

**Developmental Disabilities Administration**  
**040 - M2 - D2 - FUND SETTLEMENT AGMT ATTY FEES**

Agency Submittal: 2015-17 Final 2017 Sup

Budget Period: 2015-17

**SUMMARY**

The DSHS Developmental Disabilities Administration submits this “Placeholder” request for GF-State funds to pay attorney fees under a settlement agreement in the Dunakin v. Quigley lawsuit.

**PROBLEM STATEMENT**

Dunakin v. Quigley – Disability Rights Washington filed this lawsuit in 2014 alleging failure to comply with federal Pre-Admission Screening and Resident Review (PASRR) requirements. The PASRR requirements must be met before an intellectually disabled person is admitted to a nursing home. If screening indicates, certain services must then be provided while in the nursing home. In August 2016, a settlement agreement was reached that addresses program improvements. Additionally, the state must pay plaintiffs’ attorney fees. The specific attorney fee amount is currently under negotiation. This request is a Placeholder for the final amount.

**PROPOSED SOLUTION**

Provide DSHS the funding to pay the plaintiffs’ attorney fees.

**EXPECTED RESULTS**

Fulfillment of the settlement agreement.

**STAKEHOLDER IMPACT**

None

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**DSHS VISION**

People are healthy • People are safe • People are supported • Taxpayer resources are guarded

**DSHS MISSION**

To transform lives

**DSHS VALUES**

Honesty and Integrity • Pursuit of Excellence • Open Communication • Diversity and Inclusion • Commitment to Service

**OTHER CONNECTIONS**

**Performance Outcomes/Important Connections**

- 1. Does this DP provide essential support to one or more of the Governor's Results Washington priorities?**  
Funding will fulfill the requirements of the settlement agreement.
- 2. The decision package meets the following DSHS' strategic objectives:**  
Funding will fulfill the requirements of the settlement agreement.
- 3. Identify other important connections or impacts below.** (Indicate 'Yes' or 'No'. If 'Yes' identify the connections or impacts related to the proposal.)
  - a) Regional/County impacts? No
  - b) Other local government impacts? No
  - c) Tribal government impacts? No
  - d) Other state agency impacts? No
  - e) Responds to specific task force, report, mandate or executive order? No
  - f) Does request contain a compensation change or require changes to a Collective Bargaining Agreement? No
  - g) Facility/workplace needs or impacts? No
  - h) Capital budget impacts? No
  - i) Is change required to existing statutes, rules or contracts? No
  - j) Is the request related to litigation? Yes
  - k) Is the request related to Puget Sound recovery? No
  - l) Other important connections? No
- 4. Please provide a detailed discussion of connections/impacts identified above.**  
j)Dunakin v. Quigley

**Alternatives/Consequences/Other**

- 5. What alternatives were explored by the agency, and why was this alternative chosen?**  
These costs cannot be funded within the current appropriation.

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**6. How has or can the agency address the issue or need within its current appropriation level?**

These costs cannot be funded within the current appropriation.

**7. Does this decision package include funding for any IT-related costs (hardware, software, services, cloud-based services, contracts or IT staff)?**

No

Yes (Include an IT Addendum)