

AN ACT

ENTITLED, An Act to require the mandatory reporting of abuse or neglect of elderly or disabled adults.

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

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

Any person who is a:

- (1) Physician, dentist, doctor of osteopathy, chiropractor, optometrist, podiatrist, religious healing practitioner, hospital intern or resident, nurse, paramedic, emergency medical technician, social worker, or any health care professional;
- (2) Long-term care ombudsman;
- (3) Psychologist, licensed mental health professional, or counselor engaged in professional counseling; or
- (4) State, county, or municipal criminal justice employee or law enforcement officer;

who knows, or has reasonable cause to suspect, that an elder or disabled adult has been or is being abused or neglected, shall, within twenty-four hours, report such knowledge or suspicion orally or in writing to the state's attorney of the county in which the elder or disabled adult resides or is present, to the Department of Social Services, or to a law enforcement officer. Any person who knowingly fails to make the required report is guilty of a Class 1 misdemeanor.

Section 2. That chapter 22-46 be amended by adding thereto a NEW SECTION to read as follows:

Any staff member of a nursing facility, assisted living facility, adult day care center, or community support provider, or any residential care giver, individual providing homemaker services, victim advocate, or hospital personnel engaged in the admission, examination, care, or treatment of

elderly or disabled adults who knows, or has reasonable cause to suspect, that an elderly or disabled adult has been or is being abused or neglected, shall, within twenty-four hours, notify the person in charge of the institution where the elderly or disabled adult resides or is present, or the person in charge of the entity providing the service to the elderly or disabled adult, of the suspected abuse or neglect. The person in charge shall report the information in accordance with the provisions of section 1 of this Act. Any person who knowingly fails to make the required report is guilty of a Class 1 misdemeanor.

Section 3. That chapter 22-46 be amended by adding thereto a NEW SECTION to read as follows:

Any person who knows or has reason to suspect that an elderly or disabled adult has been abused or neglected as defined in § 22-46-2 or 22-46-3 may report that information, regardless of whether that person is one of the mandatory reporters listed in this Act.

An Act to require the mandatory reporting of abuse or neglect of elderly or disabled adults.

I certify that the attached Act
originated in the
SENATE as Bill No. 14

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 14
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
SS.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State