

SENATE BILL REPORT

SB 6585

As Reported by Senate Committee On:
Health Care, February 4, 2016

Title: An act relating to elder justice centers.

Brief Description: Concerning elder justice centers.

Sponsors: Senators Cleveland, Rivers, Keiser, Becker, Frockt, Bailey, Conway, Jayapal, Billig and Hasegawa.

Brief History:

Committee Activity: Health Care: 2/01/16, 2/04/16 [DPS-WM].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 6585 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Cleveland, Ranking Minority Member; Angel, Bailey, Baumgartner, Brown, Conway, Frockt, Jayapal, Keiser, Parlette and Rivers.

Staff: Kathleen Buchli (786-7488)

Background: A vulnerable adult is a person 60 years of age or older who lacks the functional, physical, or mental ability to care for himself; an adult with a developmental disability; an adult with a legal guardian; an adult living in a long-term care facility such as an adult family home, boarding home, or nursing home; an adult living in the adult's own or family's home receiving services from an agency or contracted individual provider; or an adult self-directing the adult's own care.

Adult Protective Services (APS), located within the Department of Social and Health Services (DSHS), investigates reports of abandonment, abuse, neglect, and financial exploitation of vulnerable adults. If an investigator determines that abuse of the vulnerable adult has occurred, APS may offer protective services. If abuse is confirmed, APS will take steps to ensure the health and safety of the vulnerable adult. This may include having a case manager work with the vulnerable adult to determine what care services are needed and helping the vulnerable adult get those services - emergency shelter, food, medical care,

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counseling, help moving if it is necessary - and follow-up to ensure the vulnerable adult is safe.

APS may report the alleged abuser to law enforcement, help get an emergency protective order, an injunction to allow access to an alleged victim, or a referral for legal assistance. APS may also work with the Attorney General's Office to appoint a guardian.

Summary of Bill (Recommended Substitute): DSHS must establish two demonstration programs that consist of Elder Justice Centers in Clark County and in Spokane County. DSHS may contract directly with these counties or build on established elder justice programs in the county. The Elder Justice Center coordinates multiple actors in addressing the prevention, investigation, prosecution, and treatment of abandonment, abuse, neglect, and financial exploitation of vulnerable adults. Included in this coordinated effort are APS, law enforcement officers, a prosecuting attorney, a victim advocate, a program coordinator, a local guardianship program, and community agencies involved with the prevention and response to elder abandonment, abuse, neglect, and financial exploitation.

The demonstration programs must develop written protocols to address the coordination of investigations between the prosecutor's office, law enforcement, APS, local advocacy groups, and other local agencies. Reports on the status and operation of both programs must be made annually from 2017 to 2019. The 2019 report must be a final report on the effectiveness of the Elder Justice Center model in increasing community capacity to prevent and respond to abandonment, abuse, neglect, and financial exploitation of vulnerable adults, and contain recommendations on modifying or expanding additional demonstration programs.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Substitute): Rather than require DSHS to contract with Clark and Spokane counties, DSHS is required to coordinate with those counties in establishing Elder Justice Centers. Local guardianship programs are added to the groups that must be included in coordinating access to services.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 9, 2016.

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: Many seniors are exploited and elder abuse is on the rise. This is not just about the neglect of seniors but also is about the financial exploitation of seniors. Elder abuse inhibits a person's ability to live independently. The Elder Justice Centers permitted in the bill will allow the development of teams who can swiftly address claims of abuse. Based on the work of the pilot projects, we will be able to determine whether they should be brought forward to the whole state. These centers provide an essential service and there will be a lot of public and local support in their development. The concern with taking these actions at the local level is funding. People who have been financially exploited will use more Medicaid services; this will have an

impact on Medicaid. These cases need to be prosecuted and state funding is needed to adopt this model to address these cases. Best practices for elder justice centers will be developed in these pilot projects; other counties will be able to follow this model. These centers will provide a safety net for the elderly and will be a place for other professionals to refer them to in order to get assistance. Counties have no resources now to be able to sustain these programs on their own; they need these centers to stand up for vulnerable adults and make a difference in their lives. This is an investment and the report will show how much can be saved by doing this. The bill needs to consider guardianship issues and the impact of guardianships on families and vulnerable adults.

OTHER: This promotes collaboration and information sharing and will help to increase resources. This will result in a fiscal note that was not part of the Governor's budget.

Persons Testifying on Original Bill: PRO: Senator Cleveland, prime sponsor; Larry Haskell, Prosecutor, Spokane County; Mary Buckland, Mobile Healthcare Providers Northwest; Dianna Kretschmar, Prestige Care, Camas; Michael Moses, Prestige Care Inc; Tony Golik, Clark County Prosecutor; Jerry Reilly, Elder Care Alliance; Larry Shannon, WA State Association for Justice.

OTHER: Kathy Morgan, Aging and Long-Term Support Administration.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.