
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair

2017 - 2018 Regular

Bill No: AB 575 **Hearing Date:** June 20, 2017
Author: Jones-Sawyer
Version: February 14, 2017
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Elder and Dependent Adult Abuse: Mandated Reporters:
Substance Use Disorder Counselors*

HISTORY

Source: California Association for Alcohol and Drug Educators

Prior Legislation: None

Support: California District Attorneys Association; California Retired Teachers Association; California State Sheriffs' Association; College for the Advanced Study of Addictive Disorders; Riverside Sheriffs' Association

Opposition: None known

Assembly Floor Vote: 77 - 0

PURPOSE

The purpose of this bill is to expand the definition of health care practitioner to include a substance use disorder counselor for the purposes of being a mandated reporter of elder abuse.

Existing law provides that any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency is a mandated reporter. (Welfare and Institutions Code § 15630 (a))

Existing law provides that any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect or is told by an elder or dependent adult that he or she has experienced behavior including an act or omission constituting physical abuse, abandonment, abduction, isolation, financial abuse, or neglect or reasonably suspects that abuse, shall report the known or suspected instance of abuse in the manner specified. (Welfare and Institutions Code § 15630 (b))

Existing law provides that failure by a mandated reporter to report abuse of an elder is a misdemeanor punishable by up to six months in county jail and/ or a fine of up to \$1,000 or if death or great bodily injury occurs then up to one year in county jail and/or a fine of up to \$5,000. (Welfare and Institutions Code § 15630 (h))

Existing law, for the purposes of a mandated reporter of elder abuse, defines “health practitioner” as a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, registered nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage and family therapist, licensed professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, an unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code, a clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code, a clinical counselor intern registered under Section 4999.42 of the Business and Professions Code, a state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner. (Welfare and Institutions Code § 15610.37)

This bill adds a substance use disorder counselor to the list of mandated reporters of elder abuse.

This bill defines substance use disorder counselor as a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol or drug and alcohol treatment program.

COMMENTS

1. Need for This bill

According to the author:

Currently addiction counselors are not on the list of legally mandated reporters of elder abuse. This bill would close this reporting mandate gap.

2. Mandated Reporters of Elder Abuse

Mandated reporters are required to report known or suspected cases of physical or financial abuse of elder or dependent adults. These reporters include any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, or employee of a county adult protective services. Mandated reporters include school teachers or employees, clergy, law enforcement officers, firefighters, and bank employees. Mandated reporters also include a broad range of health care practitioners, including doctors, nurses, psychologists, licensed clinical social workers, marriage and family therapists, and licensed professional clinical counselors.

In order to protect mandated reporters, their identity is kept confidential and a violation of this confidentiality is a misdemeanor. APS can only reveal the names of reporting parties to other investigative agencies. Supervisors and administrators of mandated reporters are not allowed to impede or prohibit reporting. Mandated reporters are also given immunity from civil or criminal liability as a result of any report of known or suspected abuse they make, unless it can be proven that a false report was made and the person knew that the report was false.

This bill adds substance use disorder counselors to the list of mandated reporters. These counselors are very similar to the group of professionals who are already mandated reporters, such as licensed clinical social workers, marriage and family therapists, and licensed professional clinical counselors.

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