S-1067.2

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**SENATE BILL 5690**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Bailey, Rivers, Becker, and Warnick

AN ACT Relating to protection of incapacitated persons; adding a new section to chapter 70.129 RCW; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 70.129 RCW to read as follows:

(1) The office of the state long-term care ombuds shall establish a pilot program in Snohomish, Island, and Skagit counties to determine the feasibility of extending the protections of this chapter to incapacitated persons with guardians appointed under chapter 11.88 or 11.92 RCW and who do not reside in a long-term care facility.

(2) The office of the state long-term care ombuds is authorized to exercise the authority under this chapter within the pilot area with regard to incapacitated persons with guardians appointed under chapter 11.88 or 11.92 RCW and who do not reside in a long-term care facility.

(3) Within the pilot area, the state long-term care ombuds shall investigate allegations and complaints regarding a guardian not fulfilling the guardian's duties toward an incapacitated person.

(4) In any investigation under this section, the state long-term care ombuds may have access to all court records related to guardianships under chapter 11.88 or 11.92 RCW, including financial records, medical records, and the confidential report of a guardian ad litem. The consent of the incapacitated person is not required for access to records under this subsection.

(5) The state long-term care ombuds shall ensure that ombuds investigative staff receive sufficient training on issues relating to guardianship and incapacitated persons.

(6) The state long-term care ombuds shall make unannounced inspection visits when conducting inspections as a part of investigations under this section.

(7) Any person interested in the estate, or in the incapacitated person, or any relative of the incapacitated person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension, or other benefit is being paid, or is payable, who has filed the notice under RCW 11.92.150 with the clerk of the court where the guardianship or limited guardianship of the person and/or estate is pending, is entitled to notice of all preliminary and final findings of an investigation by the state long-term care ombuds under this section.

(8) The office of the state long-term care ombuds shall provide an annual report to the legislature on the pilot program.

(9) This section expires January 1, 2022.

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