

1 **SENATE FLOOR VERSION**

2 March 2, 2022

3 **AS AMENDED**

4 SENATE BILL NO. 1163

5 By: Garvin and Boren of the  
6 Senate

7 and

8 Miller of the House

9 [ elderly and vulnerable adult abuse - Oklahoma Open  
10 Meeting Act - multidisciplinary team to investigate  
11 and prosecute certain crimes - protocols for certain  
12 investigations - access to certain service or  
13 treatment plan - confidentiality of certain  
14 information - confidentiality of reports or  
15 information from certain multidisciplinary team -  
16 codification - effective date ]

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

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

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

21 1. "Public body" means the governing bodies of all  
22 municipalities located within this state, boards of county  
23 commissioners of the counties in this state, boards of public and  
24 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

1 committee or subcommittee composed of any of the members of a public  
2 trust or other legal entity receiving funds from the Rural Economic  
3 Action Plan Fund as authorized by Section 2007 of Title 62 of the  
4 Oklahoma Statutes, task forces or study groups in this state  
5 supported in whole or in part by public funds or entrusted with the  
6 expending of public funds, or administering public property, and  
7 shall include all committees or subcommittees of any public body.  
8 Public body shall not include the state judiciary, the Council on  
9 Judicial Complaints when conducting, discussing, or deliberating any  
10 matter relating to a complaint received or filed with the Council,  
11 the Legislature, or administrative staffs of public bodies,  
12 including, but not limited to, faculty meetings and athletic staff  
13 meetings of institutions of higher education when those staffs are  
14 not meeting with the public body, or entry-year assistance  
15 committees. Furthermore, public body shall not include the  
16 multidisciplinary teams provided for in Section 1-9-102 of Title 10A  
17 of the Oklahoma Statutes, in Section 2 of this act, and in  
18 subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes  
19 or any school board meeting for the sole purpose of considering  
20 recommendations of a multidisciplinary team and deciding the  
21 placement of any child who is the subject of the recommendations.  
22 Furthermore, public body shall not include meetings conducted by  
23 stewards designated by the Oklahoma Horse Racing Commission pursuant  
24 to Section 203.4 of Title 3A of the Oklahoma Statutes when the

1 stewards are officiating at races or otherwise enforcing rules of  
2 the Commission. Furthermore, public body shall not include the  
3 board of directors of a Federally Qualified Health Center;

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

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

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

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

22 6. "Continued or reconvened meeting" means a meeting which is  
23 assembled for the purpose of finishing business appearing on an  
24 agenda of a previous meeting. For the purposes of the Oklahoma Open

1 Meeting Act, only matters on the agenda of the previous meeting at  
2 which the announcement of the continuance is made may be discussed  
3 at a continued or reconvened meeting;

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

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

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

21 A. In coordination with the District Attorneys Council, each  
22 district attorney may develop a multidisciplinary team for the  
23 investigation and prosecution of crimes committed against the  
24 elderly or vulnerable adults in each county of the district attorney

1 or in a contiguous group of counties. The lead agency for the team  
2 shall be chosen by the members of the team. The team shall  
3 intervene in reports involving sexual abuse, abuse, neglect, or  
4 exploitation of an elderly person or vulnerable adult as defined in  
5 Section 10-103 of Title 43A of the Oklahoma Statutes.

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

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

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

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

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

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

19 6. The district attorney or assistant district attorney.

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

22 a. whenever feasible, joint investigations by law  
23 enforcement and Adult Protective Services, Office of  
24 Client Advocacy, or long-term care staff to

- 1 effectively respond to reports of abuse against  
2 elderly or vulnerable adult victims,
- 3 b. the development of a written protocol for  
4 investigation of sexual abuse, abuse, neglect, or  
5 exploitation cases of elderly or vulnerable adults and  
6 for the interview of victims to ensure coordination  
7 and cooperation between all agencies involved. Such  
8 protocol shall include confidentiality statements and  
9 interagency agreements signed by member agencies that  
10 specify the cooperative effort of the member agencies  
11 to the team,
- 12 c. communication and collaboration among the  
13 professionals responsible for the reporting,  
14 investigation, prosecution, and treatment of elderly  
15 and vulnerable adult abuse and neglect cases,
- 16 d. elimination of duplicative efforts in the  
17 investigation and the prosecution of abuse and neglect  
18 cases committed against elderly or vulnerable adult  
19 victims,
- 20 e. identification of gaps in service or untapped  
21 resources within the community to improve the delivery  
22 of services to the victim and family,
- 23 f. development of expertise through training. Each team  
24 member and those conducting investigations and

1 interviews of elder or vulnerable adult abuse victims  
2 shall be trained in the multidisciplinary team  
3 approach, conduction of legally sound developmentally  
4 and age-appropriate interviews, effective  
5 investigation techniques and joint investigations as  
6 provided through the State Department of Health, the  
7 District Attorneys Council, the Department of Human  
8 Services, or other resources,

9 g. formalization of a case review process and provision  
10 of data as requested, and

11 h. standardization of investigative procedures for the  
12 handling of elderly and vulnerable adult abuse and  
13 neglect cases.

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

18 3. If trained personnel are not available in a timely manner  
19 and if a law enforcement officer or the Department of Human Services  
20 determines that there is reasonable cause to believe a delay in  
21 investigation or interview of a victim could place the victim's  
22 health or welfare in danger of harm or threatened harm, the  
23 investigation may proceed without full participation of all  
24 personnel, but only for as long as the danger to the victim exists.

1 The Department shall make a reasonable effort to find and provide a  
2 trained investigator or interviewer.

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

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
23 March 2, 2022 - DO PASS AS AMENDED  
24