

SENATE BILL REPORT

SB 5980

As Reported By Senate Committee On:
Health & Long-Term Care, February 28, 2007
Ways & Means, March 5, 2007

Title: An act relating to notifying licensed nursing homes and boarding homes of offender status of residents or persons seeking admission.

Brief Description: Notifying licensed nursing homes and boarding homes of offender status of residents or persons seeking admission.

Sponsors: Senators Fraser, Pflug, Keiser, Parlette, Kohl-Welles, Rasmussen, Roach, Poulsen and Fairley.

Brief History:

Committee Activity: Health & Long-Term Care: 2/22/07, 2/28/07 [DPS-WM].
Ways & Means: 3/05/07 [DPS(HEA), w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5980 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Carrell, Fairley, Kastama, Marr and Parlette.

Staff: Rhoda Donkin (786-7465)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5980 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller and Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senator Regala.

Staff: Chelsea Buchanan (786-7446)

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.

Background: Convicted sex offenders who are released into the community are required to register with the county sheriff in the jurisdiction where the offender resides. When registering, the offender must provide personal information including his or her address, place of employment, social security number, conviction history, fingerprints, and photograph.

Public agencies are authorized to release information to the public regarding sex offenders when the disclosure of such information is necessary to protect the public. County sheriffs, in particular, must publish information regarding certain classes of sex offenders in their communities. In addition, county sheriffs must maintain and make available to the public information about the sex offenders identity, neighborhood or residence, relevant convictions, physical description, and photograph.

There are no such registration requirements for individuals who have been convicted of arson or reckless burning.

There is concern that information about sex offenders and people convicted of arson is not provided to nursing homes and boarding homes and that these individuals could pose a threat to the residents and staff of these facilities.

Summary of Bill: The Department of Social and Health Services (DSHS) must notify the administrator of a boarding home, nursing home, or adult family home immediately upon learning that a current or prospective resident has been convicted of a sex offense or an arson offense. Other facility staff may also be notified.

A nursing home, boarding home, or adult family home may refuse to admit anyone convicted of a sex offense or arson or reckless burning if one facility staff reasonably believes the offender poses a threat to residents. Upon learning that a resident of these facilities have been previously convicted of these offenses and that they pose a danger to the health or safety of others, the facility may immediately discharge or transfer the individual to another facility, subject to available placement, up to ten days.

The Department of Corrections must notify nursing homes, boarding homes, or adult family homes when releasing an offender from the corrections system if that person is seeking admission to these long term care facilities.

If the county sheriff receives notice, that office must promptly notify the administrator of the boarding home, nursing home, or adult family home. The administrator may notify all management staff and all care givers in the facility as required to serve the resident. An administrator must also notify the sheriff upon transfer or discharge of the sex offender.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Health & Long-Term Care): The title was changed to include adult family homes.

All aspects of the bill that deal with notification of sex offenders residing in or planning to reside in a designated long term care facility now also include adult family homes.

A sex offender must notify the sheriff in the county of the nursing home, boarding home, or adult family home within five days of residing or planning to reside there.

The sheriff must notify the nursing home, boarding home, or long term care facility immediately.

The administrator of the long term care facility may notify caregivers and management staff as necessary to properly care for the individual.

A nursing home, boarding home, or adult family home may refuse to admit a sex offender or person convicted of an arson-related felony if there is reasonable cause to believe the person is a danger to the health and safety of others.

A nursing home, boarding home, or adult family home may discharge a sex offender or person convicted of an arson-related felony subject to available placement. Resident may remain at the facility for up to ten days awaiting placement.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Health & Long-Term Care): PRO: Long term care facilities need to know when residents have a sex offense in their background so that it is possible to assess whether it is possible to care for them and still ensure that other residents are not at risk. Facilities need to be able to discharge these individuals immediately when they pose a threat.

OTHER: These people need to be identified, but there must be reasonable consideration for how to accommodate them elsewhere. It may be very hard to immediately place them if facilities can simply turn them away solely because of their conviction record. Adult family homes should be added to the bill.

Persons Testifying (Health & Long-Term Care): PRO: Julie Peterson, Washington Association of Housing and Services for the Aging.

OTHER: Bill Moss, DSHS; Anna Aylward, Department of Corrections; Louise Ryan, Long Term Care Ombudsman; Julie Peterson, Washington Association of Housing and Services for the Aging.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill is helpful to public safety. This is not a new or unique policy and has been enacted in other states.

CON: Although the Long-Term Care Ombudsman is supportive of the concept of the bill, the bill itself goes too far. It goes against federal law regarding discharge planning, and violates due process. Discharging vulnerable adults who also happen to be sex offenders onto the street could be dangerous for the adult as well as the community.

Persons Testifying (Ways & Means): PRO: Gary Weeks, Washington State Health Care Association.

CON: Louise Ryan, Long-Term Care Ombudsman Program.