

SENATE BILL REPORT

SB 6420

As Reported by Senate Committee On:
Health Care, February 6, 2014

Title: An act relating to investigations involving vulnerable adults.

Brief Description: Concerning investigations involving vulnerable adults.

Sponsors: Senators Keiser, Bailey, Chase and Conway; by request of Department of Social and Health Services.

Brief History:

Committee Activity: Health Care: 2/04/14, 2/06/14 [DPS].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 6420 be substituted therefor, and the substitute bill do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Pedersen, Ranking Member; Angel, Bailey, Cleveland, Keiser and Parlette.

Staff: Kathleen Buchli (786-7488)

Background: A vulnerable adult is a person who is 60 years of age or older and who has a functional, mental, or physical inability to care for himself or herself; is found to be incapacitated; has a developmental disability; has been admitted to a facility licensed or certified by the Department of Social and Health Services (DSHS); receives services from home health, hospice, or home care agencies; receives services from an individual provider; or self-directs that person's own care and receives services from a personal aide.

A person is considered to have a developmental disability if that person has a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological condition closely related to an intellectual disability that originates before the person turns 18 years of age. The definition does not apply to individuals who have a developmental disability but do not qualify for services through the Developmental Disability Administration (DDA) or who have not sought a determination from DDA because they are not seeking services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

DSHS initiates investigations upon the report of abuse, abandonment, neglect, self-neglect, and financial exploitation of a vulnerable adult. A vulnerable adult who has been abused, abandoned, neglected, in a state of self-neglect, or financially exploited may be provided protective services which may include case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, daycare, or referral for legal assistance. If DSHS initiates an investigation but the victim does not meet the definition of vulnerable adult, DSHS may not prevail in the administrative hearing process due to lack of jurisdiction.

Summary of Bill (Recommended Substitute): The definition of vulnerable adult is modified to include people who DSHS reasonably believes have a developmental disability. This may include someone who has a developmental disability but has not sought a determination from DSHS. Consequently, DSHS may assume jurisdiction if there is a reasonable cause to believe the individual has a developmental disability.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Substitute): The definition of vulnerable adult includes those people that DSHS reasonably believes has a developmental disability as that term is currently defined in law.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill closes a loophole in the definition of vulnerable adult that could prevent some people from falling under DSHS's jurisdiction. The current definition of a developmental disability is limited and this would allow intervention if DSHS reasonably believes that a person has a developmental disability. There have been situations in which DSHS has lost jurisdiction because of this definition and the case cannot move forward as it relates to that vulnerable adult. This is based on the recommendations of the vulnerable adult workgroup and has wide stakeholder support.

Persons Testifying: PRO: Senator Keiser, prime sponsor; Bill Moss, DSHS; David Lord, Disability Rights WA.