

ENROLLED SENATE  
BILL NO. 1601

By: Burrage and Johnson  
(Constance) of the Senate

and

Peters and Morgan of the  
House

An Act relating to vulnerable adults; amending 43A O.S. 2001, Section 10-110, which relates to confidentiality of records and reports; prohibiting certain expungement; providing for exception; requiring use of certain case numbers; providing for certain written notice; creating the Vulnerable Adult Intervention Task Force; stating purpose of task force; providing for membership of task force; providing for appointments; establishing length of term; establishing duties; requiring certain report; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 43A O.S. 2001, Section 10-110, is amended to read as follows:

Section 10-110. A. The reports, records, and working papers used or developed in an investigation of the circumstances of a vulnerable adult pursuant to the provisions of the Protective Services for Vulnerable Adults Act are confidential and may be disclosed only pursuant to rules promulgated by the Commission for Human Services, by order of the court or as otherwise provided by this section.

B. Department of Human Services agency records pertaining to a vulnerable adult may be inspected and their contents disclosed without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. A district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to this title or the prosecution of crimes against vulnerable adults;

2. The attorney representing a vulnerable adult who is the subject of a proceeding pursuant to the provisions of the Protective Services for Vulnerable Adults Act;

3. Employees of a law enforcement agency of this or another state and employees of protective services for vulnerable adults of another state;

4. A physician who has before him or her a vulnerable adult whom the physician reasonably suspects may have been abused or neglected or any health care or mental health professional involved in the evaluation or treatment of the vulnerable adult;

5. A caretaker, legal guardian, custodian or other family members of the vulnerable adult; provided the Department may limit such disclosures to summaries or to information directly necessary for the purpose of such disclosure;

6. Any public or private agency or person authorized by the Department to diagnose, provide care and treatment to a vulnerable adult who is the subject of a report or record of vulnerable adult abuse or neglect;

7. Any public or private agency or person authorized by the Department to supervise or provide other services to a vulnerable adult who is the subject of a report or record of vulnerable adult abuse or neglect; provided, the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure; and

8. Any person or agency for research purposes, if all of the following conditions are met:

- a. the person or agency conducting such research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department of Human Services to conduct such research, and
- b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed.

C. Nothing in this section shall be construed as prohibiting the Department from disclosing such confidential information as may be necessary to secure appropriate care, treatment or protection of a vulnerable adult alleged to be abused or neglected.

D. Records and their contents disclosed pursuant to this section shall remain confidential. The use of such information shall be limited to the purposes for which disclosure is authorized. It shall be unlawful and a misdemeanor for any person to furnish any record or disclose any information contained therein for any unauthorized purpose.

E. Records of investigations conducted pursuant to the Protective Services for Vulnerable Adults Act shall not be expunged except by court order.

1. If the Department is currently or was previously appointed as temporary guardian of the alleged victim of abuse, neglect, financial exploitation, or financial neglect, any petition or motion requesting expungement of the investigative records of the Department shall be filed under the same case number.

2. Written notice of the hearing and a copy of any such petition or motion shall be properly and timely served upon:

- a. the alleged victim of abuse, neglect, financial exploitation, or financial neglect,

- b. the Department's Office of General Counsel and any other counsel of record in a proceeding in which the Department was appointed as temporary guardian, and
- c. all other persons due notice in a guardianship proceeding involving the victim pursuant to Section 3-110 of Title 30 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-112 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services, together with the Department of Mental Health and Substance Abuse Services, shall develop and implement a Vulnerable Adult Intervention Task Force. The purpose of the task force shall be to study and examine how to best provide interdisciplinary community assistance, intervention, and referral services for persons with mental or physical illnesses or disabilities, dementia or other related disease or condition.

B. The task force shall consist of at least eleven (11) members as follows:

1. One member who shall be a member of the Oklahoma House of Representatives, to be appointed by the Speaker of the Oklahoma House of Representatives, and one member who shall be a member of the Oklahoma Senate, to be appointed by the President Pro Tempore of the Oklahoma Senate;

2. Commissioner of the Department of Mental Health and Substance Abuse Services, or designee;

3. Commissioner of the State Department of Health, or designee;

4. Director of the State Department of Rehabilitation Services, or designee;

5. One member who shall be a representative from law enforcement, to be appointed by the Senate President Pro Tempore;

6. One member who shall be a current or former municipal employee who worked as a code enforcement officer, to be appointed by the Speaker of the House of Representatives;

7. One member who shall be a public defender, or designee, to be appointed by the Governor;

8. One member who shall be a citizen of this state and a current or former member of an advocacy organization that represents vulnerable adults or persons with mental illness, to be appointed by the House Minority Leader;

9. One member who shall be a physician licensed to practice in this state, to be appointed by the Senate Minority Leader; and

10. The Director of the Department of Human Services, or designee.

Members of the task force shall serve for a thirty-month term.

C. Appointments to the task force shall be made by July 1, 2010. The first meeting shall be convened on or before August 1, 2010. A majority of the members present at a meeting shall constitute a quorum to do business. Members of the task force shall receive no compensation for their service, but shall receive travel reimbursement by the appointing authority pursuant to the State Travel Reimbursement Act.

D. The task force is authorized to meet as necessary in order to perform the duties imposed on it.

E. The task force shall recommend a curriculum, which at a minimum should include training for individuals on the symptoms, causes and evidence-based services and interventions for illnesses and conditions contained herein. The training should also address possible crisis situations arising from these illnesses and conditions and steps to support an individual in a crisis situation.

F. On or before December 31, 2010, and annually thereafter, the task force shall submit a report to the Legislature stating the recommendations and findings of the task force including but not limited to suggested legislative action, funding sources, state

agency action, and numbers of potential participants in recommended programs, either as a team member who promotes services or a recipient of services, and any recommendations for improvement of the program.

G. The task force shall be subject to the provisions of the Open Records Act and the Open Meeting Act. Staff assistance for the task force shall be provided by the staff of the Oklahoma House of Representatives and the Oklahoma State Senate.

SECTION 3. This act shall become effective July 1, 2010.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 21st day of May, 2010.

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Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2010.

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Presiding Officer of the House  
of Representatives