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SENATE BILL 5690

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State of Washington                      65th Legislature                      2017 Regular Session  
By Senators Bailey, Rivers, Becker, and Warnick

1            AN ACT Relating to protection of incapacitated persons; adding a  
2 new section to chapter 70.129 RCW; and providing an expiration date.

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

4            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 70.129  
5 RCW to read as follows:

6            (1) The office of the state long-term care ombuds shall establish  
7 a pilot program in Snohomish, Island, and Skagit counties to  
8 determine the feasibility of extending the protections of this  
9 chapter to incapacitated persons with guardians appointed under  
10 chapter 11.88 or 11.92 RCW and who do not reside in a long-term care  
11 facility.

12            (2) The office of the state long-term care ombuds is authorized  
13 to exercise the authority under this chapter within the pilot area  
14 with regard to incapacitated persons with guardians appointed under  
15 chapter 11.88 or 11.92 RCW and who do not reside in a long-term care  
16 facility.

17            (3) Within the pilot area, the state long-term care ombuds shall  
18 investigate allegations and complaints regarding a guardian not  
19 fulfilling the guardian's duties toward an incapacitated person.

20            (4) In any investigation under this section, the state long-term  
21 care ombuds may have access to all court records related to

1 guardianships under chapter 11.88 or 11.92 RCW, including financial  
2 records, medical records, and the confidential report of a guardian  
3 ad litem. The consent of the incapacitated person is not required for  
4 access to records under this subsection.

5 (5) The state long-term care ombuds shall ensure that ombuds  
6 investigative staff receive sufficient training on issues relating to  
7 guardianship and incapacitated persons.

8 (6) The state long-term care ombuds shall make unannounced  
9 inspection visits when conducting inspections as a part of  
10 investigations under this section.

11 (7) Any person interested in the estate, or in the incapacitated  
12 person, or any relative of the incapacitated person, or any  
13 authorized representative of any agency, bureau, or department of the  
14 United States government from or through which any compensation,  
15 insurance, pension, or other benefit is being paid, or is payable,  
16 who has filed the notice under RCW 11.92.150 with the clerk of the  
17 court where the guardianship or limited guardianship of the person  
18 and/or estate is pending, is entitled to notice of all preliminary  
19 and final findings of an investigation by the state long-term care  
20 ombuds under this section.

21 (8) The office of the state long-term care ombuds shall provide  
22 an annual report to the legislature on the pilot program.

23 (9) This section expires January 1, 2022.

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