
HOUSE BILL 1127

State of Washington

68th Legislature

2023 Regular Session

By Representatives Bateman, Reed, Macri, Simmons, and Riccelli; by request of Department of Social and Health Services

Prefiled 01/04/23. Read first time 01/09/23. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to adult protective services; amending RCW
2 74.39A.056, 74.34.020, 74.34.063, 74.34.095, and 68.50.105; adding a
3 new section to chapter 74.34 RCW; and providing an effective date.

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

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

7 (1) The department shall maintain a vulnerable adult abuse
8 registry. Upon request of any person, the department may disclose the
9 identity of a person who has been entered on the registry with a
10 final substantiated finding of abandonment, abuse, financial
11 exploitation, or neglect of a vulnerable adult. This information must
12 also be shared with the department of health to advance the purposes
13 of chapter 18.88B RCW.

14 (2) The department must develop a process in rule by which the
15 department may remove individuals from the vulnerable adult abuse
16 registry. The process must not allow a removal that would conflict
17 with federal law.

18 (3) Except as described in subsection (4) of this section, a
19 person who is on the vulnerable adult abuse registry may petition the
20 department, in writing, for removal from the registry after three

1 years have elapsed from the date on which the final substantiated
2 finding is entered.

3 (4) A person may not petition the department to be removed from
4 the registry if:

5 (a) The final substantiated finding that the person abused,
6 abandoned, neglected, or financially exploited a vulnerable adult
7 included information that:

8 (i) The person sexually abused a vulnerable adult;

9 (ii) The abuse or neglect caused a vulnerable adult to suffer
10 great bodily harm or death;

11 (iii) The person financially exploited a vulnerable adult of
12 property, resources, or services exceeding \$5,000; or

13 (iv) The abuse involved a lethal weapon;

14 (b) The person has a conviction for an automatic disqualifying
15 crime under RCW 43.43.842(1)(a) and the rules adopted under that
16 subsection;

17 (c) The person has more than one final substantiated finding of
18 abandonment, abuse, financial exploitation, neglect, or any
19 combination thereof, of a vulnerable adult; or

20 (d) The person is a nursing assistant whose name is on the
21 registry for conduct committed while working as a certified nursing
22 assistant in a nursing or skilled nursing facility, unless the
23 removal from the registry maintained by the department under 42
24 C.F.R. Sec. 483.156 would be authorized under 42 U.S.C. Sec.
25 1395i-3(g)(1)(D) or Sec. 1396r(g)(1)(D).

26 (5) A person may petition the department for removal from the
27 vulnerable adult abuse registry a maximum of three times and may only
28 file one petition in any 12-month period.

29 (6) If the petition is granted, the individual is removed from
30 the vulnerable adult abuse registry and the individual is no longer
31 disqualified from employment under RCW 74.39A.056 or 18.20.125 by
32 reason of the final substantiated finding. Nothing in this subsection
33 affects a finding against the individual that is on the registry
34 maintained by the department under 42 C.F.R. Sec. 483.156 unless
35 removal from that registry is permitted by 42 U.S.C. Sec.
36 1395i-3(g)(1)(D) or Sec. 1396r(g)(1)(D).

37 (7) If the department removes an individual from the vulnerable
38 adult abuse registry, the department shall maintain a record of the
39 individual and the underlying finding. These records are exempt from

1 the disclosure described under subsection (1) of this section and
2 chapter 42.56 RCW.

3 (8)(a) The state of Washington and its officers, employees,
4 contractors, agents, and agencies, including the department, are
5 immune from suit in law, equity, or any action under the
6 administrative procedure act, chapter 34.05 RCW, based on the
7 exercise of discretion to remove an individual from the vulnerable
8 adult abuse registry, except as specified in (b) of this subsection.
9 This section does not modify an applicant's right to seek review of
10 an agency's licensing or certification decision under the
11 administrative procedure act, chapter 34.05 RCW, or other applicable
12 statute or agency rule.

13 (b) A person denied removal from the vulnerable adult abuse
14 registry has the right to an adjudicative proceeding, and to judicial
15 review of that adjudicative proceeding, to challenge the denial
16 pursuant to chapter 34.05 RCW. In any such proceeding, it is the
17 appellant's burden to prove that the appellant should be removed from
18 the registry.

19 (9)(a) Except as provided in (b) of this subsection, the
20 following information is inadmissible and may not be used against the
21 department or its employees in any civil or administrative action
22 related to the hiring of a person who is or was on the vulnerable
23 adult abuse registry:

24 (i) Documents prepared by department staff during the
25 department's review and consideration of a petition for removal of a
26 registry finding; and

27 (ii) Facts related to the underlying finding, including the
28 underlying finding itself.

29 (b) Any documents that existed before a petition for removal was
30 filed or that were created independently of the department's review
31 and consideration of such petition do not become inadmissible merely
32 because they were used during the department's review process.

33 (10) An individual's removal from the vulnerable adult abuse
34 registry does not require an employer to use that individual for the
35 care of, or allow that individual unsupervised access to, vulnerable
36 adults.

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

1 (12) Nothing in this section limits any rights or remedies
2 available under federal law, including the removal of a name from the
3 nurse aide registry under 42 U.S.C. Sec. 1395i-3(g)(1)(D).

4 (13) This section does not create a protected class; private
5 right of action; any right, privilege, or duty; or change any right,
6 privilege, or duty existing under law.

7 **Sec. 2.** RCW 74.39A.056 and 2021 c 203 s 3 are each amended to
8 read as follows:

9 (1)(a) All long-term care workers shall be screened through state
10 and federal background checks in a uniform and timely manner to
11 verify that they do not have a history that would disqualify them
12 from working with vulnerable persons. The department must process
13 background checks for long-term care workers and make the information
14 available to employers, prospective employers, and others as
15 authorized by law.

16 (b)(i) For long-term care workers hired on or after January 7,
17 2012, the background checks required under this section shall include
18 checking against the federal bureau of investigation fingerprint
19 identification records system or its successor program. The
20 department shall require these long-term care workers to submit
21 fingerprints for the purpose of investigating conviction records
22 through both the Washington state patrol and the federal bureau of
23 investigation. The department shall not pass on the cost of these
24 criminal background checks to the workers or their employers.

25 (ii) A long-term care worker who is not disqualified by the state
26 background check can work and have unsupervised access pending the
27 results of the federal bureau of investigation fingerprint background
28 check as allowed by rules adopted by the department.

29 (c) The department shall share state and federal background check
30 results with the department of health in accordance with RCW
31 18.88B.080.

32 (d) Background check screening required under this section and
33 department rules is not required for an employee of a consumer
34 directed employer if all of the following circumstances apply:

35 (i) The individual has an individual provider contract with the
36 department;

37 (ii) The last background check on the contracted individual
38 provider is still valid under department rules and did not disqualify
39 the individual from providing personal care services;

1 (iii) Employment by the consumer directed employer is the only
2 reason a new background check would be required; and

3 (iv) The department's background check results have been shared
4 with the consumer directed employer.

5 (e) The department may require a fingerprint-based background
6 check through both the Washington state patrol and the federal bureau
7 of investigation at any time.

8 (2) A provider may not be employed in the care of and have
9 unsupervised access to vulnerable adults if:

10 (a) The provider is on the vulnerable adult abuse registry or on
11 any other registry based upon a finding of abuse, abandonment,
12 neglect, or financial exploitation of a vulnerable adult;

13 (b) On or after October 1, 1998, the department of children,
14 youth, and families, or its predecessor agency, has made a founded
15 finding of abuse or neglect of a child against the provider. If the
16 provider has received a certificate of parental improvement under
17 chapter 74.13 RCW pertaining to the finding, the provider is not
18 disqualified under this section;

19 (c) A disciplining authority, including the department of health,
20 has made a finding of abuse, abandonment, neglect, or financial
21 exploitation of a minor or a vulnerable adult against the provider;
22 or

23 (d) A court has issued an order that includes a finding of fact
24 or conclusion of law that the provider has committed abuse,
25 abandonment, neglect, or financial exploitation of a minor or
26 vulnerable adult. If the provider has received a certificate of
27 parental improvement under chapter 74.13 RCW pertaining to the
28 finding of fact or conclusion of law, the provider is not
29 disqualified under this section.

30 ~~(3) ((The department shall establish, by rule, a state registry~~
31 ~~which contains identifying information about long-term care workers~~
32 ~~identified under this chapter who have final substantiated findings~~
33 ~~of abuse, neglect, financial exploitation, or abandonment of a~~
34 ~~vulnerable adult as defined in RCW 74.34.020. The rule must include~~
35 ~~disclosure, disposition of findings, notification, findings of fact,~~
36 ~~appeal rights, and fair hearing requirements. The department shall~~
37 ~~disclose, upon request, final substantiated findings of abuse,~~
38 ~~neglect, financial exploitation, or abandonment to any person so~~
39 ~~requesting this information. This information must also be shared~~

1 ~~with the department of health to advance the purposes of chapter~~
2 ~~18.88B RCW.~~

3 ~~(4))~~) For the purposes of this section, "provider" means:

4 (a) An individual provider as defined in RCW 74.39A.240;

5 (b) An employee, licensee, or contractor of any of the following:
6 A home care agency licensed under chapter 70.127 RCW; a nursing home
7 under chapter 18.51 RCW; an assisted living facility under chapter
8 18.20 RCW; an enhanced services facility under chapter 70.97 RCW; a
9 certified resident services and supports agency licensed or certified
10 under chapter 71A.12 RCW; an adult family home under chapter 70.128
11 RCW; or any long-term care facility certified to provide medicaid or
12 medicare services; and

13 (c) Any contractor of the department who may have unsupervised
14 access to vulnerable adults.

15 ~~((5))~~ (4) The department shall adopt rules to implement this
16 section.

17 **Sec. 3.** RCW 74.34.020 and 2021 c 215 s 162 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Abandonment" means action or inaction by a person or entity
22 with a duty of care for a vulnerable adult that leaves the vulnerable
23 person without the means or ability to obtain necessary food,
24 clothing, shelter, or health care.

25 (2) "Abuse" means the intentional, willful, or reckless action or
26 inaction that inflicts injury, unreasonable confinement,
27 intimidation, or punishment on a vulnerable adult. In instances of
28 abuse of a vulnerable adult who is unable to express or demonstrate
29 physical harm, pain, or mental anguish, the abuse is presumed to
30 cause physical harm, pain, or mental anguish. Abuse includes sexual
31 abuse, mental abuse, physical abuse, and personal exploitation of a
32 vulnerable adult, and improper use of restraint against a vulnerable
33 adult which have the following meanings:

34 (a) "Sexual abuse" means any form of nonconsensual sexual
35 conduct, including but not limited to unwanted or inappropriate
36 touching, rape, molestation, indecent liberties, sexual coercion,
37 sexually explicit photographing or recording, voyeurism, indecent
38 exposure, and sexual harassment. Sexual abuse also includes any
39 sexual conduct between a staff person, who is not also a resident or

1 client, of a facility or a staff person of a program authorized under
2 chapter 71A.12 RCW, and a vulnerable adult living in that facility or
3 receiving service from a program authorized under chapter 71A.12 RCW,
4 whether or not it is consensual.

5 (b) "Physical abuse" means the intentional, willful, or reckless
6 action of inflicting bodily injury or physical mistreatment. Physical
7 abuse includes, but is not limited to, striking with or without an
8 object, slapping, pinching, choking, kicking, shoving, or prodding.

9 (c) "Mental abuse" means an intentional, willful, or reckless
10 verbal or nonverbal action that threatens, humiliates, harasses,
11 coerces, intimidates, isolates, unreasonably confines, or punishes a
12 vulnerable adult. Mental abuse may include ridiculing, yelling, or
13 swearing.

14 (d) "Personal exploitation" means an act of forcing, compelling,
15 or exerting undue influence over a vulnerable adult causing the
16 vulnerable adult to act in a way that is inconsistent with relevant
17 past behavior, or causing the vulnerable adult to perform services
18 for the benefit of another.

19 (e) "Improper use of restraint" means the inappropriate use of
20 chemical, physical, or mechanical restraints for convenience or
21 discipline or in a manner that: (i) Is inconsistent with federal or
22 state licensing or certification requirements for facilities,
23 hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is
24 not medically authorized; or (iii) otherwise constitutes abuse under
25 this section.

26 (3) "Chemical restraint" means the administration of any drug to
27 manage a vulnerable adult's behavior in a way that reduces the safety
28 risk to the vulnerable adult or others, has the temporary effect of
29 restricting the vulnerable adult's freedom of movement, and is not
30 standard treatment for the vulnerable adult's medical or psychiatric
31 condition.

32 (4) "Consent" means express written consent granted after the
33 vulnerable adult or his or her legal representative has been fully
34 informed of the nature of the services to be offered and that the
35 receipt of services is voluntary.

36 (5) "Department" means the department of social and health
37 services.

38 (6) "Facility" means a residence licensed or required to be
39 licensed under chapter 18.20 RCW, assisted living facilities; chapter
40 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes;

1 chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential
2 habilitation centers; or any other facility licensed or certified by
3 the department.

4 (7) "Financial exploitation" means the illegal or improper use,
5 control over, or withholding of the property, income, resources, or
6 trust funds of the vulnerable adult by any person or entity for any
7 person's or entity's profit or advantage other than for the
8 vulnerable adult's profit or advantage. "Financial exploitation"
9 includes, but is not limited to:

10 (a) The use of deception, intimidation, or undue influence by a
11 person or entity in a position of trust and confidence with a
12 vulnerable adult to obtain or use the property, income, resources, or
13 trust funds of the vulnerable adult for the benefit of a person or
14 entity other than the vulnerable adult;

15 (b) The breach of a fiduciary duty, including, but not limited
16 to, the misuse of a power of attorney, trust, or a guardianship
17 appointment, that results in the unauthorized appropriation, sale, or
18 transfer of the property, income, resources, or trust funds of the
19 vulnerable adult for the benefit of a person or entity other than the
20 vulnerable adult; or

21 (c) Obtaining or using a vulnerable adult's property, income,
22 resources, or trust funds without lawful authority, by a person or
23 entity who knows or clearly should know that the vulnerable adult
24 lacks the capacity to consent to the release or use of his or her
25 property, income, resources, or trust funds.

26 (8) "Financial institution" has the same meaning as in RCW
27 30A.22.040 and 30A.22.041. For purposes of this chapter only,
28 "financial institution" also means a "broker-dealer" or "investment
29 adviser" as defined in RCW 21.20.005.

30 (9) "Hospital" means a facility licensed under chapter 70.41 or
31 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any
32 employee, agent, officer, director, or independent contractor
33 thereof.

34 (10) "Individual provider" (~~(means a person under contract with~~
35 ~~the department to provide services in the home under chapter 74.09 or~~
36 ~~74.39A RCW)) has the same meaning as in RCW 74.39A.240.~~

37 (11) "Interested person" means a person who demonstrates to the
38 court's satisfaction that the person is interested in the welfare of
39 the vulnerable adult, that the person has a good faith belief that
40 the court's intervention is necessary, and that the vulnerable adult

1 is unable, due to incapacity, undue influence, or duress at the time
2 the petition is filed, to protect his or her own interests.

3 (12) (a) "Isolate" or "isolation" means to restrict a vulnerable
4 adult's ability to communicate, visit, interact, or otherwise
5 associate with persons of his or her choosing. Isolation may be
6 evidenced by acts including but not limited to:

7 (i) Acts that prevent a vulnerable adult from sending, making, or
8 receiving his or her personal mail, electronic communications, or
9 telephone calls; or

10 (ii) Acts that prevent or obstruct the vulnerable adult from
11 meeting with others, such as telling a prospective visitor or caller
12 that a vulnerable adult is not present, or does not wish contact,
13 where the statement is contrary to the express wishes of the
14 vulnerable adult.

15 (b) The term "isolate" or "isolation" may not be construed in a
16 manner that prevents a guardian or limited guardian from performing
17 his or her fiduciary obligations under chapter 11.130 RCW or prevents
18 a hospital or facility from providing treatment consistent with the
19 standard of care for delivery of health services.

20 (13) "Mandated reporter" is an employee of the department or the
21 department of children, youth, and families; law enforcement officer;
22 social worker; professional school personnel; individual provider;
23 (~~(an employee of a facility;~~) an operator of a facility or a
24 certified residential services and supports agency under chapter
25 71A.12 RCW; an employee of a facility; an employee of a social
26 service, welfare, mental health, adult day health, adult day care,
27 home health, home care, (~~(or)~~) hospice, or certified residential
28 services and supports agency; county coroner or medical examiner;
29 Christian Science practitioner; or health care provider subject to
30 chapter 18.130 RCW.

31 (14) "Mechanical restraint" means any device attached or adjacent
32 to the vulnerable adult's body that he or she cannot easily remove
33 that restricts freedom of movement or normal access to his or her
34 body. "Mechanical restraint" does not include the use of devices,
35 materials, or equipment that are (a) medically authorized, as
36 required, and (b) used in a manner that is consistent with federal or
37 state licensing or certification requirements for facilities,
38 hospitals, or programs authorized under chapter 71A.12 RCW.

39 (15) "Neglect" means (a) a pattern of conduct or inaction by a
40 person or entity with a duty of care that fails to provide the goods

1 and services that maintain physical or mental health of a vulnerable
2 adult, or that fails to avoid or prevent physical or mental harm or
3 pain to a vulnerable adult; or (b) an act or omission by a person or
4 entity with a duty of care that demonstrates a serious disregard of
5 consequences of such a magnitude as to constitute a clear and present
6 danger to the vulnerable adult's health, welfare, or safety,
7 including but not limited to conduct prohibited under RCW 9A.42.100.

8 (16) "Permissive reporter" means any person, including, but not
9 limited to, an employee of a financial institution, attorney, or
10 volunteer in a facility or program providing services for vulnerable
11 adults.

12 (17) "Physical restraint" means the application of physical force
13 without the use of any device, for the purpose of restraining the
14 free movement of a vulnerable adult's body. "Physical restraint" does
15 not include (a) briefly holding without undue force a vulnerable
16 adult in order to calm or comfort him or her, or (b) holding a
17 vulnerable adult's hand to safely escort him or her from one area to
18 another.

19 (18) "Protective services" means any services provided by the
20 department to a vulnerable adult with the consent of the vulnerable
21 adult, or the legal representative of the vulnerable adult, who has
22 been abandoned, abused, financially exploited, neglected, or in a
23 state of self-neglect. These services may include, but are not
24 limited to case management, social casework, home care, placement,
25 arranging for medical evaluations, psychological evaluations, day
26 care, or referral for legal assistance.

27 (19) "Self-neglect" means the failure of a vulnerable adult, not
28 living in a facility, to provide for himself or herself the goods and
29 services necessary for the vulnerable adult's physical or mental
30 health, and the absence of which impairs or threatens the vulnerable
31 adult's well-being. This definition may include a vulnerable adult
32 who is receiving services through home health, hospice, or a home
33 care agency, or an individual provider when the neglect is not a
34 result of inaction by that agency or individual provider.

35 (20) "Social worker" means:

36 (a) A social worker as defined in RCW 18.320.010(2); or

37 (b) Anyone engaged in a professional capacity during the regular
38 course of employment in encouraging or promoting the health, welfare,
39 support, or education of vulnerable adults, or providing social
40 services to vulnerable adults, whether in an individual capacity or

1 as an employee or agent of any public or private organization or
2 institution.

3 (21) "Vulnerable adult" includes a person:

4 (a) Sixty years of age or older who has the functional, mental,
5 or physical inability to care for himself or herself; or

6 (b) Subject to a guardianship under RCW 11.130.265 or adult
7 subject to conservatorship under RCW 11.130.360; or

8 (c) Who has a developmental disability as defined under RCW
9 71A.10.020; or

10 (d) Admitted to any facility; or

11 (e) Receiving services from home health, hospice, or home care
12 agencies licensed or required to be licensed under chapter 70.127
13 RCW; or

14 (f) Receiving services from an individual provider; or

15 (g) Who self-directs his or her own care and receives services
16 from a personal aide under chapter 74.39 RCW.

17 (22) "Vulnerable adult advocacy team" means a team of three or
18 more persons who coordinate a multidisciplinary process, in
19 compliance with chapter 266, Laws of 2017 and the protocol governed
20 by RCW 74.34.320, for preventing, identifying, investigating,
21 prosecuting, and providing services related to abuse, neglect, or
22 financial exploitation of vulnerable adults.

23 **Sec. 4.** RCW 74.34.063 and 2017 3rd sp.s. c 6 s 818 are each
24 amended to read as follows:

25 (1) The department shall initiate a response to a report, no
26 later than twenty-four hours after knowledge of the report, of
27 suspected abandonment, abuse, financial exploitation, neglect, or
28 self-neglect of a vulnerable adult.

29 (2) When the initial report or investigation by the department
30 indicates that the alleged abandonment, abuse, financial
31 exploitation, or neglect may be criminal, the department shall make
32 an immediate report to the appropriate law enforcement agency. The
33 department and law enforcement will coordinate in investigating
34 reports made under this chapter. The department may provide
35 protective services and other remedies as specified in this chapter.

36 (3) The law enforcement agency or the department shall report the
37 incident in writing to the proper county prosecutor or city attorney
38 for appropriate action whenever the investigation reveals that a
39 crime may have been committed.

1 (4) ((The)) Upon request, the department and law enforcement
2 ((may)) shall share information contained in reports and findings of
3 abandonment, abuse, financial exploitation, and neglect of vulnerable
4 adults with each other, consistent with RCW 74.04.060, chapter 42.56
5 RCW, and other applicable confidentiality laws.

6 (5) Unless prohibited by federal law, the department of social
7 and health services may share with the department of children, youth,
8 and families information contained in reports and findings of
9 abandonment, abuse, financial exploitation, and neglect of vulnerable
10 adults.

11 (6) The department shall notify the proper licensing authority
12 concerning any report received under this chapter that alleges that a
13 person who is professionally licensed, certified, or registered under
14 Title 18 RCW has abandoned, abused, financially exploited, or
15 neglected a vulnerable adult.

16 **Sec. 5.** RCW 74.34.095 and 2013 c 23 s 218 are each amended to
17 read as follows:

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

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

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

23 (c) All files, reports, records, communications, and working
24 papers used or developed in the investigation or provision of
25 protective services.

26 (2) Information considered confidential may be disclosed only for
27 a purpose consistent with this chapter or as authorized by chapter
28 18.20, 18.51, or 74.39A RCW, ~~((or as authorized by))~~ the long-term
29 care ombuds programs under federal law or state law, chapter 43.190
30 RCW, or the office of the developmental disabilities ombuds program
31 under chapter 43.382 RCW.

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

1 (4) (a) Except as provided in (b) of this subsection, upon a
2 request for information regarding a specifically named vulnerable
3 adult, the department may disclose only the following information:

4 (i) Whether or not a report was received;

5 (ii) The status of the report; and

6 (iii) The outcome of an investigation.

7 (b) The department may not disclose any information regarding a
8 specifically named vulnerable adult if any of the following
9 circumstances apply:

10 (i) The information concerns a vulnerable adult residing in or
11 receiving services from a department licensed or certified facility
12 or provider where an unannounced investigation in response to the
13 report has not been initiated;

14 (ii) The requester is the alleged perpetrator;

15 (iii) The department has a reasonable belief that disclosure may
16 compromise any investigation by a law enforcement agency,
17 disciplinary authority, the department, or the department of
18 children, youth, and families; or

19 (iv) The department has a reasonable belief that the information
20 may endanger any person.

21 **Sec. 6.** RCW 68.50.105 and 2019 c 470 s 14 are each amended to
22 read as follows:

23 (1) Reports and records of autopsies or postmortems shall be
24 confidential, except that the following persons may examine and
25 obtain copies of any such report or record: The personal
26 representative of the decedent as defined in RCW 11.02.005, any
27 family member, the attending physician or advanced registered nurse
28 practitioner, the prosecuting attorney or law enforcement agencies
29 having jurisdiction, public health officials, the department of labor
30 and industries in cases in which it has an interest under RCW
31 68.50.103, ~~((\oplus))~~ the secretary of the department of children, youth,
32 and families or his or her designee in cases being reviewed under RCW
33 74.13.640, or the secretary of the department of social and health
34 services or his or her designee under chapter 74.34 RCW.

35 (2) (a) Notwithstanding the restrictions contained in this section
36 regarding the dissemination of records and reports of autopsies or
37 postmortems, nor the exemptions referenced under RCW 42.56.240(1),
38 nothing in this chapter prohibits a coroner, medical examiner, or his
39 or her designee, from publicly discussing his or her findings as to

1 any death subject to the jurisdiction of his or her office where
2 actions of a law enforcement officer or corrections officer have been
3 determined to be a proximate cause of the death, except as provided
4 in (b) of this subsection.

5 (b) A coroner, medical examiner, or his or her designee may not
6 publicly discuss his or her findings outside of formal court or
7 inquest proceedings if there is a pending or active criminal
8 investigation, or a criminal or civil action, concerning a death that
9 has commenced prior to January 1, 2014.

10 (3) The coroner, the medical examiner, or the attending physician
11 shall, upon request, meet with the family of the decedent to discuss
12 the findings of the autopsy or postmortem. For the purposes of this
13 section, the term "family" means the surviving spouse, state
14 registered domestic partner, or any child, parent, grandparent,
15 grandchild, brother, or sister of the decedent, or any person who was
16 guardian of the decedent at the time of death.

17 NEW SECTION. **Sec. 7.** Sections 1 and 2 of this act take effect
18 January 1, 2024.

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