

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1163

By: Garvin

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5
6 AS INTRODUCED

7 An Act relating to elderly and vulnerable adult
8 abuse; amending 25 O.S. 2021, Section 304, which
9 relates to the Oklahoma Open Meeting Act; modifying
10 definition; authorizing creation of multidisciplinary
11 team to investigate and prosecute certain crimes;
12 establishing qualifications for members of
13 multidisciplinary team; specifying functions of
14 multidisciplinary team; requiring development of
15 protocols for certain investigations; authorizing
16 investigation without certain personnel in emergency
17 situations; requiring multidisciplinary team access
18 to certain service or treatment plan; requiring
19 confidentiality of certain information; providing
20 exemption from Oklahoma Open Meeting Act for certain
21 information; providing exemption from Oklahoma Open
22 Records Act for certain information; amending 51 O.S.
23 2021, Section 24A.32, which relates to the Oklahoma
24 Open Records Act; providing for confidentiality of
25 reports or information from certain multidisciplinary
26 team; providing for codification; and providing an
27 effective date.

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

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

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

1 1. "Public body" means the governing bodies of all
2 municipalities located within this state, boards of county
3 commissioners of the counties in this state, boards of public and
4 higher education in this state and all boards, bureaus, commissions,
5 agencies, trusteeships, authorities, councils, committees, public
6 trusts or any entity created by a public trust, including any
7 committee or subcommittee composed of any of the members of a public
8 trust or other legal entity receiving funds from the Rural Economic
9 Action Plan Fund as authorized by Section 2007 of Title 62 of the
10 Oklahoma Statutes, task forces or study groups in this state
11 supported in whole or in part by public funds or entrusted with the
12 expending of public funds, or administering public property, and
13 shall include all committees or subcommittees of any public body.
14 Public body shall not include the state judiciary, the Council on
15 Judicial Complaints when conducting, discussing, or deliberating any
16 matter relating to a complaint received or filed with the Council,
17 the Legislature, or administrative staffs of public bodies,
18 including, but not limited to, faculty meetings and athletic staff
19 meetings of institutions of higher education when those staffs are
20 not meeting with the public body, or entry-year assistance
21 committees. Furthermore, public body shall not include the
22 multidisciplinary teams provided for in Section 1-9-102 of Title 10A
23 of the Oklahoma Statutes, in Section 2 of this act, and in
24 subsection C of Section 1-502.2 of Title 63 of the Oklahoma Statutes

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

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

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

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

20 5. "Emergency meeting" means any meeting called for the purpose
21 of dealing with an emergency. For purposes of the Oklahoma Open
22 Meeting Act, an emergency is defined as a situation involving injury
23 to persons or injury and damage to public or personal property or
24 immediate financial loss when the time requirements for public

1 notice of a special meeting would make such procedure impractical
2 and increase the likelihood of injury or damage or immediate
3 financial loss;

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 10-115 of Title 43A, unless
3 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

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

3 6. The district attorney or assistant district attorney.

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

- 6 a. whenever feasible, joint investigations by law
7 enforcement and Adult Protective Services, Office of
8 Client Advocacy, or long-term care staff to
9 effectively respond to reports of abuse against
10 elderly or vulnerable adult victims,
- 11 b. the development of a written protocol for
12 investigation of sexual abuse, abuse, neglect, or
13 exploitation cases of elderly or vulnerable adults and
14 for the interview of victims to ensure coordination
15 and cooperation between all agencies involved. Such
16 protocol shall include confidentiality statements and
17 interagency agreements signed by member agencies that
18 specify the cooperative effort of the member agencies
19 to the team,
- 20 c. communication and collaboration among the
21 professionals responsible for the reporting,
22 investigation, prosecution, and treatment of elderly
23 and vulnerable adult abuse and neglect cases,
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- 1 d. elimination of duplicative efforts in the
2 investigation and the prosecution of abuse and neglect
3 cases committed against elderly or vulnerable adult
4 victims,
- 5 e. identification of gaps in service or untapped
6 resources within the community to improve the delivery
7 of services to the victim and family,
- 8 f. development of expertise through training. Each team
9 member and those conducting investigations and
10 interviews of elder or vulnerable adult abuse victims
11 shall be trained in the multidisciplinary team
12 approach, conduction of legally sound developmentally
13 and age-appropriate interviews, effective
14 investigation techniques and joint investigations as
15 provided through the State Department of Health, the
16 District Attorneys Council, the Department of Human
17 Services, or other resources,
- 18 g. formalization of a case review process and provision
19 of data as requested, and
- 20 h. standardization of investigative procedures for the
21 handling of elderly and vulnerable adult abuse and
22 neglect cases.

23 2. Any investigation or interview related to sexual abuse,
24 abuse, or neglect of elderly or vulnerable adults shall be conducted

1 by appropriate personnel using the protocols and procedures
2 specified in this section.

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

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

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

22 SECTION 3. AMENDATORY 51 O.S. 2021, Section 24A.32, is
23 amended to read as follows:
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1 Section 24A.32. Any reports produced or information received by
2 the multidisciplinary child abuse team established according to the
3 provisions in Section 1-9-102 of Title 10A of the Oklahoma Statutes,
4 or the multidisciplinary elderly and vulnerable adult abuse team
5 established according to the provisions in Section 2 of this act,
6 shall be confidential and may be kept confidential by the team.

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

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