



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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| <b>Bill Number:</b>    | H. 3273                                | Introduced on January 8, 2019 |
| <b>Author:</b>         | G.R. Smith                             |                               |
| <b>Subject:</b>        | Vulnerable Adult Maltreatment Registry |                               |
| <b>Requestor:</b>      | House Judiciary                        |                               |
| <b>RFA Analyst(s):</b> | Mitchell, Gallagher, and Gardner       |                               |
| <b>Impact Date:</b>    | March 4, 2019                          |                               |

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### **Fiscal Impact Summary**

The expenditure impact of this bill is pending, contingent upon responses from the South Carolina Law Enforcement Division and the Department of Social Services.

The bill will have no impact on the General Fund, Federal Funds, or Other Funds for the Department on Aging, as the bill charges the department with additional responsibilities that can be managed within existing appropriations.

### **Explanation of Fiscal Impact**

#### **Introduced on January 8, 2019**

##### **State Expenditure**

This bill enacts the Vulnerable Adult Maltreatment Registry Act. The bill requires the Department of Social Services to maintain the Vulnerable Adult Maltreatment Registry, in which indicated cases of knowing and willful abuse, neglect, or exploitation of a vulnerable adult with a known perpetrator must be entered. The bill establishes that persons determined to have abused, neglected, or exploited a vulnerable adult have a right to administrative appeal.

Code sections that reference the reporting, investigation, and judgment of the maltreatment of vulnerable adult cases are updated to incorporate and outline the use of the Vulnerable Adult Maltreatment Registry.

**South Carolina Law Enforcement Division.** When a determination of vulnerable adult maltreatment is made and results in a determination of abuse, neglect, or exploitation with a known perpetrator, the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division (SLED) must notify the Department of Social Services that the name of the individual must be entered immediately into the registry, notify the individual of the determination and that his name has been entered into the registry, and of the right to request an appeal.

The fiscal impact of this bill is pending, contingent upon a response from SLED.

**Department of Social Services.** The bill requires the Department of Social Services (DSS) to maintain the Vulnerable Adult Maltreatment Registry. DSS is authorized to disclose information concerning an individual named in the registry as a perpetrator when screening of an individual's

background is required by statute or regulation for employment, licensing, or another purpose, or when a request is made in writing by the person being screened.

Additionally, DSS will collaborate with the Vulnerable Adults Investigations Unit and the Long Term Care Ombudsman Program to furnish an annual report to the Governor and General Assembly regarding the incidence and prevalence of vulnerable adult abuse, neglect, and exploitation.

The fiscal impact of this bill is pending, contingent upon a response from DSS.

**Department on Aging.** The bill authorizes the Vulnerable Adults Investigations Unit or the Adult Protective Services Program to grant access to records of indicated cases with or without known perpetrators to the Vulnerable Adult Guardian ad Litem Program for purposes of certifying that no potential employee or volunteer is the subject of an indicated report of vulnerable adult abuse, neglect, and exploitation or affirmative determination.

DSS will collaborate with the Vulnerable Adults Investigations Unit and the Long Term Care Ombudsman Program to furnish an annual report to the Governor and General Assembly regarding the incidence and prevalence of vulnerable adult abuse, neglect, and exploitation.

Further, the Adult Protective Services Program, which is under the Department on Aging, is required to determine whether a report of suspected abuse, neglect, or exploitation is indicated with a known perpetrator, without a known perpetrator, or unfounded for the purposes of the Vulnerable Adult Maltreatment Registry.

The Department on Aging indicates that this bill charges the department with additional responsibilities that the agency is able to manage within existing appropriations. Therefore, this section will have no expenditure impact on the General Fund, Other Funds, or Federal Funds.

**State Revenue**

N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director