

An Act

ENROLLED SENATE
BILL NO. 1163

By: Garvin and Boren of the
Senate

and

Miller of the House

An Act relating to elderly and vulnerable adult abuse; amending 25 O.S. 2021, Section 304, which relates to the Oklahoma Open Meeting Act; modifying definition; authorizing creation of multidisciplinary team to investigate and prosecute certain crimes; establishing qualifications for members of multidisciplinary team; specifying functions of multidisciplinary team; requiring development of protocols for certain investigations; authorizing investigation without certain personnel in emergency situations; requiring multidisciplinary team access to certain service or treatment plan; requiring confidentiality of certain information; providing exemption from Oklahoma Open Meeting Act for certain information; providing exemption from Oklahoma Open Records Act for certain information; amending 51 O.S. 2021, Section 24A.32, which relates to the Oklahoma Open Records Act; providing for confidentiality of reports or information from certain multidisciplinary team; providing for codification; and providing an effective date.

SUBJECT: Elderly and vulnerable adult abuse

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 25 O.S. 2021, Section 304, is amended to read as follows:

Section 304. As used in the Oklahoma Open Meeting Act:

1. "Public body" means the governing bodies of all municipalities located within this state, boards of county commissioners of the counties in this state, boards of public and higher education in this state and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts or any entity created by a public trust, including any committee or subcommittee composed of any of the members of a public trust or other legal entity receiving funds from the Rural Economic Action Plan Fund as authorized by Section 2007 of Title 62 of the Oklahoma Statutes, task forces or study groups in this state supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body. Public body shall not include the state judiciary, the Council on Judicial Complaints when conducting, discussing, or deliberating any matter relating to a complaint received or filed with the Council, the Legislature, or administrative staffs of public bodies, including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education when those staffs are not meeting with the public body, or entry-year assistance committees. Furthermore, public body shall not include the multidisciplinary teams provided for in Section 1-9-102 of Title 10A of the Oklahoma Statutes, in Section 2 of this act, and in subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes or any school board meeting for the sole purpose of considering recommendations of a multidisciplinary team and deciding the placement of any child who is the subject of the recommendations. Furthermore, public body shall not include meetings conducted by stewards designated by the Oklahoma Horse Racing Commission pursuant to Section 203.4 of Title 3A of the Oklahoma Statutes when the stewards are officiating at races or otherwise enforcing rules of the Commission. Furthermore, public body shall not include the board of directors of a Federally Qualified Health Center;

2. "Meeting" means the conduct of business of a public body by a majority of its members being personally together or, as authorized by Section 307.1 of this title, together pursuant to a videoconference. Meeting shall not include informal gatherings of a majority of the members of the public body when no business of the public body is discussed;

3. "Regularly scheduled meeting" means a meeting at which the regular business of the public body is conducted;

4. "Special meeting" means any meeting of a public body other than a regularly scheduled meeting or emergency meeting;

5. "Emergency meeting" means any meeting called for the purpose of dealing with an emergency. For purposes of the Oklahoma Open Meeting Act, an emergency is defined as a situation involving injury to persons or injury and damage to public or personal property or immediate financial loss when the time requirements for public notice of a special meeting would make such procedure impractical and increase the likelihood of injury or damage or immediate financial loss;

6. "Continued or reconvened meeting" means a meeting which is assembled for the purpose of finishing business appearing on an agenda of a previous meeting. For the purposes of the Oklahoma Open Meeting Act, only matters on the agenda of the previous meeting at which the announcement of the continuance is made may be discussed at a continued or reconvened meeting;

7. "Videoconference" means a conference among members of a public body remote from one another who are linked by interactive telecommunication devices or technology and/or technology permitting both visual and auditory communication between and among members of the public body and/or between and among members of the public body and members of the public. During any videoconference, both the visual and auditory communications functions shall attempt to be utilized; and

8. "Teleconference" means a conference among members of a public body remote from one another who are linked by telecommunication devices and/or technology permitting auditory communication between and among members of the public body and/or between and among members of the public body and members of the public.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-115 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. In coordination with the District Attorneys Council, each district attorney may develop a multidisciplinary team for the investigation and prosecution of crimes committed against the elderly or vulnerable adults in each county of the district attorney or in a contiguous group of counties. The lead agency for the team shall be chosen by the members of the team. The team shall intervene in reports involving sexual abuse, abuse, neglect, or exploitation of an elderly person or vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes.

B. The multidisciplinary elderly and vulnerable adult abuse team members shall include, but not be limited to:

1. Mental health professionals licensed pursuant to the laws of this state or licensed professional counselors;

2. Police officers or other law enforcement agents whose duties include, or who have experience or training in, elder and vulnerable adult abuse and neglect investigation;

3. Medical personnel with experience in elder and vulnerable adult abuse and neglect identification;

4. Adult Protective Services, Office of Client Advocacy, and long-term care workers within the Department of Human Services;

5. Multidisciplinary elder and vulnerable adult abuse team coordinators; and

6. The district attorney or assistant district attorney.

C. 1. Subject to the availability of funds and resources, the functions of the team shall include, but not be limited to:

a. whenever feasible, joint investigations by law enforcement and Adult Protective Services, Office of Client Advocacy, or long-term care staff to effectively respond to reports of abuse against elderly or vulnerable adult victims,

- b. the development of a written protocol for investigation of sexual abuse, abuse, neglect, or exploitation cases of elderly or vulnerable adults and for the interview of victims to ensure coordination and cooperation between all agencies involved. Such protocol shall include confidentiality statements and interagency agreements signed by member agencies that specify the cooperative effort of the member agencies to the team,
- c. communication and collaboration among the professionals responsible for the reporting, investigation, prosecution, and treatment of elderly and vulnerable adult abuse and neglect cases,
- d. elimination of duplicative efforts in the investigation and the prosecution of abuse and neglect cases committed against elderly or vulnerable adult victims,
- e. identification of gaps in service or untapped resources within the community to improve the delivery of services to the victim and family,
- f. development of expertise through training. Each team member and those conducting investigations and interviews of elder or vulnerable adult abuse victims shall be trained in the multidisciplinary team approach, conduction of legally sound developmentally and age-appropriate interviews, effective investigation techniques and joint investigations as provided through the State Department of Health, the District Attorneys Council, the Department of Human Services, or other resources,
- g. formalization of a case review process and provision of data as requested, and
- h. standardization of investigative procedures for the handling of elderly and vulnerable adult abuse and neglect cases.

2. Any investigation or interview related to sexual abuse, abuse, or neglect of elderly or vulnerable adults shall be conducted by appropriate personnel using the protocols and procedures specified in this section.

3. If trained personnel are not available in a timely manner and if a law enforcement officer or the Department of Human Services determines that there is reasonable cause to believe a delay in investigation or interview of a victim could place the victim's health or welfare in danger of harm or threatened harm, the investigation may proceed without full participation of all personnel, but only for as long as the danger to the victim exists. The Department shall make a reasonable effort to find and provide a trained investigator or interviewer.

D. A multidisciplinary elder or vulnerable adult abuse team shall have full access to any service or treatment plan and any personal data known to the Department of Human Services that is directly related to the implementation of the requirements of this section.

E. Each member of the team shall protect the confidentiality of the elderly or vulnerable adult and any information made available to the team member. The multidisciplinary team and any information received by the team shall be exempt from the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

SECTION 3. AMENDATORY 51 O.S. 2021, Section 24A.32, is amended to read as follows:

Section 24A.32. Any reports produced or information received by the multidisciplinary child abuse team established according to the provisions in Section 1-9-102 of Title 10A of the Oklahoma Statutes, or the multidisciplinary elderly and vulnerable adult abuse team established according to the provisions in Section 2 of this act, shall be confidential and may be kept confidential by the team.

SECTION 4. This act shall become effective November 1, 2022.

Passed the Senate the 14th day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2022.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____