

OPINION

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Stand up for state's fragile citizens

BY DAVID P. MOODY
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Attorney General Rob McKenna recently convinced Sens. Adam Kline and Stephen Johnson to introduce Senate Bill 6215, a measure specifically tailored to shield state government, most importantly the Department of Social and Health Services (DSHS), from lawsuits arising out of its own incompetence. By doing so, SB 6215 would harm the most powerless, voiceless and disabled people in our state.

Specifically, SB 6215 seeks to shield DSHS from negligent acts of its own making, including: DSHS' failure to take actions; DSHS' failure to properly perform investigations of misconduct; DSHS' failure to properly license and permit individuals to care for vulnerable clients; and DSHS' failure to properly assess the level of funding and type of services for which beneficiaries of government financial assistance programs are eligible.

By a wide margin, Washington voters recently rejected an attempt by insurance companies to limit the monetary recovery of injured patients in medical-malpractice lawsuits. The people of this state recognized their vulnerability as consumers of medical care, and voted to maintain their right to competent health care. But, this time around, who will stand up to require competent care for our state's most-fragile citizens?

Examine what SB 6215 would do. Had this law been on the books:

- DSHS would have been immunized from any liability in connection with its decision to subsidize the torture of Linda David, the woman trapped on a sailboat for 12 years while DSHS continued to pay her abuser/caregiver/husband.

- DSHS would have been allowed to escape accountability for the prolonged rapes, handcuffings, burnings and exploitation of Damon Beckman, Bill Coalter and Eric Busch – three developmentally disabled men who, despite a litany of warnings, were ignored by DSHS social workers who, instead, chose to leave these vulnerable young men confined in the state-licensed facility where they were being abused.

- DSHS would have been allowed to abdicate its responsibility for the brain damage suffered by little Hailee Rhoads, an infant who was thrown on her head in a fit of frustration by a state-licensed day-care operator whom DSHS had ample reason to believe was unfit to care for children.

It is not difficult to see the logic behind SB 6215. DSHS has been the subject of many justified lawsuits resulting in large judgments, public disbelief, blistering assessments and high-profile news stories. DSHS cannot, or is unwilling to, accept accountability. Instead of meaningfully striving to make itself a more responsive agency, it seeks to mask its inefficiencies with a cloak of immunity.

McKenna knows that the people who will be negatively impacted by SB 6215 (the disabled, the vulnerable, children reliant upon state assistance) do not have the resources, the education or the voice to stand in its way. Perhaps he believes that those among us with the ability to thwart its passage will not have a sufficient reason to care.

Not so fast, Mr. McKenna. We do care. There are 8 billion reasons for us to care. This figure represents the number of taxpayer dollars allocated to DSHS every year. The citizens contribute more money to DSHS than

any other state agency. In fact, it is not even close. Using taxpayer dollars, DSHS serves one in four state residents and two of five state children. DSHS is in the "people business" and we are the people.

This is not a partisan issue, nor can it be properly classified as "tort reform." Republicans and Democrats alike pay DSHS to perform its job efficiently. And, effective reform necessitates action on behalf of the reformer.

If the Legislature enacts SB 6215, it will give DSHS a free pass. DSHS will be allowed to scoop up \$8 billion from the taxpayers each year, touch the lives of the most vulnerable, and, should DSHS cause its clients any harm, it will be allowed to claim, "We tried our best. If that wasn't good enough, too bad."

For \$8 billion each year, the taxpayers deserve an agency that is accountable – one that takes responsibility and learns from its errors instead of sweeping its problems under a tarp of political convenience.



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