

# FINAL BILL REPORT

## SHB 1620

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C 176 L 99

Synopsis as Enacted

**Brief Description:** Protecting vulnerable adults.

**Sponsors:** By House Committee on Health Care (Originally sponsored by Representatives Conway, Parlette, Cody, Miloscia, Poulsen, Hatfield and Keiser; by request of Department of Social and Health Services).

**House Committee on Health Care**  
**Senate Committee on Health & Long-Term Care**

**Background:**

Elder abuse is widespread in the United States. It is a national problem with a frequency and rate approximate to that of child abuse. Based on two national studies on elder abuse, 48 percent of the incidents investigated are substantiated. However, only one in five incidents of abuse or neglect are ever reported and substantiated by Adult Protective Services. In general, there appears to be a higher rate of female abuse victims. The National Elder Abuse Incident Study found that almost 90 percent of the elder abuse and neglect incidents are with a known perpetrator, who most often is a family member. Two-thirds of the perpetrators are adult children or spouses. Rates of reported abuse to the state's Adult Protective Services Program have increased approximately 60 percent in the last three years.

The protections for vulnerable adults in Washington are for:

- adults over the age of 60 who lack the functional, mental, physical ability to care for himself or herself;
- adult clients of the Division of Developmental Disabilities;
- dependent adults with a legal guardian;
- adults receiving in-home care services; and
- adults living in a nursing home, adult family home, boarding home.

There are three separate statutes direct the reporting requirements of abandonment, abuse, exploitation, and neglect of vulnerable adults, investigating those elements, and protecting vulnerable adults from further abuse. The three statutes contain

overlapping client populations, separate and different sets of definitions, different lists of professionals required to report incidents of abuse, different criteria for reporting suspected criminal activity to law enforcement, different requirements for investigating incidents, and different provisions for providing protective services.

**Summary:**

The three statutes that require the reporting and investigation of incidents of abuse are consolidated. One statutory reference is created to be applicable to law enforcement, prosecutors, mandated reporters, medical professionals, licensing authorities, other agencies that are involved in services provision for vulnerable adults, the Department of Social & Health Services (DSHS) social workers and investigators of abandonment, abuse, financial exploitation, and neglect, and anybody wishing to report.

The definition of abandonment, abuse, financial exploitation, and neglect are made uniform for all vulnerable adults.

The three overlapping lists of those responsible for reporting suspected cases of abuse and neglect are combined into one list and the reporters are given the same reporting requirements for vulnerable adults. The items that must be reported are specified. Immunity and confidentiality is provided for the reporter. Whistleblower, protection order, injunction, and civil penalty provisions are amended to correspond with changes in definitions.

Language is added to guide the DSHS in the disclosure of public records, responding to reports, reporting to law enforcement when a crime is suspected, and for reporting to the appropriate licensing authority. The department is given the authority to expand its ability to interview other individuals, such as neighbors or landlords, not just family members. The department may develop separate rules relating to the investigation of vulnerable adults in in-home settings. The department must provide a report on the feasibility of developing a registry of perpetrators of abuse.

**Votes on Final Passage:**

House 96 1  
Senate 45 0

**Effective:** July 25, 1999