

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 625

AN ACT

To repeal section 192.2435, RSMo, and to enact in lieu thereof two new sections relating to multidisciplinary adult protection teams, with an existing penalty provision.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Section 192.2435, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 56.086 and 192.2435, to read as follows:

56.086. 1. Each prosecuting or circuit attorney may develop, maintain, and coordinate the services of one or more multidisciplinary adult protection teams. As used in this section, the term "multidisciplinary adult protection team" means a team of two or more persons who are trained in the investigation, prosecution, prevention, identification, and treatment of abuse and who are qualified to provide a broad range of services related to the abuse of the following persons who, at the time of the abuse, reside or are located outside of any facility licensed under chapter 197 or 198:

- (1) Vulnerable persons, as defined in section 630.005;
- (2) Elderly persons, as defined in section 192.2005; and
- (3) Persons with a disability.

2. Such teams may include, but not be limited to:

- (1) Psychiatrists, psychologists, or other trained

counseling personnel;

(2) Police officers or other law enforcement officers;

(3) Medical personnel who have sufficient training to provide health services;

(4) Adult protection personnel;

(5) Community-based personnel who have experience or training in preventing the abuse of elderly or dependent persons;

(6) Guardians as described in chapter 475;

(7) A person qualified to review financial matters to identify financial abuse; and

(8) An elderly ombudsman.

3. The prosecuting attorney or circuit attorney shall utilize and convene the teams to facilitate the investigation and prosecution of offenses against vulnerable or elderly persons or persons with a disability and to supplement any protective services provided by the department of health and senior services.

4. This section shall not prevent a person from reporting, under section 192.2405, all suspected or known cases of abuse, neglect, or exploitation of a vulnerable or elderly person or a person with a disability. The role of the multidisciplinary adult protection team is to facilitate the investigation and prosecution of offenses, to support protective services, and to provide services deemed by the multidisciplinary adult protection team to be necessary and appropriate to abused, neglected, and exploited vulnerable or elderly persons or persons with a disability, upon referral. Services shall be provided with the consent of the vulnerable or elderly person, person with a

disability, or that person's guardian, or through a court order.

5. If a multidisciplinary adult protection team is providing certain services to abused, neglected, or exploited vulnerable or elderly persons or persons with a disability, other offices and departments shall avoid duplicating such services.

6. Adult protection personnel responding to a report under section 192.2405 shall contact the appropriate law enforcement agency immediately upon receipt of a report involving potential criminal activity based on the adult protection personnel's determination and provide the law enforcement agency with a detailed description of the report received. In such cases, the adult protection personnel shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the adult protection personnel in the investigation or provide the adult protection personnel, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

7. In conjunction with local law enforcement, multidisciplinary adult protection teams shall be used whenever responding to a report involving potential criminal activity based on the adult protection personnel's determination. Multidisciplinary adult protection teams shall be used in providing protective or preventive social services, including the services of law enforcement, and other agencies, both public and private.

8. (1) Except as otherwise permitted by law, records, reports, and information concerning reports of abuse, neglect, or

exploitation of a vulnerable or elderly person or a person with a disability shall be kept confidential among the multidisciplinary adult protection team members.

(2) Notwithstanding the provisions of section 192.2435 to the contrary, disclosure of records, reports, and information under subdivision (1) of this subsection may be made to persons and entities directly involved in the work of the multidisciplinary adult protection team as needed, including:

(a) Attorneys or other representatives of the adult client who are legally authorized to receive such records, reports, and information;

(b) Representatives of law enforcement;

(c) Grand juries or courts in the exercise of official business;

(d) Members of the multidisciplinary adult protection team as needed to conduct business; and

(e) Persons engaged in bona fide research or audit purposes; provided that, only information in the aggregate without identifying information may be provided for research or audit purposes, and confidentiality of the data is maintained.

(3) Disclosures under this subsection shall be subject to the limitations of the Health Insurance Portability and Accountability Act of 1996.

(4) Unless necessary for the provision of medical, legal, housing, social welfare, or other services, the name of the potential or actual victim or client may only be shared outside of the multidisciplinary adult protection team with representatives of law enforcement and organizations devoted to

victims' services or advocacy.

(5) The multidisciplinary adult protection team and the appropriate local law enforcement agency shall coordinate as needed for the administration of this section.

(6) Identifying information of the person who reported a case of suspected abuse, neglect, or exploitation of a vulnerable or elderly person or a person with a disability shall be kept strictly confidential. The identifying information shall not be disclosed to any person or organization within or without the multidisciplinary adult protection team unless the reporting person expressly consents to disclosure.

(7) Work products of the multidisciplinary adult protection team, including, but not limited to, internal memoranda, summaries or minutes of panel meetings, and written, audio records, or electronic records and communications shall not be:

(a) Public records, as defined in subdivision (6) of section 610.010;

(b) Available for public examination, reproduction, or disclosure; and

(c) Admissible as evidence in any civil, criminal, or administrative proceeding, unless otherwise required by law.

9. Any person participating in good faith in any action or omission authorized or required under this section shall be immune from civil or criminal liability that may result by reason of such action or omission.

10. Nothing in this section shall be construed to affect the authority of the department of health and senior services to investigate reports of abuse or neglect of an eligible adult

under sections 192.2400 to 192.2505 and offer such services and assistance as needed to such eligible adults.

192.2435. 1. Subject to section 56.086, reports made pursuant to sections 192.2400 to 192.2470 shall be confidential and shall not be deemed a public record and shall not be subject to the provisions of section 109.180 or chapter 610.

2. Such reports shall be accessible for examination and copying only to the following persons or offices, or to their designees:

(1) The department or any person or agency designated by the department;

(2) The attorney general;

(3) The department of mental health for persons referred to that department;

(4) Any appropriate law enforcement agency; and

(5) The eligible adult or such adult's legal guardian.

3. The name of the reporter shall not be disclosed unless:

(1) Such reporter specifically authorizes disclosure of his name; and

(2) The department determines that disclosure of the name of the reporter is necessary in order to prevent further harm to an eligible adult.

4. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections 192.2400 to 192.2470, shall be guilty of a class A misdemeanor.

5. The department shall maintain a central registry capable

of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall electronically record any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording.

6. Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.