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LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (584510) (with title**
2 **amendment)**

3
4 Delete lines 40 - 185
5 and insert:

6 persons found to have been caused by, or related to, abuse or
7 neglect. The review teams are housed, for administrative
8 purposes only, in the Department of Elderly Affairs.

9 (b) An elder abuse fatality review team may include, but is
10 not limited to, representatives from the following entities in



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- 11 the review team's judicial circuit:
- 12 1. Law enforcement agencies;
- 13 2. The state attorney;
- 14 3. The medical examiner;
- 15 4. A county court judge;
- 16 5. Adult protective services;
- 17 6. The area agency on aging;
- 18 7. The State Long-Term Care Ombudsman Program;
- 19 8. The Agency for Health Care Administration;
- 20 9. The Office of the Attorney General;
- 21 10. The Office of the State Courts Administrator;
- 22 11. The clerk of the court;
- 23 12. A victim services program;
- 24 13. An elder law attorney;
- 25 14. Emergency services personnel;
- 26 15. A certified domestic violence center;
- 27 16. An advocacy organization for victims of sexual
- 28 violence;
- 29 17. A funeral home director;
- 30 18. A forensic pathologist;
- 31 19. A geriatrician;
- 32 20. A geriatric nurse;
- 33 21. A geriatric psychiatrist or other individual licensed
- 34 to offer behavioral health services;
- 35 22. A hospital discharge planner;
- 36 23. A public guardian; or
- 37 24. Any other persons who have knowledge regarding fatal
- 38 incidents of elder abuse, domestic violence, or sexual violence,
- 39 including knowledge of research, policy, law, and other matters



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40 connected with such incidents involving elders, or who are
41 recommended for inclusion by the review team.

42 (c) A state attorney, or his or her designee, may initiate
43 the establishment of a review team in his or her judicial
44 circuit and may call the first organizational meeting of the
45 team. At the initial meeting, members of the review team shall
46 choose two members to serve as co-chairs and shall establish a
47 schedule for future meetings.

48 (d) Participation in a review team is voluntary. Members of
49 the review team shall serve without compensation and may not be
50 reimbursed for per diem or travel expenses.

51 (e) Members shall serve for terms of 2 years, to be
52 staggered as determined by the co-chairs. Chairs may be
53 reelected by a majority vote of the review team but not for more
54 than two consecutive terms.

55 (f) A review team shall determine the local operations of
56 the team, including, but not limited to, the process for case
57 selection. Reviews must be limited to closed cases in which an
58 elderly person's death is alleged or found to have been caused
59 by, or related to, abuse or neglect. All identifying information
60 concerning the person must be redacted in documents received for
61 review. The review team shall meet at least once each fiscal
62 year.

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

65 (2) An elder abuse fatality review team in existence on
66 July 1, 2019, may continue to exist and shall comply with the
67 requirements of this section.

68 (3) An elder abuse fatality review team shall do all of the



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69 following:

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

73 (b) Consider the events leading up to a fatal incident,
74 available community resources, current law and policies, and the
75 actions taken by systems or individuals related to the fatal
76 incident.

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

81 (d) Whenever possible, develop communitywide approaches to
82 address causes of, and contributing factors to, deaths reviewed
83 by the review team.

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

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

90 (b) A review team member may not contact, interview, or
91 obtain information by request directly from a member of the
92 deceased elder's family as part of the review unless a team
93 member is authorized to do so in the course of his or her
94 employment duties. A member of the deceased elder's family may
95 voluntarily provide information or records to a review team but
96 must be informed that such information or records are subject to
97 public disclosure unless a public records exemption applies.



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

101 1. Descriptive statistics regarding cases reviewed by the
102 review team, including demographic information on victims and
103 the causes and nature of deaths;

104 2. Current policies, procedures, rules, or statutes that
105 the review team identified as contributing to the incidence of
106 elder abuse and elder deaths, and recommendations for system
107 improvements and needed resources, training, or information
108 dissemination to address those identified issues; and

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

112 (b) Annually by November 1, the Department of Elderly
113 Affairs shall prepare a summary report of the review team
114 information required under paragraph (a). The department shall
115 provide the summary report to the Governor, the President of the
116 Senate, the Speaker of the House of Representatives, and the
117 Department of Children and Families.

118 (6) There is no monetary liability on the part of, and a
119 cause of action for damages may not arise against, any member of
120 an elder abuse fatality review team due to the performance of
121 his or her duties as a review team member in regard to any
122 discussions by, or deliberations or recommendations of, the team
123 or the member, unless such member acted in bad faith, with
124 wanton and willful disregard of human rights, safety, or
125 property.



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127 ===== T I T L E A M E N D M E N T =====

128 And the title is amended as follows:

129 Delete lines 23 - 31

130 and insert:

131 Children and Families; providing immunity from
132 monetary liability for review team members under
133 certain conditions; providing an effective date.