

SENATE BILL REPORT

SB 5370

As of January 24, 2023

Title: An act relating to adult protective services.

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.

Brief History:

Committee Activity: Human Services: 1/24/23.

Brief Summary of Bill

- Defines what information the Department of Social and Health Services may share about a specifically named vulnerable adult.
- Modifies the definitions of mandated reporter and individual provider.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Delika Steele (786-7486)

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 the hiring of 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 themself;

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- 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 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 of Bill: DSHS and law enforcement must share information contained in reports and findings of abandonment, abuse, financial exploitation, and neglect of vulnerable adults with each other. 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 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.

Appropriation: None.

Fiscal Note: Requested on January 18, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This bill aligns policy with Senate Bill 6199 which was passed in 2018. It is very important for individuals who are responsible for vulnerable adults to understand their duty as mandatory reporters. Mandatory reporting is often our first insight into helping those who are vulnerable. This is a technical fix bill designed to enhance adult protective services work in collaboration with certain outside partners. This will make it easier to achieve goals of protecting adults from abuse, neglect, and personal and financial exploitation. The legislation is a culmination of many stakeholder conversations and a number of interested agencies and parties have expressed their support.

Persons Testifying: PRO: Senator Keith Wagoner, Prime Sponsor; Bea Rector, Dept. of Social and Health Services.

Persons Signed In To Testify But Not Testifying: No one.