19 (2) The director may appoint assistant directors as may be needed
20 to administer the department. The director may employ such personnel
21 as may be necessary for the administration of the department. This
22 employment shall be in accordance with the state civil service law,
23 chapter 41.06 RCW, except as otherwise provided.

24 (3) Any power or duty vested in or transferred to the director by
25 law or executive order may be delegated by the director to any officer
26 or employee; but the director shall be responsible for the official
27 acts of the officers and employees of the department.

28 NEW SECTION. **Sec. 106.** The director may appoint such advisory
29 committees or councils as required by any federal legislation as a
30 condition to the receipt of federal funds by the department. The
31 director may also appoint state-wide committees or councils on such
32 subject matters as are or come within the department's
33 responsibilities. The state-wide committees and councils shall have
34 representation from both major political parties and shall have
35 substantial consumer representation. The committees or councils shall
36 be constituted as required by federal law or as the director may

1 determine. The members of the committees or councils shall hold office
2 as follows: One-third to serve one year; one-third to serve two years;
3 and one-third to serve three years. Upon expiration of the original
4 terms, subsequent appointments shall be for three years except in the
5 case of a vacancy, in which event appointment shall be only for the
6 remainder of the unexpired term for which the vacancy occurs. No
7 member may serve more than two consecutive terms.

8 Members of state advisory committees or councils created under this
9 section may be paid their travel expenses in accordance with RCW
10 43.03.050 and 43.03.060.

11 NEW SECTION. **Sec. 107.** In furtherance of the policy of the state
12 to cooperate with the federal government in all of the programs under
13 the jurisdiction of the department, such rules as may become necessary
14 to entitle the state to participate in federal funds may be adopted,
15 unless expressly prohibited by law. Any internal reorganization
16 carried out under the terms of this chapter shall meet federal
17 requirements that are a necessary condition to state receipt of federal
18 funds. Any section or provision of law dealing with the department
19 that may be susceptible to more than one construction shall be
20 interpreted in favor of the construction most likely to comply with
21 federal laws entitling this state to receive federal funds for the
22 various programs of the department. If any law dealing with the
23 department is ruled to be in conflict with federal requirements that
24 are a prescribed condition of the allocation of federal funds to the
25 state, or to any departments or agencies thereof, the conflicting part
26 is inoperative solely to the extent of the conflict.

27 NEW SECTION. **Sec. 108.** A new section is added to chapter 41.06
28 RCW to read as follows:

29 In addition to the exemptions under RCW 41.06.070, the provisions
30 of this chapter shall not apply in the department of children and
31 family services to the director, the director's personal secretary, all
32 assistant directors, and one confidential secretary for each assistant
33 director.

1 PART 2

2 TRANSFER OF JUVENILE REHABILITATION TO THE DEPARTMENT
3 OF CORRECTIONS AND THE DEPARTMENT OF
4 CHILDREN AND FAMILY SERVICES

5 NEW SECTION. **Sec. 201.** A new section is added to chapter 72.09
6 RCW to read as follows:

7 (1) All powers, duties, and functions of the department of social
8 and health services pertaining to juvenile rehabilitation and the
9 juvenile justice system are transferred to the department of
10 corrections and to the department of children and family services in
11 accordance with the provisions of this section. The first
12 implementation plan required by section 304 of this act shall include
13 allocation details of all administrative functions of the juvenile
14 rehabilitation administration to the department of children and family
15 services and the department of corrections. The legislature intends
16 that: (a) The plan take into account recommendations from interested
17 individuals, as well as state and local agencies; and (b) the plan
18 incorporate the functions of treatment and sentencing provisions of law
19 as of July 1, 1997, over juvenile offenders including, but not limited
20 to juvenile rehabilitation and the juvenile justice system. This
21 includes all functions performed by the juvenile rehabilitation
22 administration as it exists on June 30, 1997. All references to the
23 secretary or the department of social and health services in the
24 Revised Code of Washington shall be construed to mean the secretary or
25 the department of corrections or the director or the department of
26 children and family services when referring to the functions
27 transferred in this section.

28 (2)(a) All reports, documents, surveys, books, records, files,
29 papers, or written material in the possession of the department of
30 social and health services pertaining to the powers, functions, and
31 duties transferred shall be delivered to the custody of the department
32 of corrections or the department of children and family services, as
33 determined by the office of financial management. All cabinets,
34 furniture, office equipment, motor vehicles, and other tangible
35 property employed by the department of social and health services in
36 carrying out the powers, functions, and duties transferred shall be
37 made available to either the department of corrections or the
38 department of children and family services, as determined by the office

1 of financial management. All funds, credits, or other assets held in
2 connection with the powers, functions, and duties transferred shall be
3 assigned to the department of corrections or the department of children
4 and family services, as determined by the office of financial
5 management.

6 (b) Any appropriations made to the department of social and health
7 services for carrying out the powers, functions, and duties transferred
8 shall, on the effective date of this section, be transferred and
9 credited between the department of corrections and the department of
10 children and family services, as determined by the office of financial
11 management.

12 (c) Whenever any question arises as to the transfer of any funds,
13 books, documents, records, papers, files, equipment, or other tangible
14 property used or held in the exercise of the powers and the performance
15 of the duties and functions transferred, the director of financial
16 management shall make a determination as to the proper allocation and
17 certify the same to the state agencies concerned.

18 (3) All rules and all pending business before the department of
19 social and health services pertaining to the powers, functions, and
20 duties transferred shall be continued and acted upon by either the
21 department of corrections or the department of children and family
22 services, as determined by the office of financial management. All
23 existing contracts and obligations shall remain in full force and shall
24 be performed by the department of corrections or the department of
25 children and family services, as determined by the office of financial
26 management.

27 (4) The transfer of the powers, duties, and functions of the
28 department of social and health services shall not affect the validity
29 of any act performed before the effective date of this section.

30 (5) If apportionments of budgeted funds are required because of the
31 transfers directed by this section, the director of financial
32 management shall certify the apportionments to the agencies affected,
33 the state auditor, and the state treasurer. Each of these shall make
34 the appropriate transfer and adjustments in funds and appropriation
35 accounts and equipment records in accordance with the certification.

36 (6) Nothing contained in this section may be construed to alter any
37 existing collective bargaining unit or the provisions of any existing
38 collective bargaining agreement until the agreement has expired or

1 until the bargaining unit has been modified by action of the personnel
2 board as provided by law.

3 **Sec. 202.** RCW 72.09.040 and 1981 c 136 s 4 are each amended to
4 read as follows:

5 All powers, duties, and functions assigned to the secretary of
6 social and health services and to the department of social and health
7 services relating to adult correctional programs and institutions are
8 hereby transferred to the secretary of corrections and to the
9 department of corrections. ~~((Except as may be specifically provided,~~
10 ~~all functions of the department of social and health services relating~~
11 ~~to juvenile rehabilitation and the juvenile justice system shall remain~~
12 ~~in the department of social and health services. Where functions of~~
13 ~~the department of social and health services and the department of~~
14 ~~corrections overlap in the juvenile rehabilitation and/or juvenile~~
15 ~~justice area, the governor may allocate such functions between these~~
16 ~~departments.~~

17 ~~The secretaries of the department of social and health services and~~
18 ~~the department of corrections shall submit to the 1983 session of the~~
19 ~~Washington state legislature a joint report which addresses the~~
20 ~~question of in which agency juvenile rehabilitation and state level~~
21 ~~juvenile justice programs should be located.))~~

22 **PART 3**

23 **GENERAL DEPARTMENTAL PROVISIONS**

24 **Sec. 301.** RCW 43.17.010 and 1993 sp.s. c 2 s 16, 1993 c 472 s 17,
25 and 1993 c 280 s 18 are each reenacted and amended to read as follows:

26 There shall be departments of the state government which shall be
27 known as (1) the department of social and health services, (2) the
28 department of ecology, (3) the department of labor and industries, (4)
29 the department of agriculture, (5) the department of fish and wildlife,
30 (6) the department of transportation, (7) the department of licensing,
31 (8) the department of general administration, (9) the department of
32 community, trade, and economic development, (10) the department of
33 veterans affairs, (11) the department of revenue, (12) the department
34 of retirement systems, (13) the department of corrections, ~~((and))~~ (14)
35 the department of health, ~~((and))~~ (15) the department of financial
36 institutions, and (16) the department of children and family services

1 which shall be charged with the execution, enforcement, and
2 administration of such laws, and invested with such powers and required
3 to perform such duties, as the legislature may provide.

4 **Sec. 302.** RCW 43.17.020 and 1995 1st sp.s. c 2 s 2 are each
5 amended to read as follows:

6 There shall be a chief executive officer of each department to be
7 known as: (1) The secretary of social and health services, (2) the
8 director of ecology, (3) the director of labor and industries, (4) the
9 director of agriculture, (5) the director of fish and wildlife, (6) the
10 secretary of transportation, (7) the director of licensing, (8) the
11 director of general administration, (9) the director of community,
12 trade, and economic development, (10) the director of veterans affairs,
13 (11) the director of revenue, (12) the director of retirement systems,
14 (13) the secretary of corrections, ((and)) (14) the secretary of
15 health, ((and)) (15) the director of financial institutions, and (16)
16 the director of children and family services.

17 Such officers, except the secretary of transportation and the
18 director of fish and wildlife, shall be appointed by the governor, with
19 the consent of the senate, and hold office at the pleasure of the
20 governor. The secretary of transportation shall be appointed by the
21 transportation commission as prescribed by RCW 47.01.041. The director
22 of fish and wildlife shall be appointed by the fish and wildlife
23 commission as prescribed by RCW 77.04.055.

24 NEW SECTION. **Sec. 303.** A new section is added to chapter 43.43
25 RCW to read as follows:

26 (1) All powers, duties, and functions of the department of social
27 and health services pertaining to the office of special investigations
28 are transferred in accordance with the following provisions. Program
29 fraud investigations and internal investigations are transferred to the
30 Washington state patrol. However, local law enforcement agencies shall
31 have the option of contracting for these program fraud
32 responsibilities. Such agreements may be based on the interlocal
33 cooperation act, chapter 39.34 RCW, or other statutory authority of
34 single or joint law enforcement agencies. All references to the
35 secretary or the department of social and health services in the
36 Revised Code of Washington shall be construed to mean the chief of the

1 Washington state patrol when referring to the functions transferred in
2 this subsection (1)(e).

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the department of
5 social and health services pertaining to the powers, functions, and
6 duties transferred shall be delivered to the custody of the Washington
7 state patrol. All cabinets, furniture, office equipment, motor
8 vehicles, and other tangible property employed by the department of
9 social and health services in carrying out the powers, functions, and
10 duties transferred shall be made available to the Washington state
11 patrol. All funds, credits, or other assets held in connection with
12 the powers, functions, and duties transferred shall be assigned to the
13 Washington state patrol.

14 (b) Any appropriations made to the department of social and health
15 services for carrying out the powers, functions, and duties transferred
16 shall, on the effective date of this section, be transferred and
17 credited to the Washington state patrol.

18 (c) Whenever any question arises as to the transfer of any funds,
19 books, documents, records, papers, files, equipment, or other tangible
20 property used or held in the exercise of the powers and the performance
21 of the duties and functions transferred, the director of financial
22 management shall make a determination as to the proper allocation and
23 certify the same to the state agencies concerned.

24 (3) All rules and all pending business before the department of
25 social and health services pertaining to the powers, functions, and
26 duties transferred shall be continued and acted upon by the Washington
27 state patrol. All existing contracts and obligations shall remain in
28 full force and shall be performed by the Washington state patrol.

29 (4) The transfer of the powers, duties, and functions of the
30 department of social and health services identified in subsection (1)
31 of this section shall not affect the validity of any act performed
32 before the effective date of this section.

33 (5) If apportionments of budgeted funds are required because of the
34 transfers directed by this section, the director of financial
35 management shall certify the apportionments to the agencies affected,
36 the state auditor, and the state treasurer. Each of these shall make
37 the appropriate transfer and adjustments in funds and appropriation
38 accounts and equipment records in accordance with the certification.

1 (6) Nothing contained in this section may be construed to alter any
2 existing collective bargaining unit or the provisions of any existing
3 collective bargaining agreement until the agreement has expired or
4 until the bargaining unit has been modified by action of the personnel
5 board as provided by law.

6 NEW SECTION. **Sec. 304.** (1) The director of the office of
7 financial management, the secretary of the department of social and
8 health services, the secretary of the department of corrections, the
9 chief of the Washington state patrol, and the director of the
10 department of community, trade, and economic development shall jointly
11 develop a reorganization implementation plan that restructures the
12 department of social and health services in accordance with this act.
13 The plan shall detail the implementation steps necessary to effectuate
14 the transfer of program fraud to the Washington state patrol with a
15 local option and functions of the juvenile rehabilitation
16 administration to the department of corrections and the new children
17 and family services agency, together with commencement of the operation
18 of this new agency July 1, 1997. The plan shall also address
19 strategies for ensuring collaboration among programs and among the
20 departments.

21 (2) The reorganization implementation plan shall include
22 recommendations for restructuring other functions performed by the
23 department of social and health services, including the functions of:

- 24 (a) The family policy council;
25 (b) Community and legislative relations; and
26 (c) The divisions of administrative services, information services,
27 finance, budget, employee services, and land and buildings.

28 (3) In developing the recommendations required under subsection
29 (2)(c) of this section, the directors, secretaries, and commissioner
30 shall consult with the directors of the departments of general
31 administration and personnel to ensure that no duplication of functions
32 will occur between the departments of general administration,
33 personnel, corrections, and labor and industries, and the employment
34 security department.

35 (4) The completed reorganization implementation plan shall be
36 submitted to the governor and the appropriate standing committees of
37 the legislature by November 15, 1996.

1 (5) The plan shall include details addressing the following areas
2 of legislative, public, and departmental concerns:

3 (a) Assessment and increased accountability measures over all
4 transferred functions;

5 (b) Quantifiable outcomes for all transferred functions;

6 (c) Equitable cost-effective coordinated service delivery and
7 continuity of care enhancements, including coordination with all
8 relevant service delivery components at the state, local, and private
9 level for the family and individuals in need;

10 (d) Staffing support and caseload management enhancements;

11 (e) Retention of the collocation of facilities wherever
12 economically possible until at least the year 2005, including
13 procedures for client referrals to new departments;

14 (f) Federal requirements, including but not limited to federal
15 reforms and the ability to continue participating to the maximum extent
16 possible in the receipt of federal funds and grants;

17 (g) Promotion of public and private partnerships; and

18 (h) Retention of centralized core administrative services such as
19 payment, financial, and information systems, until at least the year
20 2005.

21 (6) By December 15, 1996, the director of financial management, the
22 secretary of the department of social and health services, the
23 secretary of the department of corrections, the director of the
24 department of community, trade, and economic development, and the chief
25 of the Washington state patrol shall jointly submit to the governor and
26 the appropriate standing committees of the legislature any proposed
27 legislation necessary to implement the reorganization implementation
28 plan.

29 (7) This section expires June 30, 1997.

30 **PART 4**

31 **OFFICE OF CITIZENS' COMPLAINTS**

32 NEW SECTION. **Sec. 401.** The legislature finds citizens who have
33 complaints about children and family services of the state and related
34 operations, licensed by the state, often need an independent review
35 over allegations of abuse, neglect, and fraud concerning such activity
36 and the individuals involved. The office of citizens' complaints
37 established in this chapter meets this need.

1 NEW SECTION. **Sec. 402.** The legislature intends to establish an
2 office that will hear complaints about the operation of the department
3 of children and family services. It is to be established as an
4 independent office of state government.

5 NEW SECTION. **Sec. 403.** (1) The office should:

6 (a) Conduct, supervise, and provide policy direction for fraud or
7 abuse investigations;

8 (b) Recommend policies and improved systems to prevent fraud or
9 abuse;

10 (c) Recommend policies for improving relationships between federal,
11 state, and local governmental agencies, and nongovernmental entities,
12 with respect to prevention; and detection of fraud or abuse over
13 children and family programs.

14 (2) The office should:

15 (a) Refer to the appropriate prosecuting authority for possible
16 criminal prosecution all investigations where it is concluded there is
17 probable cause to believe a violation of federal or state criminal law
18 has occurred;

19 (b) Review the facilities and procedures of all state institutions
20 serving children and youth; state-licensed group-care facilities as
21 defined in RCW 74.15.020; and overnight youth shelters. The office may
22 also review other state-licensed facilities or residences;

23 (c) Review reports relating to the unexpected deaths of minors
24 receiving children, youth, and family services and develop
25 recommendations as appropriate;

26 (d) Recommend changes in the procedures for addressing children,
27 youth, and family programs.

28 NEW SECTION. **Sec. 404.** The office shall treat all matters under
29 investigation, including the identities of service recipients,
30 complainants, and individuals from whom information is acquired, as
31 confidential, except as far as disclosures may be necessary to enable
32 the office to perform the duties of the office and to support any
33 recommendations resulting from an investigation. However, the office
34 shall honor the request of a service recipient, complainant, or
35 individual from whom information is acquired, or the legal
36 representative of any of these individuals, not to disclose his or her
37 identity. Upon receipt of information that by law is confidential or

1 privileged, the office shall maintain the confidentiality of such
2 information and shall not further disclose or disseminate the
3 information except as provided by applicable state or federal law. An
4 investigative record of the office is confidential, and shall only be
5 used for purposes set forth in this chapter. An investigative record
6 of the office is to be exempt from disclosure under chapter 42.17 RCW.

7 **PART 5**
8 **MISCELLANEOUS**

9 NEW SECTION. **Sec. 501.** Part headings used in this act do not
10 constitute any part of the law.

11 NEW SECTION. **Sec. 502.** Sections 101 through 107 of this act shall
12 constitute a new chapter in Title 43 RCW.

13 NEW SECTION. **Sec. 503.** Sections 401 through 404 of this act shall
14 constitute a new chapter in Title 43 RCW.

15 NEW SECTION. **Sec. 504.** Sections 1, 2, and 304 of this act are
16 necessary for the immediate preservation of the public peace, health,
17 or safety, or support of the state government and its existing public
18 institutions, and shall take effect immediately.

19 NEW SECTION. **Sec. 505.** Sections 101 through 108, 201, 202, and
20 303 of this act shall take effect July 1, 1997.

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