

1 1719-S.E AMS HSC S2966.1

2 **ESHB 1719** - S COMM AMD

3 By Committee on Human Services & Corrections

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature intends to bolster the
8 capacity of the state to do independent investigations of criminal
9 conduct related to programs administered by the department of social
10 and health services and to remove conflicts that may arise when an
11 agency is required to investigate its own staff and clients.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW
13 to read as follows:

14 All criminal investigations under this title that in the normal
15 course of business would have been conducted by a certified criminal
16 justice agency under chapter 10.93 RCW and RCW 43.43.705 before the
17 effective date of this section shall be conducted by the office of the
18 attorney general.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.10 RCW
20 to read as follows:

21 (1)(a) All powers, duties, and functions of the department of
22 social and health services related to investigations of criminal
23 conduct in agency programs conducted by a certified criminal justice
24 agency under chapter 10.93 RCW and RCW 43.43.705 are transferred to the
25 office of the attorney general. All references to the secretary or the
26 department of social and health services in the Revised Code of
27 Washington pertaining to the functions transferred in this section
28 shall be construed to mean the attorney general or the office of the
29 attorney general when referring to the functions transferred in this
30 section.

31 (b) The department of social and health services through an office
32 of inspector general within the department shall maintain the primary
33 responsibility for fraud and abuse detection and shall maintain the

1 ability to analyze such fraud and abuse cases and refer them to the
2 unit of the attorney general's office authorized under this section.

3 (c) It is the responsibility of the unit of the attorney general's
4 office authorized under this section to:

5 (i) Conduct, supervise, and coordinate criminal investigations;

6 (ii) Review proposed legislation and rules relating to the
7 detection and prevention of criminal conduct in programs administered
8 by the department of social and health services, and make
9 recommendations for improvement;

10 (iii) Recommend policies related to program integrity and
11 coordinate activities carried out or financed by the department of
12 social and health services for the purpose of preventing and detecting
13 fraud, abuse or other criminal conduct;

14 (iv) Recommend policies related to program integrity, and conduct,
15 supervise, and coordinate relationships between the department of
16 social and health services and federal, state, and local governmental
17 agencies, and nongovernmental entities, with respect to (A) matters
18 relating to the prevention and detection of fraud, abuse, or other
19 criminal conduct in programs and operations administered by the
20 department; or (B) the identification and prosecution of participants
21 in such fraud or abuse; and

22 (v) Keep the attorney general and the legislature informed by means
23 of reports concerning the detection and prevention of fraud or abuse
24 and make recommendations for improvement of the activities.

25 (d) In carrying out the duties and responsibilities established in
26 this section and section 2 of this act, the attorney general: (i)
27 Shall refer all investigations in which the attorney general has found
28 substantial evidence supporting a finding of a violation of federal or
29 state criminal law to the appropriate prosecuting authority for
30 possible criminal prosecution, and may prosecute any such criminal
31 offense only pursuant to authority granted under RCW 43.10.232; and
32 (ii) shall have access to all department records and files the attorney
33 general deems necessary to carry out these duties and responsibilities.

34 (2)(a) All reports, documents, surveys, books, records, files,
35 papers, or written material in the possession of the department of
36 social and health services pertaining to the powers, functions, and
37 duties transferred shall be delivered to the custody of the office of
38 the attorney general. All cabinets, furniture, office equipment, motor
39 vehicles, and other tangible property employed by the department of

1 social and health services in carrying out the powers, functions, and
2 duties transferred shall be made available to the office of the
3 attorney general. All funds, credits, or other assets held in
4 connection with the powers, functions, and duties transferred shall be
5 assigned to the office of the attorney general.

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 to the office of the attorney general.

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

16 (3) All employees of the department of social and health services
17 engaged in performing the powers, functions, and duties transferred are
18 transferred to the jurisdiction of the office of the attorney general.
19 All employees classified under chapter 41.06 RCW, the state civil
20 service law, are assigned to the office of the attorney general.

21 (4) All rules and all pending business before the department of
22 social and health services pertaining to the powers, functions, and
23 duties transferred shall be continued and acted upon by the office of
24 the attorney general. All existing contracts and obligations shall
25 remain in full force and shall be performed by the office of the
26 attorney general.

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

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

37 NEW SECTION. **Sec. 4.** This act shall take effect January 1, 1996."

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4 On page 1, line 2 of the title, after "services;" strike the
5 remainder of the title and insert "adding a new section to chapter
6 74.04 RCW; adding a new section to chapter 43.10 RCW; creating a new
7 section; and providing an effective date."

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