

VULNERABLE ADULT ABUSE AMENDMENTS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Patricia W. Jones

LONG TITLE

General Description:

This bill modifies the Offenses Against the Person section of the Utah Criminal Code.

Highlighted Provisions:

This bill:

- ▶ makes technical changes to provide consistency with other sections of the Utah Code.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-111.1, as enacted by Chapter 130, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-111.1** is amended to read:

76-5-111.1. Reporting requirements -- Investigation -- Immunity -- Violation -- Penalty -- Physician patient privilege -- Nonmedical healing.

(1) ~~Ĥ~~ **AS PROVIDED IN SECTION 62A-3-305, ANY** ~~h~~ person[, including but not limited to, a social worker, physician, psychologist, nurse, teacher, or employee of a private or public facility serving adults,] who has reason to believe that any [~~disabled or elder~~] vulnerable adult has been the subject of abuse, [~~emotional~~



28 ~~or psychological abuse,]~~ neglect, or exploitation shall immediately notify the nearest peace
 29 officer, law enforcement agency, or ~~[local office of]~~ Adult Protective Services intake within the
 30 Department of Human Services, Division of Aging and Adult Services.

31 (2) Anyone who makes that report in good faith ~~Ĥ [or otherwise notifies]~~ **TO ĥ** a law
 32 enforcement agency, the Division of Aging and Adult Services, or Adult Protective Services of
 33 suspected abuse, neglect, or exploitation is immune from civil and criminal liability in
 34 connection with the report or other notification.

35 (3) (a) When the initial report is made to a peace officer or law enforcement agency,
 36 ~~[and the disabled or elder adult requires protection,]~~ the officer or law enforcement agency
 37 shall immediately notify ~~[the nearest local office of]~~ Adult Protective Services ~~[and that office]~~
 38 intake. Adult Protective Services and law enforcement shall coordinate ~~[its investigation with~~
 39 ~~law enforcement]~~, as appropriate, their investigations and provide protection to the ~~[disabled or~~
 40 ~~elder]~~ vulnerable adult as necessary.

41 ~~[(b) When the initial report involves a resident of a long-term care facility, as defined~~
 42 ~~in Section 62A-3-202, the local long-term care ombudsman within the Department of Human~~
 43 ~~Services, Division of Aging and Adult Services, shall be immediately notified. The~~
 44 ~~ombudsman and the local Adult Protective Services office shall cooperate in conducting the~~
 45 ~~investigation.]~~

45a **Ĥ (b) ADULT PROTECTIVE SERVICES WILL NOTIFY THE LONG-TERM CARE OMBUDSMAN,**
 45b **AS DEFINED IN SECTION 62A-3-202, WHEN THE INITIAL REPORT TO ADULT PROTECTIVE SERVICES**
 45c **INVOLVES A RESIDENT OF A LONG-TERM CARE FACILITY AS DEFINED IN SECTION 62A-3-202. THE**
 45d **LONG-TERM CARE OMBUDSMAN AND ADULT PROTECTIVE SERVICES SHALL COORDINATE, AS**
 45e **APPROPRIATE, IN CONDUCTING THEIR INVESTIGATIONS. ĥ**

46 ~~[(c)]~~ **Ĥ [(b)] (c) ĥ** When the initial report or subsequent investigation by ~~[an]~~ Adult
 46a Protective
 47 Services ~~[office]~~ indicates that a criminal ~~[abuse, neglect, or exploitation, as defined in Section~~
 48 ~~76-5-111 has]~~ offense may have occurred~~[-, or that any other criminal offense against a disabled~~
 49 ~~or elder adult has occurred, the local]~~ against a vulnerable adult, Adult Protective Services
 50 ~~[office]~~ shall immediately notify the nearest local law enforcement agency. That law
 51 enforcement agency shall initiate an investigation in cooperation with ~~[the local]~~ Adult
 52 Protective Services ~~[office]~~.

53 (4) A person who is required to report suspected abuse, ~~[emotional or psychological~~
 54 ~~abuse,]~~ neglect, or exploitation of a ~~[disabled or elder]~~ vulnerable adult under Subsection (1),
 55 and who willfully fails to do so, is guilty of a class B misdemeanor.

56 (5) Under circumstances not amounting to a violation of Section 76-8-508, a person
 57 who threatens, intimidates, or attempts to intimidate a vulnerable adult who is the subject of a
 58 report, a witness, the person who made the report, or any other person cooperating with an

59 investigation conducted pursuant to this chapter is guilty of a class B misdemeanor.

60 (6) The physician-patient privilege does not constitute grounds for excluding evidence
61 regarding a vulnerable adult's injuries, or the cause of those injuries, in any judicial or
62 administrative proceeding resulting from a report made in good faith pursuant to this part.

63 (7) An adult is not considered abused, neglected, or a vulnerable adult for the reason
64 that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of
65 medical care.

Legislative Review Note
as of 9-19-03 8:10 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0179

Vulnerable Adult Abuse Amendments

28-Jan-04

10:46 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst