
SENATE BILL 6622

State of Washington

59th Legislature

2006 Regular Session

By Senators Keiser and Kline

Read first time 01/17/2006. Referred to Committee on Health & Long-Term Care.

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 be disclosed (~~only for~~
12 ~~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) For a purpose consistent with this chapter providing:

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 investigation or the safety or well-being of a
21 vulnerable adult;

22 (ii) The department may provide the outcome of the investigation to
23 an agency, program, or provider serving a vulnerable adult. The name
24 of the vulnerable adult and the alleged perpetrator of abuse,
25 abandonment, neglect, or financial exploitation may be disclosed. The
26 department shall not disclose the identity of the person making the
27 report to the department or any witness without such individual's
28 written permission. The term "witness" does not include the alleged
29 perpetrator;

30 (iii) Upon request of a legislator or a state agency as defined in
31 RCW 42.17.020 serving vulnerable adults or children, the department
32 will disclose the results of an investigation under this chapter. In
33 cases where the department determines that an incident of abuse,
34 abandonment, neglect, or financial exploitation is founded, the
35 requestor shall be informed whether the finding is initial, subject to
36 the alleged perpetrator's right to an administrative appeal, or final,
37 following the administrative appeal process;

1 (iv) The department may provide a report, finding, information, or
2 documents obtained in investigating a report under this chapter to
3 appropriate state or local governmental authorities responsible for
4 licensing or certification of the agencies, programs, or providers
5 serving the vulnerable adult; and

6 (v) When the investigation is complete and the department
7 determines that the incident of abandonment, abuse, financial
8 exploitation, or neglect is founded, the department shall inform the
9 facility in which the incident occurred.

10 (3) In cases where the department finds a report of abuse,
11 abandonment, neglect, or financial exploitation is founded, the
12 department shall notify the alleged perpetrator in writing. The
13 notification may identify the vulnerable adult, but shall not disclose
14 the identity of the person who made the report, or the identity of any
15 witness. The term "witness" does not include the alleged perpetrator.
16 The notification must contain information on administrative appeal
17 rights.

18 (4) A court or presiding officer in an administrative proceeding
19 may order disclosure of confidential information only if the court, or
20 presiding officer in an administrative proceeding, determines that
21 disclosure is essential to the administration of justice and will not
22 endanger the life or safety of the vulnerable adult or individual who
23 made the report. The court or presiding officer in an administrative
24 hearing may place restrictions on such disclosure as the court or
25 presiding officer deems proper.

26 (5) The department shall adopt rules necessary to implement this
27 section.

28 NEW SECTION. Sec. 3. A new section is added to chapter 74.34 RCW
29 to read as follows:

30 The department shall establish by rule a state registry that
31 contains identifying information about individuals investigated under
32 this chapter found to have abused, abandoned, neglected, or financially
33 exploited a vulnerable adult. Information provided under this chapter
34 is limited to postdue process findings made by the department under
35 this chapter. Contingent on resources, the department shall make
36 readily available to the public a means to query the state registry to

1 determine if an individual has been found by the department to have
2 abused, abandoned, neglected, or financially exploited a vulnerable
3 adult.

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

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