

SENATE BILL REPORT

SB 6511

As Reported By Senate Committee On:
Health & Long-Term Care, February 3, 2000

Title: An act relating to the protection of patients in state hospitals.

Brief Description: Protecting patients in state hospitals.

Sponsors: Senators Thibaudeau, Winsley and Kohl-Welles; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Health & Long-Term Care: 2/3/2000 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Thibaudeau, Chair; Wojahn, Vice Chair; Costa, Deccio, Franklin and Winsley.

Staff: Joan K. Mell (786-7447)

Background: This is a Department of Social and Health Services request bill, which rewrites and reconfigures existing statutes governing mandatory reporting of harm to patients and whistleblower protections.

Separate provisions exist under current law governing public and private institutions for the mentally ill from laws that require reporting of abuse and neglect in nursing homes and state hospitals.

Summary of Bill: Existing statutory provisions governing abuse of patients in nursing homes or state hospitals are repealed and recodified with changes in statutes governing public and private facilities for the mentally ill.

New definitions are written for abandonment,– abuse,– sexual abuse,– physical abuse,– mental abuse,– and exploitation.– The existing definitions of abuse or neglect– or patient abuse or neglect– and negligent treatment– are stricken. Broader conduct is reportable and actionable under the new definitions. For example, abandonment is not currently defined, but requires mandatory reporting and whistleblower protections under new provisions.

The intent of the legislation is stated to provide a reporting system to protect patients from abuse, make protective mechanisms available, and maintain the strictest regard for the privacy of the subjects of the reports.–

People who make good faith reports under the statute are immune from liability, and state employees have whistleblower protections that preclude discrimination in employment based upon the reporting. State employees have remedies available under employment laws, which include damage claims, and immunity protections. An employee who reports may ask for confidentiality of his or her identity.

Rebuttable presumptions of retaliatory action are described. Workplace reprisal or retaliatory action are defined.

A patient can receive spiritual treatment in lieu of medical treatment and it is not considered a reportable event.

There is an added requirement to report to the Department of Social and Health Services when there is reasonable cause to believe a reportable event has occurred. The department must issue a response to the report within 24 hours. Investigation provisions for the department are added.

Appropriation: None.

Fiscal Note: Requested on January 30, 2000.

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

Testimony For: The bill clarifies and corrects provisions relative to services the department provides.

Testimony Against: None.

Testified: Pat Terry, DSHS, Mental Health (pro).