

UNITED STATES DISTRICT COURT  
DISTRICT OF WYOMING

ANNA MARIA WESTON, by her  
guardian, Barbra Weston,  
et al.,

Plaintiffs,

vs.

WYOMING STATE TRAINING  
SCHOOL, et al.,

Defendants.

SEP 31 11:57  
INDEPENDENT DEATH REVIEW  
COMMITTEE & PROCEDURES

CIVIL ACTION NO. C90-0004

Pursuant to the provisions of Article VIII of the Stipulated Agreement filed on March 13, 1991, the Compliance Advisory Board (CAB) states the following:

1. On or about August 2, 1991, Plaintiffs requested a review by CAB of Plaintiffs' July 3, 1991, request to Defendants for the establishment of an Independent Death Review Committee.
2. The parties and the CAB agreed that an Independent Death Review Committee and procedures should be established.
3. The parties determined to work together toward the establishment of a mutually agreed upon Independent Death Review Committee and procedures for conducting independent death review investigations. The process of developing the committee and procedures was facilitated by CAB.
4. Attached hereto are the Independent Death Review Committee and Procedures agreed to by the parties. The CAB respectfully requests that the court approve and adopt the Independent Death Review Committee and Procedures as set forth.

Dated this 28 day of October, 1991.

Respectfully submitted,

Peter D. Blanck  
Peter D. Blanck

Sondra B. Kaska  
Sondra B. Kaska

COMPLIANCE ADVISORY BOARD

copy to: Shirley Kingston  
Michael Reese  
Danny Wilde

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon an attorney of record of each party to the above entitled cause by enclosing the same in an envelope addressed to each attorney at his respective address as disclosed by the pleadings of record herein, with postage fully paid, and by depositing said envelope in a United States Post Office depository on the 28

day of October, 1991

Sondra Kaska

## INDEPENDENT DEATH REVIEW COMMITTEE & PROCEDURES

Policy: The Independent Death Review Committee (IDRC) will review the circumstances surrounding the death of any individual on the rolls of the Wyoming State Training School (WSTS).

Purpose: The Independent Death Review Committee is to determine the circumstances, events, and conditions that may have resulted in the death.

### Membership:

1. Forensic pathologist with experience in the field of developmental disabilities;
2. Independent Case Manager;
3. A consumer or family representative;
4. The County Health Officer;
5. The Director or designee of the Division of Criminal Investigation laboratory; and
6. Physician with experience in the field of developmental disabilities.

### Procedure:

1. Upon notification of a death, the Superintendent of WSTS or his designee shall immediately notify:
  - a.
    - 1.) The Administrator of the Division of Developmental Disabilities;
    - 2.) The County Coroner;
    - 3.) The Independent Case Manager;
    - 4.) The family or legal guardian; and
  - b. The Governor's Liaison, who in turn shall notify:
    - 1.) The Compliance Advisory Board; and
    - 2.) Protection and Advocacy System, Inc.

Such notification shall be by telephone and, in the case of the Coroner, Independent Case Manager, and Pathologist, a facsimile of the statement of the attending physician.

2. Deaths of all individuals on the rolls of the Wyoming State Training School will be referred to the County Coroner, in keeping with Wyoming Statute 7-4-104(a)(i)(G). The County Coroner shall decide if the death is to be handled as a Coroner's case.

3. The Independent Case Manager (ICM) shall notify the members of the Independent Death Review Committee and convene the Committee. The ICM may also assist the IDRC in selection of the consumer representative. This may be a member of the WSTS Parent Group. It shall be neither a WSTS staff member nor a representative of Protection and Advocacy.

4. Within 48 hours of the death, except when the death occurs on a weekend, the IDRC shall make a recommendation regarding the need for an autopsy, if the Coroner has not already decided to perform an autopsy.

5. If the County Coroner accepts the case as a Coroner's Case, the Coroner shall take possession of the body. If the death is not to be handled as a Coroner's Case, the IDRC shall not release the body for burial or cremation until it has made a decision concerning the need for an autopsy.

6. If the IDRC recommends an autopsy:

a. The appropriate staff will notify the family or legal guardian that an autopsy will be performed; and

b. The forensic pathologist will complete the autopsy within 72 hours of the death.

7. Upon completion of the autopsy by the Coroner or the independent forensic pathologist, the IDRC will meet to review the pathologist's report. Other information may also be reviewed by the IDRC, if warranted by the pathologist's report.

8. In conducting its inquiry, the IDRC shall examine witnesses and relevant records. Witnesses shall necessarily include the attending physician and the WSTS Clinical Director.

9. The IDRC shall prepare a written report within seven days of the death, including in its written report:

- a. Basic identifying information about the individual;
- b. Medical history, including diagnosis, physical status, and medications;
- c. Circumstances surrounding the death;
- d. Autopsy findings; and
- e. Other information or recommendations as deemed necessary.

Such report shall be conveyed to the Administrator of the Division of Developmental Disabilities, the Compliance Advisory Board (for the duration of the lawsuit), Protection and Advocacy, and Director of the Department of Health, and the Case Closure Committee.

The family shall receive a summary of the Death Review Committee report.

10. All activities of the Death Review Committee shall be completed within 20 days of the individual's death.

11. The report generated in Paragraph 8 shall be confidential and does not constitute an admission by the State of Wyoming that any condition, policy, procedure or act was or is in any way improper or negligent. The report is inadmissible in any proceeding except in the confines of Weston v. WSTS. No public or private disclosure of the report shall be made in violation of State or Federal law governing disclosure of confidential information.

12. The IDRC procedures will be reviewed annually in July by the parties.

13. Death of class members that occurred after the signing of the Stipulated Agreement, but before the adoption of these procedures will be subject to the procedures, with time lines adjusted as the parties deem appropriate.

WSTS CASE CLOSURE COMMITTEE

1. Within five working days of the death of a class member:

a. The social worker shall submit a report of the family situation and disposition of personal belongings and money, and

b. The Qualified Mental Retardation Professional (QMRP) shall submit a summary of the program plan that was in effect at the time of the death.

2. Within five working days of the completion of the above reports and the report of the IDRC, a Case Closure Committee will meet to review all reports.

The Case Closure Committee shall include:

a. Director of Medical Services at WSTS;

b. Director of Clinical Services at WSTS;

c. Director of Safety, if appropriate;

d. Pharmacist;

e. Psychologist;

f. Client Rights Specialist;

g. QMRP; and

h. Other staff as determined by the Superintendent or the circumstances of the death.

3. The Case Closure Committee may recommend changes or modifications to WSTS policy or practices, based upon its findings.