

A 3 Ag 475  
8.974

MAR 1 1975

Report of the Committee  
To Make a Study of  
Public and Private Services,  
Programs and Facilities  
For the Aging in  
South Carolina, and  
Of Laws Pertaining Thereto

March, 1974

REPORT OF THE COMMITTEE TO MAKE A STUDY OF  
PUBLIC AND PRIVATE SERVICES, PROGRAMS AND  
FACILITIES FOR THE AGING IN SOUTH CAROLINA  
AND OF LAWS PERTAINING THERETO

MARCH, 1974

(Concurrent Resolution No. 1286 of June 17, 1969)

(Continuing Resolution No. S-574 of 1970)

(Continuing Resolution No. S-285 of 1971)

(Continuing Resolution No. S-913 of 1972)

(Continuing Resolution No. S-188 of 1973)

TRANSMITTAL LETTER

*To the Honorable John C. West, Governor of South Carolina and  
Members of the General Assembly of South Carolina:*

While both state and federal actions in the past year have been beneficial to many South Carolina older citizens, these progressive moves have been made against the tidal current of inflation and the adverse wind of an energy crisis.

Many problems therefore remain for this valued segment of our population, and the Committee has been following events and trends closely with the purpose of formulating solutions to some of the more pressing needs of the state's 208,000 elderly citizens (over 65).

The Committee is particularly concerned for the plight of older citizens in our state's mental institutions, and with the financial crisis that has appeared in this quarter.

It is mindful of the valid needs of the South Carolina Commission on Aging for adequate funding to continue the momentum it has gained in programs for the elderly.

It has closely observed the operation of the Homestead Exemption Act, and the results of lower costs for state park admissions. It has been gratified by elimination of the State's Welfare (lien) Claim Law.

It has considered a host of recommendations made by public-spirited citizens at two open hearings, which pointed out improvements that might be made in the probate laws, nursing home regulations, retirement benefits, abuse of the elderly, and many other matters.

This report presents those concerns which the Committee considers to be of the greatest importance at this time. It urges effective legislation on some issues; on other topics, the Committee states an opinion or makes a status report.

Since its formation in 1969, the Committee has, it feels, seen only the "tip of the iceberg"; continued study of the status of older people, and selective action should take place. The Committee therefore requests that it be kept intact to gather facts and recommend legislation for the benefit of South Carolina's older citizens.

Respectfully submitted,

/s/ RICHARD W. RILEY, *Chairman*  
Senator, Greenville

/s/ JAMES E. MOORE, *Vice-Chairman*  
Representative, Greenwood

/s/ PATRICK B. HARRIS, *Secretary*  
Representative, Anderson

/s/ HYMAN RUBIN  
Senator, Richland

/s/ EDWARD SALEEBY  
Senator, Darlington

/s/ GILES P. CLEVELAND  
Representative, Spartanburg  
Gubernatorial Appointees:

/s/ FATHER WILLIAM PENTIS  
York

/s/ REV. I. DEQUINCEY NEWMAN  
Columbia

/s/ MRS. B. J. BLACKWELL  
Florence

## I. RECOMMENDATIONS OF THE COMMITTEE

## RECOMMENDATION 1

*Meet the minimum budgetary needs of the Commission on Aging for the sum of \$250,000.*

These funds are needed to help sustain programs for the elderly already underway in South Carolina, and to help reach the goal of services to older citizens in every county of the State. Restrictions on the use of Federal funds, described below, make availability of State funds imperative.

New Federal regulations require that approximately half of the state's ten planning areas be designated as "high impact" areas and half as "low impact" areas for the purpose of distributing Older Americans Act funds (Title III).

In "high impact" areas, where needs are greatest and community organization is ready to implement programs, no Title III funds may be used for direct services until action is underway in planning, coordination and integration of existing services, use of untapped resources, and linkage services.

In "low impact" areas, it is required that information and referral services must first be established.

Federal funds are so limited, they will barely cover the establishment of the required activities named above, much less continue to help support existing direct services such as multi-purpose senior centers.

Some of these are quite new and need support beyond the September 30, 1974 cut-off date. Local communities have a difficult time supporting these even after three years of help with Federal funds.

This year's Title III Older Americans Act allocation to South Carolina is \$844,839 for these programs. No more than 20% of this amount can be used in "low impact" areas (\$168,967). Information and referral programs will take almost all of this. The State funds requested can help keep good programs going in these areas, and, used as matching funds, can help start additional programs and services in counties not yet having programs for the elderly. Without these State funds, the planning and program development projects in the four "low impact" areas will probably have to close down.

Only 15% of the Title III allocation can be used for comprehensive planning and program development in the "high impact" areas (\$126,726). The balance, \$549,146, will be used for "social services" as mentioned above, in the six "high impact" districts. More is needed in these areas, especially to be used as "match" to develop additional services, e. g., transportation, home delivered meals, and other programs to enable the elderly to continue to live in their own homes.

The federal funds are insufficient, and there is no prospect that they will be increased next year.

Summary: These State dollars are necessary to help good existing programs survive, to help develop new, needed programs in some areas, and to approach the goal of inclusion of the older citizens of every county in the State in the network of services for the elderly,—in other words, to make these programs statewide—available to older people wherever they live in South Carolina. Used as matching funds, they would help generate more Federal support to accomplish these objectives.

We see this appropriation as one which would touch great numbers of older citizens of South Carolina, and a necessary step in order to maintain the momentum of our state's progress in the field of Aging.

#### RECOMMENDATION 2

*Provide the full amount requested by the State Department of Mental Health for staff and operating expenses of Crafts-Farrow State Hospital; and provide \$4 million in bond money for construction of an additional 300-bed unit at this hospital.*

As the legislative unit charged with speaking out on the needs of our state's older citizens, the Committee feels compelled to voice a plea for a large group of elderly persons who cannot speak for themselves, the patients of Crafts-Farrow State Hospital.

The Committee has visited the Hospital, and is convinced that the need for improvement in physical facilities and services—possible only with increased funding—is not only valid but urgent.

None of the wards or buildings (except 150 bed Medical-Surgical building) meets requirements and standards for licensing as an extended care facility (nursing care, intermediate care, resident care or mental retardation). Present buildings cannot feasibly be renovated to meet these requirements.

These standards must be met before licensing, accreditation or collection of Federal Funds may be obtained. (Extended Care Facility.)

At present, 776 patients are receiving Medicaid funds. Most of these patients (666) are elderly, confused, unable to care for their needs and require institutional care. These need to be cared for in extended care facilities. Medicaid funds amounting to \$3 million per year for these, and others eligible, will be lost because it will not be possible to include them as psychiatric patients receiving active psychiatric treatment in the future. Another \$1.8 million per year will be lost for mentally retarded and totally physically handicapped patients.

Adequate facilities to meet licensing, accreditation and eligibility for Federal funds could be constructed at approximately four million dollars per 300 bed unit.

Crafts-Farrow has a total of 2,350 patients (February, 1974). Of these, 1,480 patients are over 65 years of age; 346 patients are moderate to severe mental retardates; 154 patients are epileptic and/or totally physically or mentally handicapped; 690 patients over 65 are in overcrowded, completely inadequate facilities; 570 patients require complete nursing care (bathe, feed, dress, etc.).

The Hospital has approximately 1,000 admissions per year; 55% of these are confused, unable to care for their needs, and require long term institutional care (Extended Care Facility). Nursing homes will not admit nor keep the confused, physically active person.

### RECOMMENDATION 3

#### *Funding for the State Department of Health and Environmental Control to Establish Hypertension Screening and Treatment Clinics.*

Hypertension or high blood pressure is the largest contributing cause of death in the U. S. today, and its incidence is more than twice as high among people aged 65-80 than in the population as a whole. It has been firmly established that early detection of increased blood pressure and control through drug therapy can greatly reduce the incidence of such complications as heart and kidney failure and stroke. There is now no doubt that such early detection and treatment reduce the overall morbidity of this disease dramatically.

About one in seven Americans has high blood pressure, and about half of these don't know it. In the 65-80 age group, about one in

three persons is affected. The incidence among Black people is twice that of Whites. Blacks tend to develop it earlier and it tends to be more severe and deadly. In the over 70 age group, about 70 per cent of Black women, and 50 per cent of Black men have high blood pressure. Many prominent clinicians regard it as "the most important disease in Black Americans", producing far more disability than Sickle Cell Disease.

The State Department of Health and Environmental Control proposes to establish at least one District Detection Clinic in each Health District. These will be staffed by nurses who will supervise the detection and maintenance therapy of hypertensive patients in consultation with physician clinicians. Where applicable patients will be referred to their own physicians or health care clinics. Many will have to be treated in state owned facilities. Detection without proper follow-up is useless.

The Committee recommends the funding of this program in the amount of \$241,250.

#### RECOMMENDATION 4

*Grant Investigative Authority to the State Nursing Home Ombudsman.*

The office of the Nursing Home Ombudsman, operated by the South Carolina Commission on Aging, has performed valuable service to patients of nursing and boarding homes of the state, and to families of patients, by resolving many and varied problems concerning patient care.

The Ombudsman staff is involved in problems ranging from minor complaints about food to criminal action. It is often necessary, in the course of investigation of a reported problem, to examine records or gain access to other information possessed by nursing home administrators, public offices, social agencies, and others. In some cases, the Ombudsman needs statutory authority to properly carry out his investigations. The Committee recommends that the necessary authority be granted. (See Appendix A.)

## RECOMMENDATION 5

*Continue cost-of-living increases in benefits of persons covered by the State Retirement System; and an increase in retirement benefits of 15% for persons under the State Retirement System who retired before July 1, 1972, to be paid for out of the general funds of the state.*

The Committee believes that cost-of-living increases should be continued for persons receiving benefits under the State Retirement System. (Under the cost-of-living plan, retirees receive an annual 4% increase provided the cost-of-living has increased 3% or more during the year.)

Inflation continues to erode the financial position of retired persons on fixed incomes, among whom are persons covered by the State Retirement System. Those who retired before July 1, 1972, did so under a formula affording less benefits than those retiring after this date. The Committee recommends that a 15% increase be granted to persons in the former group, to be paid from the general funds of the state, if financially feasible. The cost of such an increase is estimated at \$3,500,000 the first year, decreasing thereafter.

The Committee also calls attention to the fact that 996 persons within the former group are not covered by Social Security. Some of these receive monthly allowances from the Retirement System as low as \$35 per month; all but 30 receive less than \$200 per month.

## RECOMMENDATION 6

*Authorize state institutions of post-secondary education to admit South Carolinians aged 65 or older, free of charge.*

Because many older persons wish to broaden their education, and because the Committee believes they should have a clear opportunity to do so, enriching their lives and enabling them to keep actively in tune with affairs of the world, nation, state and community, it is recommended that state institutions of post-secondary education admit South Carolinians age 65 or older to academic classes on a space available basis at no charge subject to admission and other standards deemed appropriate by the several institutions. (See Appendix B.)

## RECOMMENDATION 7

*Enact a measure to prohibit the abuse or neglect of elderly persons.*

Our state has statutes protecting children from abuse by adults; elderly persons in many cases also need the protection of the law, the Committee has observed. Moreover, procedures for custody and care of elderly persons no longer able to provide for themselves, and the responsibilities of official agencies in this respect, should be more clearly defined.

Legislation has been introduced dealing with these matters. The Committee applauds the authors for their concern for older people. The Committee, however, feels that certain provisions should be modified to focus more sharply on the problem as documented to the Committee; a modified proposal will be presented by the Committee. (See Appendix C.)

## RECOMMENDATION 8

*Establish a revolving loan fund of \$100,000 for use by State Housing Authority to initiate low-rent housing construction for the elderly.*

The State Housing Authority, in cooperation with several communities and the Farmers Home Administration, has undertaken the establishment of low-rent housing projects for the elderly, since under existing conditions private developers cannot construct facilities on a competitive market at a rate affordable by persons with \$1,000 to \$4,000 income.

The Farmers Home Administration has the only existing program available which resembles a subsidy, necessary to construct needed housing which can be made available on a rental basis within the means of large numbers of elderly persons on low, fixed incomes.

The program requires, however, that "front end" funds be raised; each project requires land purchase, survey fees and engineering fees which cannot be regained until permanent loan arrangements are completed. Average project cost for these advance funds is \$12,000 to \$15,000; since FHA does not function in communities of more than 10,000 population, raising this amount of money in a small community presents difficulties. If a revolving loan fund of \$100,000 were established, eight continuous projects could be undertaken. This revolving fund will not be expended but will be used on a loan basis and will be refunded to the state intact. The Committee recommends that such a fund be established to help provide needed housing for older citizens.

## RECOMMENDATION 9

*Grant to persons eligible for retirement under the State Retirement System the option of retiring after 30 years of service.*

Improvement of the state's retirement system by providing optional retirement after 30 years of creditable service (instead of 35 years) regardless of age, is favored by the Committee, to bring the provisions of retirement more in line with retirement offered by competing areas of employment.

The Committee suggests that this plan might be implemented gradually, and should this be done the cost would not place a financial burden either on the Retirement System or the General Fund.

## RECOMMENDATION 10

*Give financial support to the Clemson Institute on Aging.*

Clemson University has organized its knowledgeable people and its facilities to establish a permanent Institute on Aging, which would serve as an education, research, and service arm for other organizations engaged in work with and for the aging. The Institute's efforts apply to housing and health care facilities, recreation and education, nutrition, biomedical technology, physiology of aging, socio-economic aspects of aging, and nursing.

Plans for the Institute have not been fully implemented because of lack of funding; the Committee recommends that sufficient funding be granted the Institute for it to fulfil its purposes.

## RECOMMENDATION 11

*Extend the Committee to Make a Study of Public and Private Services, Programs and Facilities for the Aging in South Carolina, and of Laws Pertaining Thereto.*

The Committee requests that it be extended to continue its studies and make a report of its findings and recommendations during the 1975 session of the General Assembly. (See Appendix D.)

## RECOMMENDATION 12

*Provide for Improved Operation of Nursing Homes.*

The operation of nursing homes and boarding homes has been discussed by the Committee, with particular attention to classification of nursing patients, a new contract between the nursing homes and the Department of Social Services, and a new penalty system for

institutions found to be in violation of regulations. The Committee notes that a special body has been appointed to recommend action on these concerns, and urges the General Assembly to give close attention to the study group's findings.

## II. STATEMENTS OF POSITION BY THE COMMITTEE

### STATEMENT 1

#### *Transportation*

Improved transportation is a vital need for older people in both urban and rural settings, yet among the costliest and most complex problems to solve. Studies are presently being conducted by an arm of the Governor's Office on feasible systems to serve not only the elderly but also other persons not having personal transportation. The Committee applauds the efforts being made to provide this necessary service.

### STATEMENT 2

*Provide for Homestead Tax Exemption from Municipal Taxes with the State reimbursing municipalities for revenue lost.*

As a further means of granting tax relief to elderly persons, the Committee suggests extending the Homestead Tax Exemption plan to include an exemption from Municipal Taxes, when and if such a plan is financially feasible.

Cost of reimbursing municipalities for revenue lost by reason of a \$10,000 exemption has been estimated not more than \$1,250,000.

### STATEMENT 3

*County Auditors Urged to Permit Re-Application for Homestead Tax Exemption by Mail.*

Under existing law and regulations, County Auditors are authorized to receive annual re-applications for Homestead Exemption by mail. Some follow this practice, others do not. The Committee does not feel inclined to recommend that this policy be made mandatory at this time but calls upon County Auditors to continue their conscientious efforts to make Homestead Exemption workable and beneficial to older or disabled people.

With respect to determination of eligibility of disabled persons, some problems have arisen which appear to be due to unfamiliarity with the instructions of the Comptroller General's Office as to per-

sons considered to be totally and permanently disabled. The Committee notes that such difficulties are being resolved as they occur and no major problems have appeared.

#### STATEMENT 4

##### *Revision of Probate Laws*

The Committee supports, in principle, a revision of the State's Probate Laws, and offers encouragement and support to those who are making a study of the voluminous Uniform Probate Code. It appears that certain provisions of the Uniform Code will require policy recommendations and decisions; the Committee urges the designation or establishment of an appropriate body of the General Assembly to recommend action at the proper time.

#### STATEMENT 5

##### *Energy Crisis as It Relates to the Elderly*

The Committee calls upon those in authority who are managing affairs relating to the energy crisis to bear in mind the special needs of the aged and infirm for household energy and fuel for transportation, both of which may be crucial to the health and well-being of older people to a greater degree than to some other age groups.

#### STATEMENT 6

##### *Day Care Centers for the Elderly*

A new concept of care for the infirm aged—Adult Day Care Centers—is emerging in the nation and in South Carolina. Many older people are not ill enough to be placed in a nursing home, or members of the family do not want to place the older person in an institution; yet the older person requires constant care, often preventing a wage earner from working at gainful employment.

The Adult Day Care Center is evolving as a solution to this problem, just as child care centers free the young parent to work outside the home.

The Commission on Aging, the Department of Social Services, and other public and private agencies are studying the possibility of establishment of Adult Day Care Centers in South Carolina (in addition to the single such center operated by a private nursing home).

The Committee urges the pursuit of these investigations and hopes that such a worthwhile idea can be implemented in many areas.

## STATEMENT 7

*Tax Relief for Elderly Persons Who Are Not Home Owners.*

The Committee has studied the position of persons who are not receiving the benefits of the existing Homestead Tax Exemption Act, particularly those who rent their living quarters, or those who own mobile homes (taxed as personal property) located on the land of another.

Various systems of relief in use elsewhere have been reviewed, and the Committee proposes to continue to study the situation during the coming year.

## STATEMENT 8

*Rendering of Itemized Statements by Nursing Homes*

The Committee notes that some Nursing Homes do not routinely provide itemized statements of charges to their patients; some have even refused to render such statements when requested to do so. In such cases, the patient or his family has no way of knowing what charges are lumped under "miscellaneous" or indeed if charges are being made for services not rendered or supplies not furnished. The Committee calls upon Nursing Homes to render proper statements and avoid suspicion and mistrust. This matter will be kept under surveillance by the Committee and studied for possible remedial legislation at a later date should this appear necessary.

## APPENDIX A

## A BILL

To Empower the Nursing Home Ombudsman of the State Commission on Aging to Investigate Boarding and Nursing Homes and Compel Attendance of Witnesses and Production of Records.

*Be it enacted* by the General Assembly of the State of South Carolina :

SECTION 1. The nursing home ombudsman of the State Commission on Aging shall have the power :

(1) To investigate boarding and nursing homes in the State and in connection therewith, to hold hearings, to request the attendance of persons who shall give testimony, to receive for the record of any such hearing written statements, documents, exhibits and other items pertinent to the subject matter of any such hearing, and fol-

lowing any such investigation or hearing to issue such report and recommendations as in his opinion will assist in improving boarding and nursing home safety, care and service.

(2) To issue a subpoena or *subpoena duces tecum* and thereby compel attendance of witnesses or production for examination of books, papers, and records, whenever it is deemed necessary to compel the attendance of witnesses or the production for examination of any books, payrolls, personnel records, correspondence, documents, papers, or any other evidence relating to any matter under investigation or in question before the ombudsman.

SECTION 2. It shall be the duty of all departments, officers, agencies and employees of the State to cooperate with the ombudsman.

SECTION 3. This act shall take effect upon approval by the Governor.

## APPENDIX B

### A CONCURRENT RESOLUTION

Recommending that State Institutions of Higher Learning permit South Carolinians Age Sixty-Five and over to attend such Institutions without payment of Tuition.

*Whereas*, South Carolina's older population, age sixty-five and over, has increased from about 40,000 individuals at the beginning of this century to 150,000 in 1960 and an estimated 210,000 today, and is expected to increase to 240,000 by 1980, growing from 3.1% of the State's total population in 1900 to 6.3% in 1960, 7.8% today, and is expected to increase to 8.7% in 1980 and almost 10% by 1990; and

*Whereas*, numerous South Carolinians are retiring at the age of sixty-five, or thereabouts; and

*Whereas*, advancements in Health and Medical Science assure many additional years of active life for the vast majority of these retirees; and

*Whereas*, these retirees need opportunities to keep their minds active and alert by continuing to learn; and

*Whereas*, continuing mental activity and learning opportunities will improve the quality of life for retired South Carolinians and help them maintain their physical and emotional health; and

*Whereas*, these Senior South Carolinians have contributed to the development of South Carolina's system of higher education throughout their working years. Now, therefore,

*Be it resolved* by the Senate, the House of Representatives concurring:

That the General Assembly recommends that State institutions of post-secondary education admit South Carolinians age sixty-five and over to academic classes on a space available basis at no charge subject to admission and other standards deemed appropriate by the institution.

## APPENDIX C

### A BILL

To Prohibit the Abuse, Neglect or Exploitation of a Senile or Developmentally Disabled Person; to Provide Protective Services for such Person and to Provide Penalties.

*Be it enacted* by the General Assembly of the State of South Carolina:

SECTION 1. The legislature recognizes that there are many citizens of the State who, because of the infirmities of aging, mental retardation, other developmental disabilities or like incapacities incurred at any age, are in need of protective services. Such services should, to the maximum degree of feasibility, allow the individual the same rights as other citizens, and at the same time protect the individual from exploitation, abuse and degrading treatment. This act is designed to establish those services and assure their availability to all persons when in need of them, and to place the least possible restriction on personal liberty and exercise of constitutional rights consistent with due process and protection from abuse, exploitation and neglect.

SECTION 2. As used in this act:

(1) "Developmentally disabled person" means any individual having a disability attributable to mental retardation, cerebral palsy, epilepsy or another neurological condition closely related to mental retardation or requiring treatment similar to that required for mentally retarded individuals, which has continued or can be expected to continue indefinitely and substantially impairs the individual from adequately providing for his own care or custody.

(2) "Interested person" means any adult relative or friend of a person to be protected under this act; or any official or representative of a public or private agency, corporation or association concerned with his welfare.

(3) "Other like incapacities" means those conditions incurred at any age which are the result of accident, mental or physical illness, continued consumption or absorption of substances, producing a condition which substantially impairs an individual from adequately providing for his own care or custody.

(4) "Senility" means organic brain damage caused by advanced age or other physical illness in connection therewith to the extent that the person so afflicted is substantially impaired in his ability to adequately provide for his own care or custody.

(5) "Abuse or neglect" means actual physical abuse, unreasonable confinement by any one, or when such person is under the care and control of another a failure to provide for basic needs such as food, shelter, clothing, medical care or other necessities within the financial capability of the person exercising such care and control.

(6) "Exploitation" means an unjust or improper use of another person for one's own profit or advantage.

(7) "Protective Services" means those services whose objective is to protect an incapacitated person from himself and from others. They shall consist of evaluation of the need for service and mobilization on the person's behalf of appropriate existing services and shall include, but shall not be limited to, arrangements for appropriate living quarters, obtaining financial benefits to which the person is entitled, securing medical services and supplies and legal services in those situations where exploitation, prevention of injury, protection of the person and his property and serving the necessities or amenities of life are at issue.

(8) "Department" means the South Carolina Department of Social Services.

(9) "Court" means Family Court or other court exercising such jurisdiction.

SECTION 3. (1) The department or an agency providing protective services under contract with the department may provide protective services under any of the following conditions:

(a) The person who needs or believes he needs protective service may seek such service.

(b) Any interested person may request service on behalf of a person in need of services.

(c) The department may provide services on behalf of any person in need of protective services.

(d) The court may request such services.

(2) All protective services shall be voluntary unless ordered by the court or requested by a guardian.

SECTION 4. (1) The department, an agency, or a guardian may request the family court or other court exercising jurisdiction to provide protective placement of an individual for purposes of care and custody. No protective placement may be ordered unless there is a determination of incompetency in accordance with the provisions of law.

(2) The court shall give preference in making a determination to the least drastic alternative considered to be proper under the circumstances, including a preference for noninstitutional care wherever possible. Before ordering the protective placement of any individual, the court shall direct a comprehensive evaluation of the person in need of services, if such an evaluation has not already been made. The court may utilize available multidisciplinary resources in the community in determining the need for placement. The department shall cooperate with the court in securing available resources. A copy of the comprehensive evaluation shall be provided to the guardian or to the guardian *ad litem* or attorney of the individual if a guardian has not been appointed. The court obtaining the evaluation shall request appropriate information which shall include at least the following:

(a) The address of the place where the person is residing and the person or agency who is providing services at present, if any;

(b) A resume of professional treatment and services provided to the person by the department or agency, if any, in connection with the problem creating the need for placement;

(c) A medical, psychological, social, vocational and educational evaluation and review, where necessary, and any recommendations for or against maintenance of partial rights.

(3) The department or any agency which accepts a protective placement shall make an evaluation and submit a written report at least once each year covering the physical, mental and social condition of each person for whom it is acting and shall recommend less

drastic placement or discharge where appropriate. Any record of the department or other agency pertaining to such a person shall not be open for public inspection. Information therein shall not be disclosed publicly in such a manner as to identify individuals, but may be made available on application for cause to persons approved by the director of the department or the court.

(4) Reasonable expenses for the evaluations required by this act shall be assumed by the department. The department shall seek appropriate federal reimbursement for such evaluations.

(5) Prior to discharge from the care or custody of the department or an agency appointed to provide care or custody under this act, the department or agency shall review the need for continued protective service, including the appointment of a guardian or limited guardian.

(6) Placement may be made to such facilities as nursing homes, boarding homes, personal medical institutions, colonies, foster care services or to other appropriate facilities.

(7) Any person may request voluntary protective placement under this act. No civil rights are relinquished as a result of such placement.

SECTION 5. It shall be unlawful for any person to abuse, neglect or exploit any senile or developmentally disabled person to such an extent that the health or safety of such person would be jeopardized.

Charges of abuse, neglect or exploitation may be initiated upon complaints of private individuals or as a result of investigations by social service agencies or on the direct initiative of law enforcement officials.

SECTION 6. All practitioners of the healing arts having reasonable cause to believe that any person who is senile or developmentally disabled has been subjected to physical abuse, neglect or exploitation shall report or cause a report to be made as follows:

(a) An oral report, by telephone or otherwise, shall be made immediately to the County Department of Social Services or to the county sheriff's office or chief county law-enforcement officer in the county where such person resides or is found.

(b) Within three days following such oral report, an investigation shall be made by the County Department of Social Services or sheriff's office or chief county law-enforcement officer and a written report prepared which will include the following:

- (1) Name, age and address of such person,
- (2) Nature and extent of injury suffered by such person, including any evidence of previous injury,
- (3) Any other facts or circumstances known to the reporter which may aid in the future determination of guilt.

All reports prepared by the county sheriff's department or chief county law-enforcement officer shall be forwarded to the County Department of Social Services within twenty-four hours and vice versa.

SECTION 7. Any person or agency that lodges such a complaint in good faith shall not be subject to prosecution or civil liability for such action.

SECTION 8. Pending trial of any case arising from an alleged violation of this act, the County Department of Social Services is authorized to provide for protective services for the person alleged to have been abused, neglected or exploited. If a conviction results in the case, the agency may continue such services in a private or public institution or foster home, boarding home, nursing home or other similar facility until suitable permanent arrangements can be made for the person concerned. All resources of the agency shall be utilized to insure that the abused, neglected or exploited person shall not be subject to such further abuse, neglect or exploitation. The court in the county shall, upon motion of the Department of Social Services, provide by order such legal protection as the court shall determine necessary to prevent such further treatment of the person concerned and provide for his care and custody.

SECTION 9. When a County Department of Social Services finds a senile or developmentally disabled person who is unable because of financial resources or physical or mental disabilities to provide for his basic needs for shelter, food, clothing and health care, the agency may petition the court for a temporary order authorizing the agency to take custody of and provide care for such person until suitable permanent arrangements can be made which will insure the protection of the health and safety of the person concerned. Upon a determination of the court that such agency care is urgently and immediately necessary and upon appropriate order of the court, the agency shall be authorized to assume custody and place such person in a foster home, boarding home, nursing home or other similar

facility for a period not to exceed ninety days. At the proceeding to obtain the necessary order, any relative or other interested person may appear to oppose or join in the petition of the agency. During the period of agency custody, all resources of the social service agency shall be utilized to provide a permanent suitable environment for the persons concerned. The provisions of this section shall not be construed to prohibit a period of custody and care extending beyond ninety days with the consent of the person in custody of the agency.

SECTION 10. The State Department of Social Services shall promulgate regulations to provide procedures for County Departments of Social Services in the exercise of their duties and responsibilities under this act.

SECTION 11. Any person who violates the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than ninety days.

SECTION 12. This act shall take effect upon approval by the Governor.

## APPENDIX D

### A CONCURRENT RESOLUTION

To continue the committee appointed pursuant to H. 1286 of 1969 to make a study of public and private services, programs and facilities for the aging in South Carolina, and of laws relating thereto.

*Be it resolved* by the Senate, the House of Representatives concurring:

That the committee appointed pursuant to H. 1286 of 1969 to make a study of public and private services, programs and facilities for the aging in South Carolina, and of laws relating thereto, shall continue its study and make a report of its findings and recommendations during the 1975 session of the General Assembly. The members of the committee shall be allowed the usual per diem, mileage and subsistence as provided by law for members of boards, committees and commissions. The expenses of the committee shall not exceed five thousand dollars, to be paid from the approved accounts of both houses.