

FINAL BILL REPORT

SSB 5600

C 268 L 15
Synopsis as Enacted

Brief Description: Modifying certain definitions concerning the abuse of vulnerable adults.

Sponsors: Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Dammeier, Keiser, Darneille and Kohl-Welles; by request of Department of Social and Health Services).

Senate Committee on Human Services, Mental Health & Housing
House Committee on Judiciary

Background: The Abuse of Vulnerable Adults Act (Act) authorizes the Department of Social and Health Services (DSHS) and law enforcement agencies to investigate complaints of abandonment, abuse, financial exploitation, neglect, or self-neglect of vulnerable adults. The Act requires mandatory reporting and investigations. It also allows vulnerable adults to seek protection orders or file civil suits for damages resulting from abandonment, abuse, exploitation, or neglect.

A vulnerable adult includes a person who:

- is 60 years of age or older who has the functional, mental, or physical inability to care for himself or herself;
- is found to be incapacitated;
- has a developmental disability;
- has been admitted to any facility such as an assisted living facility, nursing home, adult family home, soldiers' home, or residential rehabilitation center;
- receives services from home health, hospice, or home care agencies;
- receives services from an individual provider; or
- who self-directs their own care and receives services from a person aide.

Summary: The definition of abuse includes personal exploitation of a vulnerable adult. Abuse also includes improper use of restraint against a vulnerable adult, which means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (1) is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or program authorized under chapter 71A.12 RCW; (2) is not medically authorized; or (3) otherwise constitutes abuse under this section.

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.

Chemical restraint means the administration of any drug to manage a vulnerable adult's or client's behavior in a way that reduces the safety risk to the resident or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition. Physical restraint means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. The term physical restraint does not include briefly holding without undue force a vulnerable adult or client in order to calm or comfort the client, or holding a vulnerable adult's hand to safely escort him or her from one area to another. Mechanical restraint means any device attached or adjacent to the vulnerable adult's body which the adult cannot easily remove that restricts freedom of movement or normal access to the adult's body; this does not include the use of devices, materials, or equipment that are medically authorized and used in a manner consistent with federal or state licensing or certification requirements.

Mental abuse means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Sexual abuse means any form of nonconsensual sexual conduct.

Hospital means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW and any employee, agent, officer, director, or independent contractor.

Votes on Final Passage:

Senate	48	0	
House	97	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 24, 2015