



LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/26/2019	.	
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The Committee on Governmental Oversight and Accountability
(Gibson) recommended the following:

Senate Amendment

Delete lines 90 - 185
and insert:

(f) A review team shall determine the local operations of the team, including, but not limited to, the process for case selection. Reviews must be limited to closed cases in which an elderly person's death is alleged or found to have been caused by, or related to, abuse or neglect. All identifying information concerning the person must be redacted in documents received for



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11 review. The review team shall meet at least once each fiscal
12 year.

13 (g) Administrative costs of operating the review team must
14 be borne by the team members or entities that they represent.

15 (2) An elder abuse fatality review team in existence on
16 July 1, 2019, may continue to exist and shall comply with the
17 requirements created in this section.

18 (3) An elder abuse fatality review team shall do all of the
19 following:

20 (a) Review deaths of elderly persons in its judicial
21 circuit alleged or found to have been caused by, or related to,
22 abuse or neglect.

23 (b) Consider the events leading up to a fatal incident,
24 available community resources, current law and policies, and the
25 actions taken by systems or individuals related to the fatal
26 incident.

27 (c) Identify potential gaps, deficiencies, or problems in
28 the delivery of services to elderly persons by public and
29 private agencies which may be related to deaths reviewed by the
30 review team.

31 (d) Whenever possible, develop communitywide approaches to
32 address causes of, and contributing factors to, deaths reviewed
33 by the review team.

34 (e) Develop recommendations and potential changes in law,
35 rules, and policies to support the care of elderly persons and
36 to prevent elder abuse deaths.

37 (4) (a) Review teams in this state may share with each other
38 any relevant information that pertains to the review of the
39 death of an elderly person.



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40 (b) A review team member may not contact, interview, or
41 obtain information by request directly from a member of the
42 deceased elder's family as part of the review unless a team
43 member is authorized to do so in the course of his or her
44 employment duties. A member of the deceased elder's family may
45 voluntarily provide information or records to a review team but
46 must be informed that their information or records are subject
47 to public disclosure unless a public records exemption applies.

48 (5) (a) Annually by September 1, each elder abuse fatality
49 review team shall submit a summary report to the Department of
50 Elderly Affairs which includes, but is not limited to:

51 1. Descriptive statistics regarding cases reviewed by the
52 review team, including demographic information on victims and
53 the causes and nature of deaths;

54 2. Current policies, procedures, rules, or statutes that
55 the review team identified as contributing to the incidence of
56 elder abuse and elder deaths, and recommendations for system
57 improvements and needed resources, training, or information
58 dissemination to address those identified issues; and

59 3. Any other recommendations to prevent deaths from elder
60 abuse or neglect, based on an analysis of the data and
61 information presented in the report.

62 (b) Annually by November 1, the Department of Elderly
63 Affairs shall prepare a summary report of the review team
64 information required under paragraph (a). The department shall
65 provide the summary report to the Governor, the President of the
66 Senate, the Speaker of the House of Representatives, and the
67 Department of Children and Families.

68 (6) There is no monetary liability on the part of, and a



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69 cause of action for damages may not arise against, any member of
70 an elder abuse fatality review team due to the performance of
71 his or her duties as a review team member in regard to any
72 discussions by, or deliberations or recommendations of, the team
73 or the member, unless such member acted in bad faith, with
74 wanton and willful disregard of human rights, safety, or
75 property.