

FINAL BILL REPORT

SB 5510

C 263 L 13
Synopsis as Enacted

Brief Description: Concerning the abuse of vulnerable adults.

Sponsors: Senators Becker, Keiser, Kohl-Welles, McAuliffe and Conway; by request of Department of Social and Health Services.

Senate Committee on Health Care
House Committee on Judiciary

Background: The term vulnerable adult includes a person who is 60 years of age or older and who has a functional, mental, or physical inability to care for himself or herself; is found to be incapacitated; has a developmental disability; has been admitted to a facility licensed or certified by the Department of Social and Health Services (DSHS); receives services from home health, hospice, or home care agencies; receives services from an individual provider; or self-directs his or her own care and receives services from a personal aide.

Mandated reporters must immediately report suspected abandonment, abuse, financial exploitation, or neglect of a vulnerable adult to DSHS. Mandated reporters include the following: DSHS employees; law enforcement officers; social workers; professional school personnel; individual providers; employees of social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agencies; county coroners or medical examiners; Christian Science practitioners; and health care providers. The term neglect includes an act or omission that constitutes a clear and present danger to the health, welfare, or safety of the vulnerable adult.

DSHS must investigate allegations of abuse, abandonment, neglect, self-neglect, and financial exploitation of vulnerable adults. Reports of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult are confidential and not subject to disclosure.

Summary: The definition of neglect is modified to clarify that the act or omission that demonstrates a clear and present danger to a vulnerable adult must be an act or omission of a person with a duty of care to the vulnerable adult.

In conducting an investigation of abandonment, abuse, financial exploitation, self-neglect, or neglect of a vulnerable adult, DSHS or law enforcement must have access to all relevant records related to the vulnerable adult that are in possession of mandated reporters and their employees. However, records maintained by professional review boards and quality

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improvement committees are not subject to disclosure and access to any records that would violate attorney-client privilege may not be provided without a court order. Providing access to required records is not considered a violation of any confidential communication privilege.

DSHS, the Certified Professional Guardian Board, and the Office of Public Guardianship may share information contained in reports and investigations of abuse, abandonment, neglect, self-neglect, and financial exploitation of vulnerable adults. This information must be used for recruiting guardians and for monitoring or disciplining certified professional or public guardians. These reports remain confidential and may not be subject to further disclosure.

Votes on Final Passage:

Senate	48	0	
House	95	2	(House amended)
House	98	0	(House receded/amended)
Senate	45	0	(Senate concurred)

Effective: July 28, 2013.