

SENATE BILL REPORT

SB 5690

As of February 10, 2017

Title: An act relating to protection of incapacitated persons.

Brief Description: Creating a pilot program for protection of incapacitated persons.

Sponsors: Senators Bailey, Rivers, Becker and Warnick.

Brief History:

Committee Activity: Health Care: 2/13/17.

Brief Summary of Bill

- Establishes a pilot project to allow the Washington State Long-Term Care Ombuds to investigate complaints relating to guardianships.

SENATE COMMITTEE ON HEALTH CARE

Staff: Kathleen Buchli (786-7488)

Background: The Washington State Long-Term Care Ombuds (Ombuds) advocates for residents of long-term care facilities such as nursing homes, adult family homes, and assisted living facilities. The Ombuds receives complaints and resolves problems in situations involving quality of care, transfer and discharge, abuse, and other aspect of residents dignity and rights.

A guardian is a person or entity appointed by a court to provide decision-making assistance for a person deemed by a court to be incapable of managing some or all of their affairs. Guardians must be at least 18 years of age and deemed suitable by the court. There are three types of guardians in Washington: lay guardians, who are typically a family member or friend of a person subject to the guardianship and are usually volunteers; professional guardians, who are regulated by the Certified Professional Guardianship Board, are not related to the incapacitated person, and charge fees for carrying out guardianship duties; and public guardians, who are professional guardians contracted with the Office of Public Guardianship to provide services to low income individuals.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The Ombuds must establish a pilot project in Snohomish, Island, and Skagit counties to determine the feasibility of extending protections provided to residents of long-term care facilities. Within this pilot area, the Ombuds is to investigate allegations and complaints regarding a guardian not fulfilling the guardian's duties towards an incapacitated person, whether or not the person resides in a long-term care facility. The Ombuds is allowed access to all court records relating to the guardianship, including financial records, medical records, and the confidential report of the guardian ad litem. Ombuds investigative staff must be trained on issues relating to guardianship and incapacitated persons and may make unannounced inspection visits as part of an investigation. Preliminary and final findings of the Ombuds' investigation must be provided to any interested party to the estate or incapacitated person, including relatives of the incapacitated person and any person who has filed a request for special notice of proceedings relating to the incapacitated person.

The Ombuds must annually report on the pilot project to the Legislature until 2022, when the pilot program expires.

Appropriation: None.

Fiscal Note: Requested on February 9, 2017.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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