

## Session 118 - (2009-2010)

**H\*3358 (Rat #0268, Act #0223 of 2010) General Bill, By Harrison, Weeks, Horne, Hutto and Whipper**

**Similar (S 0361)**

**Summary:** Adult abuse

AN ACT TO AMEND SECTION 43-35-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE OMNIBUS ADULT PROTECTION ACT, SO AS TO REVISE THE DEFINITION OF "INVESTIGATIVE ENTITY" BY INCLUDING THE VULNERABLE ADULTS INVESTIGATIONS UNIT AND THE MEDICAID FRAUD CONTROL UNIT, TO REVISE THE DEFINITION OF "NEGLECT", AND TO DEFINE "OPERATED FACILITY" AND "CONTRACTED FACILITY"; TO AMEND SECTION 43-35-15, AS AMENDED, RELATING TO RESPONSIBILITIES OF INVESTIGATIVE ENTITIES UPON RECEIPT OF A REPORT, SO AS TO CLARIFY THAT REFERRAL OF A CASE TO A PROSECUTOR MUST BE MADE WHEN FURTHER ACTION IS NECESSARY; TO AMEND SECTION 43-35-35, AS AMENDED, RELATING TO REPORTING DEATHS WHEN ABUSE OR NEGLECT IS SUSPECTED, SO AS TO PROVIDE THAT DEATHS IN A FACILITY REFERRED TO THE VULNERABLE ADULTS INVESTIGATIONS UNIT MUST BE INVESTIGATED PURSUANT TO SECTION 43-35-520; TO AMEND SECTION 43-35-40, AS AMENDED, RELATING TO REQUIREMENTS OF AN INVESTIGATIVE ENTITY UPON RECEIVING A REPORT OF ADULT ABUSE, SO AS TO FURTHER SPECIFY AND CLARIFY PROCEDURES FOR REPORTING CASES IN WHICH THERE IS A REASONABLE SUSPICION OF CRIMINAL CONDUCT; TO AMEND SECTION 43-35-85, AS AMENDED, RELATING TO CRIMINAL PENALTIES FOR FAILING TO REPORT ADULT ABUSE WHEN REQUIRED TO REPORT AND PENALTIES FOR COMMITTING ABUSE, SO AS TO DELETE PROVISIONS REQUIRING ACTUAL KNOWLEDGE OF ABUSE, NEGLECT, OR EXPLOITATION AND TO DELETE PROVISIONS AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN BY A PERSON'S LICENSING BOARD WHEN THE PERSON IS REQUIRED TO REPORT AND FAILS TO MAKE A REPORT WHEN THE PERSON HAS REASON TO BELIEVE THAT ABUSE OCCURRED; TO AMEND SECTION 43-35-520, RELATING TO THE RESPONSIBILITY OF THE VULNERABLE ADULTS INVESTIGATIONS UNIT TO INVESTIGATE FATALITIES OCCURRING IN FACILITIES OPERATED BY, OR CONTRACTED FOR OPERATIONS BY, THE DEPARTMENT OF MENTAL HEALTH OR THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO REQUIRE THE UNIT TO ALSO INVESTIGATE FATALITIES OCCURRING IN A NURSING HOME CONTRACTED FOR OPERATION BY THE DEPARTMENT OF MENTAL HEALTH WHEN ABUSE OR NEGLECT OR CERTAIN OTHER CIRCUMSTANCES OF THE DEATH ARE PRESENT; BY ADDING SECTION 44-7-295 SO AS TO AUTHORIZE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ENTER FACILITIES AT ALL TIMES TO INSPECT CONDITIONS RELATING TO THE STATE CERTIFICATION OF NEED AND HEALTH LICENSURE ACT, TO COPY RECORDS, AND TO OBTAIN A WARRANT FOR THESE PURPOSES WHEN ENTRY IS DENIED OR NO EMERGENCY EXISTS; TO AMEND SECTION 44-7-315, AS AMENDED, RELATING TO INFORMATION RECEIVED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL WHEN CONDUCTING INSPECTIONS, SO AS TO PROVIDE THAT THE DEPARTMENT'S AUTHORITY INCLUDES INSPECTIONS OF ACTIVITIES LICENSED BY THE DEPARTMENT AND TO DELETE REFERENCES TO GROUP HOMES; TO AMEND SECTION 44-7-320, RELATING TO SANCTIONS THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL MAY IMPOSE ON A PERSON OR FACILITY FOR VIOLATIONS OF THE STATE CERTIFICATION OF NEED AND HEALTH LICENSURE ACT, SO AS TO PROVIDE THAT THE DEPARTMENT MAY IMPOSE BOTH A MONETARY PENALTY AND SUSPENSION OR REVOCATION OF A LICENSE; AND TO AMEND SECTION 23-3-810, RELATING TO RESPONSIBILITIES OF THE VULNERABLE ADULTS INVESTIGATIONS UNIT, SO AS TO CLARIFY THAT REFERRAL OF A CASE TO A PROSECUTOR MUST BE MADE WHEN FURTHER ACTION IS NECESSARY. - ratified title

**01/28/09 House Introduced and read first time HJ-14**

**01/28/09 House Referred to Committee on Judiciary HJ-14**

**02/19/09 House Member(s) request name added as sponsor: Weeks**

**03/25/09 House Member(s) request name added as sponsor: Horne**

**03/25/09 House Committee report: Favorable with amendment Judiciary HJ-6**

**03/31/09 House Member(s) request name added as sponsor: Hutto**

**03/31/09 House Requests for debate-Rep(s). Cooper, White, EH Pitts, GM Smith, Crawford, Bannister, Hosey, Vlck, Williams, Ott, Forrester, Brantley, GR Smith, Bedingfield, and Jennings HJ-56**

**04/22/09 House Member(s) request name added as sponsor: Whipper**

**04/01/09 House Debate adjourned until Tuesday, April 7, 2009 HJ-95**

**04/22/09 House Amended HJ-76**

**04/22/09 House Read second time HJ-84**

**04/22/09 House Roll call Yeas-97 Nays-0 HJ-84**

04/23/09	House	Read third time and sent to Senate HJ-269
04/28/09	Senate	Introduced and read first time SJ-7
04/28/09	Senate	Referred to Committee on Medical Affairs SJ-7
02/09/10	Senate	Committee report: Favorable with amendment Medical Affairs SJ-15
02/10/10	Senate	Committee Amendment Adopted SJ-11
02/10/10	Senate	Read second time SJ-11
02/11/10		Scrivener's error corrected
05/12/10	Senate	Amended SJ-13
05/12/10	Senate	Read third time and returned to House with amendments SJ-13
05/20/10	House	Concurred in Senate amendment and enrolled HJ-48
05/20/10	House	Roll call Yeas-96 Nays-0 HJ-48
06/01/10		Ratified R 268
06/07/10		Signed By Governor
06/16/10		Effective date 06/07/10
06/23/10		Act No. 223