

Bill Summary
2nd Session of the 59th Legislature

Bill No.:	SB 1902
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Author:	Sen. Rosino
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Bill Analysis

SB 1902 provides that the records, reports, and working papers used or developed in an investigation of a community services provider shall be kept confidential and may only be disclosed in the case of a child or vulnerable adult. The measure directs the Department of Human Services to conduct a prompt and thorough investigation of any report alleging maltreatment of persons receiving services from a community services worker, Medicaid personal care assistant, or paid caretaker.

The investigation shall include the local law enforcement agency, who may request certain records. The Department shall share any findings of maltreatment with any state agency that has concurrent jurisdiction and make every effort to locate and notify the legal guardian of the person alleged to have suffered maltreatment. The Department shall provide an outline of the investigative process to the guardian of the alleged victim. Photographs documenting the maltreatment shall also be kept. The investigation shall include a visit to the reported victim of the treatment as well as any other potential victims. If the Department is denied entrance into the home of the victim, the Department may request the court's intervention. Investigators must be suitably trained in interview techniques and shall utilize such techniques in interviews with elderly and incapacitated adults and individuals with intellectual disabilities. The measure also requires investigators to interview the person alleged to have committed the maltreatment.

The Department shall forward its findings to the owner or administrator of the community services provider or Medicaid personal care services provider to prevent further incidents. The measure labels the Department as an interested party in any proceeding under the Administrative Procedures Act relating to the investigation. The State Department of Health shall inform the Department of Human Services of any actions taken. The measure provides that if the Department of Human Services believes the conditions leading to a report investigated by the Department alleging a serious threat to the health, safety, or welfare of a resident of a facility licensed by the State Department of Health have not been adequately addressed, the Department of Human Services may request the State Department of Health to hold a hearing on the complaint.

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