

SENATE BILL REPORT

SB 6622

As Reported By Senate Committee On:
Health & Long-Term Care, February 1, 2006

Title: An act relating to vulnerable adult abuse investigation results.

Brief Description: Allowing limited reporting of vulnerable adult abuse investigation results.

Sponsors: Senators Keiser and Kline.

Brief History:

Committee Activity: Health & Long-Term Care: 1/26/06, 2/1/06 [DPS-WM].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6622 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Benson, Brandland, Franklin, Johnson, Kastama, Kline, Parlette and Poulsen.

Staff: Sharon Swanson (786-7447)

Background: Adult Protective Services (APS) investigates allegations of abuse, neglect, abandonment, and financial exploitation of vulnerable adults. A vulnerable adult is a person, sixty years or older with an inability to care for himself or herself. APS has jurisdiction over unlicensed long term care settings, primarily in home settings.

Residential Care Services (RCS) investigates allegations of abuse, neglect, abandonment, and financial exploitation of residents residing in licensed long term care settings. Examples of licensed settings include nursing homes, boarding homes, and adult family homes.

Under current law, when a complaint is made to either APS or RCS, the public is unable to receive information regarding the status of the complaint investigation, including confirmation that a complaint has been received or that an investigation is active.

Additionally, only upon the determination that a complaint is founded can information regarding the investigation be disclosed. If an investigation is complete but the allegation was determined to be unfounded or inconclusive no information can be released.

Summary of Substitute Bill: Upon request, DSHS must disclose that an abuse report has been received and the status of an investigation. The information must be disclosed unless there is reason to believe the disclosure may compromise the safety or well-being of a vulnerable adult.

Upon request, DSHS must provide the outcome of an investigation to an agency, program, or provider serving a vulnerable adult. The requestor will be informed whether the finding is final or subject to appeal.

Upon request, DSHS must disclose the results of an investigation to a member of the Legislature or a state agency that serves vulnerable adults or children. If an incident of abuse is determined to be founded, the requestor will be informed whether the finding is final or subject to appeal.

A state registry containing identifying information about persons found to have abused, abandoned, neglected, or financially exploited a vulnerable adult is created. The information contained in the registry is limited to final determinations and will be readily available to the public.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Requested on January 20, 2006.

Committee/Commission/Task Force Created: No.

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

Testimony For: The department supports the concept of amending the abuse of vulnerable adults statute but would like to see a limitation on when information can be released and to whom it can be released. The department is concerned about the cost of creating a registry of perpetrators of vulnerable adult abuse that is accessible to the public.

There is concern about the release of findings prior to the expiration of an appeal process. Findings can change substantially during an appeal process. There is concern that people would get the initial findings and react based on that information and not on the final determination of an investigation.

Testimony Against: None.

Who Testified: PRO: Julie Peterson, Washington Association of Housing and Services for the Aging; Kary Hyre, Long Term Care Ombudsman; Jonathan Eames, Washington Health Care Association.