

SENATE BILL REPORT

SB 6678

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 6, 2004

Title: An act relating to the release of patient records for the purpose of restoring state mental health hospital cemeteries.

Brief Description: Authorizing the release of patient records for the purpose of restoring state mental health hospital cemeteries.

Revised for 1st Substitute: Authorizing the release of patient records for the purpose of memorializing persons interred in state hospital cemeteries.

Sponsors: Senators Fraser, Winsley, Stevens, Hargrove, Benton and Rasmussen.

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/6/04 [DPS].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6678 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Carlson, Hargrove, McAuliffe and Regala.

Staff: Fara Daun (786-7459)

Background: From 1887 to 1953 the state buried many patients who died while patients at the state hospitals in cemeteries on hospital grounds. There are efforts in progress to restore these cemeteries and appropriately memorialize the graves of the persons interred there. Current state confidentiality laws prevent the release of these patients' records for this purpose.

Summary of Substitute Bill: The Department of Social and Health Services may release the names and dates of birth and death of patients buried in state hospital cemeteries 50 years after their death, for the purpose of marking headstones or otherwise memorializing these patients.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is about compassion and respect for human life. It is way past time to give the people in the numbered graves and unmarked graves the respect of a memorial. Restoration and research has been done by genealogists, historians, mental health advocates,

Boy Scouts and other concerned groups. There are over 2700 numbered graves at Western State Hospital. The numbered stones at the Northern State Hospital cemetery were removed during a restoration project. In some cases where the hospital ran out of room cremated remains have been interred together without marking. The death records and burial places of the people in these cemeteries are a matter of public record, and can be put together; this bill would provide access to the consolidated lists kept by DSHS. There are regular requests from family members for this information; however, if the requesting party is not the closest living relative, even if the relative is not competent to consent, the information cannot be provided by DSHS. It would violate the Americans with Disabilities Act for any person to be discriminated against because a relative was at the state hospital. At one time the state hospital also included a tuberculosis sanitarium.

Testimony Against: None.

Testified: Senator Karen Fraser, prime sponsor (pro); Laurel Lemke, Grave Concerns Association (pro); Stacie Larson, National Alliance for the Mentally Ill (pro); Sherry Storms, Mental Health Ombuds Services (pro).