

SENATE BILL REPORT

ESHB 1904

As Reported By Senate Committee On:
Health & Long-Term Care, April 2, 2003

Title: An act relating to the reporting of incidents by mandated reporters.

Brief Description: Revising standards for reporting incidents involving harm to vulnerable adults.

Sponsors: House Committee on Children & Family Services (originally sponsored by Representatives O'Brien, Boldt, Kagi, Roach and Miloscia).

Brief History:

Committee Activity: Health & Long-Term Care: 3/27/03, 4/2/03 [DPA].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Staff: Rhoda Donkin (786-7198)

Background: Under current law, certain individuals who have contact with vulnerable adults are "mandated reporters" and are required to report suspected abuse, abandonment, financial exploitation, or neglect to the Department of Social and Health Services (DSHS), and suspected sexual or physical assault to the appropriate law enforcement agency and to DSHS.

In responding to a report of a domestic assault, a police officer must arrest and take into custody, pending release on bail, personal recognizance, or court order, an adult (defined as older than 16 years old) who has within the preceding four hours assaulted a family or household member.

As a result of these laws, there are incidents where mandated reporters are required to contact law enforcement when a person with dementia assaults another vulnerable adult at their residence. Long term care providers seek relief from having to involve the police in certain incidents of assault between vulnerable adults when incidents are minor and when an arrest occurs which is traumatic to the perpetrator.

Summary of Amended Bill: A mandated reporter is not required to report to law enforcement a physical assault that occurs between vulnerable adults, unless it is sexual, is a pattern of assault, is an attempt to choke another person, or appears on body areas not typically considered vulnerable areas.

A mandated reporter may report any incident of abuse between vulnerable adults if the injured vulnerable adult, or his or her legal representative requests a report.

Nothing in the bill changes the current requirements that all incidents of assault be reported to DSHS by mandatory reporters.

Amended Bill Compared to Substitute Bill: The original bill defined harm and used that definition to trigger a reporting requirement.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This eliminates the requirement that law enforcement be involved in situations where they are not needed.

Testimony Against: None.

Testified: Deb Murphy, WHCH (pro); Cara Lee Cosh, Community Residential Svcs. Assn. (pro); Kary Hyre, LTC Ombudsman (pro w/amendments).