

SENATE BILL REPORT

SB 5788

As Reported by Senate Committee On:
Health Care, February 19, 2015

Title: An act relating to the creation of two elder justice center demonstration sites.

Brief Description: Creating two elder justice center demonstration sites.

Sponsors: Senators Cleveland, Billig, Padden, Keiser, Bailey, Frockt, Fraser, Darneille, Nelson, Becker, Hargrove and Benton.

Brief History:

Committee Activity: Health Care: 2/16/15, 2/19/15 [DPS-WM].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Angel, Bailey, Brown, Cleveland, Conway, Jayapal, Keiser, Parlette and Rivers.

Staff: Kathleen Buchli (786-7488)

Background: A vulnerable adult is a person 60 years of age or older who lacks the functional, physical, or mental ability to care for himself or herself; an adult with a developmental disability; an adult with a legal guardian; an adult living in a long-term care facility such as an adult family home, boarding home, or nursing home; an adult living in the adult's own or family's home receiving services from an agency or contracted individual provider; or an adult self-directing the adult's own care.

Adult Protective Services (APS) located within the Department of Social and Health Services (DSHS) investigates reports of abandonment, abuse, neglect, and financial exploitation of vulnerable adults. If an investigator determines that abuse of the vulnerable adult has occurred, APS may offer protective services. If abuse is confirmed, APS will take steps to ensure the health and safety of the vulnerable adult. This may include having a case manager work with the vulnerable adult to determine what care services are needed and helping the vulnerable adult get those services, emergency shelter, food, medical care, counseling, help moving if it is necessary, and follow up to ensure the vulnerable adult is safe.

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APS may report the alleged abuser to law enforcement, help get an emergency protective order, an injunction to allow access to an alleged victim, or a referral for legal assistance. APS may also work with the Attorney General's Office to appoint a guardian.

Summary of Bill (Recommended Substitute): DSHS must establish two demonstration programs that consist of Elder Justice Centers in Clark County and in Spokane County. The Elder Justice Center coordinates multiple actors in addressing the prevention, investigation, prosecution, and treatment of abandonment, abuse, neglect, and financial exploitation of vulnerable adults. Included in this coordinated effort are APS, law enforcement officers, a prosecuting attorney, a victim advocate, a program coordinator, and community agencies involved with the prevention and response to elder abandonment, abuse, neglect, and financial exploitation.

The demonstration programs must develop written protocols to address the coordination of investigations between the prosecutor's office, law enforcement, APS, local advocacy groups, and other local agencies. Reports on the status and operation of both programs must be made annually from 2016 to 2018. The 2018 report must be a final report on the effectiveness of the elder justice center model in increasing community capacity to prevent and respond to abandonment, abuse, neglect, and financial exploitation of vulnerable adults, and contain recommendations on modifying or expanding additional demonstration programs.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Substitute): Removes the term demonstration site and replaces it with demonstration program, to clarify that the intent of the bill is to coordinate activities and not require a physical location. Rather than require these programs be located in Clark County or Spokane County, they must operate in these counties.

Appropriation: None.

Fiscal Note: Requested on February 11, 2015.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: In America 5 million people per year are impacted by elder abuse. Nearly one in nine seniors have experienced elder abuse, but the majority of cases go unreported. The bill will provide a way to address elder abuse through a coordinated effort. Without a coordinated effort, law enforcement's response is fragmented; this is a proven platform for addressing agency coordination. The Elder Justice Center in Vancouver works very well and we support additional centers. This will help to facilitate prosecution of people who take advantage of seniors. Abused seniors need additional protections. Most abused seniors are older and have dementia; they are not able to recover from their abuse.

OTHER: We support the concept of elder justice centers which should improve our response to abuse. There are elder justice centers in Vancouver and Olympia. The fiscal note reflects funding that is not in the Governor's budget.

Persons Testifying: PRO: Senator Cleveland, prime sponsor; Dianna Kretzschmar, Board President, Friends of the Elder Justice Center; Tony Golik, Clark County Prosecuting Attorney; Honorable Diane Woolard, Retired Superior Court Judge; Julie Williams, Owner, Home Instead Senior Care.

OTHER: Bill Moss, DSHS.