

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1426

By: Daniels

7 AS INTRODUCED

8 An Act relating to vulnerable adults; amending 43A  
9 O.S. 2021, Sections 10-104 and 10-105.1, as amended  
10 by Sections 5 and 7, Chapter 215, O.S.L. 2025 (43A  
11 O.S. Supp. 2025, Sections 10-104 and 10-105.1), which  
12 relate to protective services for vulnerable adults;  
13 limiting certain reporting duties to substantiated  
14 findings; amending 43A O.S. 2021, Section 10-110.1,  
which relates to public disclosure; limiting certain  
disclosure to substantiated findings; updating  
statutory language; updating statutory reference;  
repealing 43A O.S. 2021, Section 10-104, as amended  
by Section 3, Chapter 332, O.S.L. 2003, which relates  
to investigations; and providing an effective date.

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

19 SECTION 1. AMENDATORY 43A O.S. 2021, Section 10-104, as  
20 amended by Section 5, Chapter 215, O.S.L. 2025 (43A O.S. Supp. 2025,  
21 Section 10-104), is amended to read as follows:

22 Section 10-104. A. Any person having reasonable cause to  
23 believe that a vulnerable adult is suffering from abuse, neglect, or

1 exploitation shall make a report as soon as the person is aware of  
2 the situation to:

- 3       1. The Department of Human Services;
- 4       2. The Office of Client Advocacy within the State Department of  
5 Health; or
- 6       3. The municipal police department or sheriff's office in the  
7 county in which the suspected abuse, neglect, or exploitation  
8 occurred.

9           B. Persons required to make reports pursuant to this section  
10 shall include, but not be limited to:

- 11       1. Physicians;
- 12       2. Operators of emergency response vehicles and other medical  
13 professionals;
- 14       3. Social workers and mental health professionals;
- 15       4. Law enforcement officials;
- 16       5. Staff of domestic violence programs;
- 17       6. Long-term care facility personnel, including staff of  
18 nursing facilities, intermediate care facilities for individuals  
19 with intellectual disabilities (ICFs/IID), assisted living  
20 facilities, and residential care facilities;
- 21       7. Other health care professionals;
- 22       8. Persons entering into transactions with a caretaker or other  
23 person who has assumed the role of financial management for a  
24 vulnerable adult;

1       9. Staff of residential care facilities, group homes, or  
2 employment settings for individuals with intellectual disabilities;

3       10. Job coaches, community service workers, and personal care  
4 assistants; and

5       11. Municipal employees.

6       C. 1. If the report is not made in writing in the first  
7 instance, as soon as possible after it is initially made by  
8 telephone or otherwise, the report shall be reduced to writing by  
9 the Department of Human Services in accordance with rules  
10 promulgated by the Director of Human Services, by the Office of  
11 Client Advocacy in accordance with rules promulgated by the State  
12 Commissioner of Health, or by the local municipal police or  
13 sheriff's department, whichever entity received the initial report.

14 The report shall contain the following information:

- 15       a. the name and address of the vulnerable adult,
- 16       b. the name and address of the caretaker, guardian, or  
17                    person having power of attorney over the vulnerable  
18                    adult's resources if any,
- 19       c. a description of the current location of the  
20                    vulnerable adult,
- 21       d. a description of the current condition of the  
22                    vulnerable adult, and

- e. a description of the situation which may constitute abuse, neglect, or exploitation of the vulnerable adult.

2. If federal law specifically prohibits the disclosure of any of the information required by this subsection, that information may be excluded from the report.

D. 1. If the initial report is made to the local municipal police department or sheriff's office, such police department or sheriff's office shall notify, as soon as possible, the Department of Human Services and the Office of Client Advocacy of its investigation.

2. If, at any point after the initial report, the Department of Human Services or the Office of Client Advocacy discovers that it is not the appropriate state entity for the investigation as defined in Section 10-103 of this title, it shall refer the matter to and share the initial report with the appropriate state entity.

E. Any person who knowingly and willfully fails to promptly report any abuse, neglect, or exploitation as required by the provisions of subsection A of this section, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year or, by a fine ~~of~~ not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

1       F. 1. Any person participating in good faith and exercising  
2 due care in the making of a report pursuant to the provisions of  
3 this section shall have immunity from any civil or criminal  
4 liability that might otherwise be incurred or imposed. Any such  
5 participant shall have the same immunity with respect to  
6 participation in any judicial proceeding resulting from the report.

7       2. The same immunity from any civil or criminal liability shall  
8 also be extended to previous employers of a person employed to be  
9 responsible for the care of a vulnerable adult, who in good faith  
10 report to new employers or prospective employers of such caretaker  
11 any misconduct of the caretaker including, but not limited to,  
12 abuse, neglect, or exploitation of a vulnerable adult, whether  
13 confirmed or not.

14       G. Any person who willfully or recklessly makes a false report  
15 shall be civilly liable for any actual damages suffered by the  
16 person being reported and for any punitive damages set by the court  
17 or jury which may be allowed in the discretion of the court or jury.

18       H. 1. Every physician or other health care professional making  
19 a report concerning the abuse, neglect, or exploitation of a  
20 vulnerable adult, as required by this section, or examining a  
21 vulnerable adult to determine the likelihood of abuse, neglect, or  
22 exploitation, and every hospital in which a vulnerable adult is  
23 examined or treated for abuse, neglect, or exploitation shall  
24 disclose necessary health information related to the case and

1 provide, upon request by either the Department of Human Services,  
2 the Office of Client Advocacy, or the local municipal police or  
3 sheriff's department receiving the initial report, copies of the  
4 results or the records of the examination on which the report was  
5 based, and any other clinical notes, x-rays, or photographs and  
6 other health information which is related to the case if:

- 7 a. the vulnerable adult agrees to the disclosure of the  
8 health information, or
- 9 b. the individual is unable to agree to the disclosure of  
10 health information because of incapacity, and:
  - 11 (1) the requesting party represents that the health  
12 information for which disclosure is sought is not  
13 intended to be used against the vulnerable adult  
14 in a criminal prosecution but to provide  
15 protective services pursuant to the Protective  
16 Services for Vulnerable Adults Act,
  - 17 (2) the disclosure of the information is necessary to  
18 conduct an investigation into the alleged abuse,  
19 neglect, or exploitation of the vulnerable adult  
20 subject to the investigation, and
  - 21 (3) immediate enforcement activity that depends upon  
22 the disclosure:

- (a) is necessary to protect the health, safety, and welfare of the vulnerable adult because of incapacity, or
- (b) would be materially and adversely affected by waiting until the vulnerable adult is able to agree to the disclosure.

2. If federal law specifically prohibits the disclosure of any of the information required by this subsection, that information may be excluded from the disclosed health information.

I. After investigating the report, either the ~~county office of~~ the appropriate state entity or the municipal police department or sheriff's office, as appropriate, shall forward ~~its~~ any substantiated findings to the office of the district attorney in the county in which the suspected abuse, neglect, or exploitation occurred. ~~Unsubstantiated findings shall be labeled as such before transmission to the office of the district attorney.~~ Findings of self-neglect shall not be forwarded to the office of the district attorney unless similar findings were reported within six (6) months prior.

J. Any state or county medical examiner or physician who has reasonable cause to suspect that the death of any vulnerable adult may be the result of abuse or neglect as defined by Section 10-103 of this title shall make a report to the district attorney or other law enforcement official of the county in which the death occurred.

1 The report shall include the name of the person making the report,  
2 the name of the deceased person, the facts or other evidence  
3 supporting such suspicion, and any other health information that may  
4 be of assistance to the district attorney in conducting an  
5 investigation into the matter.

6 K. No employer shall terminate the employment of, prevent or  
7 impair the practice or occupation of, or impose any other sanction  
8 on any employee solely for the reason that the employee made or  
9 caused to be made a report or cooperated with an investigation  
10 pursuant to the Protective Services for Vulnerable Adults Act. A  
11 court, in addition to other damages and remedies, may assess  
12 reasonable attorney fees against an employer who has been found to  
13 have violated the provisions of this subsection.

14 SECTION 2. AMENDATORY 43A O.S. 2021, Section 10-105.1,  
15 as amended by Section 7, Chapter 215, O.S.L. 2025 (43A O.S. Supp.  
16 2025, Section 10-105.1), is amended to read as follows:

17 Section 10-105.1. A. As soon as possible after initiating an  
18 investigation of a referral regarding a vulnerable adult, the  
19 appropriate state entity shall provide to the caretaker of the  
20 alleged victim, the legal guardian, and next of kin of the  
21 vulnerable adult notification including a brief oral summary and  
22 easily understood written description of the investigation process,  
23 whether or not the caretaker, guardian, or next of kin is alleged to  
24

1 be the perpetrator of the abuse, neglect or exploitation of the  
2 vulnerable adult.

3       B. If the vulnerable adult retains capacity to consent to  
4 voluntary services, and does not wish for a caretaker or next of kin  
5 to receive notification of the investigation, the appropriate state  
6 entity shall abide by wishes of the vulnerable adult.

7       C. The notification specified by subsection A of this section  
8 shall include:

9           1. A statement that the investigation is being undertaken by  
10 the appropriate state entity pursuant to the requirements of the  
11 Protective Services for Vulnerable Adults Act in response to a  
12 report of abuse, neglect, or exploitation and shall include the name  
13 and office telephone number of the appropriate state entity's  
14 representative with primary responsibility for the investigation;

15           2. A statement that the identity of the person who reported the  
16 incident of abuse is confidential and may not even be known to the  
17 Department since the report could have been made anonymously;

18           3. A statement that the investigation is required by law to be  
19 conducted in order to enable the appropriate state entity to  
20 identify incidents of abuse, neglect, or exploitation in order to  
21 provide protective or preventive social services to vulnerable  
22 adults who are in need of such services;

1       4. An explanation of the procedures of the appropriate state  
2 entity for conducting an investigation of alleged abuse, neglect, or  
3 exploitation, including:

- 4           a. a statement that the alleged victim of abuse, neglect, or  
5 exploitation is the appropriate state entity's  
6 primary client in such an investigation,  
7           b. a statement that substantiated findings of all  
8 investigations resulting from an investigation are  
9 provided to the office of the district attorney, and  
10          c. a statement that law enforcement may conduct a  
11 separate investigation to determine whether a criminal  
12 violation occurred;

13       5. An explanation of services which may be provided as a result  
14 of the appropriate state entity's investigation, including:

- 15           a. a statement that the caretaker, legal guardian, and  
16 next of kin will be involved in the process of  
17 developing a plan of services for the vulnerable adult  
18 insofar as that involvement is consistent with the  
19 best interests of the vulnerable adult,  
20           b. a statement that voluntary services may be provided or  
21 arranged for based on the adult client's needs,  
22 desires, and acceptance, and  
23           c. a statement that involuntary services may be provided  
24 through the judicial system when immediate services

are needed to preserve the life of the vulnerable adult and physical health or preserve the resources of the vulnerable adult which may later be needed to provide care for the vulnerable adult;

6. A statement that, upon completion of the investigation, the identified caretaker, legal guardian, and next of kin will receive a letter from the appropriate state entity which will inform such caretaker, legal guardian, and next of kin:

- a. that the Department has found insufficient evidence of abuse, neglect, or exploitation,
- b. that there appears to be probable cause to suspect the existence of abuse, neglect, or exploitation in the judgment of the Department, and
- c. of the recommendations of the appropriate state entity concerning the vulnerable adult;

7. The procedures concerning the process the caretaker, legal guardian, and next of kin may use to acquire access to the vulnerable adult in the event the vulnerable adult is removed from the residence of the vulnerable adult and the circumstances under which access may be obtained;

8. The procedures to follow if there is a complaint regarding the actions of the appropriate state entity and the procedures to request a review of the findings made by the appropriate state entity during or at the conclusion of the investigation;

1       9. Information specifying that if the caretaker, legal  
2       guardian, and next of kin of the vulnerable adult have any questions  
3       as to their legal rights, that such persons have a right to seek  
4       legal counsel;

5       10. References to the statutory and regulatory provisions  
6       governing abuse, neglect, or exploitation and how the caretaker,  
7       legal guardian, and next of kin may obtain copies of those  
8       provisions; and

9       11. An explanation that the caretaker, legal guardian, and next  
10      of kin may review specific information gathered during the  
11      investigation and pertaining to the service needs of the vulnerable  
12      adult subject to the requirements and exceptions provided in Section  
13      10-110 of this title.

14      SECTION 3.       AMENDATORY       43A O.S. 2021, Section 10-110.1,  
15      is amended to read as follows:

16      Section 10-110.1. A. For purposes of this section:

17      1. "Near death" means the vulnerable adult is in serious or  
18      critical condition, as certified by a physician, as a result of  
19      abuse or neglect; and

20      2. "Vulnerable adult" shall be defined as provided in Section  
21      10-103 of ~~Title 43A of the Oklahoma Statutes~~ this title.

22      B. When a person responsible for the care of a vulnerable adult  
23      has been charged by information or indictment with committing a  
24      crime resulting in the death or near death of the vulnerable adult,

1 there shall be a presumption that the best interest of the public is  
2 served by public disclosure of certain information concerning:

3       1. The circumstances of the investigation of the death or near  
4 death of the vulnerable adult; and

5       2. Any other investigations concerning that vulnerable adult,  
6 or other vulnerable adults living in the same facility, or involving  
7 an individual provider of services to vulnerable adults, within:

8           a. three (3) years ~~of~~ before the death or near death, and  
9           b. one (1) year after the death or near death.

10       C. 1. At any time subsequent to seven (7) days of the date the  
11 person providing care to the vulnerable adult has been criminally  
12 charged, the Department of Human Services Adult Protective Services  
13 Division, the district attorney, the district court clerk, and the  
14 judge having jurisdiction over the case, upon request, shall release  
15 certain information to the public as follows:

16           a. a confirmation shall be provided by the Department as  
17           to whether a report has been made concerning the  
18           alleged victim or other vulnerable adults while living  
19           in the same household or facility and whether an  
20           investigation has begun,

21           b. confirmation shall be provided by the Department as to  
22           whether previous reports have been made and the dates  
23           thereof, a summary of those previous reports, the  
24           dates and outcome of any investigations or actions

taken by the Department in response to a previous report of abuse or neglect of vulnerable adults, and the specific recommendation made to the district attorney when a substantiated finding was present, and any subsequent action taken by the district attorney

- c. the dates of any judicial proceedings prior to the death or near death of the vulnerable adult,
  - d. recommendations submitted by each participant in writing at the judicial proceedings including ~~recommendation~~ recommendations made at the hearing as they relate to appropriate placement of a vulnerable adult, and
  - e. the rulings of the court.

2. Specific recommendations made and services rendered by the

Department of Human Services Adult Protective Services Division

described in any progress reports of a pending case submitted to the court may be disclosed by the Department.

D. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of vulnerable adult abuse or neglect, and shall not identify the name of other vulnerable adults in the household or facility, the person responsible for the care of the vulnerable adult, or any other member of the facility or household, other than the person criminally charged.

1 SECTION 4. REPEALER 43A O.S. 2021, Section 10-104, as

2 amended by Section 3, Chapter 332, O.S.L. 2003, is hereby repealed.

3 SECTION 5. This act shall become effective November 1, 2026.

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