

FINAL BILL REPORT

SB 5370

C 44 L 23
Synopsis as Enacted

Brief Description: Concerning adult protective services.

Sponsors: Senators Wagoner, Dhingra, Van De Wege and Wilson, C.; by request of Department of Social and Health Services.

Senate Committee on Human Services
House Committee on Human Services, Youth, & Early Learning

Background: The Department of Social and Health Services (DSHS) investigates the abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults. Statutes require DSHS to maintain a vulnerable adult registry containing persons subject to substantiated findings of abandonment, abuse, exploitation, or neglect of a vulnerable adult, and prohibit hiring persons who appear in the registry or are subject to other similar reports.

A vulnerable adult includes a person who is:

- sixty years of age or older, and has the functional, mental, or physical inability to care for themselves;
- found incapacitated, meaning the individual is at significant risk of personal harm based upon a demonstrated inability to care for themselves;
- a person with a developmental disability;
- admitted to any facility;
- receiving services from a home health, hospice, or home care agency;
- receiving services from an individual provider; or
- self-directing their own care, and receiving services from a personal aide.

Reports of abandonment, abuse, financial exploitation, neglect, and the identity of a person making such a report are confidential. All files, reports, records, communications, and working papers used or developed in the investigation or provision of protective services are also confidential.

Mandated reporters include, but are not limited to, employees of DSHS, law enforcement

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officers, social workers, health care providers, and individual providers. An individual provider is a person under contract with DSHS to provide services in the home.

Summary: DSHS and law enforcement must share information with each other contained in reports and findings of abandonment, abuse, financial exploitation, and neglect of vulnerable adults. Confidential information may only be shared under certain circumstances, including when authorized by the Office of the Developmental Disabilities Ombuds Program.

Upon a request for information regarding a specifically named vulnerable adult, DSHS may only disclose whether a report was received, the status of the report, or the outcome of an investigation. DSHS is prohibited from disclosing information about a specifically named vulnerable adult when:

- the information relates to a report having been received, and an unannounced investigation in response to the report has not been initiated;
- the requester is the alleged perpetrator;
- disclosure may compromise investigation by a law enforcement agency, disciplinary authority, DSHS, or the Department of Children, Youth, and Families (DCYF); or
- DSHS has a reasonable belief that the information may endanger any person.

Mandated reporters include an employee of DCYF, an operator of a certified residential services and supports agency, or an employee of a facility or certified residential services and supports agency. Individual provider means a person, including a personal aide, who, under an individual provider contract with DSHS, or as an employee of a consumer directed employer, provides personal or respite care services to functionally disabled persons, or those eligible under programs authorized and funded by the Medicaid state plan, or waiver programs, or similar state-funded in-home care programs.

The DSHS secretary or their designee may examine and obtain copies of reports and records of autopsies or postmortems.

Votes on Final Passage:

Senate 47 0

House 96 0

Effective: July 23, 2023