

HOUSE BILL REPORT

HB 2937

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to vulnerable adult fatality review.

Brief Description: Providing for vulnerable adult fatality review.

Sponsors: Representatives Moeller, Morrell, Schual-Berke and Chase; by request of Department of Social and Health Services.

Brief History:

Committee Activity:

Health Care & Wellness: 1/30/08, 1/31/08 [DPS].

Brief Summary of Substitute Bill

- Authorizes the Department of Social and Health Services to conduct a vulnerable adult fatality review when there is reason to believe that a vulnerable adult's death was related to abuse, abandonment, exploitation, neglect, or self-neglect.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Cody, Chair; Morrell, Vice Chair; Hinkle, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Barlow, Campbell, Condotta, DeBolt, Green, Moeller, Pedersen, Schual-Berke and Seaquist.

Staff: Chris Blake (786-7392).

Background:

A vulnerable adult includes a person who:

- is 60 years of age or older who has a functional, mental, or physical inability for self-care;
- has been found to be incapacitated;
- has a developmental disability;

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- resides in a licensed facility such as a nursing home, adult family home, or residential habilitation center; or
- is receiving hospice or home health services.

Specified individuals are required to file a report to the Department of Social and Health Services (DSHS), and in some cases to local law enforcement agencies, when there is reasonable cause to believe that a vulnerable adult has been the subject of abandonment, abuse, financial exploitation, neglect, sexual abuse, or physical assault. The individuals who are required to report include the DSHS employees; law enforcement officers; social workers; facility operators or employees; health care providers; individual providers; and employees of social service or caregiver agencies. Upon receiving a report, the DSHS must initiate an investigation within 24 hours. Vulnerable adults may seek protective orders or file civil suits for damages resulting from abandonment, abuse, exploitation, or neglect.

Summary of Substitute Bill:

If the DSHS has reason to believe that the death of a vulnerable adult may be related to abuse, abandonment, exploitation, or neglect or self-neglect, it may conduct a vulnerable adult fatality review. The review may be conducted in situations in which the vulnerable adult was either:

- receiving home and community-based services in his or her home within 60 days prior to the vulnerable adult's death; or
- living in his or her home and was the subject of a report under vulnerable adult protection provisions within the 12 months prior to his or her death.

When conducting a vulnerable adult fatality review for a patient that had been receiving hospice services, the DSHS must consider the similarities between the signs and symptoms of abuse and the signs and symptoms of many patients receiving hospice care services.

All reports, communications, and other materials used to conduct the fatality review are confidential and not subject to disclosure.

Substitute Bill Compared to Original Bill:

The substitute bill requires the DSHS, when conducting a vulnerable adult fatality review, to consider the similarities between the signs and symptoms of abuse and the signs and symptoms of many patients receiving hospice care services. In addition, it makes a correction to terminology.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will allow the DSHS to review the circumstances surrounding the death of an individual. This bill focuses on in-home clients and could be expanded in the future to include other settings.

(In support with amendments) There should be an amendment to acknowledge that those who receive hospice care at the end of their lives often have the same symptoms as those suffering from abuse or neglect. Conducting a fatality review that alleges abuse or neglect for a hospice patient can be upsetting to a family that has recently suffered a loss. There may also be concerns about inexplicable deaths in long-term care facilities that should be reviewed. The bill should be broadened to include those who live in long-term care facilities.

(Opposed) None.

Persons Testifying: (In support) Representative Moeller, prime sponsor; and Bill Moss, Department of Social and Health Services.

(In support with amendments) Leslie Emerick, Washington State Hospice and Palliative Care Organization; and Louise Ryan, State Long-Term Care Ombudsman.

Persons Signed In To Testify But Not Testifying: None.