

Committee on Children, Families, and Elder Affairs

SB 7010 — OGSR/Public and Professional Guardians

by Children, Families, and Elder Affairs Committee

The bill saves from repeal the public records exemption for certain information held by the Department of Elder Affairs (the DOEA) in connection with a complaint filed against, or an investigation of, a professional guardian. Specifically, the exemption covers the following investigative information:

- The names and identifying information of a ward and guardian;
- The ward's personal health and financial records; and
- All photographs and video recordings. All other investigative information becomes public once an investigation concludes.

The bill defines what is considered an 'active' investigation and modifies the exemption for photos and video recordings to cover only photos and video recordings of a complainant or ward. Narrowing the exemption will provide the public with important information on the status of ongoing guardianship investigations without compromising the privacy of wards and their families.

The public records exemption stands repealed on October 2, 2022, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the information.

The bill will likely have an indeterminate fiscal impact on the DOEA.

If approved by the Governor, these provisions take effect October 1, 2022.

Vote: Senate 38-0; House 113-1