



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2178/1
TJD:wlj

2021 SENATE BILL 395

June 10, 2021 - Introduced by Senators JACQUE, BALLWEG and L. TAYLOR, cosponsored by Representatives ROZAR, SKOWRONSKI, ARMSTRONG, BRANDTJEN, CABRAL-GUEVARA, EDMING, GUNDRUM, MURPHY, SINICKI, SPIROS, SUBECK and WICHGERS. Referred to Committee on Human Services, Children and Families.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 46.90 (5) (b) (intro.), 55.043 (1r) (a) 1g. and 55.043 (1r) (b)
2 (intro.) of the statutes; **relating to:** responses to reports relating to elder adults
3 at risk and adults at risk.

Analysis by the Legislative Reference Bureau

Current law requires employees of entities that are credentialed by the Department of Health Services to report to the county department, the elder-adult-at-risk agency, DHS, the Board on Aging and Long-term Care, or law enforcement a request by an elder adult at risk to make a report; a reasonable belief that an elder adult at risk is at imminent risk of serious bodily harm, death, sexual assault, or significant property loss but is unable to make an informed judgment whether to make a report; or a reasonable belief that any elder adult at risk is at risk of any of those harms by a suspected perpetrator. An "elder adult at risk" is defined under current law as a person age 60 or older who has experienced, is experiencing, or is at risk of experiencing abuse, financial exploitation, neglect, or self-neglect. Upon receiving a report, the elder-adult-at-risk agency must respond to the report or refer the report to another agency for investigation or, if the alleged victim is a client of a credentialed entity and if the suspected perpetrator of the harm is a caregiver or nonclient resident of the entity, must refer the report to DHS. Current law specifies that the agency's response or investigation may include any of the following actions: a visit to the elder adult at risk's residence; observation of or interview with the elder adult at risk; interview with a guardian, agent under an activated power of attorney for health care, or caregiver of the elder adult at risk; or

SENATE BILL 395

review of treatment and patient health care records or financial records. This bill requires that at least one of these specified actions be included in the response or investigation.

Current law contains a similar reporting requirement for similar types of harms to adults at risk, who are adults who have a physical or mental condition that substantially impairs their ability to care for their needs and who have experienced, are experiencing, or are at risk of experiencing abuse, financial exploitation, neglect, or self-neglect. Current law requires the recipient of a report, if the alleged victim is a client of a credentialed entity and if the suspected perpetrator is a caregiver or nonresident client of the entity, to refer the report to DHS, but under other circumstances, the adult-at-risk agency is allowed but not required to respond to a reasonable belief that an adult at risk is the subject of abuse, financial exploitation, neglect, or self-neglect. The bill requires an adult-at-risk agency that receives a report of alleged abuse or an adult-at-risk agency that has reason to believe an adult-at-risk is the subject of the harms specified under current law to respond by conducting an investigation or by referring the report to another agency for investigation. The bill also requires the investigating agency to include at least one of the actions specified in current law, which are the same actions described for investigations related to elder adults at risk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.90 (5) (b) (intro.) of the statutes is amended to read:

2 46.90 **(5)** (b) (intro.) The elder-adult-at-risk agency's response or another
3 investigative agency's investigation ~~may~~ shall include at least one ~~or more~~ of the
4 following:

5 **SECTION 2.** 55.043 (1r) (a) 1g. of the statutes is amended to read:

6 55.043 **(1r)** (a) 1g. Except as otherwise provided, if an adult-at-risk agency has
7 reason to believe that an adult at risk has been the subject of abuse, financial
8 exploitation, neglect, or self-neglect or upon receiving a report of alleged abuse, the
9 adult-at-risk agency ~~may~~ shall respond, ~~including~~ by conducting an investigation,
10 ~~to~~ or by referring the report to another agency for investigation. The investigation
11 may be used to determine whether the adult at risk is in need of protective services.
12 If an adult-at-risk agency has reason to believe that there is abuse, financial

SENATE BILL 395

1 exploitation, neglect, or self-neglect of an adult at risk who is a client, as defined in
2 s. 50.065 (1) (b), of an entity, as defined in s. 50.065 (1) (c), and if the person suspected
3 of perpetrating the alleged abuse, financial exploitation, or neglect is a caregiver or
4 nonclient resident of the entity, the adult-at-risk agency shall refer the report
5 within 24 hours after the report is received to the department for investigation. The
6 department shall coordinate its investigatory efforts with other investigative
7 agencies or authorities as appropriate. An adult-at-risk agency's response to or
8 another investigative agency's investigation of a report of abuse, financial
9 exploitation, neglect, or self-neglect that is not referred to the department shall be
10 commenced within 24 hours after a report is received, excluding Saturdays,
11 Sundays, and legal holidays.

12 **SECTION 3.** 55.043 (1r) (b) (intro.) of the statutes is amended to read:

13 55.043 (1r) (b) (intro.) The adult-at-risk agency's response or another
14 investigative agency's investigation ~~may~~ shall include at least one or more of the
15 following:

16 (END)