

## Session 116 - (2005-2006)

**S\*1116 (Rat #0301, Act #0301 of 2006) General Bill, By McConnell, Lourie, Ford, Cleary, Knotts, Sheheen, Alexander and Setzler**

**Similar (H 4682)**

**Summary:** Special investigative unit established within SLED

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 10, CHAPTER 3, TITLE 23 SO AS TO ESTABLISH THE VULNERABLE ADULTS INVESTIGATIONS UNIT WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO RECEIVE AND COORDINATE REFERRALS OF REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN FACILITIES OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS; TO AMEND SECTION 43-35-10, AS AMENDED, RELATING TO THE DEFINITION OF TERMS IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITION OF "FACILITY" TO INCLUDE RESIDENTIAL PROGRAMS OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, AND TO REVISE THE DEFINITION OF "INVESTIGATIVE ENTITY" TO CLARIFY THAT THESE INVESTIGATIVE ENTITIES ARE PROGRAMS WITHIN THE DEPARTMENT OF SOCIAL SERVICES; TO AMEND SECTION 43-35-15, RELATING TO THE DUTIES AND PROCEDURES OF INVESTIGATIVE ENTITIES IN CONNECTION WITH ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS, SO AS TO PROVIDE THAT THE VULNERABLE ADULTS INVESTIGATIONS UNIT SHALL RECEIVE AND COORDINATE REFERRALS OF REPORTS OF ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS IN FACILITIES OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, TO PROVIDE THAT THE UNIT SHALL INVESTIGATE, OR REFER TO LAW ENFORCEMENT, THOSE REPORTS HAVING REASONABLE SUSPICION OF CRIMINAL CONDUCT, TO CLARIFY THAT THE LONG TERM CARE OMBUDSMAN AND THE ADULT PROTECTIVE SERVICES PROGRAM AT THE DEPARTMENT OF SOCIAL SERVICES SHALL INVESTIGATE NONCRIMINAL REPORTS, AND TO FURTHER PROVIDE FOR THE INVESTIGATION OF THESE INCIDENTS; TO AMEND SECTION 43-35-20, RELATING TO ADDITIONAL POWERS OF INVESTIGATIVE ENTITIES, SO AS TO PROVIDE THAT THESE ENTITIES SHALL HAVE ACCESS TO FACILITIES AS PERMITTED BY LAW; TO AMEND SECTION 43-35-25, RELATING TO PERSONS REQUIRED TO REPORT ABUSE, NEGLECT, AND EXPLOITATION OF VULNERABLE ADULTS, SO AS TO FURTHER CLARIFY THESE REPORTING RESPONSIBILITIES AND TO WHOM REPORTS MUST BE MADE; TO AMEND SECTION 43-35-35, RELATING TO REPORTING VULNERABLE ADULT DEATHS BELIEVED TO HAVE RESULTED FROM ABUSE OR NEGLECT, SO AS TO PROVIDE THAT ALL DEATHS OF A VULNERABLE ADULT IN FACILITIES OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS MUST BE REPORTED TO THE VULNERABLE ADULTS INVESTIGATIONS UNIT; TO AMEND SECTION 43-35-40, RELATING TO INVESTIGATIVE ENTITIES REVIEWING REPORTS TO MAKE REFERRALS TO LAW ENFORCEMENT SO AS TO REQUIRE THESE ENTITIES TO REPORT CASES WITH REASONABLE SUSPICION OF CRIMINAL CONDUCT TO THE VULNERABLE ADULTS INVESTIGATIONS UNIT; TO AMEND SECTION 43-35-65, RELATING TO NOTICES REQUIRED TO BE PLACED IN FACILITIES CONCERNING DUTIES OF FACILITY PERSONNEL, SO AS TO REQUIRE THESE NOTICES TO CONTAIN FACILITY CONTACT INFORMATION; TO AMEND SECTION 43-35-80, RELATING TO ACTIONS OF THE ATTORNEY GENERAL AGAINST A PERSON OR FACILITY FOR FAILING TO EXERCISE REASONABLE CARE IN OPERATING A FACILITY FOR VULNERABLE ADULTS, SO AS TO PROVIDE THAT REFERRALS FOR SUCH ACTIONS ALSO MAY BE MADE BY THE VULNERABLE ADULTS INVESTIGATIONS UNIT; TO ADD ARTICLE 5 TO CHAPTER 35, TITLE 43 SO AS TO FURTHER PROVIDE FOR THE POWERS AND DUTIES OF THE VULNERABLE ADULTS INVESTIGATIONS UNIT IN THE INVESTIGATION OF VULNERABLE ADULT FATALITIES AND TO ESTABLISH THE VULNERABLE ADULT FATALITIES REVIEW COMMITTEE AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES; TO ADD SECTION 17-5-555 SO AS TO REQUIRE THE CORONER OR MEDICAL EXAMINER TO REPORT THE DEATH OF A VULNERABLE ADULT TO THE VULNERABLE ADULTS INVESTIGATIONS UNIT UNDER CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44-7-2910, AS AMENDED, RELATING TO CRIMINAL RECORDS CHECKS FOR DIRECT CAREGIVERS, SO AS TO REQUIRE THESE RECORDS CHECKS ON DIRECT CAREGIVERS IN RESIDENTIAL PROGRAMS OPERATED BY, OR CONTRACTED WITH, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS. - ratified title

**02/02/06 Senate Introduced and read first time SJ-3**

**02/02/06 Senate Referred to Committee on Judiciary SJ-3**

**02/09/06 Senate Referred to Subcommittee: Hawkins (ch), Cromer, Sheheen, Lourie**

**03/02/06 Senate Committee report: Favorable with amendment Judiciary SJ-11**

03/03/06		Scrivener's error corrected
03/07/06	Senate	Amended SJ-15
03/08/06		Scrivener's error corrected
03/09/06	Senate	Amended SJ-18
03/09/06	Senate	Read second time SJ-18
03/10/06		Scrivener's error corrected
03/14/06	Senate	Read third time and sent to House SJ-23
03/15/06	House	Introduced and read first time HJ-5
03/15/06	House	Referred to Committee on Judiciary HJ-7
05/03/06	House	Committee report: Favorable Judiciary HJ-9
05/10/06	House	Debate adjourned HJ-24
05/10/06	House	Read second time HJ-99
05/11/06	House	Read third time and enrolled HJ-13
05/18/06		Ratified R 301
05/23/06		Signed By Governor
05/25/06		Copies available
05/25/06		Effective date 5/23/06
06/08/06		Act No. 301