
SUBSTITUTE SENATE BILL 6622

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Kline)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to vulnerable adult abuse investigation results;
2 amending RCW 74.34.067 and 74.34.095; adding a new section to chapter
3 74.34 RCW; and repealing RCW 74.34.068.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.34.067 and 1999 c 176 s 9 are each amended to read
6 as follows:

7 (1) Where appropriate, an investigation by the department may
8 include a private interview with the vulnerable adult regarding the
9 alleged abandonment, abuse, financial exploitation, neglect, or self-
10 neglect.

11 (2) In conducting the investigation, the department shall interview
12 the complainant, unless anonymous, and shall use its best efforts to
13 interview the vulnerable adult or adults harmed, and, consistent with
14 the protection of the vulnerable adult shall interview facility staff,
15 any available independent sources of relevant information, including if
16 appropriate the family members of the vulnerable adult.

17 (3) The department may conduct ongoing case planning and
18 consultation with: (a) Those persons or agencies required to report
19 under this chapter or submit a report under this chapter; (b)

1 consultants designated by the department; and (c) designated
2 representatives of Washington Indian tribes if client information
3 exchanged is pertinent to cases under investigation or the provision of
4 protective services. Information considered privileged by statute and
5 not directly related to reports required by this chapter must not be
6 divulged without a valid written waiver of the privilege.

7 (4) The department shall prepare and keep on file a report of each
8 investigation conducted by the department for a period of time in
9 accordance with policies established by the department.

10 (5) If the department determines that the vulnerable adult has
11 suffered from abuse, neglect, self-neglect, abandonment, or financial
12 exploitation, and lacks the ability or capacity to consent, and needs
13 the protection of a guardian, the department may bring a guardianship
14 action under chapter 11.88 RCW as an interested person.

15 (6) When the investigation is completed and the department
16 determines that an incident of abandonment, abuse, financial
17 exploitation, neglect, or self-neglect has occurred, the department
18 shall inform the vulnerable adult of their right to refuse protective
19 services, and ensure that, if necessary, appropriate protective
20 services are provided to the vulnerable adult, with the consent of the
21 vulnerable adult. The vulnerable adult has the right to withdraw or
22 refuse protective services.

23 (7) The department may photograph a vulnerable adult or their
24 environment for the purpose of providing documentary evidence of the
25 physical condition of the vulnerable adult or his or her environment.
26 When photographing the vulnerable adult, the department shall obtain
27 permission from the vulnerable adult or his or her legal representative
28 unless immediate photographing is necessary to preserve evidence.
29 However, if the legal representative is alleged to have abused,
30 neglected, abandoned, or exploited the vulnerable adult, consent from
31 the legal representative is not necessary. No such consent is
32 necessary when photographing the physical environment.

33 ~~((8) When the investigation is complete and the department
34 determines that the incident of abandonment, abuse, financial
35 exploitation, or neglect has occurred, the department shall inform the
36 facility in which the incident occurred, consistent with
37 confidentiality requirements concerning the vulnerable adult,
38 witnesses, and complainants.))~~

1 **Sec. 2.** RCW 74.34.095 and 2000 c 87 s 4 are each amended to read
2 as follows:

3 (1) The following information is confidential and not subject to
4 disclosure, except as provided in this section:

5 (a) A report of abandonment, abuse, financial exploitation, or
6 neglect made under this chapter;

7 (b) The identity of the person making the report; and

8 (c) All files, reports, records, communications, and working papers
9 used or developed in the investigation or provision of protective
10 services.

11 (2) Information considered confidential (~~(may)~~) shall be disclosed
12 (~~(only for a purpose consistent with this chapter or)~~):

13 (a) As authorized by chapter 18.20, 18.51, 70.128, or 74.39A RCW,
14 or as authorized by the long-term care ombudsman programs under federal
15 law or state law, chapter 43.190 RCW(~~(-)~~);

16 (~~(+3)~~) (b) In the following circumstances:

17 (i) Upon request, the department shall disclose the fact that a
18 report was received and the status of any investigation, unless the
19 department has a reason to believe disclosing such information may
20 compromise the safety or well-being of a vulnerable adult. The status
21 of the investigation provided by the department must include, at a
22 minimum, whether or not an investigator has been assigned, whether the
23 investigation is completed or ongoing, and an estimate for when the
24 investigation will be completed;

25 (ii) Upon request, the department shall provide a written report of
26 the outcome of the completed investigation to an agency, program, or
27 provider serving a vulnerable adult. The name of the alleged
28 perpetrator may be disclosed. The report on the outcome of an
29 investigation must include, at a minimum, a determination by the
30 department as to whether or not an incident of abuse, neglect,
31 abandonment, or financial exploitation has occurred. The department
32 shall not disclose the identity of the person making the report to the
33 department or any witness without such individual's written permission.
34 The term "witness" does not include the alleged perpetrator. The
35 agency, program, or provider receiving a written report of the outcome
36 of the completed investigation shall be informed whether the finding is
37 subject to the alleged perpetrator's right to an administrative appeal
38 or is final;

1 (iii) Upon request of a legislator or a director of a state agency
2 as defined in RCW 42.17.020 serving vulnerable adults or children, the
3 department will disclose the outcome of a completed investigation under
4 this chapter. In cases where the department determines that an
5 incident of abuse, abandonment, neglect, or financial exploitation has
6 occurred, the requestor shall be informed whether the finding is
7 subject to the alleged perpetrator's right to an administrative appeal
8 or is final;

9 (iv) The department shall provide a written investigation report to
10 the appropriate state or local government authorities responsible for
11 licensing, certification, or registration of the agencies, programs, or
12 providers serving the vulnerable adult. Upon request, the department
13 must provide the appropriate state or local governmental authority with
14 information or documents obtained in the course of its investigation;
15 and

16 (v) When the investigation is complete and the department
17 determines that the incident of abandonment, abuse, financial
18 exploitation, or neglect has occurred, the department shall inform the
19 facility in which the incident occurred of the completed investigation
20 including the outcome of the investigation.

21 (3) In cases where the department finds a report of abuse,
22 abandonment, neglect, or financial exploitation has occurred, the
23 department shall notify the alleged perpetrator in writing. The
24 notification may identify the vulnerable adult, but shall not disclose
25 the identity of the person who made the report, or the identity of any
26 witness. The term "witness" does not include the alleged perpetrator.
27 The notification must contain information on administrative appeal
28 rights.

29 (4) A court or presiding officer in an administrative proceeding
30 may order disclosure of confidential information only if the court, or
31 presiding officer in an administrative proceeding, determines that
32 disclosure is essential to the administration of justice and will not
33 endanger the life or safety of the vulnerable adult or individual who
34 made the report. The court or presiding officer in an administrative
35 hearing may place restrictions on such disclosure as the court or
36 presiding officer deems proper.

37 (5) The department shall adopt rules necessary to implement this
38 section.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.34 RCW
2 to read as follows:

3 The department shall establish by rule a state registry that
4 contains identifying information provided under this chapter about
5 individuals found to have abused, abandoned, neglected, or financially
6 exploited a vulnerable adult. Identifying information under this
7 section is limited to postdue process findings made by the department
8 under this chapter. The department shall make readily available to the
9 public a means to query the state registry to determine if an
10 individual has been found by the department to have abused, abandoned,
11 neglected, or financially exploited a vulnerable adult.

12 NEW SECTION. **Sec. 4.** RCW 74.34.068 (Investigation results--
13 Report--Rules) and 2001 c 233 s 2 are each repealed.

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