



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0025/1  
DAK:jld:pg

## 2005 ASSEMBLY BILL 539

July 7, 2005 – Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Aging and Long-Term Care.

1       **AN ACT** *to repeal* 46.90 (1) (b), 46.90 (1) (c), 46.90 (1) (d), 46.90 (1) (e), 46.90 (4)  
2           (a) 2., 46.90 (5) (d) 2., 46.90 (5) (g), 55.01 (1t), 55.01 (3), 55.01 (4p), 55.01 (7),  
3           55.043 (1) (title), 55.043 (5), 55.043 (9), 813.123 (1) (c), 813.123 (1) (f), 813.123  
4           (1) (h), 813.123 (11), 940.285 (1) (a), 940.285 (1) (b), (bm), (c) and (d), 940.285  
5           (1) (e), 940.295 (1) (cm), 940.295 (1) (hm), 940.295 (1) (j), 940.295 (1) (jm),  
6           940.295 (1) (kp), 940.295 (1) (n), 940.295 (1) (t) and 943.20 (2) (e); *to renumber*  
7           940.225 (5) (ab), 940.295 (1) (a) and 943.20 (2) (a); *to renumber and amend*  
8           46.90 (4) (a) 1., 46.90 (4) (b) 1. c., 46.90 (5) (a), 46.90 (5) (d) 1., 46.90 (6) (a), 46.90  
9           (6) (c) 1., 46.90 (6) (c) 2., 46.90 (6) (c) 3., 55.043 (1) (a) (intro.), 55.043 (1) (a) 1.,  
10          55.043 (1) (a) 2., 55.043 (1) (a) 3., 55.043 (1) (a) 4., 55.043 (1) (a) 5., 55.043 (1)  
11          (b) (intro.), 55.043 (1) (b) 1., 55.043 (1) (b) 2. (intro.), 55.043 (1) (b) 2. a., 55.043  
12          (1) (b) 2. b., 55.043 (2), 55.043 (4) (intro.), 55.043 (4) (a), 55.043 (4) (b), 55.043  
13          (4) (c), 55.043 (4) (d), 55.043 (4) (e), 55.043 (4) (f), 813.123 (2), 813.123 (3) (b) 2.  
14          and 3., 813.123 (4) (a) 2. and 880.01 (5); *to consolidate, renumber and*

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1           **amend** 813.123 (3) (b) (intro.) and 1.; **to amend** 20.435 (7) (dh), 46.21 (2m) (c),  
2           46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (4) (h), 46.286 (1) (intro.),  
3           46.286 (3) (a) (intro.), 46.286 (3) (a) 3., 46.90 (1) (g), 46.90 (2), 46.90 (3) (title),  
4           46.90 (3) (a), (b) and (c), 46.90 (4) (b) 1. b., 46.90 (4) (b) 2. c., 46.90 (4) (c), 46.90  
5           (4) (d), 46.90 (5) (b) (intro.) and 1. to 5., 46.90 (5) (c), 46.90 (5) (f), 46.90 (5m) (title)  
6           and (a), 46.90 (5m) (b), 46.90 (5m) (c), 46.90 (6) (b) (intro.), 46.90 (6) (b) 1., 46.90  
7           (6) (b) 2., 46.90 (6) (b) 3., 46.90 (6) (b) 4., 46.90 (6) (b) 5., 46.90 (6) (b) 6., 46.90  
8           (6) (b) 7., 46.90 (7), 46.90 (8) (a), 46.90 (8) (b), 46.90 (8) (c) and (d), 49.498 (3) (b)  
9           1., 50.065 (1) (br), 50.065 (4m) (a) 3., 50.065 (4m) (b) 3., 50.065 (7) (c), 50.09 (1)  
10          (k), 51.01 (2g) (b), 51.01 (3g), 51.01 (5) (a), 51.30 (4) (b) 17., 51.42 (3) (e), 51.437  
11          (4r) (b), 51.62 (3) (a) 2m., 55.001, 55.01 (1m), 55.01 (2), 55.02, 55.043 (title),  
12          55.043 (3), 55.043 (4) (title), 55.06 (2) (c), 55.06 (11) (a), 106.54 (5), 146.40 (4g)  
13          (a) 3., 146.40 (4r) (a), 146.40 (4r) (am) 1., 146.40 (4r) (am) 2., 146.40 (4r) (am)  
14          3., 146.40 (4r) (b), 146.82 (2) (a) 7., 813.123 (title), 813.123 (1) (a), 813.123 (1)  
15          (b), 813.123 (1) (g), 813.123 (4) (a) (intro.), 813.123 (5) (a) (intro.), 813.123 (5)  
16          (a) 3. a., 813.123 (5) (a) 3. b., 813.123 (5) (c) 1., 2. and 3., 813.123 (6) (a), 813.123  
17          (6) (c), 813.123 (7), 813.123 (9) (intro.), 880.01 (2), 880.01 (4), 895.85 (2), 940.285  
18          (title), 940.285 (2) (title) and (a) 1. to 3., 940.295 (1) (b), 940.295 (1) (o), 940.295  
19          (3) (a) 3., 940.295 (3) (b) 1g., 940.295 (3) (b) 1m. and 943.20 (3) (d) 6.; **to repeal**  
20          **and recreate** 46.90 (1) (a), 46.90 (1) (f), 46.90 (5) (title), 51.62 (1) (ag), 51.62 (1)  
21          (br), 55.01 (1), 55.01 (1p), 55.01 (4r), 940.295 (1) (k) and 940.295 (1) (km); and  
22          **to create** 46.90 (1) (aj), 46.90 (1) (an), 46.90 (1) (br), 46.90 (1) (bt), 46.90 (1) (cm),  
23          46.90 (1) (ed), 46.90 (1) (eg), 46.90 (1) (er), 46.90 (1) (fg), 46.90 (1) (gd), 46.90 (1)  
24          (gf), 46.90 (1) (gr), 46.90 (1) (h), 46.90 (1) (i), 46.90 (4) (ab), 46.90 (4) (ad), 46.90  
25          (4) (ae), 46.90 (4) (b) 1. cm., 46.90 (4) (e), 46.90 (5) (a) 2., 46.90 (5) (b) 6., 46.90

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1 (5) (br), 46.90 (5) (h), 46.90 (5m) (br), 46.90 (6) (ac), 46.90 (6) (b) 9. and 10., 46.90  
2 (6) (bd), 46.90 (6) (br), 46.90 (6) (bt), 46.90 (6) (bv), (bw) and (by), 46.90 (9) (title)  
3 and (e), 50.065 (1) (cg), 51.62 (1) (ar), 55.01 (1e), 55.01 (1f), 55.01 (1v), 55.01 (2s),  
4 55.01 (4g), 55.01 (6), 55.01 (6d), 55.01 (6g), 55.043 (1d), 55.043 (1g), 55.043 (1m),  
5 55.043 (1r) (title), 55.043 (1r) (a) 2., 55.043 (1r) (b) (intro.), 55.043 (1r) (b) 3.,  
6 55.043 (1r) (b) 6. a., 55.043 (1r) (b) 6. b., 55.043 (1r) (c) 2. b., 55.043 (1r) (d),  
7 55.043 (2) (b), 55.043 (4) (am), 55.043 (5g), 55.043 (6), 55.043 (7), 55.043 (8),  
8 55.043 (9m), 146.40 (1) (ab), 146.40 (1) (aw), 813.123 (1) (ae), 813.123 (1) (am),  
9 813.123 (1) (br), 813.123 (1) (cg), 813.123 (1) (dm), 813.123 (1) (eg), 813.123 (1)  
10 (ep), 813.123 (1) (fm), 813.123 (1) (gr), 813.123 (1) (gs), 813.123 (2) (b), 813.123  
11 (3) (c) (intro.), 813.123 (4) (a) 2. b., 813.123 (4) (ar), 813.123 (5) (a) 3. c., 813.123  
12 (5) (ar), 940.225 (2) (j), 940.225 (5) (abm) and (ak), 940.285 (1) (ag), 940.285 (1)  
13 (am), 940.285 (1) (dc), 940.285 (1) (dg), 940.295 (1) (ad), 940.295 (1) (ag), 943.20  
14 (2) (ac), 943.20 (2) (ad) and 943.20 (2) (ae) of the statutes; **relating to:** adult  
15 protective services and providing penalties.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the PREFATORY NOTE provided by the Joint Legislative Council in the bill.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's special committee on the recodification of chapter 55, placement and services for persons with disabilities.

**ASSEMBLY BILL 539****Scope and Definitions**

Under current law, Wisconsin's elder abuse law, s. 46.90, stats., establishes a system in each county for the reporting and investigation of suspected elder abuse, and the provision of services to elder persons who are being abused or neglected or experiencing material abuse. The elder abuse reporting and services system set forth in s. 46.90, stats., addresses creating public awareness of elder abuse; who is responsible for receiving and responding to reports of suspected abuse and neglect; how services are provided once abuse or neglect is documented; and how information is exchanged among providers of services.

Currently, vulnerable adults who are under the age of 60 may also be victims of abuse, neglect, or misappropriation of property. However, under current law, Milwaukee county is the only county with the explicit authority to investigate suspected abuse, neglect, or misappropriation of property of a vulnerable adult under the age of 60, to determine if there is a need for protective services. A "vulnerable adult" is defined in s. 940.285 (1) (e) as any person 18 years of age or older who either is a developmentally disabled person or has infirmities of aging, mental illness, or other like incapacities and who is either: (1) substantially mentally incapable of providing for his or her needs for food, shelter, clothing, or personal or health care; or (2) unable to report cruel maltreatment without assistance.

Currently, the statutes inconsistently define abuse, material abuse, misappropriation of property, neglect, and self-neglect, when these conditions are experienced by elder or vulnerable adults. For example, the term "material abuse" is used in s. 46.90, stats., when referring to the misuse of an elder person's property or financial resources. In ch. 55, however, the term "misappropriation of property" is used to refer to misuse of a vulnerable adult's property or financial resources.

This bill revises the current statutory provisions of Wisconsin's elder abuse law. The bill revises terminology, elder abuse reporting provisions, investigation provisions, and confidentiality of elder abuse reports and records. The bill also deletes reference to the term "elder person." Under current law, an "elder person" who could receive services under the "elder abuse system" was defined as a person who is age 60 or older **or** subject to the infirmities of aging. The bill instead refers to an "elder adult-at-risk," who is defined as "a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation."

The bill also permits counties to assist persons who are at risk of experiencing abuse, neglect, or financial exploitation who are under age 60 (currently, only Milwaukee County has this authority). These persons, who are at risk due to a physical or mental condition are defined as "adults-at-risk" in ch. 55. An "adult-at-risk" is defined as "any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation." In addition, the draft creates parallel provisions in ch. 55 to the elder abuse system in ch. 46 to permit abuse investigations and follow-up services to be provided on behalf of these adults-at-risk.

The bill revises definitions of several terms in current law, including the terms abuse, neglect, and self-neglect. The term "material abuse" is redefined as "financial exploitation" and made more precise with regard to what constitutes financial exploitation. Some new definitions are created, including "emotional abuse," "state official" (to whom reports of suspected abuse or neglect may also be made), and "investigative agency."

**Reports**

Under current law, Wisconsin requires the reporting of suspected child abuse and neglect. However, there is no similar requirement for reporting the abuse of vulnerable adults, even in the most egregious cases of suspected abuse or neglect where the elder or

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vulnerable adult's life may be in danger. Wisconsin's elder abuse system is based on voluntary reporting of suspected abuse, neglect and material abuse.

Once a report of suspected abuse, neglect, or material abuse is made, the county agency must investigate the report and, if it is found that the person is being abused or neglected, services must be offered to the individual. The individual has the option of refusing to accept the services. The services must be offered in the least restrictive manner necessary to achieve the objective of protecting the individual.

This bill retains the voluntary system of reporting for the majority of situations of suspected abuse or neglect. However, the bill creates a provision requiring certain categories of persons to file reports in situations where the elder person is facing a serious risk of harm or even death.

Under the bill, the following persons must file a report of suspected abuse or neglect if there is reasonable cause to believe that the elder adult-at-risk or adult-at-risk is at imminent risk of serious bodily harm, death, sexual assault, or significant property loss, and is unable to make an informed judgment about whether to report the risk; or other adults-at-risk, are at risk of serious bodily harm, death, sexual assault, or significant property loss inflicted by the suspected perpetrator:

- An employee of any entity that is licensed, certified, or approved by, or registered with the department of health and family services (DHFS).
- An employee of a financial institution.
- A health care provider.
- A social worker, professional counselor, or marriage and family therapist.

These persons are not required to file a report, however, if the person believes that filing the report would not be in the best interest of the elder adult-at-risk or adult-at-risk. If the person believes this, the person must document the reasons for this belief in the case file of the person who is the suspected victim. There is a penalty for not complying with this requirement, which is a fine of not more than \$500, imprisonment not more than six months, or both.

The bill applies the immunity protections in current law to the new category of required reporters created in the bill. Therefore, a person required to file a report under the bill may not be discharged or retaliated against for doing so. The person found guilty of retaliating against a reporter is subject to a fine of not more than \$1,000, imprisonment not more than six months, or both. In addition, a person is immune from civil or criminal liability for filing a report.

The bill also increases the penalties for retaliating against a reporter, by increasing the maximum fine to \$10,000. In addition, the bill creates a rebuttable presumption that any discharge of a person or act of retaliation or discrimination that is taken against a person who makes a report, within 120 days after the report is made, establishes a rebuttable presumption that the discharge or act is retaliatory.

**Investigations**

Under current law, upon receiving a report of abuse, material abuse, neglect or self-neglect, the county agency must either investigate the report or refer the report to another agency for investigation. If the report concerns abuse of a person who resides in a nursing home, community based residential facility, or receives services from a licensed home health agency, the county agency must refer the report to DHFS for investigation. An investigation of a report must be commenced within 24 hours after a report is received, excluding Saturdays, Sundays, and legal holidays. An investigation of a report of material abuse shall be commenced within 5 days after a report is received, excluding Saturdays, Sundays, and legal holidays. The scope of the investigation is at the discretion of the investigating agency and may include a visit to the elder person's residence; observation of the elder person; an interview with the elder person, or the elder person's caretaker, if any; and a review of treatment and health care records.

The bill creates new provisions regarding referral of an investigation to another agency, if the county department, or agency under contract with the county department,

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determines that there are circumstances that would prevent conducting an independent investigation. In that case, the bill permits the DHFS or another county department to conduct the investigation. In addition, additional investigative tools are provided to investigative agencies, including the ability to interview the elder adult-at-risk or adult-at-risk, with or without the consent of the person's guardian; an interview of the guardian; transporting the person for a medical examination; and a review of the financial records of an elder adult-at-risk or adult-at-risk in cases of suspected financial exploitation. The bill also provides immunity from civil or criminal liability or a finding of unprofessional conduct if any element of an investigation was performed in good faith and under lawful authority.

**Services**

Currently, a county agency or investigating agency must determine whether the person who is the subject of the alleged abuse or neglect is in need of services. If the department so determines, the agency must provide the necessary direct services to the person, within the limits of available funds.

The bill provides more specificity with regard to what types of services and responses may be made by an agency if a person is found to be the subject of abuse or neglect or financial exploitation. These responses include:

- Requesting immediate assistance in either initiating a protective services action or contacting law enforcement or another public agency as appropriate.
- Taking appropriate emergency action, including emergency protective placement under s. 55.06.
- Referring the case to local law enforcement for further investigation or to the district attorney, if the elder adult-at-risk agency has reason to believe that a crime has been committed.
- Referring the case to the licensing or certification authorities of the department or to other regulatory bodies if the residence, facility, or program for the elder adult-at-risk is or should be licensed or certified or is otherwise regulated.
- Referring the case to the department of regulation and licensing if the abuse, financial exploitation, neglect or self-neglect involves an individual who is required to hold a credential under chs. 440 to 460, stats.
- Bringing or referring for a petition for a guardianship and protective services or placement, if necessary.

**Records and Reports; Confidentiality**

Under current law, the county agency or other investigating agency must prepare a report on each investigation it conducts unless the agency finds, at the conclusion of the investigation, that the report of alleged abuse, material abuse, neglect or self-neglect is without foundation. If an agency other than the county agency conducts the investigation, it must submit a copy of the investigation report to the county agency.

Reports of suspected abuse, material abuse, neglect or self-neglect and investigation reports under this section are confidential and may not be released by the county agency or other investigating agency, except under the following circumstances:

- To the elder person and any person named in a report who is suspected of abusing or neglecting an elder person.
- To the protective services agency that is notified when an elder adult at risk is believed to be at risk of substantial physical harm, irreparable injury, or death.
- To an individual, organization or agency designated by the DHFS or as required by law for the purposes of management audits or program monitoring and evaluation.
- For purposes of research if the research project has been approved by the department or the county agency and the researcher has provided assurances that the information will be used only for the purposes for which it was provided to the researcher.
- Pursuant to lawful order of a court of record.

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- To any agency or individual that provides direct services after an elder abuse investigation has been completed.

- To the guardian of the elder person or the guardian of any person named in a report who is suspected of abusing or neglecting an elder person.

- To law enforcement officials in accordance with the policy for notifying these officials in appropriate cases, under the elder abuse reporting system.

Current law provides penalties for violating these confidentiality requirements. Any person who violates these provisions is liable to any person damaged as a result of the violation, together with exemplary damages of not less than \$100 nor more than \$500 for each violation, plus costs and reasonable actual attorney fees. If the violation was willful, exemplary damages of not less than \$500 nor more than \$1000 may be awarded. In addition, an individual may bring an action to enjoin a violation of the confidentiality requirements, or to compel compliance with the requirements.

Any person who requests or obtains confidential information under this subsection under false pretenses may be fined not more than \$500 or imprisoned not more than one year in the county jail or both.

The bill creates a distinction between records and departmental report forms prepared pursuant to investigations of abuse, neglect and financial exploitation. "Record" is defined as including any document relating to the response, investigation, assessment, and disposition of a report. A "departmental report form" is defined as including documentation of an agency's response to a report and the investigation of reported suspected abuse, financial exploitation, neglect, or self-neglect that provides a summary of the case, including the report form submitted to the state.

Reports may be released under the same circumstances as they may be released under current law, with two additions:

- To a federal, state, or local government agency of this state or any other state that has a need for a report or record in order to carry out its responsibility to protect elder adults-at-risk or adults-at-risk from abuse, neglect, self-neglect, or financial exploitation.

- To a reporter who made the report in his or her professional capacity, regarding action to be taken to protect or provide services to the alleged victim of abuse, neglect, financial exploitation, or self-neglect.

The bill also provides the agency with the ability to not release reports in certain cases, such as when the agency determines the release might be contrary to the interests of the victim or might cause harm to the victim, or the release might jeopardize an ongoing criminal or civil investigation.

Under the bill, records are confidential, and may not be released except under the following circumstances:

- To the elder adult-at-risk or adult-at-risk who is the victim named in the record.

- To the legal guardian, conservator, or other legal representative of the elder adult-at-risk or adult-at-risk who is the victim named in the record, provided that the legal representative of the victim is not the alleged perpetrator of the abuse, financial exploitation, or neglect.

- To law enforcement officials and agencies or a district attorney, for purposes of investigation or prosecution.

- To the DHFS, under s. 51.03 (2); or to the DHFS, a sheriff, police department, or district attorney for certain statutory death investigations

- To an employee of a county department that is providing services to the elder adult-at-risk or adult-at-risk who is the victim named in the record, or to the alleged perpetrator of abuse, to determine whether the victim should be transferred to a less restrictive or more appropriate treatment modality or facility.

- To a court, tribal court, or administrative agency for a proceeding relating to the licensure or regulation of an individual or entity regulated or licensed by the department,

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that was an alleged perpetrator of abuse, financial exploitation, or neglect, and the board on aging and long term care.

- To the DHFS, for management, audit, program monitoring, evaluation, billing, or collection purposes.

- To the attorney or guardian ad litem for the elder adult-at-risk or adult-at-risk who is the victim named in the record, to assist in preparing for certain court proceedings pertaining to the victim.

- To a coroner, medical examiner, pathologist, or other physician investigating the cause of death of an elder adult-at-risk or adult-at-risk that is unexplained or unusual or is associated with unexplained or suspicious circumstances.

- To staff members of the state-designated protection and advocacy agency, for the purposes of protecting and advocating for the rights of persons with developmental disabilities and mental illness.

- To an agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of abuse, neglect, or exploitation of an elder adult-at-risk or adult-at-risk.

- To a grand jury, if it determines that access to specified records is necessary for the conduct of its official business.

- To a judge, tribal court, or administrative agency conducting proceedings under s. 968.26.

- Pursuant to a lawful order of a court of record.

1       **SECTION 1.** 20.435 (7) (dh) of the statutes is amended to read:

2       20.435 (7) (dh) *Programs for senior citizens; elder abuse services; benefit*  
3 *specialist program.* The amounts in the schedule for the programs for senior citizens,  
4 including but not limited to the purpose of distributing funds under s. 46.80 (2m) (b)  
5 to supplement any federal foster grandparent project funds received under 42 USC  
6 5011 (a) and the purposes of ss. 46.80 (5) and 46.85; for direct services for elder  
7 ~~persons and other individuals~~ adults at risk under s. 46.90 (5m); and for the benefit  
8 specialist program for older persons under s. 46.81. Notwithstanding ss. 20.001 (3)  
9 (a) and 20.002 (1), the department of health and family services may transfer funds  
10 between fiscal years under this paragraph. All funds allocated under ss. 46.80 (2m)  
11 (b) and (5), 46.81 (2) and 46.85 but not encumbered by December 31 of each year lapse  
12 to the general fund on the next January 1, unless transferred to the next calendar  
13 year by the joint committee on finance, but the department may carry forward funds  
14 allocated under s. 46.90 (5m) that are not encumbered by June 30 of each year for  
15 allocation under s. 46.90 (5m) in the following state fiscal year. For the purposes of



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1 this paragraph, funds are encumbered by December 31 if allocated for services  
2 received or for goods ordered by December 31.

3 **SECTION 2.** 46.21 (2m) (c) of the statutes is amended to read:

4 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
5 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and  
6 253.07 (3) (c), any a subunit of the a county department of human services or tribal  
7 agency acting under this subsection may exchange confidential information about a  
8 client, without the informed consent of the client, with any other subunit of the same  
9 county department of human services or tribal agency, with a resource center, a care  
10 management organization, or a family care district, with an elder-adult-at-risk  
11 agency, an adult-at-risk agency, or any agency to which referral for investigation is  
12 made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with any a person providing  
13 services to the client under a purchase of services contract with the county  
14 department of human services or tribal agency or with a resource center, a care  
15 management organization, or a family care district, if necessary to enable an  
16 employee or service provider to perform his or her duties, or to enable the county  
17 department of human services or tribal agency to coordinate the delivery of services  
18 to the client. An agency that releases information under this paragraph shall  
19 document that a request for information was received and what information was  
20 provided.

21 **SECTION 3.** 46.215 (1m) of the statutes is amended to read:

22 46.215 (1m) EXCHANGE OF INFORMATION. Notwithstanding ss. 46.2895 (9), 48.78  
23 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07  
24 (3) (c) and 938.78 (2) (a), any a subunit of the a county department of social services  
25 or tribal agency acting under this section may exchange confidential information

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1 about a client, without the informed consent of the client, with any other subunit of  
2 the same county department of social services or tribal agency, with a resource  
3 center, a care management organization, a family care district, with an  
4 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral  
5 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with any  
6 a person providing services to the client under a purchase of services contract with  
7 the county department of social services or tribal agency or with a resource center,  
8 a care management organization, a family care district, if necessary to enable an  
9 employee or service provider to perform his or her duties, or to enable the county  
10 department of social services or tribal agency to coordinate the delivery of services  
11 to the client. An agency that releases information under this subsection shall  
12 document that a request for information was received and what information was  
13 provided.

14 **SECTION 4.** 46.22 (1) (dm) of the statutes is amended to read:

15 46.22 (1) (dm) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
16 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07  
17 (3) (c) and 938.78 (2) (a), any a subunit of the a county department of social services  
18 or tribal agency acting under this subsection may exchange confidential information  
19 about a client, without the informed consent of the client, with any other subunit of  
20 the same county department of social services or tribal agency, with a resource  
21 center, a care management organization, a family care district, with an  
22 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral  
23 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with any  
24 a person providing services to the client under a purchase of services contract with  
25 the county department of social services or tribal agency or with a resource center,

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1 a care management organization, or a family care district, if necessary to enable an  
2 employee or service provider to perform his or her duties, or to enable the county  
3 department of social services or tribal agency to coordinate the delivery of services  
4 to the client. An agency that releases information under this paragraph shall  
5 document that a request for information was received and what information was  
6 provided.

7 **SECTION 5.** 46.23 (3) (e) of the statutes is amended to read:

8 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
9 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07  
10 (3) (c) and 938.78 (2) (a), any a subunit of a county department of human services or  
11 tribal agency acting under this section may exchange confidential information about  
12 a client, without the informed consent of the client, with any other subunit of the  
13 same county department of human services or tribal agency, with a resource center,  
14 a care management organization, or a family care district, with an  
15 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral  
16 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with any  
17 a person providing services to the client under a purchase of services contract with  
18 the county department of human services or tribal agency or with a resource center,  
19 a care management organization, or a family care district, if necessary to enable an  
20 employee or service provider to perform his or her duties, or to enable the county  
21 department of human services or tribal agency to coordinate the delivery of services  
22 to the client. An agency that releases information under this paragraph shall  
23 document that a request for information was received and what information was  
24 provided.

25 **SECTION 6.** 46.283 (4) (h) of the statutes is amended to read:

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1           46.283 (4) (h) Provide access to services under s. 46.90 and ch. 55 to a person  
2 who is eligible for the services, through cooperation with the county  
3 elder-adult-at-risk agency or the adult-at-risk agency or agencies that provide  
4 provides the services.

5           **SECTION 7.** 46.286 (1) (intro.) of the statutes is amended to read:

6           46.286 (1) ELIGIBILITY. (intro.) A person is eligible for, but not necessarily  
7 entitled to, the family care benefit if the person is at least 18 years of age; has a  
8 physical disability, as defined in s. 15.197 (4) (a) 2., a developmental disability, as  
9 defined in s. 51.01 (5) (a), or ~~infirmities of aging~~ degenerative brain disorder, as  
10 defined in s. 55.01 (3) (1v); and meets all of the following criteria:

11           **SECTION 8.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

12           46.286 (3) (a) (intro.) Subject to pars. (c) and (d), a person is entitled to and may  
13 receive the family care benefit through enrollment in a care management  
14 organization if he or she is at least 18 years of age, has a physical disability, as defined  
15 in s. 15.197 (4) (a) 2., a developmental disability, as defined in s. 51.01 (5) (a), or  
16 ~~infirmities of aging~~ degenerative brain disorder, as defined in s. 55.01 (3) (1v), is  
17 financially eligible, fulfills any applicable cost-sharing requirements and meets any  
18 of the following criteria:

19           **SECTION 9.** 46.286 (3) (a) 3. of the statutes is amended to read:

20           46.286 (3) (a) 3. Is functionally eligible at the intermediate level and is  
21 determined by an elder-adult-at-risk agency under s. 46.90 (2) or ~~specified in s.~~  
22 ~~55.01 (1t)~~ an adult-at-risk agency designated under s. 55.02 to be in need of  
23 protective services under s. 55.05 or protective placement under s. 55.06.

24           **SECTION 10.** 46.90 (1) (a) of the statutes is repealed and recreated to read:

25           46.90 (1) (a) "Abuse" means any of the following:

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- 1           1. Physical abuse.
- 2           2. Emotional abuse.
- 3           3. Sexual abuse.
- 4           4. Treatment without consent.
- 5           5. Unreasonable confinement or restraint.

6           **SECTION 11.** 46.90 (1) (aj) of the statutes is created to read:

7           46.90 (1) (aj) “Bodily harm” means physical pain or injury, illness, or any  
8           impairment of physical condition.

9           **SECTION 12.** 46.90 (1) (an) of the statutes is created to read:

10          46.90 (1) (an) “Caregiver” means a person who has assumed responsibility for  
11          all or a portion of an individual’s care voluntarily, by contract, or by agreement,  
12          including a person acting or claiming to act as a legal guardian.

13          **SECTION 13.** 46.90 (1) (b) of the statutes is repealed.

14          **SECTION 14.** 46.90 (1) (br) of the statutes is created to read:

15          46.90 (1) (br) “Elder adult at risk” means any person age 60 or older who has  
16          experienced, is currently experiencing, or is at risk of experiencing abuse, neglect,  
17          self-neglect, or financial exploitation.

18          **SECTION 15.** 46.90 (1) (bt) of the statutes is created to read:

19          46.90 (1) (bt) “Elder-adult-at-risk agency” means the agency designated by  
20          the county board of supervisors under sub. (2) to receive, respond to, and investigate  
21          reports of abuse, neglect, self-neglect, and financial exploitation under sub. (4).

22          **SECTION 16.** 46.90 (1) (c) of the statutes is repealed.

23          **SECTION 17.** 46.90 (1) (cm) of the statutes is created to read:

24          46.90 (1) (cm) “Emotional abuse” means language or behavior that serves no  
25          legitimate purpose and is intended to be intimidating, humiliating, threatening,

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1 frightening, or otherwise harassing, and that does or reasonably could intimidate,  
2 humiliate, threaten, frighten, or otherwise harass the individual to whom the  
3 conduct or language is directed.

4 **SECTION 18.** 46.90 (1) (d) of the statutes is repealed.

5 **SECTION 19.** 46.90 (1) (e) of the statutes is repealed.

6 **SECTION 20.** 46.90 (1) (ed) of the statutes is created to read:

7 46.90 (1) (ed) “Financial exploitation” means any of the following:

8 1. Obtaining an individual’s money or property by deceiving or enticing the  
9 individual, or by forcing, compelling, or coercing the individual to give, sell at less  
10 than fair market value, or in other ways convey money or property against his or her  
11 will without his or her informed consent.

12 2. Theft, as prohibited in s. 943.20.

13 3. The substantial failure or neglect of a fiscal agent to fulfill his or her  
14 responsibilities.

15 **SECTION 21.** 46.90 (1) (eg) of the statutes is created to read:

16 46.90 (1) (eg) “Fiscal agent” includes any of the following:

17 1. A guardian of the estate appointed under s. 880.03.

18 2. A conservator appointed under s. 880.31.

19 3. An agent under a financial power of attorney under s. 243.07.

20 4. A representative payee under 20 CFR 416.635.

21 5. A conservatorship under the U.S. department of veterans affairs.

22 **SECTION 22.** 46.90 (1) (er) of the statutes is created to read:

23 46.90 (1) (er) “Investigative agency” means a law enforcement or a city, town,  
24 village, county, or state governmental agency or unit with functions relating to  
25 protecting health, welfare, safety, or property, including an agency concerned with

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1 animal protection, public health, building code enforcement, consumer protection,  
2 or insurance or financial institution regulation.

3 **SECTION 23.** 46.90 (1) (f) of the statutes is repealed and recreated to read:

4 46.90 (1) (f) "Neglect" means the failure of a caregiver, as evidenced by an act,  
5 omission, or course of conduct, to endeavor to secure or maintain adequate care,  
6 services, or supervision for an individual, including food, clothing, shelter, or  
7 physical or mental health care, and creating significant risk or danger to the  
8 individual's physical or mental health. "Neglect" does not include a decision that is  
9 made to not seek medical care for an individual, if that decision is consistent with the  
10 individual's previously executed declaration or do-not-resuscitate order under ch.  
11 154, a power of attorney for health care under ch. 155, or as otherwise authorized by  
12 law.

13 **SECTION 24.** 46.90 (1) (fg) of the statutes is created to read:

14 46.90 (1) (fg) "Physical abuse" means the intentional or reckless infliction of  
15 bodily harm.

16 **SECTION 25.** 46.90 (1) (g) of the statutes is amended to read:

17 46.90 (1) (g) "Self-neglect" means a significant danger to an ~~elder person's~~  
18 individual's physical or mental health because the ~~elder person~~ individual is  
19 responsible for his or her own care but ~~is unable~~ fails to ~~provide~~ obtain adequate care,  
20 including food, shelter, clothing, or medical or dental care.

21 **SECTION 26.** 46.90 (1) (gd) of the statutes is created to read:

22 46.90 (1) (gd) "Sexual abuse" means a violation of s. 940.225 (1), (2), (3), or (3m).

23 **SECTION 27.** 46.90 (1) (gf) of the statutes is created to read:

24 46.90 (1) (gf) "State governmental agency" has the meaning given for "agency"  
25 in s. 16.417 (1) (a).

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1           **SECTION 28.** 46.90 (1) (gr) of the statutes is created to read:

2           46.90 (1) (gr) “State official” means any law enforcement officer employed by  
3 the state or an employee of one of the following:

4           1. The department of health and family services.

5           2. The department of justice.

6           3. The department of regulation and licensing.

7           4. The board on aging and long-term care.

8           5. A state governmental agency other than those specified in subds. 1. to 4. with  
9 functions relating to protecting health and safety.

10          **SECTION 29.** 46.90 (1) (h) of the statutes is created to read:

11          46.90 (1) (h) “Treatment without consent” means the administration of  
12 medication to an individual who has not provided informed consent, or the  
13 performance of psychosurgery, electroconvulsive therapy, or experimental research  
14 on an individual who has not provided informed consent, with the knowledge that  
15 no lawful authority exists for the administration or performance.

16          **SECTION 30.** 46.90 (1) (i) of the statutes is created to read:

17          46.90 (1) (i) “Unreasonable confinement or restraint” includes the intentional  
18 and unreasonable confinement of an individual in a locked room, involuntary  
19 separation of an individual from his or her living area, use on an individual of  
20 physical restraining devices, or the provision of unnecessary or excessive medication  
21 to an individual, but does not include the use of these methods or devices in entities  
22 regulated by the department if the methods or devices are employed in conformance  
23 with state and federal standards governing confinement and restraint.

24          **SECTION 31.** 46.90 (2) of the statutes is amended to read:



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1           46.90 (2) COUNTY ELDER-ADULT-AT-RISK AGENCY DESIGNATION. Each county  
2 board shall designate an agency in the county as the county elder-adult-at-risk  
3 agency for the purposes of this section.

4           **SECTION 32.** 46.90 (3) (title) of the statutes is amended to read:

5           46.90 (3) (title) COUNTY ELDER-ADULT-AT-RISK AGENCY DUTIES.

6           **SECTION 33.** 46.90 (3) (a), (b) and (c) of the statutes are amended to read:

7           46.90 (3) (a) Each county elder-adult-at-risk agency shall develop a policy for  
8 notifying other investigative agencies, including law enforcement officials in  
9 appropriate cases, and shall establish an elder abuse reporting system to carry out  
10 the purposes of this section. Each county elder-adult-at-risk agency shall enter into  
11 a memorandum of understanding regarding the operation of the system with the  
12 county department under s. 46.215 or 46.22 and with any private or public agency,  
13 including a county department under s. 51.42 or 51.437, within the county that is  
14 participating in the elder abuse reporting system. The memorandum of  
15 understanding shall, at a minimum, identify the agencies that are responsible for the  
16 investigation of reports of abuse, ~~material abuse~~ financial exploitation, neglect, or  
17 self-neglect of elder adults at risk and for the provision of specific direct services.

18           (b) Each county elder-adult-at-risk agency shall receive reports of abuse,  
19 ~~material abuse~~ financial exploitation, neglect, or self-neglect of elder persons adults  
20 at risk.

21           (c) Each county elder-adult-at-risk agency shall publicize the existence of an  
22 elder abuse reporting system in the county and shall provide a publicized telephone  
23 number ~~which~~ that can be used by persons wishing to report suspected cases of  
24 abuse, ~~material abuse~~ financial exploitation, neglect, or self-neglect of elder adults  
25 at risk. Each elder-adult-at-risk agency shall also provide a telephone number that

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1 can be used to make reports after the elder-adult-at-risk agency's regular business  
2 hours.

3 **SECTION 34.** 46.90 (4) (a) 1. of the statutes is renumbered 46.90 (4) (ar) and  
4 amended to read:

5 46.90 (4) (ar) Any person, including an attorney or a person working under the  
6 supervision of an attorney, may report to the county agency ~~or to any state official,~~  
7 ~~including any representative of the office of the long-term care ombudsman under~~  
8 ~~s. 16.009 (4),~~ department, the elder-adult-at-risk agency, a state or local law  
9 enforcement agency, the department, or the board on aging and long-term care that  
10 he or she believes that abuse, ~~material abuse or~~ financial exploitation, neglect, ~~or~~  
11 self-neglect of an elder adult at risk has occurred if the person is aware of facts or  
12 circumstances that would lead a reasonable person to believe or suspect that abuse,  
13 ~~material abuse or~~ financial exploitation, neglect, ~~or~~ self-neglect of an elder adult at  
14 risk has occurred. The person shall indicate the facts and circumstances of the  
15 situation as part of the report.

16 **SECTION 35.** 46.90 (4) (a) 2. of the statutes is repealed.

17 **SECTION 36.** 46.90 (4) (ab) of the statutes is created to read:

18 46.90 (4) (ab) The following persons shall file reports as specified in par. (ad):

19 1. An employee of any entity that is licensed, certified, or approved by or  
20 registered with the department.

21 2. An employee of a financial institution, as defined in s. 705.01 (3).

22 3. A health care provider, as defined in s. 155.01 (7).

23 4. A social worker, professional counselor, or marriage and family therapist  
24 certified under ch. 457.

25 **SECTION 37.** 46.90 (4) (ad) of the statutes is created to read:

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1           46.90 (4) (ad) Except as provided in par. (ae), a person specified in par. (ab) who  
2           has seen an elder adult at risk in the course of the person's professional duties shall  
3           file a report with the county department, the elder-adult-at-risk agency, a state or  
4           local law enforcement agency, the department, or the board on aging and long-term  
5           care if the elder adult at risk has requested the person to make the report, or if the  
6           person has reasonable cause to believe that any of the following situations exist:

7           1. The elder adult at risk is at imminent risk of serious bodily harm, death,  
8           sexual assault, or significant property loss and is unable to make an informed  
9           judgment about whether to report the risk.

10          2. An elder adult at risk other than the subject of the report is at risk of serious  
11          bodily harm, death, sexual assault, or significant property loss inflicted by a  
12          suspected perpetrator.

13          **SECTION 38.** 46.90 (4) (ae) of the statutes is created to read:

14          46.90 (4) (ae) A person specified in par. (ab) is not required to file a report as  
15          provided in par. (ad) if the person believes that filing a report would not be in the best  
16          interest of the elder adult at risk. If the person so believes, the person shall document  
17          the reasons for this belief in the case file that the person maintains on the elder adult  
18          at risk.

19          **SECTION 39.** 46.90 (4) (b) 1. b. of the statutes is amended to read:

20          46.90 (4) (b) 1. b. No person may discharge or otherwise retaliate or  
21          discriminate against any ~~person~~ individual on whose behalf another person has  
22          reported in good faith under this subsection.

23          **SECTION 40.** 46.90 (4) (b) 1. c. of the statutes is renumbered 46.90 (9) (d) and  
24          amended to read:

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1           46.90 (9) (d) Any person who violates ~~this subdivision~~ sub. (4) (b) 1. may be  
2 fined not more than \$1,000 \$10,000 or imprisoned for not more than 6 months or  
3 both.

4           **SECTION 41.** 46.90 (4) (b) 1. cm. of the statutes is created to read:

5           46.90 (4) (b) 1. cm. Any discharge of a person or act of retaliation or  
6 discrimination that is taken against a person who makes a report under this  
7 subsection, within 120 days after the report is made, establishes a rebuttable  
8 presumption that the discharge or act is made in response to the report. This  
9 presumption may be rebutted by a preponderance of evidence that the discharge or  
10 act was not made in response to the report.

11           **SECTION 42.** 46.90 (4) (b) 2. c. of the statutes is amended to read:

12           46.90 (4) (b) 2. c. Any person not described in subd. 2. b. who is retaliated or  
13 discriminated against in violation of subd. 1. a. or b. may commence an action in  
14 circuit court for damages incurred as a result of the violation.

15           **SECTION 43.** 46.90 (4) (c) of the statutes is amended to read:

16           46.90 (4) (c) No person may be held civilly or criminally liable or be found guilty  
17 of unprofessional conduct for reporting in good faith under this subsection and  
18 within the scope of his or her authority, or for filing a report with an agency not listed  
19 in par. (ad) (intro.) or (ar) if the person had a good faith belief that the report was filed  
20 correctly with one of the listed agencies.

21           **SECTION 44.** 46.90 (4) (d) of the statutes is amended to read:

22           46.90 (4) (d) If a report under par. ~~(a)~~ (ad) or (ar) is made to a state official, the  
23 state official shall refer the report to the appropriate ~~county~~ elder-adult-at-risk  
24 agency.

25           **SECTION 45.** 46.90 (4) (e) of the statutes is created to read:

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1           46.90 (4) (e) Any person making a report under this subsection is presumed to  
2 have reported in good faith.

3           **SECTION 46.** 46.90 (5) (title) of the statutes is repealed and recreated to read:

4           46.90 (5) (title) **RESPONSE AND INVESTIGATION.**

5           **SECTION 47.** 46.90 (5) (a) of the statutes is renumbered 46.90 (5) (a) 1. and  
6 amended to read:

7           46.90 (5) (a) 1. Except as otherwise provided, upon receiving a report of alleged  
8 abuse, material abuse financial exploitation, neglect, or self-neglect of an elder adult  
9 at risk, the county elder-adult-at-risk agency shall either investigate respond to the  
10 report including, if necessary, by conducting an investigation, or refer the report to  
11 another agency for investigation. Upon receiving a report of alleged abuse, material  
12 abuse financial exploitation, neglect, or self-neglect of an elder person who resides  
13 in a community-based residential facility or a nursing home licensed under s. 50.03  
14 or of an elder person who receives services from a home health agency licensed under  
15 s. 50.49 and the person suspected of abusing or neglecting the person is an employee  
16 of the home health agency a client, as defined in s. 50.065 (1) (b), of an entity, as  
17 defined in s. 50.065 (1) (c), if the person suspected of perpetrating the alleged abuse,  
18 financial exploitation, or neglect is a caregiver or a nonclient resident of the entity,  
19 the county elder-adult-at-risk agency may not investigate the report but it shall  
20 refer the report within 24 hours after the report is received, excluding Saturdays,  
21 Sundays and legal holidays, to the department for investigation. An investigation  
22 The department shall coordinate its investigatory efforts with other investigative  
23 agencies or authorities as appropriate. An elder-adult-at-risk agency's response to  
24 or another investigative agency's investigation of a report of alleged abuse, financial  
25 exploitation, neglect, or self-neglect that is not referred to the department shall be

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1 commenced within 24 hours after a report is received, excluding Saturdays, Sundays  
2 and legal holidays. ~~An investigation of a report of material abuse shall be~~  
3 ~~commenced within 5 days after a report is received, excluding Saturdays, Sundays~~  
4 ~~and legal holidays. If a report is referred to the department, pars. (b) to (g) and sub.~~  
5 ~~(6) do not apply to the department.~~

6 **SECTION 48.** 46.90 (5) (a) 2. of the statutes is created to read:

7 46.90 (5) (a) 2. If an agent or employee of an elder-adult-at-risk agency  
8 required to respond under this subsection is the subject of a report, or if the  
9 elder-adult-at-risk agency or an agency under contract with the county department  
10 determines that the relationship between the elder-adult-at-risk agency and the  
11 agency under contract with the county department would not allow for an unbiased  
12 response, the elder-adult-at-risk agency shall, after taking any action necessary to  
13 protect the elder adult at risk, notify the department. Upon receipt of the notice, the  
14 department or a county department under s. 46.215, 46.22, 51.42, or 51.437  
15 designated by the department shall conduct an independent investigation. The  
16 powers and duties of a county department making an independent investigation are  
17 those given to an elder-adult-at-risk agency under pars. (b) to (f) and sub. (6).

18 **SECTION 49.** 46.90 (5) (b) (intro.) and 1. to 5. of the statutes are amended to read:

19 46.90 (5) (b) (intro.) ~~The scope of the elder-adult-at-risk agency's response or~~  
20 ~~another investigative agency's investigation is at the discretion of the investigating~~  
21 ~~agency and may include one or more of the following:~~

22 1. A visit to the elder person's residence of the elder adult at risk.

23 2. Observation of the elder person adult at risk, with or without consent of his  
24 or her guardian or agent under an activated power of attorney for health care, if any.

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1           3. An interview with the elder person. ~~To the extent practicable, this interview~~  
2           shall be private adult at risk, in private to the extent practicable, and with or without  
3           the consent of his or her guardian or agent under an activated power of attorney for  
4           health care, if any.

5           4. An interview with the guardian or agent under an activated power of  
6           attorney for health care, if any, and with any person who takes care caregiver of the  
7           elder person adult at risk.

8           5. A review of the treatment and patient health care records of the elder adult  
9           at risk.

10           **SECTION 50.** 46.90 (5) (b) 6. of the statutes is created to read:

11           46.90 (5) (b) 6. A review of any financial records of the elder adult at risk that  
12           are maintained by a financial institution, as defined in s. 705.01 (3); by an entity, as  
13           defined in s. 50.065; by any caregiver of the elder adult at risk; or by a member of the  
14           immediate family of the elder adult at risk or caregiver. The records shall be released  
15           without informed consent in either of the following circumstances:

16           a. To an elder-adult-at-risk agency or other investigative agency under this  
17           section. The financial record holder may release financial record information by  
18           initiating contact with the elder-adult-at-risk agency or other investigative agency  
19           without first receiving a request for release of the information from the  
20           elder-adult-at-risk agency or other investigative agency.

21           b. Under a lawful order of a court of record.

22           **SECTION 51.** 46.90 (5) (br) of the statutes is created to read:

23           46.90 (5) (br) The elder-adult-at-risk agency or other investigative agency  
24           may transport the elder adult at risk for performance of a medical examination by  
25           a physician if any of the following applies:

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1           1. The elder adult at risk or his or her guardian or agent under an activated  
2 power of attorney for health care, if any, consents to the examination.

3           2. The elder adult at risk is incapable of consenting to the examination and one  
4 of the following applies:

5           a. The elder adult at risk has no guardian or agent under an activated power  
6 of attorney for health care.

7           b. The elder adult at risk has a guardian or an agent under an activated power  
8 of attorney for health care, but that guardian or agent is the person suspected of  
9 abusing, neglecting, or financially exploiting the elder adult at risk.

10          c. The examination is authorized by order of a court.

11          **SECTION 52.** 46.90 (5) (c) of the statutes is amended to read:

12          46.90 (5) (c) ~~If an investigator so requests, The elder-adult-at-risk agency may~~  
13 request a sheriff or police officer shall to accompany the elder-adult-at-risk agency  
14 investigator or worker during visits to the elder person's residence and shall provide  
15 of the elder adult at risk or request other assistance as needed. If the request is made,  
16 a sheriff or police officer shall accompany the elder-adult-at-risk agency  
17 investigator or worker to the residence of the elder adult at risk and shall provide  
18 other assistance as requested or necessary.

19          **SECTION 53.** 46.90 (5) (d) 1. of the statutes is renumbered 46.90 (5) (d) and  
20 amended to read:

21          46.90 (5) (d) If any a person except the elder person in question interferes with  
22 the response or investigation under this subsection or interferes with the delivery of  
23 protective services under ch. 55 to the elder adult at risk, the elder-adult-at-risk  
24 agency investigator or worker may apply for an order under ch. 813 s. 813.123  
25 prohibiting the interference.



**ASSEMBLY BILL 539**

1           **SECTION 54.** 46.90 (5) (d) 2. of the statutes is repealed.

2           **SECTION 55.** 46.90 (5) (f) of the statutes is amended to read:

3           46.90 (5) (f) If the ~~investigator~~ elder-adult-at-risk agency worker or  
4 investigator or other agency investigator has reason to believe that substantial  
5 physical harm, irreparable injury, or death may occur to an elder ~~person~~ adult at risk,  
6 the worker or investigator shall ~~immediately notify the protective services agency~~  
7 ~~designated under s. 55.02~~ request immediate assistance in either initiating a  
8 protective services action under ch. 55 or contact law enforcement or another public  
9 agency, as appropriate.

10          **SECTION 56.** 46.90 (5) (g) of the statutes is repealed.

11          **SECTION 57.** 46.90 (5) (h) of the statutes is created to read:

12          46.90 (5) (h) No person may be held civilly or criminally liable or be found guilty  
13 of unprofessional conduct for responding to a report or for participating in or  
14 conducting an investigation under this subsection, including the taking of  
15 photographs or the conducting of a medical examination, if the response or  
16 investigation was performed in good faith and within the scope of his or her authority.

17          **SECTION 58.** 46.90 (5m) (title) and (a) of the statutes are amended to read:

18          46.90 (5m) (title) PROVISION OFFER OF SERVICES AND REFERRAL OF CASES. (a) ~~After~~  
19 ~~the investigation is completed~~ Upon responding to a report, the county  
20 elder-adult-at-risk agency or the ~~investigating~~ investigative agency shall  
21 determine if whether the elder ~~person~~ adult at risk or any other individual involved  
22 in the alleged abuse, ~~material abuse~~ financial exploitation, neglect, or self-neglect  
23 is in need of services under this chapter or ch. 47, 49, 51 ~~or~~, 55 or 880. From the  
24 appropriation under s. 20.435 (7) (dh), the department shall allocate to selected  
25 counties not less than \$25,000 in each fiscal year, and within the limits of these funds

**ASSEMBLY BILL 539****SECTION 58**

1 and of available state and federal funds and of county funds appropriated to match  
2 the state and federal funds, the county elder-adult-at-risk agency shall provide the  
3 necessary direct services to the elder person adult at risk or other individual or  
4 arrange for the provision of the direct services with other agencies or individuals.  
5 Those direct services provided shall be rendered under the least restrictive  
6 conditions necessary to achieve their objective.

7 **SECTION 59.** 46.90 (5m) (b) of the statutes is amended to read:

8 46.90 (5m) (b) If the county ~~agency designated under sub. (2)~~  
9 elder-adult-at-risk agency is not the aging unit, the county elder-adult-at-risk  
10 agency in each county shall consult with and accept advice from the aging unit with  
11 respect to the distribution of the funds for direct services that are allocated under par.  
12 (a).

13 **SECTION 60.** 46.90 (5m) (br) of the statutes is created to read:

14 46.90 (5m) (br) If, after responding to a report, the elder-adult-at-risk agency  
15 has reason to believe that the elder adult at risk has been the subject of abuse,  
16 financial exploitation, neglect, or self-neglect, the elder-adult-at-risk agency may  
17 do any of the following:

18 1. Request immediate assistance in initiating a protective services action under  
19 ch. 55 or contact an investigative agency, as appropriate.

20 2. Take appropriate emergency action, including emergency protective  
21 placement under s. 55.06, if the elder-adult-at-risk agency determines that the  
22 emergency action is in the best interests of the elder adult at risk and the emergency  
23 action is the least restrictive appropriate intervention.

**ASSEMBLY BILL 539**

1           3. Refer the case to law enforcement officials, as specified in sub. (3) (a), for  
2 further investigation or to the district attorney, if the elder-adult-at-risk agency has  
3 reason to believe that a crime has been committed.

4           4. Refer the case to the licensing, permitting, registration, or certification  
5 authorities of the department or to other regulatory bodies if the residence, facility,  
6 or program for the elder adult at risk is or should be licensed, permitted, registered,  
7 or certified or is otherwise regulated.

8           5. Refer the case to the department of regulation and licensing if the financial  
9 exploitation, neglect, self-neglect, or abuse involves an individual who is required  
10 to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 460.

11           6. Bring a petition for a guardianship and protective services or protective  
12 placement under ch. 55 or a review of an existing guardianship if necessary to  
13 prevent financial exploitation, neglect, self-neglect, or abuse and if the elder adult  
14 at risk would otherwise be at risk of serious harm because of an inability to arrange  
15 for necessary food, clothing, shelter, or services.

16           **SECTION 61.** 46.90 (5m) (c) of the statutes is amended to read:

17           46.90 (5m) (c) An elder ~~person~~ adult at risk may refuse to accept services unless  
18 a guardian authorizes the services. The county elder-adult-at-risk agency or other  
19 provider agency shall notify the elder ~~person~~ adult at risk of this right to refuse before  
20 providing services.

21           **SECTION 62.** 46.90 (6) (a) of the statutes is renumbered 46.90 (6) (am) and  
22 amended to read:

23           46.90 (6) (am) The county elder-adult-at-risk agency ~~or other investigating~~  
24 agency shall prepare a departmental report ~~on each investigation it conducts unless~~  
25 ~~the agency finds, at the conclusion of the investigation, that the report of alleged~~

**ASSEMBLY BILL 539****SECTION 62**

1 ~~abuse, material abuse, neglect or self-neglect is without foundation~~ form of its  
2 response under sub. (5) to a report of suspected abuse, financial exploitation, neglect,  
3 or self-neglect. If an agency other than the county agency conducts the  
4 investigation, ~~it the elder-adult-at-risk agency refers the report to an investigative~~  
5 ~~agency, the investigative agency shall submit a copy of the investigation report to the~~  
6 ~~county agency~~ advise the elder-adult-at-risk agency in writing of its response to the  
7 report. The elder-adult-at-risk agency shall maintain records of suspected abuse,  
8 financial exploitation, neglect, or self-neglect.

9 **SECTION 63.** 46.90 (6) (ac) of the statutes is created to read:

10 46.90 (6) (ac) In this subsection:

11 1. "Departmental report form" includes documentation of an  
12 elder-adult-at-risk agency's response to or investigation of a report made under  
13 sub. (5) and is the information required to be submitted to the department.

14 2. "Record" includes any document relating to the response, investigation,  
15 assessment, and disposition of a report made under this section.

16 **SECTION 64.** 46.90 (6) (b) (intro.) of the statutes is amended to read:

17 46.90 (6) (b) (intro.) ~~Reports of suspected abuse, material abuse, neglect or~~  
18 ~~self-neglect and investigation reports under this section~~ Departmental report forms  
19 are confidential and may not be released by the county elder-adult-at-risk agency  
20 or other investigating investigative agency, except under the following  
21 circumstances they may be released:

22 **SECTION 65.** 46.90 (6) (b) 1. of the statutes is amended to read:

23 46.90 (6) (b) 1. To the elder ~~person and~~ adult at risk, any person named in a  
24 departmental report form who is suspected of abusing ~~or~~, neglecting, or financially  
25 exploiting an elder ~~person~~ adult at risk, and the suspect's attorney. These persons

**ASSEMBLY BILL 539**

1 may inspect the departmental report on the investigation form, except that  
2 information identifying the person who initially reported the suspected abuse,  
3 ~~material abuse~~ financial exploitation, neglect, or self-neglect, or any other person  
4 whose safety might be endangered through disclosure, may not be released.

5 **SECTION 66.** 46.90 (6) (b) 2. of the statutes is amended to read:

6 46.90 (6) (b) 2. To the ~~protective services agency notified~~ or other entity from  
7 which assistance is requested under sub. (5) (f). Information obtained under this  
8 subdivision shall remain confidential.

9 **SECTION 67.** 46.90 (6) (b) 3. of the statutes is amended to read:

10 46.90 (6) (b) 3. To an individual, organization, or agency designated by the  
11 department or as required by law for the purposes of management audits or program  
12 monitoring and evaluation. Information obtained under this subdivision shall  
13 remain confidential and ~~shall~~ may not be used in any way that discloses the names  
14 of or other identifying information about the individuals involved.

15 **SECTION 68.** 46.90 (6) (b) 4. of the statutes is amended to read:

16 46.90 (6) (b) 4. For purposes of research, if the research project has been  
17 approved by the department or the county elder-adult-at-risk agency and the  
18 researcher has provided assurances that the information will be used only for the  
19 purposes for which it was provided to the researcher, the information will not be  
20 released to a person not connected with the study under consideration, and the final  
21 product of the research will not reveal information that may serve to identify the  
22 individuals involved. ~~Such~~ The information shall remain confidential. In approving  
23 ~~research projects~~ the use of information under this subdivision, the department shall  
24 impose any additional safeguards needed to prevent unwarranted disclosure of  
25 information.

**ASSEMBLY BILL 539****SECTION 69**

1           **SECTION 69.** 46.90 (6) (b) 5. of the statutes is amended to read:

2           46.90 (6) (b) 5. Pursuant to Under a lawful order of a court of record.

3           **SECTION 70.** 46.90 (6) (b) 6. of the statutes is amended to read:

4           46.90 (6) (b) 6. To any agency or individual that provides direct services under  
5           sub. (5m), including an attending physician for purposes of diagnosis and treatment,  
6           and within the department to coordinate treatment for mental illness,  
7           developmental disabilities, alcoholism, or drug abuse of individuals committed to or  
8           under the supervision of the department. Information obtained under this  
9           subdivision shall remain confidential.

10          **SECTION 71.** 46.90 (6) (b) 7. of the statutes is amended to read:

11          46.90 (6) (b) 7. To the guardian of the elder ~~person~~ adult at risk or the guardian  
12          of any person named in a report who is suspected of abusing ~~or,~~ neglecting, or  
13          financially exploiting an elder ~~person~~ adult at risk. These persons may inspect the  
14          departmental report on the investigation form, except that information identifying  
15          the person who initially reported the suspected abuse, ~~material abuse~~ financial  
16          exploitation, neglect, or self-neglect, or any other person whose safety might be  
17          endangered through disclosure, may not be released.

18          **SECTION 72.** 46.90 (6) (b) 9. and 10. of the statutes are created to read:

19          46.90 (6) (b) 9. To a federal agency, state governmental agency, agency of any  
20          other state, or local governmental unit in this state or any other state that has a need  
21          for a departmental report form in order to carry out its responsibility to protect elder  
22          adults at risk from abuse, financial exploitation, neglect, or self-neglect.

23          10. To the reporter who made a report in his or her professional capacity,  
24          regarding action to be taken to protect or provide services to the alleged victim of  
25          abuse, financial exploitation, neglect, or self-neglect.

**ASSEMBLY BILL 539**

1           **SECTION 73.** 46.90 (6) (bd) of the statutes is created to read:

2           46.90 (6) (bd) If a person requesting a departmental report form is not one of  
3 the persons or entities specified in par. (b), the elder-adult-at-risk agency may  
4 release information indicating only whether or not a report was received and  
5 whether or not statutory responsibility was fulfilled.

6           **SECTION 74.** 46.90 (6) (br) of the statutes is created to read:

7           46.90 (6) (br) Notwithstanding par. (b) 1. to 10., an elder-adult-at-risk agency  
8 or an investigative agency may not release departmental report forms under this  
9 section if any of the following applies:

10           1. The elder-adult-at-risk agency determines that the release would be  
11 contrary to the best interests of the elder adult at risk who is the subject of the  
12 departmental report form or of another person residing with the subject of the  
13 departmental report form, or the release is likely to cause mental, emotional, or  
14 physical harm to the subject of the departmental report form or to any other  
15 individual.

16           2. The district attorney determines that disclosure of the information would  
17 jeopardize any ongoing or future criminal investigation or prosecution or would  
18 jeopardize a defendant's right to a fair trial.

19           3. The elder-adult-at-risk agency determines that disclosure would  
20 jeopardize ongoing or future civil investigations or proceedings or would jeopardize  
21 the fairness of such a legal proceeding.

22           **SECTION 75.** 46.90 (6) (bt) of the statutes is created to read:

23           46.90 (6) (bt) Subject to pars. (b), (bd), (br), (bv), and (bw), records under this  
24 subsection are confidential and may not be released by the elder-adult-at-risk

**ASSEMBLY BILL 539****SECTION 75**

1 agency or other investigative agency, except under the following circumstances, upon  
2 request:

3 1. To the elder adult at risk who is the alleged victim named in the record.

4 2. To the legal guardian, conservator, or other legal representative of the elder  
5 adult at risk who is the alleged victim named in the record, if the legal guardian,  
6 conservator, or other legal representative of the alleged victim is not the alleged  
7 perpetrator of the abuse, financial exploitation, or neglect.

8 3. To law enforcement officials and agencies in accordance with the policy  
9 developed under sub. (3) (a) or with investigations conducted under sub. (5), or a  
10 district attorney, for purposes of investigation or prosecution.

11 4. To the department, under s. 51.03 (2), or for death investigations under s.  
12 50.04 (2t) or 50.035 (5); or to a sheriff, police department, or district attorney for  
13 death investigations under s. 51.64 (2) (a).

14 5. To an employee of a county department under s. 51.42 or 51.437 that is  
15 providing services either to the elder adult at risk who is the alleged victim named  
16 in the record or to the alleged perpetrator of abuse, to determine whether the alleged  
17 victim should be transferred to a less restrictive or more appropriate treatment  
18 modality or facility.

19 6. To a court, tribal court, or state governmental agency for a proceeding  
20 relating to the licensure or regulation of an individual or entity regulated or licensed  
21 by the state governmental agency, that was an alleged perpetrator of abuse, financial  
22 exploitation, or neglect.

23 7. To the department, for management, audit, program monitoring,  
24 evaluation, billing, or collection purposes.



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1           8. To the attorney or guardian ad litem for the elder adult at risk who is the  
2           alleged victim named in the record, to assist in preparing for any proceeding under  
3           ch. 48, 51, 55, 880, 971, or 975 pertaining to the alleged victim.

4           9. To a coroner, medical examiner, pathologist, or other physician investigating  
5           the cause of death of an elder adult at risk that is unexplained or unusual or is  
6           associated with unexplained or suspicious circumstances.

7           10. To staff members of the protection and advocacy agency designated under  
8           s. 51.62 and the board on aging and long-term care under s. 16.009.

9           11. To an agency, including a probation or parole agency, that is legally  
10          responsible for the supervision of an alleged perpetrator of abuse, neglect, or  
11          financial exploitation of an elder adult at risk.

12          12. To a grand jury, if it determines that access to specified records is necessary  
13          for the conduct of its official business.

14          13. Under a lawful order of a court of record.

15          **SECTION 76.** 46.90 (6) (bv), (bw) and (by) of the statutes are created to read:

16          46.90 **(6)** (bv) The identity of a person making a report of alleged abuse, neglect,  
17          self-neglect, or financial exploitation shall be deleted from any record prior to its  
18          release under par. (bt) or from any departmental report form prior to its release  
19          under par. (b). The identity of any reporter may only be released with the written  
20          consent of the reporter or under a lawful order of a court of record.

21          (bw) A person to whom a departmental report form or a record is disclosed  
22          under this subsection may not further disclose it, except to the persons and for the  
23          purposes specified in this subsection.

24          (by) A custodian of records or departmental report forms incurs no civil or  
25          criminal liability under this subsection and may not be found guilty of unprofessional

**ASSEMBLY BILL 539****SECTION 76**

1 conduct for the release or nonrelease of records or departmental report forms in  
2 accordance with this subsection while acting in good faith and within the scope of his  
3 or her authority.

4 **SECTION 77.** 46.90 (6) (c) 1. of the statutes is renumbered 46.90 (9) (a) and  
5 amended to read:

6 46.90 (9) (a) Any person, including the state or any political subdivision of the  
7 state, violating ~~this subsection shall be~~ sub. (6) is liable to any person damaged as  
8 a result of the violation for such damages as may be proved, together with exemplary  
9 damages of not less than \$100 nor more than \$500 for each violation and such ~~the~~ the  
10 costs and reasonable actual attorney fees as ~~may be~~ that are incurred by the person  
11 damaged. ~~A custodian of records incurs no liability under this subdivision for the~~  
12 ~~release of records in accordance with this subsection while acting in good faith.~~

13 **SECTION 78.** 46.90 (6) (c) 2. of the statutes is renumbered 46.90 (9) (b) and  
14 amended to read:

15 46.90 (9) (b) In any action brought under ~~subd. 1.~~ par. (a) in which the court  
16 determines that the violator acted in a manner that was knowing and willful, the  
17 violator shall be liable for such damages as may be proved together with exemplary  
18 damages of not less than \$500 nor more than \$1,000 for each violation, together with  
19 costs and reasonable actual attorney fees as may be incurred. It is not a prerequisite  
20 to an action under ~~this paragraph~~ par. (a) that the plaintiff suffer or be threatened  
21 with actual damages.

22 **SECTION 79.** 46.90 (6) (c) 3. of the statutes is renumbered 46.90 (9) (c) and  
23 amended to read:

24 46.90 (9) (c) An individual may bring an action to enjoin any violation of ~~this~~  
25 ~~subsection~~ sub. (6) or to compel compliance with ~~this subsection~~ sub. (6), and may in

**ASSEMBLY BILL 539**

1 the same action seek damages as provided in this ~~paragraph~~ subsection. The  
2 individual may recover costs and reasonable actual attorney fees ~~as may be incurred~~  
3 in the action, if he or she prevails.

4 **SECTION 80.** 46.90 (7) of the statutes is amended to read:

5 46.90 (7) EXCEPTION. Nothing in this section shall ~~shall~~ may be construed to mean  
6 that a person is abused, financially exploited, neglected or in need of direct or  
7 protective services solely because he or she consistently relies upon treatment by  
8 spiritual means through prayer for healing in accordance with his or her religious  
9 tradition.

10 **SECTION 81.** 46.90 (8) (a) of the statutes is amended to read:

11 46.90 (8) (a) The department shall develop a plan to assist ~~county~~  
12 elder-adult-at-risk agencies in determining appropriate responses to reports of  
13 abuse, ~~material abuse~~ financial exploitation, neglect, or self-neglect.

14 **SECTION 82.** 46.90 (8) (b) of the statutes is amended to read:

15 46.90 (8) (b) The department shall prepare and distribute sample  
16 departmental report forms for use by ~~county~~ elder-adult-at-risk agencies.

17 **SECTION 83.** 46.90 (8) (c) and (d) of the statutes are amended to read:

18 46.90 (8) (c) The department shall collect statistical information from each  
19 county pertaining to each reported case of abuse, ~~material abuse~~ financial  
20 exploitation, neglect, or self-neglect. The department may require ~~investigators~~  
21 elder-adult-at-risk agency workers or investigators to submit ~~statements~~  
22 departmental report forms to the department that summarize the information being  
23 reported. These ~~summary statements~~ departmental report forms may not name or  
24 otherwise identify ~~individual persons~~ individuals. The department shall use this

**ASSEMBLY BILL 539****SECTION 83**

1 information to review the effectiveness of this section, to plan program changes, and  
2 to formulate reports.

3 (d) The department shall develop and disseminate information on ~~elder~~  
4 elder-adult-at-risk abuse and the elder abuse reporting system under this section.  
5 The department shall also develop informational materials to be used by ~~county~~  
6 elder-adult-at-risk agencies regarding ~~elder abuse of elder adults at risk~~ and  
7 regarding the elder abuse reporting system. The department shall solicit  
8 contributions of labor, materials, and expertise from private sources to assist in  
9 developing the informational materials.

10 **SECTION 84.** 46.90 (9) (title) and (e) of the statutes are created to read:

11 46.90 (9) (title) PENALTIES.

12 (e) Whoever intentionally violates sub. (4) (ad) by failure to report as required  
13 may be fined not more than \$500 or imprisoned not more than 6 months or both.

14 **SECTION 85.** 49.498 (3) (b) 1. of the statutes is amended to read:

15 49.498 (3) (b) 1. Inform each resident, orally and in writing at the time of  
16 admission to the nursing facility, of the resident's legal rights during the stay at the  
17 nursing facility, including a description of the protection of personal funds under sub.  
18 (8) and a statement that a resident may file a complaint with the department under  
19 s. 146.40 (4r) (a) concerning ~~misappropriation of property or~~ financial exploitation,  
20 neglect, or abuse of a resident.

21 **SECTION 86.** 50.065 (1) (br) of the statutes is amended to read:

22 50.065 (1) (br) "Direct contact" means face-to-face physical proximity to a  
23 client that affords the opportunity to commit abuse ~~or, neglect, or financial~~  
24 exploitation of a client ~~or to misappropriate the property of a client.~~

25 **SECTION 87.** 50.065 (1) (cg) of the statutes is created to read:

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1           50.065 (1) (cg) “Financial exploitation” means any of the following:

2           1. Obtaining an individual’s money or property by deceiving or enticing the  
3 individual, or by forcing, compelling, or coercing the individual to give, sell at less  
4 than fair market value, or in other ways convey money or property against his or her  
5 will without his or her informed consent.

6           2. Theft, as prohibited in s. 943.20.

7           3. The substantial failure or neglect of a fiscal agent to fulfill his or her  
8 responsibilities.

9           **SECTION 88.** 50.065 (4m) (a) 3. of the statutes is amended to read:

10           50.065 (4m) (a) 3. That a unit of government or a state agency, as defined in  
11 s. 16.61 (2) (d), has made a finding that the person has ~~abused or neglected any client~~  
12 ~~or misappropriated the property~~ committed abuse, neglect, or financial exploitation  
13 of any client.

14           **SECTION 89.** 50.065 (4m) (b) 3. of the statutes is amended to read:

15           50.065 (4m) (b) 3. That a unit of government or a state agency, as defined in  
16 s. 16.61 (2) (d), has made a finding that the person has ~~abused or neglected any client~~  
17 ~~or misappropriated the property~~ committed abuse, neglect, or financial exploitation  
18 of any client.

19           **SECTION 90.** 50.065 (7) (c) of the statutes is amended to read:

20           50.065 (7) (c) Conduct throughout the state periodic training sessions that  
21 cover criminal background investigations; reporting and investigating  
22 ~~misappropriation of property or~~ financial exploitation, abuse, or neglect of a client;  
23 and any other material that will better enable entities to comply with the  
24 requirements of this section.

25           **SECTION 91.** 50.09 (1) (k) of the statutes is amended to read:

**ASSEMBLY BILL 539****SECTION 91**

1           50.09 (1) (k) Be free from ~~mental and physical~~ abuse, and as defined in s. 46.90  
2           (1) (a). The resident has a right to be free from chemical and physical restraints  
3           except as authorized in writing by a physician for a specified and limited period of  
4           time and documented in the resident's medical record. Physical restraints may be  
5           used in an emergency when necessary to protect the resident from injury to himself  
6           or herself or others or to property. However, authorization for continuing use of the  
7           physical restraints shall be secured from a physician within 12 hours. Any use of  
8           physical restraints shall be noted in the resident's medical records. "Physical  
9           restraints" includes, but is not limited to, any article, device or garment which  
10          interferes with the free movement of the resident and which the resident is unable  
11          to remove easily, and confinement in a locked room.

12           **SECTION 92.** 51.01 (2g) (b) of the statutes is amended to read:

13           51.01 (2g) (b) "Brain injury" does not include alcoholism, Alzheimer's disease  
14           as specified under s. 46.87 (1) (a), ~~or the infirmities of aging as specified under s. 55.01~~  
15           ~~(3) degenerative brain disorder, as defined in s. 55.01 (1v).~~

16           **SECTION 93.** 51.01 (3g) of the statutes is amended to read:

17           51.01 (3g) "Chronic mental illness" means a mental illness ~~that~~ that which is severe  
18           in degree and persistent in duration, ~~which~~ that causes a substantially diminished  
19           level of functioning in the primary aspects of daily living and an inability to cope with  
20           the ordinary demands of life, ~~which~~ that may lead to an inability to maintain stable  
21           adjustment and independent functioning without long-term treatment and support,  
22           and ~~which~~ that may be of lifelong duration. "Chronic mental illness" includes  
23           schizophrenia as well as a wide spectrum of psychotic and other severely disabling  
24           psychiatric diagnostic categories, but does not include ~~infirmities of aging~~

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1 degenerative brain disorder, as defined in s. 55.01 (1v), or a primary diagnosis of  
2 mental retardation or of alcohol or drug dependence.

3 **SECTION 94.** 51.01 (5) (a) of the statutes is amended to read:

4 51.01 (5) (a) “Developmental disability” means a disability attributable to  
5 brain injury, cerebral palsy, epilepsy, autism, Prader-Willi syndrome, mental  
6 retardation, or another neurological condition closely related to mental retardation  
7 or requiring treatment similar to that required for mental retardation, which has  
8 continued or can be expected to continue indefinitely and constitutes a substantial  
9 handicap to the afflicted individual. “Developmental disability” does not include  
10 senility which is primarily caused by the process of aging or ~~the infirmities of aging~~  
11 degenerative brain disorder, as defined in s. 55.01 (1v).

12 **SECTION 95.** 51.30 (4) (b) 17. of the statutes is amended to read:

13 51.30 (4) (b) 17. To the ~~county elder-adult-at-risk~~ agency designated under  
14 s. 46.90 (2) or other investigating agency under s. 46.90 for the purposes of s. 46.90  
15 (4) (a) and (5), to the county department, as defined in s. 48.02 (2g), or the sheriff or  
16 police department for the purposes of s. 48.981 (2) and (3), or to the ~~county protective~~  
17 ~~services~~ adult-at-risk agency designated under s. 55.02 for purposes of s. 55.043.  
18 The treatment record holder may release treatment record information by initiating  
19 contact with the ~~county protective services~~ elder-adult-at-risk agency,  
20 adult-at-risk agency, or county department, as defined in s. 48.02 (2g), without first  
21 receiving a request for release of the treatment record from the ~~county protective~~  
22 ~~services~~ elder-adult-at-risk agency, adult-at-risk agency, or county department.

23 **SECTION 96.** 51.42 (3) (e) of the statutes is amended to read:

24 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
25 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07

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1 (3) (c) and 938.78 (2) (a), any subunit of a county department of community programs  
2 or tribal agency acting under this section may exchange confidential information  
3 about a client, without the informed consent of the client, with any other subunit of  
4 the same county department of community programs or tribal agency, with a  
5 resource center, a care management organization, a family care district, or with  
6 any person providing services to the client under a purchase of services contract with  
7 the county department of community programs or tribal agency or with a resource  
8 center, care management organization, a family care district, if necessary to enable  
9 an employee or service provider to perform his or her duties, or to enable the county  
10 department of community programs or tribal agency to coordinate the delivery of  
11 services to the client. Any agency releasing information under this paragraph shall  
12 document that a request was received and what information was provided.

13 **SECTION 97.** 51.437 (4r) (b) of the statutes is amended to read:

14 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,  
15 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),  
16 any subunit of ~~the~~ a county department of developmental disabilities services or  
17 tribal agency acting under this section may exchange confidential information about  
18 a client, without the informed consent of the client, with any other subunit of the  
19 same county department of developmental disabilities services or tribal agency, with  
20 a resource center, a care management organization, a family care district, or with  
21 any person providing services to the client under a purchase of services contract with  
22 the county department of developmental disabilities services or tribal agency or with  
23 a resource center, a care management organization, a family care district, if  
24 necessary to enable an employee or service provider to perform his or her duties, or  
25 to enable the county department of developmental disabilities services or tribal



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1 agency to coordinate the delivery of services to the client. Any agency releasing  
2 information under this paragraph shall document that a request was received and  
3 what information was provided.

4 **SECTION 98.** 51.62 (1) (ag) of the statutes is repealed and recreated to read:

5 51.62 (1) (ag) "Abuse" has the meaning given in s. 46.90 (1) (a).

6 **SECTION 99.** 51.62 (1) (ar) of the statutes is created to read:

7 51.62 (1) (ar) "Financial exploitation" has the meaning given in s. 46.90 (1) (ed).

8 **SECTION 100.** 51.62 (1) (br) of the statutes is repealed and recreated to read:

9 51.62 (1) (br) "Neglect" has the meaning given in s. 46.90 (1) (f).

10 **SECTION 101.** 51.62 (3) (a) 2m. of the statutes is amended to read:

11 51.62 (3) (a) 2m. Have immediate access to any ~~person~~ individual with mental  
12 illness or developmental disability, regardless of age, who has requested services or  
13 on whose behalf services have been requested from the protection and advocacy  
14 agency or concerning whom the protection and advocacy agency has reasonable  
15 cause to believe that abuse, neglect, financial exploitation, or a violation of rights of  
16 the individual has occurred.

17 **SECTION 102.** 55.001 of the statutes is amended to read:

18 **55.001 Declaration of policy.** The legislature recognizes that many citizens  
19 of the state, because of ~~the infirmities of aging,~~ chronic mental illness, ~~mental~~  
20 ~~retardation,~~ other degenerative brain disorders, developmental disabilities, or like  
21 incapacities incurred at any age, are in need of protective services. Except as  
22 provided in s. 49.45 (30m) (a), these services should, to the maximum degree of  
23 feasibility under programs, services and resources that the county board of  
24 supervisors is reasonably able to provide within the limits of available state and  
25 federal funds and of county funds required to be appropriated to match state funds,

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1 allow the individual the same rights as other citizens, and at the same time protect  
2 the individual from financial exploitation, abuse, and degrading treatment. This  
3 chapter is designed to establish those services and assure their availability to all  
4 persons individuals when in need of them, and to place the least possible restriction  
5 on personal liberty and exercise of constitutional rights consistent with due process  
6 and protection from abuse, exploitation and neglect.

7 **SECTION 103.** 55.01 (1) of the statutes is repealed and recreated to read:

8 55.01 (1) “Abuse” has the meaning given in s. 46.90 (1) (a).

9 **SECTION 104.** 55.01 (1e) of the statutes is created to read:

10 55.01 (1e) “Adult at risk” means any adult who has a physical or mental  
11 condition that substantially impairs his or her ability to care for his or her needs and  
12 who has experienced, is currently experiencing, or is at risk of experiencing abuse,  
13 neglect, self-neglect, or financial exploitation.

14 **SECTION 105.** 55.01 (1f) of the statutes is created to read:

15 55.01 (1f) “Adult-at-risk agency” means the agency designated by the county  
16 board of supervisors under s. 55.043 (1) to receive, respond to, and investigate reports  
17 of abuse, neglect, self-neglect, and financial exploitation under s. 55.043.

18 **SECTION 106.** 55.01 (1m) of the statutes is amended to read:

19 55.01 (1m) “Bodily harm” has the meaning given in s. ~~939.22(4)~~ 46.90 (1) (aj).

20 **SECTION 107.** 55.01 (1p) of the statutes is repealed and recreated to read:

21 55.01 (1p) “Caregiver” has the meaning given in s. 46.90 (1) (an).

22 **SECTION 108.** 55.01 (1t) of the statutes is repealed.

23 **SECTION 109.** 55.01 (1v) of the statutes is created to read:

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1           55.01 (1v) “Degenerative brain disorder” means the loss or dysfunction of an  
2 individual’s brain cells to the extent that he or she is substantially impaired in his  
3 or her ability to provide adequately for his or her own care or custody.

4           **SECTION 110.** 55.01 (2) of the statutes is amended to read:

5           55.01 (2) “Developmentally disabled person” means any individual having a  
6 disability attributable to mental retardation, cerebral palsy, epilepsy, autism or  
7 another neurological condition closely related to mental retardation or requiring  
8 treatment similar to that required for mentally retarded individuals, which has  
9 continued or can be expected to continue indefinitely, substantially impairs the  
10 individual from adequately providing for his or her own care or custody, and  
11 constitutes a substantial handicap to the afflicted individual. The term does not  
12 include ~~a person~~ an individual affected by senility which is primarily caused by the  
13 process of aging or ~~the infirmities of aging~~ degenerative brain disorder.

14           **SECTION 111.** 55.01 (2s) of the statutes is created to read:

15           55.01 (2s) “Financial exploitation” has the meaning given in s. 46.90 (1) (ed).

16           **SECTION 112.** 55.01 (3) of the statutes is repealed.

17           **SECTION 113.** 55.01 (4g) of the statutes is created to read:

18           55.01 (4g) “Investigative agency” has the meaning given in s. 46.90 (1) (er).

19           **SECTION 114.** 55.01 (4p) of the statutes is repealed.

20           **SECTION 115.** 55.01 (4r) of the statutes is repealed and recreated to read:

21           55.01 (4r) “Neglect” has the meaning given in s. 46.90 (1) (f).

22           **SECTION 116.** 55.01 (6) of the statutes is created to read:

23           55.01 (6) “Self-neglect” has the meaning given in s. 46.90 (1) (g).

24           **SECTION 117.** 55.01 (6d) of the statutes is created to read:

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1           55.01 (6d) "State governmental agency" has the meaning given for "agency" in  
2 s. 16.417 (1) (a).

3           **SECTION 118.** 55.01 (6g) of the statutes is created to read:

4           55.01 (6g) "State official" has the meaning given in s. 46.90 (1) (gr).

5           **SECTION 119.** 55.01 (7) of the statutes is repealed.

6           **SECTION 120.** 55.02 of the statutes is amended to read:

7           **55.02 Protective service system; establishment.** The department shall  
8 develop a statewide system of protective service for ~~mentally retarded and other~~  
9 developmentally disabled persons, for aged infirm persons, for chronically mentally  
10 ill persons, and for persons with ~~other like incapacities~~ degenerative brain disorders  
11 incurred at any age in accordance with rules promulgated by the department. The  
12 protective service system shall be designed to encourage independent living and to  
13 avoid protective placement whenever possible. The system shall use the planning  
14 and advice of agencies, including the county department under s. 46.215, 46.22,  
15 46.23, 51.42, or 51.437. The chairperson of each county board of supervisors shall  
16 designate a county department under s. 46.215, 46.22, 51.42, or 51.437 that is  
17 providing services in his or her county or a joint mechanism of these county  
18 departments to have the responsibility for local planning for the protective service  
19 system. ~~The chairperson of the Milwaukee County board of supervisors~~ Each county  
20 board shall designate the county department under s. 46.215 an agency to serve as  
21 the county protective services adult-at-risk agency for purposes of s. 55.043. The  
22 department and these county departments shall cooperate in developing a  
23 coordinated system of services. The department shall provide direct services and  
24 enter into contracts with any responsible public or private agency for provision of  
25 protective services. In each county, the county department designated under this

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1 section shall determine the reporting requirements applicable to the county under  
2 s. 880.38 (3).

3 **SECTION 121.** 55.043 (title) of the statutes is amended to read:

4 **55.043** (title) ~~County protective services~~ **Adult-at-risk agency.**

5 **SECTION 122.** 55.043 (1) (title) of the statutes is repealed.

6 **SECTION 123.** 55.043 (1) (a) (intro.) of the statutes is renumbered 55.043 (1r)

7 (a) 1g. and amended to read:

8 55.043 (1r) (a) 1g. ~~If a county protective services~~ Except as otherwise provided,  
9 if an adult-at-risk agency has probable cause reason to believe that there is  
10 misappropriation of property or an adult at risk has been the subject of abuse,  
11 financial exploitation, neglect, or abuse of a vulnerable adult, the county protective  
12 services self-neglect, the adult-at-risk agency may conduct an investigation in  
13 Milwaukee County respond, including by conducting an investigation, to determine  
14 if the vulnerable adult in question whether the adult at risk is in need of protective  
15 services. The county protective services agency shall conduct the investigation in  
16 accordance with standards established by the department for conducting the  
17 investigations. The investigation shall include at least one of the following: If an  
18 adult-at-risk agency has reason to believe that there is abuse, financial exploitation,  
19 neglect, or self-neglect of an adult at risk who is a client, as defined in s. 50.065 (1)  
20 (b), of an entity, as defined in s. 50.065 (1) (c), and if the person suspected of  
21 perpetrating the alleged abuse, financial exploitation, or neglect is a caregiver or  
22 nonclient resident of the entity, the adult-at-risk agency shall refer the report  
23 within 24 hours after the report is received to the department for investigation. The  
24 department shall coordinate its investigatory efforts with other investigative  
25 agencies or authorities as appropriate. An adult-at-risk agency's response to or

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1 another investigative agency's investigation of a report of abuse, financial  
2 exploitation, neglect, or self-neglect that is not referred to the department shall be  
3 commenced within 24 hours after a report is received, excluding Saturdays,  
4 Sundays, and legal holidays.

5 **SECTION 124.** 55.043 (1) (a) 1. of the statutes is renumbered 55.043 (1r) (b) 2.  
6 and amended to read:

7 55.043 (1r) (b) 2. Observation of ~~or an interview with the vulnerable adult, in~~  
8 ~~private to the extent practicable, and the adult at risk,~~ with or without consent of his  
9 or her guardian or agent under an activated power of attorney for health care, if any.

10 **SECTION 125.** 55.043 (1) (a) 2. of the statutes is renumbered 55.043 (1r) (b) 1.  
11 and amended to read:

12 55.043 (1r) (b) 1. A visit to the residence of the vulnerable adult at risk.

13 **SECTION 126.** 55.043 (1) (a) 3. of the statutes is renumbered 55.043 (1r) (b) 4.  
14 and amended to read:

15 55.043 (1r) (b) 4. An interview with the guardian or agent under an activated  
16 power of attorney for health care, if any, and with ~~the caretaker, if any,~~ any caregiver  
17 of the vulnerable adult at risk.

18 **SECTION 127.** 55.043 (1) (a) 4. of the statutes is renumbered 55.043 (1r) (b) 5.  
19 and amended to read:

20 55.043 (1r) (b) 5. A review of the treatment and patient health care records of  
21 the vulnerable adult at risk.

22 **SECTION 128.** 55.043 (1) (a) 5. of the statutes is renumbered 55.043 (1r) (b) 6.  
23 (intro.) and amended to read:

24 55.043 (1r) (b) 6. (intro.) A review of ~~those~~ any financial records, ~~if any,~~ of the  
25 vulnerable adult at risk that are maintained by ~~the caretaker or landlord~~ a financial

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1 institution, as defined in s. 705.01 (3); by an entity, as defined in s. 50.065 (1) (c); by  
2 any caregiver of the vulnerable adult at risk; or by a member of the immediate family  
3 of the vulnerable adult, at risk or the caretaker or the landlord. caregiver. The  
4 records shall be released without informed consent in either of the following  
5 circumstances:

6 **SECTION 129.** 55.043 (1) (b) (intro.) of the statutes is renumbered 55.043 (1r)  
7 (c) (intro.) and amended to read:

8 55.043 (1r) (c) (intro.) The ~~county protective services~~ adult-at-risk agency or  
9 other investigative agency may transport the vulnerable adult at risk for  
10 performance of a medical examination by a physician if any of the following applies:

11 **SECTION 130.** 55.043 (1) (b) 1. of the statutes is renumbered 55.043 (1r) (c) 1.  
12 and amended to read:

13 55.043 (1r) (c) 1. The ~~vulnerable adult~~ at risk or his or her guardian or agent  
14 under an activated power of attorney for health care, if any, consents to the  
15 examination.

16 **SECTION 131.** 55.043 (1) (b) 2. (intro.) of the statutes is renumbered 55.043 (1r)  
17 (c) 2. (intro.) and amended to read:

18 55.043 (1r) (c) 2. (intro.) The ~~vulnerable adult~~ at risk is incapable of consenting  
19 to the examination and one of the following applies:

20 **SECTION 132.** 55.043 (1) (b) 2. a. of the statutes is renumbered 55.043 (1r) (c)  
21 2. a. and amended to read:

22 55.043 (1r) (c) 2. a. The ~~vulnerable adult~~ at risk has no guardian or agent under  
23 an activated power of attorney for health care.

24 **SECTION 133.** 55.043 (1) (b) 2. b. of the statutes is renumbered 55.043 (1r) (c)  
25 2. c. and amended to read:

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1           55.043 (1r) (c) 2. c. ~~The vulnerable adult's guardian refuses to consent to the~~  
2           ~~examination, but the examination is authorized by order of a court.~~

3           **SECTION 134.** 55.043 (1d) of the statutes is created to read:

4           55.043 (1d) ADULT-AT-RISK AGENCY DESIGNATION. Each county board shall  
5           designate an agency as the adult-at-risk agency for the purposes of this section.

6           **SECTION 135.** 55.043 (1g) of the statutes is created to read:

7           55.043 (1g) ADULT-AT-RISK AGENCY DUTIES. (a) Each adult-at-risk agency shall  
8           develop a policy for notifying other investigative agencies, including law  
9           enforcement officials in appropriate cases, and shall establish an adult-at-risk  
10          abuse reporting system to carry out the purposes of this section. Each adult-at-risk  
11          agency shall enter into a memorandum of understanding regarding the operation of  
12          the system with the county department under s. 46.215 or 46.22 and with any private  
13          or public agency, including a county department under s. 51.42 or 51.437, within the  
14          county that is participating in the adult-at-risk abuse reporting system. The  
15          memorandum of understanding shall, at a minimum, identify the agencies that are  
16          responsible for the investigation of reports of abuse, financial exploitation, neglect,  
17          or self-neglect of adults at risk and for the provision of specific direct services.

18          (b) Each adult-at-risk agency shall receive reports of abuse, financial  
19          exploitation, neglect, or self-neglect of adults at risk.

20          (c) Each adult-at-risk agency shall publicize the existence of an adult-at-risk  
21          abuse reporting system in the county and shall provide a publicized telephone  
22          number that can be used by persons wishing to report suspected cases of abuse,  
23          financial exploitation, neglect, or self-neglect of adults at risk. Each adult-at-risk  
24          agency shall also provide a telephone number that can be used by persons to make  
25          reports after the adult-at-risk agency's regular business hours.



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1           **SECTION 136.** 55.043 (1m) of the statutes is created to read:

2           55.043 **(1m)** REPORTING. (a) The following persons shall file reports as specified  
3 in par. (b):

4           1. An employee of any entity that is licensed, certified, or approved by or  
5 registered with the department.

6           2. An employee of a financial institution, as defined in s. 705.01 (3).

7           3. A health care provider, as defined in s. 155.01 (7).

8           4. A social worker, professional counselor, or marriage and family therapist  
9 certified under ch. 457.

10           (b) Except as provided in par. (be), a person specified in par. (a) who has seen  
11 an adult at risk in the course of the person's professional duties shall file a report with  
12 the county department, the adult-at-risk agency, a state or local law enforcement  
13 agency, the department, or the board on aging and long-term care if the adult at risk  
14 has requested the person to make the report, or if the person has reasonable cause  
15 to believe that any of the following situations exist:

16           1. The adult at risk is at imminent risk of serious bodily harm, death, sexual  
17 assault, or significant property loss and is unable to make an informed judgment  
18 about whether to report the risk.

19           2. An adult at risk other than the subject of the report is at risk of serious bodily  
20 harm, death, sexual assault, or significant property loss inflicted by a suspected  
21 perpetrator.

22           (be) A person specified in par. (a) is not required to file a report as provided in  
23 par. (b) if the person believes that filing a report would not be in the best interest of  
24 the adult at risk. If the person so believes, the person shall document the reasons  
25 for this belief in the case file that the person maintains on the adult at risk.

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1           (br) Any person, including an attorney or a person working under the  
2 supervision of an attorney, may report to the county department, adult-at-risk  
3 agency, a state or local law enforcement agency, the department, or the board on  
4 aging and long-term care that he or she believes that abuse, financial exploitation,  
5 neglect, or self-neglect of an adult at risk has occurred if the person is aware of facts  
6 or circumstances that would lead a reasonable person to believe or suspect that  
7 abuse, financial exploitation, neglect, or self-neglect of an adult at risk has occurred.  
8 The person shall indicate the facts and circumstances of the situation as part of the  
9 report.

10           (c) 1. a. No person may discharge or otherwise retaliate or discriminate against  
11 any person for reporting in good faith under this subsection.

12           b. No person may discharge or otherwise retaliate or discriminate against any  
13 individual on whose behalf another person has reported in good faith under this  
14 subsection.

15           d. Any discharge of a person or act of retaliation or discrimination that is taken  
16 against a person who makes a report under this subsection, within 120 days after the  
17 report is made, establishes a rebuttable presumption that the discharge or act is  
18 made in response to the report. This presumption may be rebutted by a  
19 preponderance of evidence that the discharge or act was not made in response to the  
20 report.

21           2. b. Any employee of an employer who is discharged or otherwise  
22 discriminated against may file a complaint with the department of workforce  
23 development under s. 106.54 (5).

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1 c. Any person not described in subd. 2. b. who is retaliated or discriminated  
2 against in violation of subd. 1. a. or b. may commence an action in circuit court for  
3 damages incurred as a result of the violation.

4 (d) No person may be held civilly or criminally liable or be found guilty of  
5 unprofessional conduct for reporting in good faith under this subsection, or for filing  
6 a report with an agency not listed in par. (b) (intro.) or (br) if the person had a good  
7 faith belief that the report was filed correctly with one of the listed agencies.

8 (e) If a report under par. (b) or (br) is made to a state official, the state official  
9 shall refer the report to the appropriate adult-at-risk agency.

10 (f) Any person making a report under this subsection is presumed to have  
11 reported in good faith.

12 **SECTION 137.** 55.043 (1r) (title) of the statutes is created to read:

13 55.043 (1r) (title) RESPONSE AND INVESTIGATION.

14 **SECTION 138.** 55.043 (1r) (a) 2. of the statutes is created to read:

15 55.043 (1r) (a) 2. If an agent or employee of an adult-at-risk agency authorized  
16 required to respond under this subsection is the subject of a report, or if the  
17 adult-at-risk agency or an agency under contract with the county department  
18 determines that the relationship between the adult-at-risk agency and the agency  
19 under contract with the county department would not allow for an unbiased  
20 response, the adult-at-risk agency shall, after taking any action necessary to protect  
21 the adult at risk, notify the department. Upon receipt of the notice, the department  
22 or a county department under s. 46.215, 46.22, 51.42, or 51.437 designated by the  
23 department shall conduct an independent investigation. The powers and duties of  
24 a county department making the independent investigation are those given to an  
25 adult-at-risk agency under pars. (b) to (g) and sub. (6).

**ASSEMBLY BILL 539****SECTION 139**

1           **SECTION 139.** 55.043 (1r) (b) (intro.) of the statutes is created to read:

2           55.043 (1r) (b) (intro.) The adult-at-risk agency's response or another  
3           investigative agency's investigation may include one or more of the following:

4           **SECTION 140.** 55.043 (1r) (b) 3. of the statutes is created to read:

5           55.043 (1r) (b) 3. An interview with the adult at risk, in private to the extent  
6           practicable, and with or without consent of his or her guardian or agent under an  
7           activated power of attorney for health care, if any.

8           **SECTION 141.** 55.043 (1r) (b) 6. a. of the statutes is created to read:

9           55.043 (1r) (b) 6. a. To an adult-at-risk agency or other investigative agency  
10          under this section. The financial record holder may release financial record  
11          information by initiating contact with the adult-at-risk agency or other  
12          investigative agency without first receiving a request for release of the information  
13          from the adult-at-risk agency or other investigative agency.

14          **SECTION 142.** 55.043 (1r) (b) 6. b. of the statutes is created to read:

15          55.043 (1r) (b) 6. b. Under a lawful order of a court of record.

16          **SECTION 143.** 55.043 (1r) (c) 2. b. of the statutes is created to read:

17          55.043 (1r) (c) 2. b. The adult at risk has a guardian or agent under an activated  
18          power of attorney for health care, but that guardian or agent is the person suspected  
19          of abusing, neglecting, or financially exploiting the adult at risk.

20          **SECTION 144.** 55.043 (1r) (d) of the statutes is created to read:

21          55.043 (1r) (d) No person may be held civilly or criminally liable or be found  
22          guilty of unprofessional conduct for responding to a report or for participating in or  
23          conducting an investigation under this subsection, including the taking of  
24          photographs or conducting of a medical examination, if the response or investigation  
25          was performed in good faith and within the scope of his or her authority.

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1           **SECTION 145.** 55.043 (2) of the statutes is renumbered 55.043 (2) (a) and  
2 amended to read:

3           55.043 (2) (a) ~~The county protective services~~ adult-at-risk agency may request  
4 a sheriff or police officer to accompany the adult-at-risk agency investigator or  
5 worker during visits to the residence of the ~~vulnerable adult~~ adult at risk or request  
6 other assistance as needed. If the request is made, a sheriff or police officer shall  
7 accompany the adult-at-risk agency investigator of the ~~county protective services~~  
8 ~~agency or worker~~ to the residence of the ~~vulnerable adult~~ adult at risk and shall  
9 provide other assistance as requested or necessary.

10           **SECTION 146.** 55.043 (2) (b) of the statutes is created to read:

11           55.043 (2) (b) If the ~~adult-at-risk~~ agency worker or investigator or other  
12 agency investigator has reason to believe that substantial physical harm,  
13 irreparable injury, or death may occur to an adult at risk, the worker or investigator  
14 shall either initiate a protective services action under this chapter or contact law  
15 enforcement or another public agency, as appropriate.

16           **SECTION 147.** 55.043 (3) of the statutes is amended to read:

17           55.043 (3) ~~RESTRAINING ORDER; INJUNCTION.~~ If a person ~~other than the~~  
18 ~~vulnerable adult~~ interferes with the response or investigation under sub. (1) ~~(1r)~~ (1r) or  
19 interferes with the delivery of protective services under this chapter to the  
20 ~~vulnerable adult~~ at risk, the ~~county protective services~~ adult-at-risk agency  
21 investigator or worker may ~~obtain a restraining~~ apply for an order or injunction  
22 ~~under s. 813.123 against the person~~ prohibiting the interference.

23           **SECTION 148.** 55.043 (4) (title) of the statutes is amended to read:

24           55.043 (4) (title) OFFER OF SERVICES AND REFERRAL OF CASES.

**ASSEMBLY BILL 539****SECTION 149**

1           **SECTION 149.** 55.043 (4) (intro.) of the statutes is renumbered 55.043 (4) (b)  
2 (intro.) and amended to read:

3           55.043 (4) (b) (intro.) ~~If upon investigation, after responding to a report, the~~  
4 ~~county protective services~~ adult-at-risk ~~agency finds misappropriation of property~~  
5 ~~or has reason to believe that the adult at risk has been the subject of abuse, financial~~  
6 ~~exploitation, neglect or abuse of a vulnerable adult, or self-neglect, the county~~  
7 ~~protective services~~ adult-at-risk ~~agency may do one or more~~ any of the following:

8           **SECTION 150.** 55.043 (4) (a) of the statutes is renumbered 55.043 (4) (b) 1. and  
9 amended to read:

10           55.043 (4) (b) 1. ~~Offer services, including~~ Initiate a protective services under  
11 ~~s. 55.05, a protective placement under s. 55.06, relocation assistance or other services~~  
12 action or contact an investigative agency, as appropriate.

13           **SECTION 151.** 55.043 (4) (am) of the statutes is created to read:

14           55.043 (4) (am) Upon responding to a report, the adult-at-risk agency or the  
15 investigative agency shall determine whether the adult at risk or any other  
16 individual involved in the alleged abuse, financial exploitation, neglect, or  
17 self-neglect is in need of services under this chapter or ch. 46, 47, 59, 51, or 880. If  
18 provided, direct services shall be rendered under the least restrictive conditions  
19 necessary to achieve their objective.

20           **SECTION 152.** 55.043 (4) (b) of the statutes is renumbered 55.043 (4) (b) 2. and  
21 amended to read:

22           55.043 (4) (b) 2. Take appropriate emergency action, including emergency  
23 protective placement under s. 55.06, if the ~~county protective services~~ adult-at-risk  
24 ~~agency considers that the emergency action is in the vulnerable adult's best interests~~

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1 of the adult at risk and the emergency action is the least restrictive appropriate  
2 intervention.

3 **SECTION 153.** 55.043 (4) (c) of the statutes is renumbered 55.043 (4) (b) 3. and  
4 amended to read:

5 55.043 (4) (b) 3. Refer the case to local law enforcement officials under, as  
6 specified in sub. (2), for further investigation or to the district attorney, if the county  
7 protective services adult-at-risk agency has reason to believe that a violation of chs.  
8 939 to 951 has occurred crime has been committed.

9 **SECTION 154.** 55.043 (4) (d) of the statutes is renumbered 55.043 (4) (b) 4. and  
10 amended to read:

11 55.043 (4) (b) 4. Refer the case to the licensing permitting, registration, or  
12 certification authorities of the department or to other regulatory bodies if the  
13 residence, facility, or program for the ~~vulnerable~~ adult at risk is or should be licensed,  
14 permitted, registered, or certified or is otherwise regulated.

15 **SECTION 155.** 55.043 (4) (e) of the statutes is renumbered 55.043 (4) (b) 5. and  
16 amended to read:

17 55.043 (4) (b) 5. Refer the case to the department of regulation and licensing  
18 if the misappropriation of property or financial exploitation, neglect, self-neglect, or  
19 abuse involves an individual who is required to hold a credential, as defined in s.  
20 440.01 (2) (a), under chs. 440 to 460.

21 **SECTION 156.** 55.043 (4) (f) of the statutes is renumbered 55.043 (4) (b) 6. and  
22 amended to read:

23 55.043 (4) (b) 6. Bring or refer for action to bring a petition for a guardianship  
24 and protective service services or protective placement or a review of an existing  
25 guardianship if necessary to prevent ~~misappropriation of property or~~ financial

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1 ~~exploitation, neglect, self-neglect,~~ or abuse and if the ~~vulnerable adult at risk~~ would  
2 otherwise be at risk of serious harm because of an inability to arrange for necessary  
3 food, clothing, shelter ~~and, or~~ services.

4 **SECTION 157.** 55.043 (5) of the statutes is repealed.

5 **SECTION 158.** 55.043 (5g) of the statutes is created to read:

6 55.043 **(5g)** REFUSAL OF SERVICES. An adult at risk may refuse to accept services  
7 unless a guardian authorizes the services. The adult-at-risk agency or other  
8 provider agency shall notify the adult at risk of this right to refuse before providing  
9 services.

10 **SECTION 159.** 55.043 (6) of the statutes is created to read:

11 55.043 **(6)** RECORDS; CONFIDENTIALITY. (a) In this subsection:

12 1. “Departmental report form” includes documentation of an adult-at-risk  
13 agency’s response to or investigation of a report made under sub. (1r) and is the  
14 information required to be submitted to the department.

15 2. “Record” includes any document relating to the response, investigation,  
16 assessment, and disposition of a report made under sub. (1r).

17 (am) The adult-at-risk agency shall prepare a departmental report form on its  
18 response under sub. (1r) to a report of suspected abuse, financial exploitation,  
19 neglect, or self-neglect. If the adult-at-risk agency refers the report to an  
20 investigative agency, the investigative agency shall advise the adult-at-risk agency  
21 in writing of its response to the report. The adult-at-risk agency shall maintain  
22 records of suspected abuse, financial exploitation, neglect, or self-neglect.

23 (b) Departmental report forms are confidential and may not be released by the  
24 adult-at-risk agency or other investigative agency, except under the following  
25 circumstances:



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1           1. To the adult at risk, any person named in a departmental report form who  
2 is suspected of abusing, neglecting, or financially exploiting an adult-at-risk, and  
3 the suspect's attorney. These persons may inspect the departmental report form,  
4 except that information identifying the person who initially reported the suspected  
5 abuse, financial exploitation, neglect, or self-neglect, or any other person whose  
6 safety might be endangered through disclosure, may not be released.

7           2. To the agency or other entity contacted under sub. (2) (b). Information  
8 obtained under this subdivision shall remain confidential.

9           3. To an individual, organization, or agency designated by the department or  
10 as required by law for the purposes of management audits or program monitoring  
11 and evaluation. Information obtained under this subdivision shall remain  
12 confidential and may not be used in any way that discloses the names of or other  
13 identifying information about the individuals involved.

14           4. For purposes of research, if the research project has been approved by the  
15 department or the adult-at-risk agency and the researcher has provided assurances  
16 that the information will be used only for the purposes for which it was provided to  
17 the researcher, the information will not be released to a person not connected with  
18 the study under consideration, and the final product of the research will not reveal  
19 information that may serve to identify the individuals involved. The information  
20 shall remain confidential. In approving the use of information under this  
21 subdivision, the department shall impose any additional safeguards needed to  
22 prevent unwarranted disclosure of information.

23           5. Under lawful order of a court of record.

24           6. To any agency or individual that provides direct services under sub. (4),  
25 including an attending physician for purposes of diagnosis, examination, and

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1 treatment, and within the department to coordinate treatment for mental illness,  
2 developmental disabilities, alcoholism, or drug abuse of individuals committed to or  
3 under the supervision of the department. Information obtained under this  
4 subdivision shall remain confidential.

5 7. To the guardian of the adult at risk or the guardian of any person named in  
6 a report who is suspected of abusing, neglecting, or financially exploiting an adult  
7 at risk. These persons may inspect the departmental report form, except that  
8 information identifying the person who initially reported the suspected abuse,  
9 financial exploitation, neglect, or self-neglect, or any other person whose safety  
10 might be endangered through disclosure, may not be released.

11 8. To law enforcement officials in accordance with the policy developed under  
12 sub. (1g) (a).

13 9. To a federal agency, state governmental agency, agency of any other state,  
14 or local unit of government in this state or any other state that has a need for a  
15 departmental report form in order to carry out its responsibility to protect adults at  
16 risk from abuse, financial exploitation, neglect, or self-neglect.

17 10. To the reporter who made a report in his or her professional capacity,  
18 regarding action taken to protect or provide services to the alleged victim of abuse,  
19 financial exploitation, neglect, or self-neglect.

20 (bd) If a person requesting a departmental report form is not one of the persons  
21 or entities specified in par. (b), the adult-at-risk agency may release information  
22 indicating only whether or not a report was received and whether or not statutory  
23 responsibility was fulfilled.

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1 (br) Notwithstanding par. (b) 1. to 10., an adult-at-risk agency or an  
2 investigative agency may not release departmental report forms under this section,  
3 if any of the following applies:

4 1. The adult-at-risk agency determines that release would be contrary to the  
5 best interests of the adult at risk who is the subject of the departmental report form  
6 or of a minor residing with the subject of the departmental report form, or the release  
7 is likely to cause mental, emotional, or physical harm to the subject of the  
8 departmental report form or to any other individual.

9 2. The district attorney determines that disclosure of the information would  
10 jeopardize any ongoing or future criminal investigation or prosecution or would  
11 jeopardize a defendant's right to a fair trial.

12 3. The adult-at-risk agency determines that disclosure would jeopardize  
13 ongoing or future civil investigations or proceedings or would jeopardize the fairness  
14 of such a legal proceeding.

15 (bt) Subject to pars. (b), (bd), (br), (bv) and (bw), records under this subsection  
16 are confidential and may not be released by the adult-at-risk agency or other  
17 investigative agency, except under the following circumstances, upon request:

18 1. To the adult at risk who is the alleged victim named in the record.

19 2. To the legal guardian, conservator, or other legal representative of the adult  
20 at risk who is the alleged victim named in the record, if the legal guardian,  
21 conservator, or other legal representative of the alleged victim is not the alleged  
22 perpetrator of the abuse, financial exploitation, or neglect.

23 3. To law enforcement officials and agencies in accordance with the policy  
24 developed under sub. (1g) (a) or with investigations conducted under sub. (1r), or a  
25 district attorney, for purposes of investigation or prosecution.

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1           4. To the department, under s. 51.03 (2), or for death investigations under s.  
2           50.04 (2t) or 50.035 (5); or to a sheriff, police department, or district attorney for  
3           death investigations under s. 51.64 (2) (a).

4           5. To an employee of the county department under s. 51.42 or 51.437 that is  
5           providing services to an adult at risk who is the alleged victim named in the record,  
6           or to the alleged perpetrator of abuse, to determine whether the alleged victim should  
7           be transferred to a less restrictive or more appropriate treatment modality or facility.

8           6. To a court, tribal court, or state governmental agency for a proceeding  
9           relating to the licensure or regulation of an individual or entity regulated or licensed  
10          by the state governmental agency, that was an alleged perpetrator of abuse, financial  
11          exploitation, or neglect.

12          7. To the department, for management, audit, program monitoring,  
13          evaluation, billing, or collection purposes.

14          8. To the attorney or guardian ad litem for the adult at risk who is the alleged  
15          victim named in the record, to assist in preparing for any proceeding under ch. 48,  
16          51, 55, 880, 971, or 975 pertaining to the alleged victim.

17          9. To a coroner, medical examiner, pathologist, or other physician investigating  
18          the cause of death of an adult at risk that is unexplained or unusual or is associated  
19          with unexplained or suspicious circumstances.

20          10. To staff members of the protection and advocacy agency designated under  
21          s. 51.62 and the board on aging and long-term care under s. 16.009.

22          11. To an agency, including a probation or parole agency, that is legally  
23          responsible for the supervision of an alleged perpetrator of abuse, neglect, or  
24          financial exploitation of an adult at risk.

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1           12. To a grand jury, if it determines that access to specified records is necessary  
2 for the conduct of its official business.

3           13. Under a lawful order of a court of record.

4           (bv) The identity of a person making a report of alleged abuse, neglect,  
5 self-neglect, or financial exploitation shall be deleted from any record prior to its  
6 release under par. (bt) or from any departmental report form prior to its release  
7 under par. (b). The identity of any reporter may only be released with the written  
8 consent of the reporter or under a lawful order of a court of record.

9           (bw) A person to whom a departmental report form or a record is disclosed  
10 under this subsection may not further disclose it, except to the persons and for the  
11 purposes specified in this subsection.

12           (by) A custodian of records or departmental report forms incurs no civil or  
13 criminal liability under this subsection and may not be found guilty of unprofessional  
14 conduct for the release or nonrelease of records or departmental report forms in  
15 accordance with this subsection while acting in good faith and within the scope of his  
16 or her authority.

17           **SECTION 160.** 55.043 (7) of the statutes is created to read:

18           55.043 (7) EXCEPTION. Nothing in this section may be construed to mean that  
19 a person is abused, financially exploited, neglected, or in need of direct or protective  
20 services solely because he or she consistently relies upon treatment by spiritual  
21 means through prayer for healing in accordance with his or her religious tradition.

22           **SECTION 161.** 55.043 (8) of the statutes is created to read:

23           55.043 (8) DEPARTMENT DUTIES. (a) The department shall develop a plan to  
24 assist adult-at-risk agencies in determining appropriate responses to reports of  
25 abuse, financial exploitation, neglect, or self-neglect.

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1 (b) The department shall prepare and distribute sample departmental report  
2 forms for use by adult-at-risk agencies.

3 (c) The department shall collect statistical information from each county  
4 pertaining to each reported case of abuse, financial exploitation, neglect, or  
5 self-neglect. The department may require adult-at-risk agency workers or  
6 investigators to submit departmental report forms to the department that  
7 summarize the information being reported. These departmental report forms may  
8 not name or otherwise identify individuals. The department shall use this  
9 information to review the effectiveness of this section, to plan program changes, and  
10 to formulate reports.

11 (d) The department shall develop and disseminate information on  
12 adult-at-risk abuse and the adult-at-risk reporting system under this section. The  
13 department shall also develop informational materials to be used by adult-at-risk  
14 agencies regarding abuse of adults at risk and regarding the adult-at-risk abuse  
15 reporting system. The department shall solicit contributions of labor, materials, and  
16 expertise from private sources to assist in developing the informational materials.

17 **SECTION 162.** 55.043 (9) of the statutes is repealed.

18 **SECTION 163.** 55.043 (9m) of the statutes is created to read:

19 55.043 (9m) PENALTIES. (a) Any person, including the state or any political  
20 subdivision of the state, violating sub. (6) is liable to any person damaged as a result  
21 of the violation for such damages as may be proved, together with exemplary  
22 damages of not less than \$100 nor more than \$500 for each violation and the costs  
23 and reasonable actual attorney fees that are incurred by the person damaged.

24 (b) In any action brought under par. (a) in which the court determines that the  
25 violator acted in a manner that was knowing and willful, the violator shall be liable

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1 for such damages as may be proved together with exemplary damages of not less than  
2 \$500 nor more than \$1,000 for each violation, together with costs and reasonable  
3 actual attorney fees as may be incurred. It is not a prerequisite to an action under  
4 par. (a) that the plaintiff suffer or be threatened with actual damages.

5 (c) An individual may bring an action to enjoin any violation of sub. (6) or to  
6 compel compliance with sub. (6), and may in the same action seek damages as  
7 provided in this subsection. The individual may recover costs and reasonable actual  
8 attorney fees incurred in the action, if he or she prevails.

9 (d) Whoever violates sub. (1m) (c) 1. may be fined not more than \$10,000 or  
10 imprisoned for not more than 6 months or both.

11 (e) Whoever intentionally violates sub. (1m) (b) by failure to report as required  
12 may be fined not more than \$500 or imprisoned not more than 6 months or both.

13 **SECTION 164.** 55.06 (2) (c) of the statutes is amended to read:

14 55.06 (2) (c) As a result of developmental disabilities, ~~infirmities of aging~~  
15 degenerative brain disorder, chronic mental illness, or other like incapacities, is so  
16 totally incapable of providing for his or her own care or custody as to create a  
17 substantial risk of serious harm to oneself ~~oneself~~ himself, herself, or others. Serious harm  
18 may be occasioned by overt acts or acts of omission; and

19 **SECTION 165.** 55.06 (11) (a) of the statutes is amended to read:

20 55.06 (11) (a) If, from personal observation of a sheriff, police officer, fire  
21 fighter, guardian, if any, or authorized representative of a board designated under  
22 s. 55.02 or an agency designated by it, it appears probable that an individual will  
23 suffer irreparable injury or death or will present a substantial risk of serious physical  
24 harm to others as a result of developmental disabilities, ~~infirmities of aging~~  
25 degenerative brain disorder, chronic mental illness or other like incapacities if not

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1 immediately placed, the person making the observation may take into custody and  
2 transport the individual to an appropriate medical or protective placement facility.  
3 The person making placement shall prepare a statement at the time of detention  
4 providing specific factual information concerning the person's observations and the  
5 basis for emergency placement. The statement shall be filed with the director of the  
6 facility and shall also be filed with any petition under sub. (2). At the time of  
7 placement the individual shall be informed by the director of the facility or the  
8 director's designee, both orally and in writing, of his or her right to contact an  
9 attorney and a member of his or her immediate family and the right to have an  
10 attorney provided at public expense, as provided under s. 967.06 and ch. 977, if the  
11 individual is a child or is indigent. The director or designee shall also provide the  
12 individual with a copy of the statement by the person making emergency placement.

13 **SECTION 166.** 106.54 (5) of the statutes is amended to read:

14 106.54 (5) The division shall receive complaints of discharge, retaliation or  
15 discrimination under s. 16.009 (5) (d), 46.90 (4) (b) ~~or~~, 50.07 (3) (b), or 55.043 (1m) (c)  
16 and shall process the complaints in the same manner that employment  
17 discrimination complaints are processed under s. 111.39.

18 **SECTION 167.** 146.40 (1) (ab) of the statutes is created to read:

19 146.40 (1) (ab) "Abuse" has the meaning given in s. 46.90 (1) (a).

20 **SECTION 168.** 146.40 (1) (aw) of the statutes is created to read:

21 146.40 (1) (aw) "Financial exploitation" means any of the following:

22 1. Obtaining an individual's money or property by deceiving or enticing the  
23 individual, or by forcing, compelling, or coercing the individual to give, sell at less  
24 than fair market value, or in other ways convey money or property against his or her  
25 will without his or her informed consent.



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1           2. Theft, as prohibited in s. 943.20.

2           3. The substantial failure or neglect of a fiscal agent to fulfill his or her  
3 responsibilities.

4           **SECTION 169.** 146.40 (4g) (a) 3. of the statutes is amended to read:

5           146.40 **(4g)** (a) 3. Findings of the department under sub. (4r) (b) or of the  
6 hearing officer under sub. (4r) (d) concerning the ~~misappropriation of property~~  
7 financial exploitation or the neglect or abuse of a client by an individual listed under  
8 sub. 2.

9           **SECTION 170.** 146.40 (4r) (a) of the statutes is amended to read:

10           146.40 **(4r)** (a) Any individual may report to the department that he or she  
11 believes that any person employed by or under contract with an entity has neglected  
12 or abused a client or ~~misappropriated the client's property~~ financially exploited the  
13 client.

14           **SECTION 171.** 146.40 (4r) (am) 1. of the statutes is amended to read:

15           146.40 **(4r)** (am) 1. Except as provided in sub. 2., an entity shall report to the  
16 department any allegation of ~~misappropriation of the property~~ financial exploitation  
17 of a client or of neglect or abuse of a client by any person employed by or under  
18 contract with the entity if the person is under the control of the entity.

19           **SECTION 172.** 146.40 (4r) (am) 2. of the statutes is amended to read:

20           146.40 **(4r)** (am) 2. An entity shall report to the department of regulation and  
21 licensing any allegation of ~~misappropriation of the property~~ financial exploitation of  
22 a client or of neglect or abuse of a client by any person employed by or under contract  
23 with the entity if that person holds a credential that is related to the person's  
24 employment at, or contract with, the entity if the person is under the control of the  
25 entity.

**ASSEMBLY BILL 539****SECTION 173**

1           **SECTION 173.** 146.40 (4r) (am) 3. of the statutes is amended to read:

2           146.40 (**4r**) (am) 3. An entity that intentionally fails to report an allegation of  
3 ~~misappropriation of the property~~ financial exploitation of a client or of neglect or  
4 abuse of a client may be required to forfeit not more than \$1,000 and may be subject  
5 to other sanctions specified by the department by rule.

6           **SECTION 174.** 146.40 (4r) (b) of the statutes is amended to read:

7           146.40 (**4r**) (b) Except as provided in pars. (em) and (err), the department shall  
8 review and investigate any report received under par. (a) or (am) and, if the  
9 allegation is substantiated, make specific, documented findings concerning the  
10 ~~misappropriation of property~~ financial exploitation or the neglect or abuse. The  
11 department shall in writing by certified mail notify the person specified in the report  
12 that the person's name and the department's findings about the person shall be listed  
13 in the registry under sub. (4g) (a) 2. and 3. unless the person contests the listings in  
14 a hearing before the division of hearings and appeals created under s. 15.103 (1). The  
15 written notification shall describe the investigation conducted by the department,  
16 enumerate the findings alleging ~~misappropriation of property~~ financial exploitation  
17 or neglect or abuse of a client and explain the consequence to the person specified in  
18 the report of waiving a hearing to contest the findings. The person specified in the  
19 report shall have 30 days after receipt of the notification to indicate to the  
20 department in writing whether he or she intends to contest the listing or to waive the  
21 hearing.

22           **SECTION 175.** 146.82 (2) (a) 7. of the statutes is amended to read:

23           146.82 (**2**) (a) 7. To ~~a county~~ an elder-adult-at-risk agency designated under  
24 s. 46.90 (2) or other investigating agency under s. 46.90 for purposes of s. 46.90 (4)  
25 (~~a~~) and (5) or to ~~the county protective services~~ an adult-at-risk agency designated

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1 under s. 55.02 for purposes of s. 55.043. The health care provider may release  
2 information by initiating contact with the county elder-adult-at-risk agency or  
3 ~~county protective services~~ adult-at-risk agency without receiving a request for  
4 release of the information from the county elder-adult-at-risk agency or county  
5 ~~protective services~~ adult-at-risk agency.

6 **SECTION 176.** 813.123 (title) of the statutes is amended to read:

7 **813.123** (title) ~~Vulnerable adult restraining~~ **Restraining orders and**  
8 **injunctions for individuals at risk.**

9 **SECTION 177.** 813.123 (1) (a) of the statutes is amended to read:

10 813.123 (1) (a) “Abuse” has the meaning given in s. 55.01 ~~46.90~~ (1) (a).

11 **SECTION 178.** 813.123 (1) (ae) of the statutes is created to read:

12 813.123 (1) (ae) “Adult at risk” has the meaning given in s. 55.01 (1e).

13 **SECTION 179.** 813.123 (1) (am) of the statutes is created to read:

14 813.123 (1) (am) “Adult-at-risk agency” has the meaning given in s. 55.01 (1f).

15 **SECTION 180.** 813.123 (1) (b) of the statutes is amended to read:

16 813.123 (1) (b) “Bodily harm” has the meaning given in s. ~~939.22 (4)~~ 46.90 (1)  
17 (aj).

18 **SECTION 181.** 813.123 (1) (br) of the statutes is created to read:

19 813.123 (1) (br) “Caregiver” has the meaning given in s. 46.90 (1) (an).

20 **SECTION 182.** 813.123 (1) (c) of the statutes is repealed.

21 **SECTION 183.** 813.123 (1) (cg) of the statutes is created to read:

22 813.123 (1) (cg) “Elder adult at risk” has the meaning given in s. 46.90 (1) (br).

23 **SECTION 184.** 813.123 (1) (dm) of the statutes is created to read:

24 813.123 (1) (dm) “Financial exploitation” has the meaning given in s. 46.90 (1)  
25 (ed).

**ASSEMBLY BILL 539****SECTION 185**

1           **SECTION 185.** 813.123 (1) (eg) of the statutes is created to read:

2           813.123 (1) (eg) “Harassment” has the meaning given in s. 813.125 (1).

3           **SECTION 186.** 813.123 (1) (ep) of the statutes is created to read:

4           813.123 (1) (ep) “Individual at risk” means an elder adult at risk or an adult  
5 at risk.

6           **SECTION 187.** 813.123 (1) (f) of the statutes is repealed.

7           **SECTION 188.** 813.123 (1) (fm) of the statutes is created to read:

8           813.123 (1) (fm) “Mistreatment of an animal” means cruel treatment of any  
9 animal owned by or in service to an individual at risk.

10          **SECTION 189.** 813.123 (1) (g) of the statutes is amended to read:

11          813.123 (1) (g) “Neglect” has the meaning given in s. ~~55.01 (4r)~~ 46.90 (1) (f).

12          **SECTION 190.** 813.123 (1) (gr) of the statutes is created to read:

13          813.123 (1) (gr) “Self-neglect” has the meaning given in s. 46.90 (1) (g).

14          **SECTION 191.** 813.123 (1) (gs) of the statutes is created to read:

15          813.123 (1) (gs) “Stalking” means engaging in a course of conduct, as defined  
16 in s. 940.32 (1) (a).

17          **SECTION 192.** 813.123 (1) (h) of the statutes is repealed.

18          **SECTION 193.** 813.123 (2) of the statutes is renumbered 813.123 (2) (a) and  
19 amended to read:

20           813.123 (2) (a) No action under this section may be commenced by complaint  
21 and summons. An action under this section may be commenced only by a petition  
22 described under sub. (6). The action commences with service of the petition upon the  
23 respondent if a copy of the petition is filed before service or promptly after service.  
24 The vulnerable adult, a parent, an adult sibling, an adult child or the legal guardian  
25 of the vulnerable adult or a county protective services agency individual at risk, any

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1 person acting on behalf of an individual at risk, an elder-adult-at-risk agency, or an  
2 adult-at-risk agency may be a petitioner under this section. If the petition is filed  
3 by a person other than the individual at risk, the petitioner shall serve a copy of the  
4 petition on the individual at risk. Section 813.06 does not apply to an action under  
5 this section. The respondent may respond to the petition either in writing before or  
6 at the hearing on the issuance of the injunction or orally at that hearing.

7 **SECTION 194.** 813.123 (2) (b) of the statutes is created to read:

8 813.123 (2) (b) The court may go forward with a petition filed under sub. (6) if  
9 the individual at risk has been adjudicated incompetent under ch. 880,  
10 notwithstanding an objection by an individual at risk who is the subject of the  
11 petition, or an objection by the guardian of the individual at risk.

12 **SECTION 195.** 813.123 (3) (b) (intro.) and 1. of the statutes are consolidated,  
13 renumbered 813.123 (3) (b) and amended to read:

14 813.123 (3) (b) The court or circuit court commissioner, on its or his or her own  
15 motion or the motion of any party, may shall order ~~one or more of the following:~~ 1.  
16 ~~That~~ that a guardian ad litem be appointed under s. 880.331 (1) for the ~~vulnerable~~  
17 ~~adult~~ individual at risk, if the petition under sub. (6) was filed by a person other than  
18 the individual at risk, and may order that a guardian ad litem be appointed in other  
19 instances when justice so requires.

20 **SECTION 196.** 813.123 (3) (b) 2. and 3. of the statutes are renumbered 813.123  
21 (3) (c) 1. and 2. and amended to read:

22 813.123 (3) (c) 1. That all persons, other than the ~~vulnerable adult~~ individual  
23 at risk, the parties, their attorneys, a representative of the ~~county protective services~~  
24 adult-at-risk agency or elder-adult-at-risk agency, witnesses, court personnel, and

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1 any guardian or any guardian ad litem, be excluded from any hearing under this  
2 section.

3 2. That access to any record of an action under this section be available only  
4 to the ~~vulnerable adult~~ individual at risk, the parties, their attorneys, any guardian  
5 or any guardian ad litem, the ~~county protective services~~ adult-at-risk agency or  
6 elder-adult-at-risk agency, court personnel, and, upon appeal, any applicable court  
7 ~~upon appeal~~.

8 **SECTION 197.** 813.123 (3) (c) (intro.) of the statutes is created to read:

9 813.123 (3) (c) (intro.) The court or circuit court commissioner, on its or his or  
10 her own motion or the motion of any party, may order any of the following:

11 **SECTION 198.** 813.123 (4) (a) (intro.) of the statutes is amended to read:

12 813.123 (4) (a) (intro.) Unless the ~~vulnerable adult~~ individual at risk, guardian,  
13 or guardian ad litem consents in writing and the judge or circuit court commissioner  
14 agrees that the contact is in the best interests of the ~~vulnerable adult~~ individual at  
15 risk, a judge or circuit court commissioner shall issue a temporary restraining order  
16 ~~ordering the respondent to avoid interference with an investigation of the vulnerable~~  
17 ~~adult under s. 55.043, the delivery of protective services to the vulnerable adult~~  
18 ~~under s. 55.05 or a protective placement of the vulnerable adult under s. 55.06, as~~  
19 specified in par. (a), if all of the following occur:

20 **SECTION 199.** 813.123 (4) (a) 2. of the statutes is renumbered 813.123 (4) (a) 2.  
21 (intro.) and amended to read:

22 813.123 (4) (a) 2. (intro.) The judge or circuit court commissioner finds  
23 reasonable grounds to believe ~~that~~ any of the following:

24 a. That the respondent has interfered with, or, based on prior conduct of the  
25 respondent, may interfere with, an investigation of the ~~vulnerable adult under s.~~

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1     ~~55.043, individual at risk, the delivery of protective services to the vulnerable adult~~  
2     ~~individual at risk under s. 55.05 or a protective placement of the vulnerable adult~~  
3     ~~individual at risk under s. 55.06, or the delivery of services to an elder adult at risk~~  
4     ~~under s. 46.90 (5m); and that the interference complained of, if continued, would~~  
5     ~~make it difficult to determine whether abuse, material abuse, neglect, or self-neglect~~  
6     ~~has occurred, is occurring, or may recur.~~

7             **SECTION 200.** 813.123 (4) (a) 2. b. of the statutes is created to read:

8             813.123 (4) (a) 2. b. That the respondent engaged in or threatened to engage  
9     in the abuse, financial exploitation, neglect, harassment, or stalking of an individual  
10    at risk or the mistreatment of an animal.

11            **SECTION 201.** 813.123 (4) (ar) of the statutes is created to read:

12            813.123 (4) (ar) A temporary restraining order issued under par. (a) shall order  
13    the respondent to do one or more of the following:

14            1. Avoid interference with an investigation of the elder adult at risk under s.  
15    46.90 or the adult at risk under s. 55.043, the delivery of protective services to the  
16    individual at risk under s. 55.05 or a protective placement of the individual at risk  
17    under s. 55.06, or the delivery of services to the elder adult at risk under s. 46.90 (5m).

18            2. Cease engaging in or threatening to engage in the abuse, financial  
19    exploitation, neglect, harassment, or stalking of an individual at risk or  
20    mistreatment of an animal.

21            3. Avoid the residence of the individual at risk or any other location temporarily  
22    occupied by the individual at risk, or both.

23            4. Avoid contacting or causing any person other than a party's attorney or a law  
24    enforcement officer to contact the individual at risk unless the individual at risk  
25    consents in writing.

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1           5. Engage in any other appropriate remedy not inconsistent with the remedies  
2 requested in the petition.

3           **SECTION 202.** 813.123 (5) (a) (intro.) of the statutes is amended to read:

4           813.123 (5) (a) (intro.) Unless the ~~vulnerable adult~~ individual at risk, guardian,  
5 or guardian ad litem consents in writing to ~~that a contact in writing~~ and the judge  
6 agrees that the contact is in the best interests of the ~~vulnerable adult~~ individual at  
7 risk, a judge may grant an injunction ordering the respondent to ~~avoid interference~~  
8 ~~with an investigation of the vulnerable adult under s. 55.043, the delivery of~~  
9 ~~protective services to the vulnerable adult under s. 55.05 or a protective placement~~  
10 ~~of the vulnerable adult under s. 55.06, as specified in par. (ar),~~ if all of the following  
11 occur:

12           **SECTION 203.** 813.123 (5) (a) 3. a. of the statutes is amended to read:

13           813.123 (5) (a) 3. a. That the respondent has interfered with, or, based upon  
14 prior conduct of the respondent, may interfere with, an investigation of the  
15 ~~vulnerable elder adult at risk under s. 46.90 or the adult at risk under s. 55.043 and~~  
16 that the interference complained of, if continued, would make it difficult to  
17 determine if ~~misappropriation of property or abuse or neglect, financial exploitation,~~  
18 neglect, harassment, or stalking of an individual at risk or mistreatment of an  
19 animal is occurring or may recur.

20           **SECTION 204.** 813.123 (5) (a) 3. b. of the statutes is amended to read:

21           813.123 (5) (a) 3. b. That the respondent has interfered with the delivery to the  
22 ~~vulnerable adult~~ individual at risk of protective services under s. 55.05 or a  
23 protective placement of the ~~vulnerable adult~~ individual at risk under s. 55.06 after  
24 the offer of protective services or protective placement has been made and the  
25 ~~vulnerable adult~~ individual at risk or his or her guardian, if any, has consented to



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1 receipt of the protective services or protective placement; or that the respondent has  
2 interfered with the delivery of services to an elder adult at risk under s. 46.90 (5m).

3 **SECTION 205.** 813.123 (5) (a) 3. c. of the statutes is created to read:

4 813.123 (5) (a) 3. c. That the respondent has engaged in or threatened to engage  
5 in the abuse, financial exploitation, neglect, harassment, or stalking of an individual  
6 at risk or the mistreatment of an animal.

7 **SECTION 206.** 813.123 (5) (ar) of the statutes is created to read:

8 813.123 (5) (ar) An injunction granted under par. (a) shall order the respondent  
9 to do one or more of the following:

10 1. Avoid interference with an investigation of the elder adult at risk under s.  
11 46.90 or the adult at risk under s. 55.043, the delivery of protective services to the  
12 individual at risk under s. 55.05 or a protective placement of the individual at risk  
13 under s. 55.06, or the delivery of services to the elder adult at risk under s. 46.90 (5m).

14 2. Cease engaging in or threatening to engage in the abuse, financial  
15 exploitation, neglect, harassment, or stalking of an individual at risk or the  
16 mistreatment of an animal.

17 3. Avoid the residence of the individual at risk or any other location temporarily  
18 occupied by the individual at risk, or both.

19 4. Avoid contacting or causing any person other than a party's attorney or a law  
20 enforcement officer to contact the individual at risk unless the individual at risk  
21 consents in writing.

22 5. Any other appropriate remedy not inconsistent with the remedies requested  
23 in the petition.

24 **SECTION 207.** 813.123 (5) (c) 1., 2. and 3. of the statutes are amended to read:

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1           813.123 (5) (c) 1. An injunction under this subsection is effective according to  
2 its terms but for not more than ~~2~~ 4 years.

3           2. When an injunction that has been in effect for less than 6 months expires,  
4 the court shall extend the injunction if the petitioner states that an extension is  
5 necessary to protect the ~~vulnerable adult~~ individual at risk. This extension shall  
6 remain in effect until 6 months after the date on which the court first entered the  
7 injunction.

8           3. If the petitioner states that an extension is necessary to protect the  
9 ~~vulnerable adult~~ individual at risk, the court may extend the injunction for not more  
10 than 2 years.

11           **SECTION 208.** 813.123 (6) (a) of the statutes is amended to read:

12           813.123 (6) (a) The name of the petitioner and the ~~vulnerable adult~~ individual  
13 at risk.

14           **SECTION 209.** 813.123 (6) (c) of the statutes is amended to read:

15           813.123 (6) (c) That the respondent interfered with, or, based on prior conduct  
16 of the respondent, may interfere with, an investigation of the elder adult at risk  
17 under s. 46.90 (5), an investigation of the ~~vulnerable adult~~ adult at risk under s.  
18 55.043, the delivery of protective services to the ~~vulnerable adult~~ individual at risk  
19 under s. 55.05 or, a protective placement of the ~~vulnerable adult~~ individual at risk  
20 under s. 55.06, or the delivery of services to the elder adult at risk under s. 46.90 (5m);  
21 or that the respondent engaged in, or threatened to engage in, the abuse, financial  
22 exploitation, neglect, stalking, or harassment of an individual at risk or  
23 mistreatment of an animal.

24           **SECTION 210.** 813.123 (7) of the statutes is amended to read:

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1           813.123 (7) INTERFERENCE ORDER. Any order under ~~this section directing a~~  
2           ~~person to avoid interference with an investigation of a vulnerable adult under s.~~  
3           ~~55.043, the delivery of protective services to a vulnerable adult under s. 55.05 or a~~  
4           ~~protective placement of a vulnerable adult under s. 55.06 prohibits the person sub.~~  
5           ~~(4) (ar) 1. or 2. or (5) (ar) 1. or 2. also shall prohibit the respondent from intentionally~~  
6           preventing a representative or employee of the county protective services agency  
7           from meeting, communicating or being in visual or audio contact with the ~~vulnerable~~  
8           ~~adult~~ adult at risk, except as provided in the order.

9           **SECTION 211.** 813.123 (9) (intro.) of the statutes is amended to read:

10           813.123 (9) (intro.) A law enforcement officer ~~may~~ shall arrest and take a  
11           person into custody if all of the following occur:

12           **SECTION 212.** 813.123 (11) of the statutes is repealed.

13           **SECTION 213.** 880.01 (2) of the statutes is amended to read:

14           880.01 (2) “Developmentally disabled person” means any individual having a  
15           disability attributable to mental retardation, cerebral palsy, epilepsy, autism or  
16           another neurological condition closely related to mental retardation or requiring  
17           treatment similar to that required for mentally retarded individuals, which has  
18           continued or can be expected to continue indefinitely, substantially impairs the  
19           individual from adequately providing for his or her own care or custody and  
20           constitutes a substantial handicap to the afflicted individual. The term does not  
21           include a person affected by senility which is primarily caused by the process of aging  
22           or ~~the infirmities of aging~~ degenerative brain disorder.

23           **SECTION 214.** 880.01 (4) of the statutes is amended to read:

24           880.01 (4) “Incompetent” means a person adjudged by a court of record to be  
25           substantially incapable of managing his or her property or caring for himself or

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1 herself by reason of ~~infirmities of aging~~ degenerative brain disorder, developmental  
2 disabilities, or other like incapacities. Physical disability without mental incapacity  
3 is not sufficient to establish incompetence.

4 **SECTION 215.** 880.01 (5) of the statutes is renumbered 880.01 (1t) and amended  
5 to read:

6 880.01 (1t) ~~“Infirmities of aging”~~ “Degenerative brain disorder” means organic  
7 brain damage caused by advanced age or other physical degeneration in connection  
8 therewith to the extent that the person so afflicted the loss or dysfunction of brain  
9 cells to the extent that an individual is substantially impaired in his or her ability  
10 to adequately provide adequately for his or her own care or custody.

11 **SECTION 216.** 895.85 (2) of the statutes is amended to read:

12 895.85 (2) SCOPE. This section does not apply to awards of double damages or  
13 treble damages, or to the award of exemplary damages under ss. 46.90 ~~(6)-(e)~~ (9) (a)  
14 and (b), 51.30 (9), 51.61 (7), 55.043 (9m) (a) and (b), 103.96 (2), 134.93 (5), 146.84 (1)  
15 (b) and (bm), 153.85, 252.14 (4), 252.15 (8) (a), 610.70 (7) (b), 943.245 (2) and (3) and  
16 943.51 (2) and (3).

17 **SECTION 217.** 940.225 (2) (j) of the statutes is created to read:

18 940.225 (2) (j) Is a licensee, employee, or nonclient resident of an entity, as  
19 defined in s. 48.685 (1) (b) or 50.065 (1) (c), and has sexual contact or sexual  
20 intercourse with a client of the entity.

21 **SECTION 218.** 940.225 (5) (ab) of the statutes is renumbered 940.225 (5) (acm).

22 **SECTION 219.** 940.225 (5) (abm) and (ak) of the statutes are created to read:

23 940.225 (5) (abm) “Client” means an individual who receives direct care or  
24 treatment services from an entity.

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1 (ak) "Nonclient resident" means an individual who resides, or is expected to  
2 reside, at an entity, who is not a client of the entity, and who has, or is expected to  
3 have, regular, direct contact with the clients of the entity.

4 **SECTION 220.** 940.285 (title) of the statutes is amended to read:

5 **940.285 (title) Abuse of vulnerable adults individuals at risk.**

6 **SECTION 221.** 940.285 (1) (a) of the statutes is repealed.

7 **SECTION 222.** 940.285 (1) (ag) of the statutes is created to read:

8 940.285 (1) (ag) "Abuse" means any of the following:

- 9 1. Physical abuse, as defined in s. 46.90 (1) (fg).
- 10 2. Emotional abuse, as defined in s. 46.90 (1) (cm).
- 11 3. Sexual abuse, as defined in s. 46.90 (1) (gd).
- 12 4. Treatment without consent, as defined in s. 46.90 (1) (h).
- 13 5. Unreasonable confinement or restraint, as defined in s. 46.90 (1) (i).
- 14 6. Deprivation of a basic need for food, shelter, clothing, or personal or health  
15 care, including deprivation resulting from the failure to provide or arrange for a basic  
16 need by a person who has assumed responsibility for meeting the need voluntarily  
17 or by contract, agreement, or court order.

18 **SECTION 223.** 940.285 (1) (am) of the statutes is created to read:

19 940.285 (1) (am) "Adult at risk" has the meaning given in s. 55.01 (1e).

20 **SECTION 224.** 940.285 (1) (b), (bm), (c) and (d) of the statutes are repealed.

21 **SECTION 225.** 940.285 (1) (dc) of the statutes is created to read:

22 940.285 (1) (dc) "Elder adult at risk" has the meaning given in s. 46.90 (1) (br).

23 **SECTION 226.** 940.285 (1) (dg) of the statutes is created to read:

24 940.285 (1) (dg) "Individual at risk" means an elder adult at risk or an adult  
25 at risk.

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1           **SECTION 227.** 940.285 (1) (e) of the statutes is repealed.

2           **SECTION 228.** 940.285 (2) (title) and (a) 1. to 3. of the statutes are amended to  
3 read:

4           940.285 (2) (title) ~~MALTREATMENT~~ ABUSE; PENALTIES.

5           (a) 1. Intentionally subjects ~~a vulnerable adult~~ an individual at risk to  
6 ~~maltreatment~~ abuse.

7           2. Recklessly subjects ~~a vulnerable adult~~ an individual at risk to ~~maltreatment~~  
8 abuse.

9           3. Negligently subjects ~~a vulnerable adult~~ an individual at risk to  
10 ~~maltreatment~~ abuse.

11           **SECTION 229.** 940.295 (1) (a) of the statutes is renumbered 940.295 (1) (am).

12           **SECTION 230.** 940.295 (1) (ad) of the statutes is created to read:

13           940.295 (1) (ad) “Abuse” has the meaning given in s. 46.90 (1) (a).

14           **SECTION 231.** 940.295 (1) (ag) of the statutes is created to read:

15           940.295 (1) (ag) “Adult at risk” has the meaning given in s. 55.01 (1e).

16           **SECTION 232.** 940.295 (1) (b) of the statutes is amended to read:

17           940.295 (1) (b) “Bodily harm” has the meaning given in s. ~~939.22 (4)~~ 46.90 (1)  
18 (aj).

19           **SECTION 233.** 940.295 (1) (cm) of the statutes is repealed.

20           **SECTION 234.** 940.295 (1) (hm) of the statutes is repealed.

21           **SECTION 235.** 940.295 (1) (j) of the statutes is repealed.

22           **SECTION 236.** 940.295 (1) (jm) of the statutes is repealed.

23           **SECTION 237.** 940.295 (1) (k) of the statutes is repealed and recreated to read:

24           940.295 (1) (k) “Neglect” has the meaning given in s. 46.90 (1) (f).

25           **SECTION 238.** 940.295 (1) (km) of the statutes is repealed and recreated to read:

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1           940.295 (1) (km) “Negligence” means an act, omission, or course of conduct that  
2           the actor should realize creates a substantial and unreasonable risk of death, great  
3           bodily harm, or bodily harm to another person.

4           **SECTION 239.** 940.295 (1) (kp) of the statutes is repealed.

5           **SECTION 240.** 940.295 (1) (n) of the statutes is repealed.

6           **SECTION 241.** 940.295 (1) (o) of the statutes is amended to read:

7           940.295 (1) (o) “Recklessly” means conduct ~~which~~ that creates a situation of  
8           unreasonable risk of death or harm to and demonstrates a conscious disregard for  
9           the safety of the patient or resident.

10          **SECTION 242.** 940.295 (1) (t) of the statutes is repealed.

11          **SECTION 243.** 940.295 (3) (a) 3. of the statutes is amended to read:

12          940.295 (3) (a) 3. Negligently abuses Abuses or neglects, with negligence, a  
13          patient or a resident.

14          **SECTION 244.** 940.295 (3) (b) 1g. of the statutes is amended to read:

15          940.295 (3) (b) 1g. Any person violating par. (a) 1. or 2. under circumstances  
16          that cause death to ~~a vulnerable person~~ an individual at risk is guilty of a Class C  
17          felony. Any person violating par. (a) 3. under circumstances that cause death to ~~a~~  
18          vulnerable person an individual at risk is guilty of a Class D felony.

19          **SECTION 245.** 940.295 (3) (b) 1m. of the statutes is amended to read:

20          940.295 (3) (b) 1m. Any person violating par. (a) under circumstances that  
21          cause great bodily harm to ~~a vulnerable person~~ an individual at risk is guilty of a  
22          Class E felony.

23          **SECTION 246.** 943.20 (2) (a) of the statutes is renumbered 943.20 (2) (ag).

24          **SECTION 247.** 943.20 (2) (ac) of the statutes is created to read:

25          943.20 (2) (ac) “Adult at risk” has the meaning given in s. 55.01 (1e).

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1           **SECTION 248.** 943.20 (2) (ad) of the statutes is created to read:

2           943.20 (2) (ad) “Elder adult at risk” has the meaning given in s. 46.90 (1) (br).

3           **SECTION 249.** 943.20 (2) (ae) of the statutes is created to read:

4           943.20 (2) (ae) “Individual at risk” means an elder adult at risk or an adult at  
5 risk.

6           **SECTION 250.** 943.20 (2) (e) of the statutes is repealed.

7           **SECTION 251.** 943.20 (3) (d) 6. of the statutes is amended to read:

8           943.20 (3) (d) 6. The property is taken from a patient or resident of a facility  
9 or program under s. 940.295 (2) or from ~~a vulnerable adult~~ an individual at risk.

10          **SECTION 252. Initial applicability.**

11           (1) ELDER-ADULT-AT RISK REPORTS. The treatment of sections 20.435 (7) (dh),  
12 46.21 (2m) (c), 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (4) (h), 46.90 (1) (a),  
13 (aj), (an), (b), (br), (bt), (c), (cm), (d), (e), (ed), (eg), (er), (f), (fg), (g), (gd), (gf), (gr), (h),  
14 and (i), (2), (3) (title), (a), (b), and (c), (4) (a) 1. and 2., (ab), (ad), (ae), (b) 1. b., c., and  
15 cm. and 2. c., (c), (d), and (e), (5) (title), (b) (intro.) and 1. to 5., (br), (c), (d) 1. and 2.,  
16 (f), (g), and (h), (5m) (title), (a), (b), (br), and (c), (6) (a), (ac), (b) (intro.), 1., 2., 3., 4.,  
17 5., 6., 7., 9., and 10., (bd), (br), (bt), (bv), (bw), (by), (c) 1., 2., and 3., (7), (8) (a), (b), (c),  
18 and (d), and (9) (title) and (e), 51.42 (3) (e), and 51.437 (4r) (b) of the statutes, the  
19 renumbering and amendment of section 46.90 (5) (a) of the statutes, and the creation  
20 of section 46.90 (5) (a) 2. and (b) 6. of the statutes first apply to reports of alleged  
21 abuse, financial exploitation, neglect, or self-neglect received on the effective date  
22 of this subsection.

23           (2) CRIMINAL HISTORY AND PATIENT ABUSE RECORD SEARCH. The treatment of  
24 section 50.065 (1) (br) and (cg), (4m) (a) 3. and (b) 3., and (7) (c) of the statutes first



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1 applies to findings made by units of government or state agencies on the effective  
2 date of this subsection.

3 (3) EMERGENCY DETENTIONS AND CIVIL COMMITMENTS. The treatment of section  
4 51.01 (2g) (b), (3g), and (5) (a) of the statutes first applies to emergency detentions  
5 and civil commitments made on the effective date of this subsection.

6 (4) REQUESTS FOR SERVICE. The treatment of section 51.62 (1) (ag), (ar), and (br)  
7 and (3) (a) 2m. of the statutes first applies to requests for service made to the  
8 protection and advocacy agency on the effective date of this subsection.

9 (5) ADULT-AT-RISK REPORTS. The treatment of sections 55.001, 55.01 (1), (1e),  
10 (1f), (1m), (1p), (1t), (1v), (2), (2s), (3), (4g), (4p), (4r), (6), (6d), (6g), and (7), 55.02,  
11 55.043 (title), (1) (title), (a) (intro.), 1., 2., 3., 4., and 5., (b) (intro.), 1. and 2. (intro.),  
12 a., and b., (1d), (1g), (1m), (1r) (title), (a) 2., (b) (intro.), 3., and 6. a. and b., (c) 2. b.,  
13 and (d), (3), (4) (title), (intro.), (a), (am), (b), (c), (d), (e), and (f), (5), (5g), (6), (7), (8),  
14 (9), and (9m), 55.06 (2) (c) and (11) (a), and 106.54 (5) of the statutes, the renumbering  
15 and amendment of section 55.043 (2) of the statutes, and the creation of section  
16 55.043 (2) (b) of the statutes first apply to reports of alleged abuse, financial  
17 exploitation, neglect, or self-neglect received on the effective date of this subsection.

18 (6) REPORTS TO DEPARTMENT. The treatment of section 146.40 (1) (ab) and (aw),  
19 (4g) (a) 3., and (4r) (a), (am) 1., 2., and 3., and (b) of the statutes first applies to reports  
20 made to the department of health and family services on the effective date of this  
21 subsection.

22 (7) INDIVIDUAL-AT-RISK RESTRAINING ORDERS AND INJUNCTIONS. The treatment of  
23 section 813.123 (title), (1) (a), (ae), (am), (b), (br), (c), (cg), (dm), (eg), (ep), (f), (fm), (g),  
24 (gr), (gs), and (h), (3) (b) (intro.), 1., 2., and 3. and (c) (intro.), (4) (a) (intro.) and 2.,  
25 (ar), (5) (a) (intro.), 3. a., b., and c., (ar), (c) 1., 2., and 3., (6) (a) and (c), (7), (9) (intro.),

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1 and (11) of the statutes, the renumbering and the amendment of section 813.123 (2)  
2 of the statutes, and the creation of section 813.123 (2) (b) and (4) (a) 2. b. of the  
3 statutes first apply to actions for restraining orders and injunctions for individuals  
4 at risk commenced on the effective date of this subsection.

5 (8) PETITIONS FOR GUARDIANSHIP. The treatment of section 880.01 (2), (4), and  
6 (5) of the statutes first applies to petitions for guardianship submitted on the  
7 effective date of this subsection.

8 (9) SEXUAL ASSAULTS OF ENTITY CLIENTS. The treatment of section 940.225 (2) (j)  
9 and (5) (ab), (abm), and (ak) of the statutes first applies to violations committed on  
10 the effective date of this subsection.

11 (10) ABUSE OF INDIVIDUALS AT RISK. The treatment of section 940.285 (title), (1)  
12 (a), (ag), (am), (b), (bm), (c), (d), (dc), (dg), and (e) and (2) (title) and (a) 1. to 3. of the  
13 statutes first applies to violations committed on the effective date of this subsection.

14 (11) ABUSE AND NEGLECT OF PATIENTS AND RESIDENTS. The treatment of section  
15 940.295 (1) (a), (ad), (ag), (b), (cm), (hm), (j), (jm), (k), (km), (kp), (n), (o), and (t) and  
16 (3) (a) 3. and (b) 1g. and 1m. of the statutes first applies to violations committed on  
17 the effective date of this subsection.

18 (12) THEFT OF PROPERTY OF INDIVIDUALS AT RISK. The treatment of section 943.20  
19 (2) (a), (ac), (ad), (ae), and (e) and (3) (d) 6. of the statutes first applies to violations  
20 committed on the effective date of this subsection.

21 (END)