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COMMITTEE REPORT

March 21, 2012

**H. 4513**

Introduced by Rep. Harrison

S. Printed 3/21/12--H.

Read the first time January 10, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4513) to amend Section 43‑35‑310, Code of Laws of South Carolina, 1976, relating to the membership of the Adult Protection Coordinating Council, so as to revise, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting Section 43-35-310(A)(2), as contained in SECTION 1, pages 1 through 3, and inserting:

/ (2) these members who shall serve ex officio:

(a) Attorney General or a designee;

(b) ~~Board of Long Term Health Care Administrators, Executive Director, or a designee;~~

~~(c)~~ ~~State Board of Nursing for South Carolina, Executive Director, or a designee;~~

~~(d)~~ ~~Commission~~ Office on Aging, Executive Director, or a designee;

~~(e)~~(c) Criminal Justice Academy, Executive Director, or a designee;

~~(f)~~(d) South Carolina Department of Health and Environmental Control, Commissioner, or a designee;

~~(g)~~(e) State Department of Mental Health, ~~Commissioner~~ Director, or a designee;

~~(h)~~(f) South Carolina Department of ~~Mental Retardation~~ Disabilities and Special Needs, ~~Commissioner~~ Director, or a designee;

~~(i)~~(g) Adult Protective Services Program, Director, or a designee;

~~(j)~~(h) South Carolina Department of Health and Human Services ~~Finance Commission~~, Executive Director, or a designee;

~~(k)~~ ~~Joint Legislative Committee on Aging, Chair, or a designee;~~

~~(l)~~(i) Police Chiefs’ Association, President, or a designee;

~~(m)~~(j) South Carolina Commission on Prosecution Coordination ~~Commission~~, Executive Director, or a designee;

~~(n)~~(k) ~~South Carolina~~ Protection and Advocacy ~~System for the Handicapped~~ for People with Disabilities, Inc., Executive Director, or a designee;

~~(o)~~(l) South Carolina Sheriff’s Association, Executive Director, or a designee;

~~(p)~~(m) South Carolina Law Enforcement Division, Chief, or a designee;

~~(q)~~(n) Long Term Care Ombudsman or a designee;

~~(r)~~(o) South Carolina Medical Association, Executive Director, or a designee;

~~(s)~~(p) South Carolina Health Care Association, Executive Director, or a designee;

~~(t)~~(q) South Carolina Home Care Association, Executive Director, or a designee;

(r) South Carolina Department of Labor, Licensing and Regulation, Director, or a designee;

(s) executive director or president of a provider association for home and community‑based services selected by the members of the council for terms of two years, or a designee;

(t) South Carolina Court Administration, Executive Director, or a designee;

(u) executive director or president of a residential care facility organization selected by the members of council for terms of two years, or a designee. /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 43‑35‑310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE MEMBERSHIP AND MAKE TECHNICAL CORRECTIONS; AND TO AMEND SECTION 43‑35‑330, RELATING TO THE DUTIES OF THE ADULT PROTECTION COORDINATING COUNCIL, SO AS TO REVISE THE DUTIES OF THE COUNCIL AND ADD THE REQUIREMENT THAT THE COUNCIL ANNUALLY PREPARE AND DISTRIBUTE TO THE MEMBERSHIP AND THE MEMBERS OF THE GENERAL ASSEMBLY A REPORT OF THE COUNCIL’S ACTIVITIES AND ACCOMPLISHMENTS FOR THE CALENDAR YEAR.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 43‑35‑310 of the 1976 Code, as added by Act 110 of 1993, is amended to read:

“Section 43-35-310. (A) There is created the Adult Protection Coordinating Council under the auspices of the ~~State~~ South Carolina Department of Health and Human Services ~~Finance Commission~~ and is comprised of:

(1) one member from the institutional care service provision system who is a consumer or a family member of a consumer of that system and one member from the home and community‑based service provision system who is a consumer or a family member of a consumer of that system, both of whom must be appointed by the ~~Governor~~ council for terms of two years; and

(2) these members who shall serve ex officio:

(a) Attorney General or a designee;

(b) ~~Board of Long Term Health Care Administrators, Executive Director, or a designee;~~

~~(c)~~ ~~State Board of Nursing for South Carolina, Executive Director, or a designee;~~

~~(d)~~ ~~Commission~~ Office on Aging, Executive Director, or a designee;

~~(e)~~(c) Criminal Justice Academy, Executive Director, or a designee;

~~(f)~~(d) South Carolina Department of Health and Environmental Control, Commissioner, or a designee;

~~(g)~~(e) State Department of Mental Health, ~~Commissioner~~ Director, or a designee;

~~(h)~~(f) South Carolina Department of ~~Mental Retardation~~ Disabilities and Special Needs, ~~Commissioner~~ Director, or a designee;

~~(i)~~(g) Adult Protective Services Program, Director, or a designee;

~~(j)~~(h) South Carolina Department of Health and Human Services ~~Finance Commission~~, Executive Director, or a designee;

~~(k)~~ ~~Joint Legislative Committee on Aging, Chair, or a designee;~~

~~(l)~~(i) Police Chiefs’ Association, President, or a designee;

~~(m)~~(j) South Carolina Commission on Prosecution Coordination ~~Commission~~, Executive Director, or a designee;

~~(n)~~(k) ~~South Carolina~~ Protection and Advocacy ~~System for the Handicapped~~ for People with Disabilities, Inc., Executive Director, or a designee;

~~(o)~~(l) South Carolina Sheriff’s Association, Executive Director, or a designee;

~~(p)~~(m) South Carolina Law Enforcement Division, Chief, or a designee;

~~(q)~~(n) Long Term Care Ombudsman or a designee;

~~(r)~~ ~~South Carolina Medical Association, Executive Director, or a designee;~~

~~(s)~~(o) South Carolina Health Care Association, Executive Director, or a designee;

~~(t)~~(p) South Carolina Home Care Association, Executive Director, or a designee;

(q) South Carolina Department of Labor, Licensing and Regulation, Director, or a designee;

(r) executive director or president of a provider association for home and community‑based services selected by the members of the council for terms of two years, or a designee;

(s) South Carolina Court Administration, Executive Director, or a designee;

(t) executive director or president of a residential care facility organization selected by the members of council for terms of two years, or a designee.

(B) Vacancies on the council must be filled in the same manner as the initial appointment.”

SECTION 2. Section 43‑35‑330 of the 1976 Code, as added by Act 110 of 1993, is amended to read:

“Section 43‑35‑330. (A) Duties of the council are subject to the appropriation of funding and allocation of personnel sufficient to carry out the functions of the council. Staffing for the council must be provided by the South Carolina Department of Health and Human Services.

(B) Duties of the council are to:

(1) ~~provide oversight in adult protection and to recommend changes in the system~~ provide and promote coordination and communication among groups and associations which may be affected by the council’s actions and recommended changes in the system;

(2) identify and promote training on critical issues in adult protection~~;~~,

~~(3)~~ facilitate arrangements for continuing education seminars and credits, when appropriate~~;~~ , and determine and target problem areas for training based on analysis of the data;

~~(4)~~ ~~coordinate agency training when possible to avoid duplication;~~

~~(5)~~(3) coordinate data collection and conduct analyses including periodic monitoring and evaluation of the incidence and prevalence of adult abuse, neglect, and exploitation;

~~(6)~~ ~~determine and target problem areas for training based on the analysis of the data;~~

~~(7)~~ ~~promote resource development;~~

~~(8)~~(4) assist with problem resolution and facilitate interagency coordination of efforts to address unmet needs and gaps in the system;

~~(9)~~(5) promote and enhance public awareness;

~~(10)~~(6) promote prevention and intervention activities to ensure quality of care for vulnerable adults and their families; and

(7) annually prepare a report of the council’s activities and accomplishments for the calendar year and distribute the report to council members, members of the General Assembly, directors or chairs of member agencies or entities who have a designee serving on the council, and other interested parties.

~~(11)~~ ~~provide technical assistance for developing memoranda of agreement among involved entities;~~

~~(12)~~ ~~promote coordination and communication among groups and associations which may be affected by the Adult Protection Coordinating Council’s actions through the use of memoranda of agreement.~~

~~(B)~~ ~~Duties of the council are subject to the appropriation of funding and allocation of personnel sufficient to carry out the functions of the council.~~”

SECTION 3. This act takes effect upon approval by the Governor.

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