

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE  
5 BILL NO. 1163

By: Garvin and Boren of the  
Senate

6 and

7 Miller of the House  
8  
9

10 An Act relating to elderly and vulnerable adult  
11 abuse; amending 25 O.S. 2021, Section 304, which  
12 relates to the Oklahoma Open Meeting Act; modifying  
13 definition; authorizing creation of multidisciplinary  
14 team to investigate and prosecute certain crimes;  
15 establishing qualifications for members of  
16 multidisciplinary team; specifying functions of  
17 multidisciplinary team; requiring development of  
18 protocols for certain investigations; authorizing  
19 investigation without certain personnel in emergency  
20 situations; requiring multidisciplinary team access  
21 to certain service or treatment plan; requiring  
22 confidentiality of certain information; providing  
23 exemption from Oklahoma Open Meeting Act for certain  
24 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.

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

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

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

4 1. "Public body" means the governing bodies of all  
5 municipalities located within this state, boards of county  
6 commissioners of the counties in this state, boards of public and  
7 higher education in this state and all boards, bureaus, commissions,  
8 agencies, trusteeships, authorities, councils, committees, public  
9 trusts or any entity created by a public trust, including any  
10 committee or subcommittee composed of any of the members of a public  
11 trust or other legal entity receiving funds from the Rural Economic  
12 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
13 Oklahoma Statutes, task forces or study groups in this state  
14 supported in whole or in part by public funds or entrusted with the  
15 expending of public funds, or administering public property, and  
16 shall include all committees or subcommittees of any public body.  
17 Public body shall not include the state judiciary, the Council on  
18 Judicial Complaints when conducting, discussing, or deliberating any  
19 matter relating to a complaint received or filed with the Council,  
20 the Legislature, or administrative staffs of public bodies,  
21 including, but not limited to, faculty meetings and athletic staff  
22 meetings of institutions of higher education when those staffs are  
23 not meeting with the public body, or entry-year assistance  
24 committees. Furthermore, public body shall not include the

1 multidisciplinary teams provided for in Section 1-9-102 of Title 10A  
2 of the Oklahoma Statutes, in Section 2 of this act, and in  
3 subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes  
4 or any school board meeting for the sole purpose of considering  
5 recommendations of a multidisciplinary team and deciding the  
6 placement of any child who is the subject of the recommendations.  
7 Furthermore, public body shall not include meetings conducted by  
8 stewards designated by the Oklahoma Horse Racing Commission pursuant  
9 to Section 203.4 of Title 3A of the Oklahoma Statutes when the  
10 stewards are officiating at races or otherwise enforcing rules of  
11 the Commission. Furthermore, public body shall not include the  
12 board of directors of a Federally Qualified Health Center;

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

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

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

23 5. "Emergency meeting" means any meeting called for the purpose  
24 of dealing with an emergency. For purposes of the Oklahoma Open

1 Meeting Act, an emergency is defined as a situation involving injury  
2 to persons or injury and damage to public or personal property or  
3 immediate financial loss when the time requirements for public  
4 notice of a special meeting would make such procedure impractical  
5 and increase the likelihood of injury or damage or immediate  
6 financial loss;

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

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

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

1 between and among members of the public body and members of the  
2 public.

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

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

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

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

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

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

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

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

5 6. The district attorney or assistant district attorney.

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

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

13 b. the development of a written protocol for  
14 investigation of sexual abuse, abuse, neglect, or  
15 exploitation cases of elderly or vulnerable adults and  
16 for the interview of victims to ensure coordination  
17 and cooperation between all agencies involved. Such  
18 protocol shall include confidentiality statements and  
19 interagency agreements signed by member agencies that  
20 specify the cooperative effort of the member agencies  
21 to the team,

22 c. communication and collaboration among the  
23 professionals responsible for the reporting,  
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- 1 investigation, prosecution, and treatment of elderly  
2 and vulnerable adult abuse and neglect cases,
- 3 d. elimination of duplicative efforts in the  
4 investigation and the prosecution of abuse and neglect  
5 cases committed against elderly or vulnerable adult  
6 victims,
- 7 e. identification of gaps in service or untapped  
8 resources within the community to improve the delivery  
9 of services to the victim and family,
- 10 f. development of expertise through training. Each team  
11 member and those conducting investigations and  
12 interviews of elder or vulnerable adult abuse victims  
13 shall be trained in the multidisciplinary team  
14 approach, conduction of legally sound developmentally  
15 and age-appropriate interviews, effective  
16 investigation techniques and joint investigations as  
17 provided through the State Department of Health, the  
18 District Attorneys Council, the Department of Human  
19 Services, or other resources,
- 20 g. formalization of a case review process and provision  
21 of data as requested, and
- 22 h. standardization of investigative procedures for the  
23 handling of elderly and vulnerable adult abuse and  
24 neglect cases.

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

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

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

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

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

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM  
12 CARE, dated 04/12/2022 - DO PASS.

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