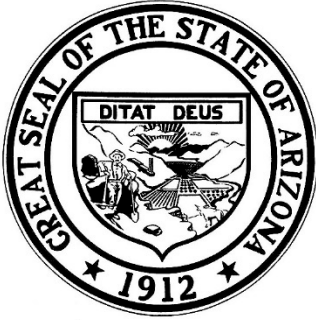


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2695**

Livingston

Substitute
Floor Amendment

-
1. Includes a banking or financial professional to the list of persons who are required to report abuse, neglect or exploitation of a vulnerable adult to a peace officer or to Adult Protective Services.
 2. Allows the financially vulnerable adult to provide a trusted contract, rather than a trusted contact list, to the financial institution.
 3. Allows, rather than requires, the financial institution to communicate with specified individuals if the financially vulnerable adult is suspected to be a victim or target of exploitation, excluding an individual who is suspected as the possible perpetrator of the alleged exploitation.
 4. Includes a financial power of attorney to the list of individuals that the financial institution may inform regarding such exploitation.
 5. Allows, rather than requires, the financial institution to provide training and provides criteria for the training.
 6. Allows, rather than requires, the financial institution who has a suspicion of exploitation to report the behavior to Adult Protective Services or law enforcement.
 7. Adds that the provisions relating to a financially vulnerable adult submitting a trusted contact do not create a cause of action against a financial institution.
 8. Makes clarifying changes.

Amendment explanation prepared by Paul Benny

Phone Number 3848

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2/26/2025

LIVINGSTON SUBSTITUTE FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2695

I move the following SUBSTITUTE amendment to the COMMERCE Committee Amendment to HOUSE BILL 2695 (Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section. 1. Section 46-454, Arizona Revised Statutes, is amended
3 to read:

4 46-454. Duty to report abuse, neglect and exploitation of
5 vulnerable adults; duty to make medical records
6 available; violation; classification

7 A. A health professional, emergency medical technician, home health
8 provider, hospital intern or resident, speech, physical or occupational
9 therapist, long-term care provider, social worker, peace officer, medical
10 examiner, guardian, conservator, fire protection personnel, developmental
11 disabilities provider, employee of the department of economic security or
12 other person who has responsibility for the care of a vulnerable adult and
13 who has a reasonable basis to believe that abuse, neglect or exploitation
14 of the vulnerable adult has occurred shall immediately report or cause
15 reports to be made of such reasonable basis to a peace officer or to the
16 adult protective services central intake unit. The guardian or
17 conservator of a vulnerable adult shall immediately report or cause
18 reports to be made of such reasonable basis to the superior court and the
19 adult protective services central intake unit. The reports required by
20 this subsection shall be made immediately by telephone or online.

21 B. If an individual listed in subsection A of this section is an
22 employee or agent of a health care institution as defined in section
23 36-401 and the health care institution's procedures require that all
24 suspected abuse, neglect and exploitation be reported to adult protective
25 services as required by law, the individual is deemed to have complied
26 with the requirements of subsection A of this section by reporting or

1 causing a report to be made to the health care institution in accordance
2 with the health care institution's procedures.

3 C. An attorney, accountant, trustee, guardian, conservator[
4 BANKING OR FINANCIAL PROFESSIONAL] or other person who has responsibility
5 for preparing the tax records of a vulnerable adult or a person who has
6 responsibility for any other action concerning the use or preservation of
7 the vulnerable adult's property and who, in the course of fulfilling that
8 responsibility, discovers a reasonable basis to believe that abuse,
9 neglect or exploitation of the vulnerable adult has occurred shall
10 immediately report or cause reports to be made of such reasonable basis to
11 a peace officer or to the adult protective services central intake
12 unit. The reports required by this subsection shall be made immediately
13 by telephone or online.

14 D. Reports pursuant to subsections A and C of this section shall
15 contain:

16 1. The names and addresses of the vulnerable adult and any persons
17 having control or custody of the vulnerable adult, if known.

18 2. The vulnerable adult's age and the nature and extent of the
19 vulnerable adult's vulnerability.

20 3. The nature and extent of the abuse, neglect or exploitation.

21 4. Any other information that the person reporting believes might
22 be helpful in establishing the cause of the abuse, neglect or
23 exploitation.

24 E. Any person other than one required to report or cause reports to
25 be made pursuant to subsection A or C of this section who has a reasonable
26 basis to believe that abuse, neglect or exploitation of a vulnerable adult
27 has occurred may report the information to a peace officer or to the adult
28 protective services central intake unit.

29 F. A person having custody or control of medical or financial
30 records of a vulnerable adult for whom a report is required or authorized
31 under this section shall make those records, or a copy of those records,
32 available to a peace officer or adult protective services worker
33 investigating the vulnerable adult's abuse, neglect or exploitation on
34 written request for the records signed by the peace officer or adult
35 protective services worker. Records disclosed pursuant to this subsection
36 are confidential and may be used only in a judicial or administrative
37 proceeding or investigation resulting from a report required or authorized
38 under this section.

39 G. If reports pursuant to this section are received by a peace
40 officer, the peace officer shall notify the adult protective services
41 central intake unit as soon as possible and make that information
42 available to them, including all related police records. A peace officer
43 shall provide the information to adult protective services as soon as
44 possible.

45 H. A person required to receive reports pursuant to subsection A, C
46 or E of this section may take or cause to be taken photographs of the
47 abused vulnerable adult and the vicinity involved. Medical examinations,

1 including radiological examinations of the involved vulnerable adult, may
2 be performed. Accounts, inventories or audits of the exploited vulnerable
3 adult's property may be performed. The person, department, agency or
4 court that initiates the photographs, examinations, accounts, inventories
5 or audits shall pay the associated costs in accordance with existing
6 statutes and rules. If any person is found to be responsible for the
7 abuse, neglect or exploitation of a vulnerable adult in a criminal or
8 civil action, the court may order the person to make restitution as the
9 court deems appropriate.

10 I. If psychiatric records are requested pursuant to subsection F of
11 this section, the custodian of the records shall notify the attending
12 psychiatrist, who may excise from the records, before they are made
13 available:

14 1. Personal information about individuals other than the patient.

15 2. Information regarding specific diagnosis or treatment of a
16 psychiatric condition, if the attending psychiatrist certifies in writing
17 that release of the information would be detrimental to the patient's
18 health or treatment.

19 J. If any portion of a psychiatric record is excised pursuant to
20 subsection I of this section, a court, on application of a peace officer
21 or adult protective services worker, may order that the entire record or
22 any portion of the record containing information relevant to the reported
23 abuse, neglect or exploitation be made available to the peace officer or
24 adult protective services worker investigating the abuse, neglect or
25 exploitation.

26 K. A licensing agency shall not find that a reported incidence of
27 abuse at a care facility by itself is sufficient grounds to allow the
28 agency to close the facility or to find that all residents are in imminent
29 danger.

30 L. Retaliation against a person who in good faith reports abuse,
31 neglect or exploitation is prohibited. Retaliation against a vulnerable
32 adult who is the subject of a report is prohibited. Any adverse action
33 taken against a person who reports abuse, neglect or exploitation or a
34 vulnerable adult who is the subject of the report within ninety days after
35 the report is filed is presumed to be retaliation.

36 M. A person who violates this section is guilty of a class 1
37 misdemeanor, except that if the failure to report involves an offense
38 listed in title 13, chapter 14, the person is guilty of a class 6
39 felony.>>

40 Sec. 2. Title 46, chapter 4, article 1, Arizona Revised Statutes,
41 is amended by adding section 46-456.01, to read:

42 46-456.01. Financial institutions: financially vulnerable
43 adults; trusted contact; training; immunity;
44 definitions

45 A. A FINANCIAL INSTITUTION MAY OFFER TO A FINANCIALLY VULNERABLE
46 ADULT THE OPPORTUNITY TO SUBMIT AND UPDATE A TRUSTED CONTACT ~~[LIST. A~~
47 ~~FINANCIAL INSTITUTION SHALL CONDUCT THE SAME LEVEL OF REASONABLE DUE~~

1 ~~DILIGENCE ON ANY TRUSTED PERSON THAT THE FINANCIAL INSTITUTION CONDUCTS~~
2 ~~FOR THE FINANCIAL INSTITUTION'S CUSTOMERS].~~

3 B. A FINANCIAL INSTITUTION THAT HAS REASONABLE CAUSE TO SUSPECT
4 THAT A FINANCIALLY VULNERABLE ADULT IS A VICTIM OR TARGET OF EXPLOITATION
5 ~~[SHALL]~~ [MAY] COMMUNICATE WITH ANY OR ALL OF THE FOLLOWING [UNLESS THAT
6 INDIVIDUAL IS SUSPECTED AS THE POSSIBLE PERPETRATOR OF THE ALLEGED
7 EXPLOITATION]:

8 1. ~~[ANY PERSON ON]~~ THE [FINANCIALLY VULNERABLE ADULT'S] TRUSTED
9 CONTACT ~~[LIST]~~.

10 2. A CO-OWNER, ADDITIONAL AUTHORIZED SIGNATORY OR BENEFICIARY ON
11 ANY ACCOUNT THAT IS HELD BY A FINANCIALLY VULNERABLE ADULT.

12 3. ANY INDIVIDUAL WHO IS REASONABLY ASSOCIATED WITH THE FINANCIALLY
13 VULNERABLE ADULT, INCLUDING A FAMILY MEMBER, IF THE FINANCIALLY VULNERABLE
14 ADULT:

15 (a) DID NOT PROVIDE A TRUSTED CONTACT ~~[LIST OR THE FINANCIAL~~
16 ~~INSTITUTION WAS UNABLE TO COMMUNICATE WITH THE INDIVIDUALS ON THE TRUSTED~~
17 ~~CONTACT LIST]~~.

18 (b) DOES NOT HAVE A POWER OF ATTORNEY.

19 [4. A FINANCIAL POWER OF ATTORNEY.]

20 C. INFORMATION THAT IS SHARED PURSUANT TO THIS SECTION IS EXEMPT
21 FROM ANY CUSTOMER CONSENT OR CUSTOMER NOTICE REQUIREMENTS.

22 D. A FINANCIAL INSTITUTION ~~[SHALL]~~ [MAY] PROVIDE TRAINING [THAT IS
23 DEVELOPED BY THE FINANCIAL INSTITUTION OR A THIRD PARTY SELECTED BY A
24 FINANCIAL INSTITUTION RELATING TO IDENTIFYING AND REPORTING THE SUSPECTED
25 FINANCIAL EXPLOITATION OF A FINANCIALLY VULNERABLE ADULT TO FINANCIAL
26 INSTITUTION EMPLOYEES WHO INTERACT WITH FINANCIALLY VULNERABLE ADULTS AS
27 PART OF THEIR JOB OR WHO EXAMINE FINANCIAL RECORDS OR TRANSACTIONS OF
28 FINANCIALLY VULNERABLE ADULTS WHILE PROVIDING FINANCIAL SERVICES] THAT
29 INCLUDES ALL OF THE FOLLOWING:

30 1. HOW TO IDENTIFY EXPLOITATION OF A FINANCIALLY VULNERABLE ADULT.

31 2. HOW TO REPORT SUSPECTED FINANCIAL EXPLOITATION INTERNALLY WITHIN
32 THE FINANCIAL INSTITUTION.

33 3. HOW TO REPORT SUSPECTED EXPLOITATION TO LAW ENFORCEMENT~~[;]~~ [OR]
34 ADULT PROTECTIVE SERVICES [OR ANY OTHER GOVERNMENTAL ENTITY].

35 4. HOW TO RECOGNIZE THE SIGNS OF EXPLOITATION.

36 5. HOW TO PROTECT CONFIDENTIAL INFORMATION.

37 E. A FINANCIAL INSTITUTION THAT PROVIDES EXPLOITATION TRAINING TO
38 IDENTIFY FINANCIALLY VULNERABLE ADULTS SHALL:

39 1. RETAIN A COPY OF THE TRAINING MATERIALS.

40 2. MAINTAIN A LIST OF EMPLOYEES WHO ATTEND THE TRAINING AND INCLUDE
41 THE DATES OF COMPLETION FOR EACH EMPLOYEE.

42 3. PROVIDE THE TRAINING MATERIALS TO THE DEPARTMENT OF INSURANCE
43 AND FINANCIAL INSTITUTIONS ~~[OR ANY OTHER GOVERNMENTAL ENTITY]~~ ON REQUEST.
44 THE FINANCIAL INSTITUTION MAY NOT DISCLOSE THE TRAINING MATERIALS TO
45 FORMER EMPLOYEES.

46 F. IF A FINANCIAL INSTITUTION HAS REASONABLE SUSPICION TO BELIEVE
47 THAT A FINANCIALLY VULNERABLE ADULT IS BEING OR MAY HAVE BEEN EXPLOITED,

1 THE FINANCIAL INSTITUTION ~~[SHALL]~~ [MAY] REPORT THE BEHAVIOR TO ADULT
2 PROTECTIVE SERVICES~~[,]~~ [OR] LAW ENFORCEMENT ~~[OR ANY OTHER GOVERNMENTAL~~
3 ~~ENTITY]~~. THE FINANCIAL INSTITUTION SHALL COOPERATE IN ANY INVESTIGATION
4 AND DISCLOSE FINANCIAL RECORDS AND INFORMATION RELEVANT TO AN
5 INVESTIGATION.

6 G. A FINANCIAL INSTITUTION IS IMMUNE FROM ANY CIVIL OR
7 ADMINISTRATIVE LIABILITY FOR ANY ACT TAKEN OR OMISSION MADE IN GOOD FAITH
8 [AND WITH REASONABLE CARE] PURSUANT TO THIS SECTION, IF THE FINANCIAL
9 INSTITUTION PROVIDED TRAINING TO ~~[THE FINANCIAL INSTITUTION'S]~~ [ITS]
10 EMPLOYEES.

11 [H. THIS SECTION DOES NOT CREATE A CAUSE OF ACTION AGAINST A
12 FINANCIAL INSTITUTION.]

13 ~~[H.]~~ [I.] FOR THE PURPOSES OF THIS SECTION:

14 1. "FINANCIAL INSTITUTION":

15 (a) HAS THE SAME MEANING PRESCRIBED IN SECTION 6-101.

16 (b) INCLUDES EMPLOYEES OF THE FINANCIAL INSTITUTION.

17 2. "FINANCIALLY VULNERABLE ADULT" MEANS AN INDIVIDUAL WHO IS EITHER
18 OF THE FOLLOWING:

19 (a) AT LEAST SIXTY-FIVE YEARS OF AGE.

20 (b) AT LEAST EIGHTEEN YEARS OF AGE AND WHO IS INCAPABLE OF MANAGING
21 OR DIRECTING THE MANAGEMENT OF THE INDIVIDUAL'S PROPERTY DUE TO ANY OF THE
22 FOLLOWING:

23 (i) MENTAL ILLNESS.

24 (ii) INTELLECTUAL DISABILITY.

25 (iii) DEMENTIA.

26 (iv) OTHER PHYSICAL OR MENTAL INCAPACITY.

27 3. "TRUSTED CONTACT ~~[LIST]~~" MEANS A ~~[LIST OF TRUSTED INDIVIDUALS~~
28 ~~THAT A FINANCIALLY VULNERABLE ADULT SUBMITS TO A FINANCIAL INSTITUTION AND~~
29 ~~THAT AUTHORIZES THE FINANCIAL INSTITUTION TO CONTACT INDIVIDUALS ON THE~~
30 ~~LIST]~~ [PERSON WHOM A FINANCIALLY VULNERABLE ADULT AUTHORIZES A FINANCIAL
31 INSTITUTION TO CONTACT] IF THE FINANCIAL INSTITUTION HAS REASONABLE CAUSE
32 TO SUSPECT THAT THE FINANCIALLY VULNERABLE ADULT IS A VICTIM OR TARGET OF
33 EXPLOITATION.

34 Enroll and engross to conform

35 Amend title to conform

DAVID LIVINGSTON

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02/26/2025

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