

# SENATE BILL REPORT

## SB 5707

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As of February 15, 2001

**Title:** An act relating to the protection of vulnerable adults.

**Brief Description:** Protecting vulnerable adults.

**Sponsors:** Senators Thibaudeau, Deccio, Winsley, Costa, Kohl-Welles and Rasmussen.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/15/01.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Rhoda Donkin (786-7198)

**Background:** Under current law, mandated reporters are required to immediately inform law enforcement and the Department of Social and Health Services if they have reason to believe that a sexual or physical assault has occurred involving a vulnerable adult in a long term care facility. If the assailant is someone with a cognitive impairment, including dementia, mandatory reporters are still required to report the suspected offense to a law enforcement agency.

There is concern that some individuals living in long term care facilities are being punished by law enforcement for committing acts they did not fully understand.

**Summary of Bill:** Mandated reporters are not required to report suspected sexual or physical abuse to law enforcement if the act was committed by a mentally incompetent or mentally incapacitated person. These people are defined as persons with a guardian, or those determined to be incompetent under a valid durable power of attorney, and people properly assessed by a health care professional, or documented as such in their care plan.

The definitions of abuse, sexual abuse, physical abuse, mental abuse, neglect, abandonment and financial exploitation are taken from current law in 73.34 RCW, the abuse of vulnerable adults statute, and added to 70.124 RCW, statutes regulating abuse of patients in nursing homes and state hospitals.

Mandated reporters are directed to make their reports of suspected abuse, neglect, abandonment, or exploitation to the department's aging and adult services statewide complaint hotline.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

