

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2323

Introduced by

Senators Murphy, Hogue, Holmberg, Kilzer, Schneider

Representative Sanford

1 A BILL for an Act to amend and reenact sections 50-25.2-03 and 50-25.2-10 of the North
2 Dakota Century Code, relating to the reporting of abuse or neglect of a vulnerable adult; and to
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 50-25.2-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **50-25.2-03. ~~Voluntary reporting~~Reporting of abuse or neglect - Method of reporting.**

8 1. Any medical or mental health professional or personnel, law enforcement officer,
9 firefighter, member of the clergy, financial service provider, or caregiver having
10 knowledge that a vulnerable adult has been subjected to abuse or neglect, or who
11 observes a vulnerable adult being subjected to conditions or circumstances that
12 reasonably would result in abuse or neglect, shall report the information to the
13 department or the department's designee or to an appropriate law enforcement
14 agency if the knowledge is derived from information received by that person in that
15 person's official or professional capacity. A member of the clergy, however, is not
16 required to report the information if the knowledge is derived from information received
17 in the capacity of spiritual adviser. For purposes of this section:

18 a. "Financial service provider" means an accountant, stockbroker, financial advisor
19 or consultant, insurance agent or consultant, investment advisor or consultant, or
20 financial planner.

21 b. "Medical or mental health professional or personnel" means a professional or
22 personnel providing health care or services to a vulnerable adult, on a full-time or
23 part-time basis, on an individual basis or at the request of a caregiver, and
24 includes a physician, nurse, medical examiner, coroner, dentist, dental hygienist,

1 optometrist, pharmacist, chiropractor, podiatrist, physical therapist, occupational
2 therapist, addiction counselor, counselor, marriage and family therapist, social
3 worker, mental health professional, emergency medical services personnel,
4 hospital personnel, nursing home personnel, congregate care personnel, or any
5 other person providing medical and mental health services to a vulnerable adult.

6 2. Any person not required to report under subsection 1 who has reasonable cause to
7 believe that a vulnerable adult has been subjected to abuse or neglect, or who
8 observes a vulnerable adult being subjected to conditions or circumstances that
9 reasonably would result in abuse or neglect, may report the information to the
10 department or the department's designee or to an appropriate law enforcement
11 agency. A law enforcement agency receiving a report under this section shall
12 immediately notify the department or the department's designee of the report.

13 ~~2.3.~~ A person ~~reporting~~required to report under this section subsection 1 shall make an oral
14 or written report and a person voluntarily reporting under subsection 2 may make an
15 oral or written report, as soon as possible. To the extent reasonably possible, a person
16 who makes a report under this section shall include in the report:

- 17 a. The name, age, and residence address of the alleged vulnerable adult;
- 18 b. The name and residence address of the caregiver, if any;
- 19 c. The nature and extent of the alleged abuse or neglect or the conditions and
20 circumstances that would reasonably be expected to result in abuse or neglect;
- 21 d. Any evidence of previous abuse or neglect, including the nature and extent of the
22 abuse or neglect; and
- 23 e. Any other information that in the opinion of the person making the report may be
24 helpful in establishing the cause of the alleged abuse or neglect and the identity
25 of the individual responsible for the alleged abuse or neglect.

26 **SECTION 2. AMENDMENT.** Section 50-25.2-10 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **50-25.2-10. Penalty for failure to report - Penalty and civil liability for false reports.**

- 29 1. Any person required to report under subsection 1 of section 50-25.2-03 who willfully
30 fails to do so is guilty of an infraction.

- 1 2. Any person who willfully makes a false report, or provides false information which
2 causes the report to be made, is guilty of a class B misdemeanor unless the false
3 report is made to a law enforcement official, in which case the person who causes the
4 false report to be made is guilty of a class A misdemeanor.
- 5 ~~2.3.~~ A person who willfully makes a false report, or provides false information that causes a
6 report to be made, is liable in a civil action for all damages suffered by the person
7 reported.