

# Mandatory Reporting Requirements: The Elderly Washington

*Last Updated: April 2023*

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> <li>• An employee of the Washington State Department of Social and Health Services;</li> <li>• Law enforcement officer;</li> <li>• Social worker;</li> <li>• Professional school personnel;</li> <li>• Individual provider;</li> <li>• An employee or operator of a facility (e.g., assisted living facility, nursing home, adult family home, soldiers' home, residential habilitation center or any other facility licensed or required to be licensed by the Washington State Department of Social and Health Services);</li> <li>• An employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care or hospice agency;</li> <li>• County coroner or medical examiner;</li> <li>• Christian Science practitioner; and</li> <li>• Healthcare provider subject to 18.130 RCW "Regulation of Health Professions – Uniform Disciplinary Act".</li> </ul>
When is a report required and where does it go?	<p><b>When is a report required?</b></p> <ul style="list-style-type: none"> <li>• Reasonable cause to believe that abuse, abandonment, financial exploitation or neglect of a vulnerable adult has occurred or reason to suspect sexual assault or physical assault or there is reasonable cause to believe that an act has caused fear of imminent harm.</li> </ul> <p><b>Where does it go?</b></p> <ul style="list-style-type: none"> <li>• Washington State Department of Social and Health Services (1-877-734-6277). See <a href="https://www.dshs.wa.gov/altsa/report-concerns-involving-vulnerable-adults-phone">https://www.dshs.wa.gov/altsa/report-concerns-involving-vulnerable-adults-phone</a> for local reporting numbers by county.</li> <li>• When there is reason to suspect sexual assault, the reporter must immediately notify the Washington State Department of Social and Health Services and also a local law enforcement agency.</li> <li>• When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm:             <ul style="list-style-type: none"> <li>• Mandated reporters shall immediately report to the Washington State Department of Social and Health Services; and</li> <li>• Mandated reporters shall immediately report to the appropriate law enforcement agency, except a mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than</li> </ul> </li> </ul>

basic first aid, unless: (a) the injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area; (b) there is a fracture; (c) there is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or (d) there is an attempt to choke a vulnerable adult.

- When there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person, mandated reporters shall report the death to the medical examiner or coroner having jurisdiction, as well as the Washington State Department of Social and Health Services and local law enforcement, in the most expeditious manner possible, even if a death certificate has previously been signed.

What definitions are important to know?

- **“Abandonment”** means the action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter or health care.
- **“Abuse”** means the intentional, willful or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain or mental anguish, the abuse is presumed to cause physical harm, pain or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:
  - **“Sexual abuse”** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing, or recording, voyeurism, indecent exposure, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or staff person of an authorized program for persons with developmental disabilities, and a vulnerable adult living in that facility or receiving service from such a facility or authorized program, whether or not it is consensual.
  - **“Physical abuse”** means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.
  - **“Mental abuse”** means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.
  - **“Personal exploitation”** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.
  - **“Improper use of restraint”** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that: (i) is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or authorized programs; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.
- **“Chemical restraint”** means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult 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.

- **“Facility”** means a residence licensed or required to be licensed by the state of Washington, assisted living facilities; nursing homes; adult family homes; soldiers’ homes; or residential habilitation centers; or any other facility licensed or certified by the Washington State Department of Social and Health Services.
- **“Financial exploitation”** means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person’s or entity’s profit or advantage other than for the vulnerable adult’s profit or advantage. Financial exploitation includes, but is not limited to:
  - The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;
  - The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or
  - Obtaining or using a vulnerable adult’s property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of his or her property, income, resources, or trust funds.
- **“Individual Provider”** means a person under contract with the Washington Department of Social and Health Services to provide services in the home.
- **“Isolate”** or **“isolation”** means to restrict a vulnerable adult's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including but not limited to:
  - Acts that prevent a vulnerable adult from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or
  - Acts that prevent or obstruct the vulnerable adult from meeting with others, such as telling a prospective visitor or caller that a vulnerable adult is not present, or does not wish contact, where the statement is contrary to the express wishes of the vulnerable adult.

The term “isolate” or “isolation” may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

- **“Neglect”** means:
  - (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or
  - (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult’s health, welfare, or safety, including but not limited to knowingly or intentionally permitting a dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia, including their salts, isomers, and salts of

	<p>isomers, that are being used in the manufacture of methamphetamine, including its salts, isomers, and salts of isomers.</p> <ul style="list-style-type: none"> <li>• <b>“Self-neglect”</b> means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult’s physical or mental health, and the absence of which impairs or threatens the vulnerable adult’s well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.</li> <li>• <b>“Vulnerable adult”</b> includes: <ul style="list-style-type: none"> <li>• A person 60 years of age or older who has the functional, mental, or physical inability to care for himself or herself; or</li> <li>• A person who: <ul style="list-style-type: none"> <li>• is found incapacitated by the state of Washington (is subject to guardianship or subject to conservatorship); or</li> <li>• has a developmental disability; or</li> <li>• has been admitted to any facility; or</li> <li>• receives services from home health, hospice or other home care agencies licensed or required to be licensed by the state of Washington; or</li> <li>• receives services from an individual provider; or</li> <li>• self-directs his or her own care and receives services from a personal aide.</li> </ul> </li> </ul> </li> </ul>
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> <li>• Initial report to be made immediately either orally or in writing.</li> </ul>
<p>What information must a report include?</p>	<p>Each report, oral or written, must contain as much as possible of the following information:</p> <ul style="list-style-type: none"> <li>• The name and address of the person making the report;</li> <li>• The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;</li> <li>• The name and address of the legal guardian or alternate decision maker;</li> <li>• The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;</li> <li>• Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;</li> <li>• The identity of the alleged perpetrator, if known; and</li> <li>• Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.</li> </ul>

Anything else I should know?

- A person required to report and who knowingly fails to report is guilty of a gross misdemeanor, which is punishable by imprisonment in the county jail for a maximum term fixed by the court of up to 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine.
- A person who intentionally, maliciously, or in bad faith makes a false report of alleged abandonment, abuse, financial exploitation, or neglect of a vulnerable adult is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for a maximum term fixed by the court of up to 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine.
- Any permissive reporter (any person, including, but not limited to a financial institution employee, attorney, or volunteer in a facility/program providing services for vulnerable adults) “may” report to the Washington State Department of Social and Health Services or law enforcement agency when there is reasonable cause to believe that a vulnerable adult has been or is being abused, abandoned, financially exploited or neglected.
- Unless there is a judicial proceeding or the person consents, the identity of the person making the report is confidential.
- A person participating in good faith in making a report or testifying about alleged abuse, neglect, abandonment, financial exploitation, or self-neglect of a vulnerable adult in a judicial or administrative proceeding is immune from liability resulting from the report or testimony. The making of permissive reports does not create any duty to report and no civil liability shall attach for any failure to make a permissive report.
- Conduct conforming with the reporting and testifying provisions shall not be deemed a violation of any confidential communication privilege.
- An employee or contractor who is a whistleblower and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action, has certain remedies provided under chapter 49.60 RCW [RCW 4.24.500](#) through [4.24.520](#), providing protection to persons who communicate to government agencies. The identity of a whistleblower who complains, in good faith, to the Washington State Department of Social and Health Services about suspected abandonment, abuse, financial exploitation, or neglect by any person in a facility, licensed or required to be licensed, or care provided in a facility or in a home setting, by any person associated with a hospice, home care, or home health agency licensed under Washington state law or other in-home provider, may remain confidential if requested. The identity of the whistleblower shall subsequently remain confidential unless the department determines that the complaint was not made in good faith.
- Exceptions:
  - Any vulnerable adult who relies upon and is being provided spiritual treatment in lieu of medical treatment in accordance with the tenets and practices of a well-recognized religious denomination may not for that reason alone be considered abandoned, abused, or neglected.
  - Any vulnerable adult may not be considered abandoned, abused, or neglected under this chapter by any health care provider, facility, facility employee, agency, agency employee, or individual provider who participates in good faith in the withholding or withdrawing of life-sustaining treatment from a vulnerable adult under advanced health care directives in accordance with chapter 70.122 RCW, or who acts in accordance with chapter 7.70 RCW regarding informed consent or other state laws to

withhold or withdraw treatment, goods, or services.

Statutory  
citation(s):

Wash. Rev. Code §§ 9A.20.021, 74.34.020, 74.34.035, 74.34.050, 74.34.053, 74.34.180, 74.34.205