

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0212

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 14** - 1/19/2011

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, social worker, or any health care professional;
- 10 (2) Long-term care ombudsman;
- 11 (3) Psychologist, licensed mental health professional, or counselor engaged in
12 professional counseling; or
- 13 (4) State, county, or municipal criminal justice employee or law enforcement officer;
- 14 who knows, or has reasonable cause to suspect, that an elder or disabled adult has been or is



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

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

7 Any staff member of a nursing facility, assisted living facility, adult day care center, or
8 community support provider, or any residential care giver, individual providing homemaker
9 services, victim advocate, or hospital personnel engaged in the admission, examination, care,
10 or treatment of elderly or disabled adults who knows, or has reasonable cause to suspect, that
11 an elderly or disabled adult has been or is being abused or neglected, shall, within twenty-four
12 hours, notify the person in charge of the institution where the elderly or disabled adult resides
13 or is present, or the person in charge of the entity providing the service to the elderly or disabled
14 adult, of the suspected abuse or neglect. The person in charge shall report the information in
15 accordance with the provisions of section 1 of this Act. Any person who knowingly fails to
16 make the required report is guilty of a Class 1 misdemeanor.

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

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