
SENATE BILL 6097

State of Washington

52nd Legislature

1992 Regular Session

By Senators Roach, Johnson and L. Smith

Read first time 01/15/92. Referred to Committee on Children & Family Services.

1 AN ACT Relating to persons with developmental disabilities; adding
2 a new section to chapter 71A.10 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
5 timely and fair procedures for resolution of grievances with the
6 department of social and health services be provided to persons with
7 developmental disabilities, or their legal representatives. Grievances
8 should be resolved at the lowest departmental level possible. However,
9 all levels of the department involved in the grievance should be held
10 accountable and responsible to individuals who are experiencing
11 difficulties with the department's services or decisions.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 71A.10 RCW
13 to read as follows:

1 In addition to the appeals process provided for in RCW 71A.10.050,
2 the department shall develop and implement, by July 1, 1992, a formal
3 complaint resolution process to be used by an applicant for services,
4 recipient of services, or his or her legal representative who has
5 complaints regarding a policy of a division of the department or
6 procedure or application of a division policy or procedure.

7 The department shall inform applicants for services, recipients of
8 services, or their legal representatives of the availability of the
9 complaint resolution process and how to access it, in the same priority
10 set forth in RCW 71A.10.060. The department shall incorporate
11 information regarding the complaint resolution process into training
12 for foster parents, employees of the division of developmental
13 disabilities, and other department personnel as appropriate. The
14 department shall also notify its service contractors of the process and
15 require cooperation with it as a condition of future contracts.

16 Any applicant for services, recipient of services, or his or her
17 legal representative who uses the complaint resolution process and who
18 is subjected to any reprisal or retaliatory action by the department,
19 undertaken after the complainant makes his or her complaint known to
20 the department may seek judicial review of the reprisal or retaliatory
21 action in superior court. In such action, the reviewing court may
22 award reasonable attorneys' fees to the prevailing party.

23 Thirty days following the completion of the department's complaint
24 resolution process, unless an agreed extension exists, the applicant
25 for services or recipient of services, or his or her legal
26 representative may file for an adjudicative proceeding under chapter
27 34.05 RCW.

28 The department shall compile complaint resolution data including
29 about whom a complaint was made, by whom, and the outcome of the
30 complaint. The department shall submit semiannual reports, due January

1 and July of each year, beginning in January 1993, to the senate
2 children and family services committee and the house of representatives
3 human services committee.

4 The dispute resolution process in this section is in addition to
5 other available legal remedies.