**1109-S.E AMS OBAN S3722.1 - NOT FOR FLOOR USE**

**ESHB 1109** - S AMD TO WM COMM AMD (S-3636.2/19) **494**

By Senator O'Ban

**NOT ADOPTED 04/04/2019**

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

"(4) If during the 2019-2021 fiscal biennium the state auditor discovers that the department of social and health services, department of veterans affairs, or department of children, youth, and families has failed to perform the activities required under this act when the conditions or care at an agency 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 state auditor must perform those activities on behalf of the agency. The agency must reimburse the state auditor for those costs from its appropriations."

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

"(8)(a) During the 2019-2021 fiscal biennium, whenever the conditions or care at a department of social and health services 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:

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

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

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

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

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

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

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

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

"(c)(i) During the 2019-2021 fiscal biennium, whenever the conditions or care at a department of veterans affairs 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:

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

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

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

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

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

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

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

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

"(k)(i) During the 2019-2021 fiscal biennium, whenever the conditions or care at a department of children, youth, and families 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:

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

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

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

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

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

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

(iv) If the state auditor is required to perform the activities under this section on behalf of the department, the department must 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