

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 625

100TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, March 5, 2020, with recommendation that the Senate Committee Substitute do pass.

3693S.03C

ADRIANE D. CROUSE, Secretary.

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Section A. Section 192.2435, RSMo, is repealed and two new sections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

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

10 **(1) Vulnerable persons, as defined in section 630.005;**

11 **(2) Elderly persons, as defined in section 192.2005; and**

12 **(3) Persons with a disability.**

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

14 **(1) Psychiatrists, psychologists, or other trained counseling
15 personnel;**

16 **(2) Police officers or other law enforcement officers;**

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

- 19 **(4) Adult protection personnel;**
20 **(5) Community-based personnel who have experience or training**
21 **in preventing the abuse of elderly or dependent persons;**
22 **(6) Guardians as described in chapter 475;**
23 **(7) A person qualified to review financial matters to identify**
24 **financial abuse; and**
25 **(8) An elderly ombudsman.**

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

31 **4. This section shall not prevent a person from reporting, under**
32 **section 192.2405, all suspected or known cases of abuse, neglect, or**
33 **exploitation of a vulnerable or elderly person or a person with a**
34 **disability. The role of the multidisciplinary adult protection team is to**
35 **facilitate the investigation and prosecution of offenses, to support**
36 **protective services, and to provide services deemed by the**
37 **multidisciplinary adult protection team to be necessary and**
38 **appropriate to abused, neglected, and exploited vulnerable or elderly**
39 **persons or persons with a disability, upon referral. Services shall be**
40 **provided with the consent of the vulnerable or elderly person, person**
41 **with a disability, or that person's guardian, or through a court order.**

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

46 **6. Adult protection personnel responding to a report under**
47 **section 192.2405 shall contact the appropriate law enforcement agency**
48 **immediately upon receipt of a report involving potential criminal**
49 **activity based on the adult protection personnel's determination and**
50 **provide the law enforcement agency with a detailed description of the**
51 **report received. In such cases, the adult protection personnel shall**
52 **request the assistance of the local law enforcement agency in all**
53 **aspects of the investigation of the complaint. The appropriate law**
54 **enforcement agency shall either assist the adult protection personnel**
55 **in the investigation or provide the adult protection personnel, within**

56 twenty-four hours, an explanation in writing detailing the reasons why
57 it is unable to assist.

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

65 8. (1) Except as otherwise permitted by law, records, reports,
66 and information concerning reports of abuse, neglect, or exploitation
67 of a vulnerable or elderly person or a person with a disability shall be
68 kept confidential among the multidisciplinary adult protection team
69 members.

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

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

77 (b) Representatives of law enforcement;

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

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

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

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

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

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

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

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

107 **(a) Public records, as defined in subdivision (6) of section**
108 **610.010;**

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

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

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

117 **10. Nothing in this section shall be construed to affect the**
118 **authority of the department of health and senior services to investigate**
119 **reports of abuse or neglect of an eligible adult under sections 192.2400**
120 **to 192.2505 and offer such services and assistance as needed to such**
121 **eligible adults.**

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

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

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

- 9 (2) The attorney general;
- 10 (3) The department of mental health for persons referred to that
11 department;
- 12 (4) Any appropriate law enforcement agency; and
- 13 (5) The eligible adult or such adult's legal guardian.
- 14 3. The name of the reporter shall not be disclosed unless:
- 15 (1) Such reporter specifically authorizes disclosure of his name; and
- 16 (2) The department determines that disclosure of the name of the reporter
17 is necessary in order to prevent further harm to an eligible adult.
- 18 4. Any person who violates the provisions of this section, or who permits
19 or encourages the unauthorized dissemination of information contained in the
20 central registry and in reports and records made pursuant to sections 192.2400
21 to 192.2470, shall be guilty of a class A misdemeanor.
- 22 5. The department shall maintain a central registry capable of receiving
23 and maintaining reports received in a manner that facilitates rapid access and
24 recall of the information reported, and of subsequent investigations and other
25 relevant information. The department shall electronically record any telephone
26 report of suspected abuse and neglect received by the department and such
27 recorded reports shall be retained by the department for a period of one year after
28 recording.
- 29 6. Although reports to the central registry may be made anonymously, the
30 department shall in all cases, after obtaining relevant information regarding the
31 alleged abuse or neglect, attempt to obtain the name and address of any person
32 making a report.

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