

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1426

By: Daniels

AS INTRODUCED

An Act relating to vulnerable adults; amending 43A O.S. 2021, Sections 10-104 and 10-105.1, as amended by Sections 5 and 7, Chapter 215, O.S.L. 2025 (43A O.S. Supp. 2025, Sections 10-104 and 10-105.1), which relate to protective services for vulnerable adults; limiting certain reporting duties to substantiated 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.

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

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

Section 10-104. A. Any person having reasonable cause to 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

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

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

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

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

17 E. Any person who knowingly and willfully fails to promptly
18 report any abuse, neglect, or exploitation as required by the
19 provisions of subsection A of this section, upon conviction, shall
20 be guilty of a misdemeanor punishable by imprisonment in the county
21 jail for a term not exceeding one (1) year ~~or~~, by a fine ~~of~~ not more
22 than One Thousand Dollars (\$1,000.00), or by both such fine and
23 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:

1 (a) is necessary to protect the health, safety,
2 and welfare of the vulnerable adult because
3 of incapacity, or

4 (b) would be materially and adversely affected
5 by waiting until the vulnerable adult is
6 able to agree to the disclosure.

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

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

20 J. Any state or county medical examiner or physician who has
21 reasonable cause to suspect that the death of any vulnerable adult
22 may be the result of abuse or neglect as defined by Section 10-103
23 of this title shall make a report to the district attorney or other
24 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
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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,
5 or 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

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

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

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

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

21 8. The procedures to follow if there is a complaint regarding
22 the actions of the appropriate state entity and the procedures to
23 request a review of the findings made by the appropriate state
24 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

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

6 c. the dates of any judicial proceedings prior to the
7 death or near death of the vulnerable adult,

8 d. recommendations submitted by each participant in
9 writing at the judicial proceedings including
10 ~~recommendation~~ recommendations made at the hearing as
11 they relate to appropriate placement of a vulnerable
12 adult, and

13 e. the rulings of the court.

14 2. Specific recommendations made and services rendered by the
15 Department of Human Services Adult Protective Services Division
16 described in any progress reports of a pending case submitted to the
17 court may be disclosed by the Department.

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

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SECTION 4. REPEALER 43A O.S. 2021, Section 10-104, as amended by Section 3, Chapter 332, O.S.L. 2003, is hereby repealed.

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

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