

SENATE BILL REPORT

SSB 5184

As Passed Senate, March 10, 2001

Title: An act relating to requiring the department of social and health services to notify relevant agencies of investigative outcomes.

Brief Description: Reporting investigations of vulnerable adult abuse.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Winsley, Costa and Kohl-Welles; by request of Department of Social and Health Services).

Brief History:

Committee Activity: Health & Long-Term Care: 1/22/01, 2/19/01 [DPS].

Passed Senate: 3/10/01, 47-0.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass.

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

Staff: Rhoda Donkin (786-7198)

Background: Adult Protective Services (APS) under the Department of Social and Health Services has the authority to investigate complaints of abandonment, abuse, financial exploitation or neglect of vulnerable adults and to provide protective services and legal remedies to protect these individuals. APS investigations seek to determine if the allegation is valid, and if the vulnerable adult is at risk of harm. It has been the practice to date to inform certain agencies and programs of the substantiated findings of these investigations. There is, however, no specific law that specifies that agencies or programs who may be employing or contracting with the person under investigation be notified.

Summary of Bill: The department has specific authority to disclose the outcome of investigations conducted on people who are employed, contracted, or volunteering for home health agencies, hospice or home care agencies licensed with the state, and programs under contract with the division of developmental disabilities, adult day care or day health programs. The information may not include the identity of the individual who made the complaint or any witness without their permission. The department is also given explicit authority to disclose the investigation findings to state or local authorities responsible for licensing the entities named in the bill. The alleged perpetrator is notified when the outcome report is released. The victim's name is withheld.

Appropriation: None.

Fiscal Note: Requested on January 18, 2001.

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

Testimony For: The department should have explicit authority to warn employers that people who may be working for them have been found to have mistreated vulnerable individuals.

Testimony Against: The victim's name should be withheld.

Testified: Michael J. Longyear, WSBA, Elder Law, KCBA, Elder Law; Kathy Leitch, Penny Black, DSHS (pro); Bruce Reeves, Senior Citizens' Lobby (pro); Jeff Larsen, Bill Day, WSRCC, Adult Family Home Assn. (concerns).

House Amendment(s): Regional support networks are also given the results of an investigation when there has been a finding of abuse, abandonment, financial exploitation or neglect.