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SENATE BILL DRS45174-MG-47

Short Title: Adult Protection Multidisciplinary Teams. (Public)

Sponsors: Senators Galey and Daniel (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT CONCERNING THE ESTABLISHMENT OF LOCAL ADULT PROTECTION
MULTIDISCIPLINARY TEAMS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 108A of the General Statutes is amended by adding a new
Article to read:

"Article 6B.

"Local Adult Protection Multidisciplinary Teams.

"§ 108A-118. Declaration of public policy; purpose.

(a) The General Assembly finds that it is the public policy of this State to prevent the abuse, neglect, and exploitation of disabled adults. The General Assembly further finds that professionals from disparate disciplines have expertise that can promote the safety and well-being of disabled adults and prevent re-victimization and that multidisciplinary reviews of selected cases can lead to a greater understanding of the causes of the abuse, neglect, and exploitation of disabled adults. It is, therefore, the intent of the General Assembly, through this Article, to promote the establishment of local adult protection multidisciplinary teams.

(b) The purpose of this Article is to authorize local adult protection multidisciplinary case review teams to share information pertaining to selected cases in which disabled adults are being served by adult protective services and to coordinate multiagency solutions for adult victims of abuse, neglect, and exploitation.

"§ 108A-118.1. Definitions.

The following definitions apply in this Article:

(1) Case Review Multidisciplinary Team. – An adult protection multidisciplinary team that reviews selected active cases in which disabled adults are being served by adult protective services through a local department of social services.

(2) Director of social services. – As defined by G.S. 108A-74.

(3) Disabled adult. – An individual 18 years of age or older or a lawfully emancipated minor who is present in the State of North Carolina and who is physically or mentally incapacitated, as defined in G.S. 108A-101(d).

(4) Older adult. – An individual 65 years of age or older.

(5) Systemic Review Multidisciplinary Team. – An adult protection multidisciplinary team that works together to do all of the following:

a. Address systemic problems and service gaps that may exist in the delivery of services to disabled adults or older adults by public and nonpublic agencies.



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- b. Develop information networks.
- c. Provide coordinated community education and outreach designed to protect against abuse, neglect, and exploitation of disabled adults or older adults.

"§ 108A-118.2. Case Review Multidisciplinary Team; creation and composition.

(a) Creation. – Each county may establish its own Case Review Multidisciplinary Team or participate in a multicounty Case Review Multidisciplinary Team, as determined in accordance with subsection (b) of this section.

(b) Determination of Single County Versus Multicounty Case Review Multidisciplinary Team. – Each county board of commissioners may evaluate and determine whether the county will establish its own Case Review Multidisciplinary Team or become part of a multicounty team. This determination shall be made in consultation with the director of the local department of social services. A multicounty Case Review Multidisciplinary Team may be formed upon agreement of the county boards of commissioners of each of the counties involved. The board of commissioners of a county that is a member of a multicounty Case Review Multidisciplinary Team may choose to withdraw from the multicounty Case Review Multidisciplinary Team upon prior written notice to the boards of county commissioners of all other counties that are members of the multicounty Case Review Multidisciplinary Team.

(c) Mandatory Members. – Each single county Case Review Multidisciplinary Team shall consist of the following persons identified in subdivisions (1) through (11) of this subsection, and each multicounty Case Review Multidisciplinary Team shall consist of the following persons identified in subdivisions (1) through (11) of this subsection from each county represented on that multicounty team:

- (1) The director of social services.
- (2) A staff member of the local department of social services, designated by the director of social services.
- (3) A local law enforcement officer, appointed by the board of county commissioners.
- (4) An attorney from the district attorney's office, appointed by the district attorney.
- (5) The public guardian appointed in the county by the clerk of superior court under Article 11 of Chapter 35A of the General Statutes.
- (6) A local mental health professional, appointed by the director of the area authority established under Chapter 122C of the General Statutes.
- (7) The long-term care ombudsman serving in the county, to be appointed by the Office of the State Long-Term Care Ombudsman.
- (8) The director of the local department of public health or a member of the director's staff, as designated by the director.
- (9) A local health care provider, appointed by the local board of health.
- (10) A representative from the local area agency on aging, appointed by the director of the area agency on aging serving the county.
- (11) A victim advocate from a local domestic violence or sexual assault agency, appointed by the agency's executive director.

(d) Members Appointed by the Chair. – The chair of the Case Review Multidisciplinary Team may appoint a maximum of five additional members representing local agencies or the community at large to serve on any Case Review Multidisciplinary Team, including, but not limited to, representatives from financial institutions, local hospitals, and nonprofit organizations.

(e) Vacancies. – Vacancies on a Case Review Multidisciplinary Team shall be filled by the original appointing authority.

(f) Chair. – Each Case Review Multidisciplinary Team shall elect a member to serve as chair at the pleasure of the Case Review Multidisciplinary Team. Within three months after being elected as chair, the chair shall participate in the appropriate training developed under G.S. 108A-118.5.

(g) Meetings. – Each Case Review Multidisciplinary Team shall meet at least four times each year. The director of the local department of social services shall call the first meeting of the Case Review Multidisciplinary Team. Thereafter, the chair of each Case Review Multidisciplinary Team shall schedule the time and place of meetings, in consultation with the director of the local department of social services, and shall prepare the agenda. The chair shall schedule meetings no less often than once per quarter and often enough to allow adequate review of the cases selected for review. The Case Review Multidisciplinary Team may conduct meetings despite vacancies, absences, or failure to appoint a member.

"§ 108A-118.3. Case Review Multidisciplinary Team; powers and duties.

Each Case Review Multidisciplinary Team established pursuant to this Article has the following powers and duties:

- (1) To review, in accordance with the written operating procedures established by the director of the local department of social services under G.S. 108A-118.4, selected active cases in which disabled adults are being served by adult protective services through the local department of social services.
- (2) To submit annually to the board of county commissioners recommendations, if any, for addressing systemic problems and service gaps that may exist in the delivery of services to disabled adults by public and nonpublic agencies.

"§ 108A-118.4. Case Review Multidisciplinary Team; duties of the director of the local department of social services.

(a) In addition to any other duties as a member of the Case Review Multidisciplinary Team, and in connection with the reviews conducted under G.S. 108A-118.3(1), the director of the local department of social services has the following powers and duties:

- (1) To assure the development of written operating procedures in connection with these reviews, including frequency of meetings, confidentiality policies, training of members, and duties and responsibilities of members.
- (2) To assure that the Case Review Multidisciplinary Team defines the categories of cases that are subject to its review.
- (3) To bring for review active cases selected by the director of the local department of social services or requested by a member of the Case Review Multidisciplinary Team in which a disabled adult is being served by adult protective services.
- (4) To provide staff support for these reviews.
- (5) To maintain records, including minutes of all official meetings, lists of participants for each meeting of the team, and signed confidentiality statements required under G.S. 108A-118.7, in compliance with applicable State laws and rules.
- (6) To report annually to the local board of social services, or as otherwise required by the board, on the activities of the Case Review Multidisciplinary Team.

(b) For a multicounty Case Review Multidisciplinary Team, the director of each local department of social services represented in the multicounty team has the powers and duties enumerated in subsection (a) of this section.

"§ 108A-118.5. Case Review Multidisciplinary Team; DHHS responsibility for training team members.

1 The Department of Health and Human Services shall develop and make available for the
2 members of each Case Review Multidisciplinary Team, on an ongoing basis, training materials
3 that address all of the following:

- 4 (1) An overview of adult protective services law and policy.
- 5 (2) The role and function of a Case Review Multidisciplinary Team.
- 6 (3) Case Review Multidisciplinary Team confidentiality requirements.
- 7 (4) Case Review Multidisciplinary Team record-keeping requirements.

8 **"§ 108A-118.6. Case Review Multidisciplinary Team; information sharing.**

9 (a) Except as prohibited by federal law and notwithstanding any other State law to the
10 contrary, any member of a Case Review Multidisciplinary Team may disclose to other members
11 of the Case Review Multidisciplinary Team any information in the member's possession that is
12 relevant to any of the following:

- 13 (1) Performing reviews of selected active cases in which disabled adults are being
14 served by adult protective services through local departments of social
15 services.
- 16 (2) Providing, arranging, or coordinating services on behalf of disabled adults
17 whose cases have been or are currently under review by the Case Review
18 Multidisciplinary Team.

19 (b) The local director of social services shall not share any information that discloses the
20 identity of individuals who have reported suspected abuse, neglect, or exploitation of a disabled
21 adult to the local department of social services, except as allowed by State or federal law.

22 (c) Meetings of the Case Review Multidisciplinary Team are not subject to the provisions
23 of Article 33C of Chapter 143 of the General Statutes.

24 (d) The authority of a Case Review Multidisciplinary Team to disclose information
25 pursuant to this section terminates when a case is no longer an active case in which a disabled
26 adult is being served by adult protective services through a local department of social services,
27 including if the inactive status of the case is due to the disabled adult's failure to give consent to
28 receive protective services or due to the disabled adult's withdrawal of consent to receive
29 protective services.

30 **"§ 108A-118.7. Case Review Multidisciplinary Team; confidentiality of records and**
31 **information; rules.**

32 (a) All information and records acquired or generated by a Case Review
33 Multidisciplinary Team during its existence and in the exercise of its duties are confidential and
34 may be disclosed only as necessary to carry out the purposes of the Case Review
35 Multidisciplinary Team as described in this Article or as otherwise permitted by State or federal
36 law. This subsection does not preclude a court of competent jurisdiction from compelling the
37 disclosure of any information or records acquired or generated by a Case Review
38 Multidisciplinary Team if, in the court's opinion, disclosure is necessary to a proper
39 administration of justice and disclosure is not otherwise prohibited by State or federal law.

40 (b) Notwithstanding subsection (a) of this section, information generated in a meeting of
41 a Case Review Multidisciplinary Team may be disclosed as provided in this subsection in any of
42 the following circumstances:

- 43 (1) To a local board of county commissioners when the Case Review
44 Multidisciplinary Team makes its annual recommendations, if any, pursuant
45 to G.S. 108A-118.3(2); provided that such recommendations shall not identify
46 or reveal any confidential information about individual adult protective
47 services cases reviewed by the Case Review Multidisciplinary Team.
- 48 (2) To a local board of social services by the director of the local department of
49 social services when reporting on the activities of the Case Review
50 Multidisciplinary Team; provided that such reports shall not identify or reveal

1 any confidential information about individual adult protective services cases
2 reviewed by the Case Review Multidisciplinary Team.

3 (3) By a member of the Case Review Multidisciplinary Team to the member's
4 agency or organization as needed to provide or arrange services for a disabled
5 adult.

6 (c) Each member of a Case Review Multidisciplinary Team is required to sign a
7 statement indicating an understanding of and adherence to the confidentiality requirements of
8 this section, including the consequences of any breach of confidentiality. The chair shall submit
9 a recommendation, in writing, to the appropriate appointing authority for the removal of any
10 member who fails to (i) sign the statement required by this subsection or (ii) comply with the
11 confidentiality requirements of this section.

12 (d) The local department of social services shall make an entry in the disabled adult's
13 protective services record at the time it is selected for review by a Case Review Multidisciplinary
14 Team to indicate that it was selected for review. Additional entry into the record shall be at the
15 discretion of the director of the local department of social services.

16 (e) Nothing in this Article shall be construed to prohibit a Case Review Multidisciplinary
17 Team from sharing or accessing confidential information and records as permitted or required by
18 applicable State or federal law, including any law that permits the disclosure of confidential
19 information pursuant to the informed consent of a disabled adult or the authorized representative
20 of a disabled adult.

21 (f) The Social Services Commission may adopt rules consistent with this Article to
22 establish protocols for reviews conducted by Case Review Multidisciplinary Teams.

23 **"§ 108A-118.8. Systemic Review Multidisciplinary Team allowed but not covered by this**
24 **Article.**

25 Nothing in this Article shall be construed to prohibit a county from establishing both a Case
26 Review Multidisciplinary Team and a Systemic Review Multidisciplinary Team. However, this
27 Article applies only to a single or multicounty Case Review Multidisciplinary Team established
28 pursuant to this Article."

29 **SECTION 2.** This act becomes effective October 1, 2025.