

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0212

SENATE BILL NO. 14

Introduced by: The Committee on Health and Human Services at the request of the
Department of Social Services

1 FOR AN ACT ENTITLED, An Act to require the mandatory reporting of abuse or neglect of
2 elderly or disabled adults.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-46 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is a:

- 7 (1) Physician, dentist, doctor of osteopathy, chiropractor, optometrist, podiatrist,
8 religious healing practitioner, hospital intern or resident, nurse, paramedic,
9 emergency medical technician, hospital personnel engaged in the admission,
10 examination, care, or treatment of elderly or disabled adults or any health care
11 professional;
- 12 (2) Nursing home staff member, assisted living facility staff member, adult day care
13 center staff member, residential caregiver, social worker, or any individual providing
14 homemaker services;
- 15 (3) Long-term care ombudsman;



1 (4) Psychologist, mental health professional, or counselor; or

2 (5) State, county, or municipal criminal justice employee or law enforcement officer;

3 who knows, or has reasonable cause to suspect, that an elder or disabled adult has been or is

4 being abused or neglected, shall immediately report such knowledge or suspicion orally or in

5 writing to the state's attorney of the county in which the elder or disabled adult resides or is

6 present, to the Department of Social Services, or to a law enforcement officer. Any person who

7 knowingly fails to make the required report is guilty of a Class 1 misdemeanor.

8 Any person who knows or has reason to suspect that an elder or disabled adult has been

9 abused or neglected as defined in § 22-46-2 or 22-46-3 may report that information, regardless

10 of whether that person is one of the mandatory reporters listed in this section.