AN ACT relating to financial exploitation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 209.990 is amended to read as follows:

(1) ***Any person who***~~[Anyone]~~ knowingly or wantonly ***violates***~~[violating the provisions of]~~ KRS 209.030(2) shall be guilty of a Class B misdemeanor~~[as designated in KRS 532.090]~~. Each violation shall constitute a separate offense.

(2) Any person who knowingly abuses or neglects an adult is guilty of a Class C felony.

(3) Any person who wantonly abuses or neglects an adult is guilty of a Class D felony.

(4) Any person who recklessly abuses or neglects an adult is guilty of a Class A misdemeanor.

(5) Any person who knowingly exploits an adult ***or a person sixty-five (65) years of age or older***, resulting in a total loss to the ***victim***~~[adult]~~ of more than ***one thousand dollars ($1,000)***~~[three hundred dollars ($300)]~~ in financial or other resources, or both, is guilty of a ***Class B***~~[Class C]~~ felony.

(6) Any person who wantonly or recklessly exploits an adult ***or a person sixty-five (65) years of age or older***, resulting in a total loss to the ***victim***~~[adult]~~ of more than ***one thousand dollars ($1,000)***~~[three hundred dollars ($300)]~~ in financial or other resources, or both, is guilty of a ***Class C***~~[Class D]~~ felony.

(7) Any person who knowingly, wantonly, or recklessly exploits an adult ***or a person sixty-five (65) years of age or older***, resulting in a total loss to the ***victim***~~[adult]~~ of ***one thousand dollars ($1,000)***~~[three hundred dollars ($300)]~~ or less in financial or other resources, or both, is guilty of a Class A misdemeanor.

(8) If a defendant is sentenced under subsection (5), (6), or (7) of this section and fails to return the victim's property as defined in KRS 218A.405 within thirty (30) days of an order by the sentencing court to ***return the property***~~[do so]~~, or is thirty (30) days or more delinquent in a court-ordered payment schedule, then the defendant shall be civilly liable to the victim of the offense or the victim's estate for treble damages,

plus reasonable ***attorney's***~~[attorney]~~ fees and court costs. Any interested person or entity, as defined in KRS 387.510, shall have standing to bring a civil action on the victim's behalf to enforce this section. The sentencing judge shall inform the defendant of the provisions of this subsection at sentencing.

(9) Notwithstanding KRS 440.200, the Attorney General may demand from the Governor of any other state the surrender of any person found in the other state who is charged in Kentucky with a crime under subsection (5), (6), or (7) of this section, even if the person was not in Kentucky at the time of the commission of the crime. The demand, oath, or any proceedings for extradition pursuant to this section are not required to state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in Kentucky or the other state.

➔Section 2. KRS 292.338 is amended to read as follows:

(1) As used in this section:

(a) "Approved IAR continuing education content" means the materials, written, oral, or otherwise:

1. That have been approved by NASAA or its designee; and

2. Which make up the educational program provided to an investment adviser representative under ***subsection (2) of*** this section;

(b) "Authorized provider" means a person that NASAA or its designee has authorized to provide continuing education content required by this section;

(c) "Credit" means a unit that has been designated by NASAA or its designee as at least fifty (50) minutes of educational instruction;

(d) "Ethics and professional responsibility content" means approved IAR continuing education content that addresses an investment adviser representative's ethical and regulatory obligations;

(e) "FINRA" means the Financial Industry Regulatory Authority;

(f) ***"Financial exploitation" has the same meaning as in Section 3 of this Act;***

(g) "Home state" means a state, other than Kentucky, in which the investment adviser representative has his or her principal office and place of business;

(h)~~[(g)]~~ "NASAA" means the North American Securities Administrators Association or a committee designated by its board of directors;

(i)~~[(h)]~~ "Products and practice content" means approved IAR continuing education content that addresses an investment adviser representative's continuing skills and knowledge regarding financial products, investment features, and practices in the investment advisory industry; and

(j)~~[(i)]~~ 1. "Reporting period" means one (1) twelve (12) month period as determined by NASAA.

2. An investment adviser representative's initial reporting period commences the first day of the first full reporting period after the individual is registered, or required to be registered, under this chapter.

(2) Except as otherwise provided in this section, every registered investment adviser representative shall complete the following continuing education requirements each reporting period:

(a) Six (6) credits of ethics and professional responsibility content offered by an authorized provider, with at least three (3) hours covering the topic of ethics; and

(b) Six (6) credits of products and practice content offered by an authorized provider.

(3) An investment adviser representative shall be considered in compliance with subsection (2)(b) of this section for each applicable reporting period if:

(a) The investment adviser representative:

1. Is also registered as an agent of a FINRA-member broker-dealer; and

2 Complies with FINRA's continuing education requirements; and

(b) FINRA's continuing education content meets all of the following baseline criteria, as determined by NASAA:

1. The content focuses on compliance, regulatory, ethical, and sales practices standards;
2. The content is derived from:
   a. State and federal investment advisory statutes, rules, and regulations;
   b. Securities industry rules and regulations; or
   c. Accepted standards and practices in the financial services industry; and
3. The content requires that its participants demonstrate proficiency in the subject matter of the educational materials.

(4) Continuing education credits completed by an investment adviser representative shall be considered to comply with subsection (2) of this section for each applicable reporting period if:

(a) The investment adviser representative:

1. Is not required to pass a written examination by administrative regulation or order promulgated pursuant to KRS 292.331(3);
2. Completes continuing education credits necessary for maintaining, and remaining in good standing to hold, a professional designation identified by the commissioner by administrative regulation or order; and
3. Is required to complete continuing education credits to maintain, and remain in good standing to hold, the professional designation identified by the commissioner by administrative regulation or order; and

(b) The continuing education content provided by the credentialing organization for the professional designation identified by the commissioner by administrative regulation or order is approved IAR continuing education

content.

(5) An investment adviser representative registered or required to be registered in Kentucky who is registered as an investment adviser representative in the individual's home state shall be considered in compliance with ***subsection (2) of*** this section if:

(a) The investment adviser representative's home state has continuing education requirements that are at least as stringent as the NASAA Model Rule on Investment Adviser Representative Continuing Education; and

(b) The investment adviser representative is in compliance with the home state's investment adviser representative continuing education requirements.

(6) ***(a) Beginning January 1, 2028, a registered investment adviser representative shall complete at least three (3) hours of continuing education covering the topic of financial exploitation for each reporting period, which:***

1. May include firm-specific policies and procedures; and

2. Except as provided in paragraph (b) of this subsection, shall be in addition to the requirements of subsection (2) of this section.

(b) The continuing education required under paragraph (a) of this subsection may be part of the twelve (12) hours required under subsection (2) of this section if the financial exploitation content:

1. Is approved IAR continuing education content offered by an authorized provider; or

2. Otherwise meets the requirements of subsection (3), (4), or (5) of this section for the investment adviser representative to be considered in compliance with subsection (2) of this section.

(7) Every investment adviser representative shall be responsible for ensuring that***:***

(a) The authorized provider reports the investment adviser representative's completion of the approved IAR continuing education content***; and***

(b) Any continuing education required under subsection (6) of this section that

is not provided by an authorized provider is reported.

(8)~~[(7)]~~ An investment adviser representative who completes continuing education credits in excess of the amount required for the reporting period may not carry forward excess credits to a subsequent reporting period.

(9)~~[(8)]~~ (a) An investment adviser representative who fails to comply with this section by the end of a reporting period shall:

1. Be subject to registration renewal as "CE inactive" at the close of the calendar year in Kentucky; and
2. Remain "CE inactive" until the investment adviser representative completes and reports all required continuing education credits for all reporting periods as required by this section.

(b) An investment adviser representative who is "CE inactive" at the close of the next calendar year shall not be eligible for:

1. Investment adviser representative registration; or
2. Renewal of investment adviser representative registration.

(10)~~[(9)]~~ A person who was previously registered under this chapter as an investment adviser representative and became unregistered shall complete approved IAR continuing education content***, including any additional continuing education required under subsection (6) of this section,*** for all reporting periods that occurred between the time that the investment adviser representative became unregistered and the time the person became registered again under this chapter unless the investment adviser representative makes a subsequent application for registration and complies with any examination requirement under KRS 292.331(3).

(11)~~[(10)]~~ The commissioner may, in his or her discretion, waive any requirements of this section ***except subsection (6) of this section***.

➔Section 3. KRS 365.245 is amended to read as follows:

(1) As used in this section:

(a) ***"AI-generated fraud":***

1. Means a scam or deceptive scheme that leverages artificial intelligence to impersonate individuals, fabricate identities, or create other fraudulent content that is highly realistic, more convincing, and harder to detect; and

2. Includes but is not limited to artificial intelligence-enhanced:

a. Deepfakes;

b. Voice cloning and other audio scams;

c. Synthetic identity fraud;

d. Phishing and other email scams; and

e. Document forgery;

(b) "Commissioner" means the commissioner of the Department of Financial Institutions;

(c) "Department" means [~~"Authorized agencies" means the Cabinet for Health and Family Services and~~] the Department of Financial Institutions;

(d) [~~(b)~~] "Financial exploitation"***:***

1. Means:

a. [~~1.~~] The wrongful or unauthorized taking, withholding, appropriation, or use of a specified adult's ***money, assets, or property*** [~~funds or securities~~]; or

b. [~~2.~~] Any act or omission by a person [~~, including through the use of a power of attorney, guardianship, or any other authority regarding a specified adult,~~] to:

i. [~~a.~~] Obtain control, through deception, intimidation, or undue influence, over a specified adult's money, assets, or property; or

ii. [~~b.~~] Convert a specified adult's money, assets, or property; ***and***

2. Includes but is not limited to a taking, a withholding, an appropriation, a use, an act, or an omission referenced in subparagraph 1. of this paragraph that is accomplished, in whole or in part, through:

a. A power of attorney, guardianship, or any other authority regarding a specified adult; or

b. AI-generated fraud.

(e) ~~[(c)]~~ "Financial institution" means any person doing business under the laws of any state or commonwealth or the United States relating to banks, bank holding companies, savings banks, savings and loan associations, trust companies, or credit unions;

(f) ~~[(d)]~~ "Qualified person" means a:

1. Broker-dealer as defined in KRS 292.310;
2. Investment adviser as defined in KRS 292.310; or
3. Financial institution; and

(g) ~~[(e)]~~ "Specified adult" means:

1. A natural person age sixty-five (65) or older; or
2. A natural person age eighteen (18) or older who a qualified person reasonably believes has a mental or physical impairment that renders that natural person unable to protect his or her own interests. A qualified person's reasonable belief may be based on facts and circumstances observed in the qualified person's business relationship with the natural person.

(2) (a) If a qualified person reasonably believes that financial exploitation has occurred, is occurring, has been attempted, or will be attempted, the qualified person may notify the following:

1. ***The department*** ~~[Authorized agencies]~~; and
2. Any third party that is:

a. Reasonably associated with the specified adult; or

b. Otherwise permitted by law.

(b) Any report~~[or disclosure]~~ made to ***the department***~~[authorized agencies]~~ pursuant to ***paragraph (a)1. of*** this subsection shall~~[be]~~***:***

1. On and after January 1, 2028:

a. Be made by the qualified person through the secure online portal established pursuant to paragraph (d)1. of this subsection; and

b. Include the information required under paragraph (d)2. of this subsection;

2. Be confidential***;*** and~~[shall]~~

3. Not be subject to disclosure ***under***~~[pursuant to]~~ the Kentucky Open Records Act, KRS 61.870 to 61.884.

(c) The name of ***a***~~[the]~~ notifying qualified person shall not be revealed to any person outside of the ***department***~~[authorized agencies]~~ without the permission of the notifying qualified person.

(d) By January 1, 2028, the commissioner shall:

1. Establish, and thereafter maintain, a secure online portal that:

a. Receives reports that are made by qualified persons pursuant to paragraph (a)1. of this subsection; and

b. Requires a qualified person to create and use secure login credentials to access the portal to make a report; and

2. Promulgate an administrative regulation in accordance with KRS Chapter 13A that establishes the information that is required in a report made pursuant to paragraph (a)1. of this subsection, which shall include, at a minimum, any information required under subsection (4) of Section 5 of this Act.

(3) (a) ***Subject to subsection (5) of this section,*** a qualified person may place a

temporary hold on a transaction[on] or[a] disbursement from an account of a specified adult, or an account on which a specified adult is a beneficiary, if ***the qualified person***:

1. ***a.*** [The qualified person]***Makes a report to the department in accordance with subsection (2)(b)1. of this section; or***

   b. Fulfills any reporting obligations under KRS 209.030[. Nothing in this subsection shall be read to expand any of the requirements of KRS 209.030];

2. [The qualified person]Reasonably believes that financial exploitation of a specified adult has occurred, is occurring, has been attempted, or will be attempted; and

3. Not later than two (2) business days after the date the temporary hold was first placed[,]**:**

   a. Provides oral or written notification, which may be electronic, of the temporary hold and the reason for the temporary hold[is made] to:

      i.[a.] All parties authorized to transact business on the account; and

      ii.[b.]Any person age eighteen (18) or older authorized by the specified adult or their legal representative, in writing, to be contacted about the specified adult's account***; and***

   b. Creates a written or electronic record of the temporary hold that, at a minimum, includes the following information:

      i. The date the temporary hold was first placed;

      ii. The name and address of the specified adult;

      iii. The business location of the qualified person;

      iv. The name and title of the employee who placed the temporary hold; and

v. The facts and circumstances that caused the employee to place the temporary hold.

(b) 1. Unless otherwise provided in subparagraph 2. of this paragraph, any temporary hold authorized by this subsection shall expire upon the sooner of:

a. A determination by the qualified person that the disbursement or transaction will not result in financial exploitation of the specified adult; or

b. Not later than fifteen (15) business days after the date the qualified person first placed the temporary hold, unless the qualified person's internal review of the facts and circumstances supports its reasonable belief that financial exploitation of the specified adult has occurred, is occurring, has been attempted, or will be attempted, in which case the qualified person may extend the expiration to not later than twenty-five (25) business days after the date the qualified person first placed the temporary hold.

2. At any time, an agency of competent jurisdiction, including but not limited to the ***department*** ~~[authorized agencies]~~, or a court of competent jurisdiction may terminate or extend a temporary hold authorized by this subsection.

(4) Notwithstanding subsection (2) or (3) of this section, a notification permitted or required by this section shall not be made to any person who is suspected of financial exploitation or other abuse.

(5) ***On and after January 1, 2028, a qualified person shall not place a temporary hold on a transaction or disbursement under this section unless the qualified person:***

(a) Has training policies or programs reasonably designed to educate employees who perform or approve transactions or disbursements on behalf of

customers on issues pertaining to financial exploitation;

(b) Conducts the training required under paragraph (a) of this subsection:

1. For employees who became employed by the qualified person on or before January 1, 2028, as soon as reasonably practicable but not later than January 1, 2029; and

2. For employees who become employed by the qualified person after January 1, 2028, as soon as reasonably practicable but not later than one (1) year after the date the employee became employed by the qualified person; and

(c) Maintains and enforces written procedures regarding the manner in which suspected financial exploitation is reviewed internally, including, if applicable, the manner in which the suspected financial exploitation is required to be reported to supervisory personnel.

(6) (a) The commissioner:

1. May investigate a report made to the department pursuant to subsection (2) of this section;

2. Shall, within twenty-four (24) hours of receipt by the secure online portal established pursuant to subsection (2)(d)1. of this section, refer any report involving suspected abuse, neglect, or exploitation of an adult under Section 5 of this Act to the Cabinet for Health and Family Services; and

3. May make any other referrals to governmental agencies and law enforcement that the commissioner deems appropriate.

(b) For the purpose of any investigation conducted under paragraph (a)1. of this subsection, the commissioner or the commissioner's designee may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require production of any books, papers, correspondence,

memoranda, agreements, records, or other documents that the commissioner deems relevant or material to the inquiry.

(c) In case of a refusal to comply with a subpoena issued to any person under paragraph (b) of this subsection, any court of competent jurisdiction, upon application by the commissioner or the commissioner's designee, may issue to that person an order requiring him or her to appear before the commissioner or the commissioner's designee to produce documentary evidence or to give evidence touching the matter under investigation or in question. Any failure to obey the order of the court may be punished as a contempt of court.

(7) (a) A qualified person shall***:***

1. Maintain, for at least five (5) years from the date the temporary hold was first placed, the written or electronic record created under subsection (3)(a)3.b. of this section; and

2. Provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of a specified adult to ***the department,*** agencies charged with administering state adult protective services laws***,*** and to law enforcement, either***:***

a. As part of a ***report***~~[referral]~~ to the agency or~~[to]~~ law enforcement***;***~~[,]~~ or

b. Upon request of the agency or law enforcement pursuant to an investigation.

(b) The records ***that are provided to agencies or law enforcement pursuant to paragraph (a)2. of this subsection*** may include***:***

1. Historical records***; and***~~[as well as]~~

2. Records relating to***:***

a. The most recent disbursements***;*** or

b. Disbursements that may comprise financial exploitation of a specified adult.

(c) All records made available to agencies pursuant to this subsection shall***:***

1. Be confidential***;*** and[~~shall~~]

2. Not be subject to disclosure ***under***[~~pursuant to~~] the Kentucky Open Records Act, KRS 61.870 to 61.884.

(d) [~~Nothing in~~]This subsection shall ***not be construed to*** limit or otherwise impede the authority of the commissioner[~~of the Department of Financial Institutions~~] to access or examine the books and records of a qualified person as otherwise provided by law.

(8)[~~(6)~~] Notwithstanding any provision of law to the contrary, the ***department***[~~authorized agencies~~] may disclose to any notifying qualified person the general status or final disposition of any investigation that arose from a report made by the qualified person.

(9)[~~(7)~~] A qualified person that exercises good faith in making ***a report***[~~disclosures~~], placing a temporary hold, or providing access to records pursuant to this section shall be immune from any administrative or civil liability that might otherwise arise from such activities.

(10) The commissioner shall, on an annual basis, notify each qualified person located in this state of the requirements of this section.

(11)[~~(8)~~] ***(a) A qualified person that makes a report to the department in accordance with subsection (2)(b)1. of this section shall not be required to make a duplicative report to the Cabinet for Health and Family Services under Section 5 of this Act.***

(b) This section shall not be construed to expand any of the requirements of Section 5 of this Act.

(12) This section may be cited as the [~~"~~]Protection from Financial Exploitation Act.[~~"~~]

➔Section 4. KRS 209.020 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Secretary" means the secretary of the Cabinet for Health and Family Services;

(2) "Cabinet" means the Cabinet for Health and Family Services;

(3) "Department" means the Department for Community Based Services of the Cabinet for Health and Family Services;

(4) "Adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services;

(5) "Protective services" means agency services undertaken with or on behalf of an adult in need of protective services who is being abused, neglected, or exploited. These services may include but are not limited to conducting investigations of complaints of possible abuse, neglect, or exploitation to ascertain whether or not the situation and condition of the adult in need of protective services warrants further action; social services aimed at preventing and remedying abuse, neglect, and exploitation; and services directed toward seeking legal determination of whether or not the adult in need of protective services has been abused, neglected, or exploited and to ensure that he or she obtains suitable care in or out of his or her home;

(6) "Caretaker" means an individual or institution who has been entrusted with or who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily or by contract, employment, legal duty, or agreement;

(7) "Deception" means but is not limited to:

(a) Creating or reinforcing a false impression, including a false impression as to law, value, intention, or other state of mind;

(b) Preventing another from acquiring information that would affect his or her judgment of a transaction; or

(c) Failing to correct a false impression that the deceiver previously created or reinforced, or that the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;

(8) "Abuse" means the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury;

(9) "Exploitation"***:***

(a) Means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources; ***and***

(b) Includes but is not limited to conduct referenced in paragraph (a) of this subsection that is accomplished, in whole or in part, through AI-generated fraud as defined in Section 3 of this Act;

(10) "Investigation" ***includes***~~[shall include]~~ but is not limited to:

(a) A personal interview with the individual reported to be abused, neglected, or exploited. When abuse or neglect is allegedly the cause of death, a coroner's or doctor's report shall be examined as part of the investigation;

(b) An assessment of individual and environmental risk and safety factors;

(c) Identification of the perpetrator, if possible; and

(d) Identification by the Office of Inspector General of instances of failure by an administrator or management personnel of a regulated or licensed facility to adopt or enforce appropriate policies and procedures, if that failure contributed to or caused an adult under the facility's care to be abused, neglected, or exploited;

(11) "Emergency" means that an adult is living in conditions which present a substantial

risk of death or immediate and serious physical harm to himself or herself or others;

(12) "Emergency protective services" ***means***~~[are]~~ protective services furnished an adult in an emergency;

(13) "Protective placement" means the transfer of an adult from his or her present living arrangement to another;

(14) "Court" means the Circuit Court or the District Court if no judge of that Circuit Court is present in the county;

(15) "Records" means the medical, mental, health, and financial records of the adult that are in the possession of any hospital, firm, corporation, or other facility, if necessary to complete the investigation mandated in this chapter. These records shall not be disclosed for any purpose other than the purpose for which they have been obtained;

(16) "Neglect" means a situation in which an adult is unable to perform or obtain for himself or herself the goods or services that are necessary to maintain his or her health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult; and

(17) "Authorized agency" means:

(a) The Cabinet for Health and Family Services;

(b) A law enforcement agency or the Department of Kentucky State Police;

(c) The office of a Commonwealth's attorney or county attorney; or

(d) The appropriate division of the Office of the Attorney General.

➔Section 5. KRS 209.030 is amended to read as follows:

(1) ***(a)*** The secretary may promulgate administrative regulations in accordance with KRS Chapter 13A to effect the purposes of this chapter.

(b) While the cabinet shall continue to have primary responsibility for investigation and the provision of protective services under this chapter,~~[nothing in]~~ this chapter shall ***not be construed to*** restrict the powers of another authorized agency to act under its statutory authority.

(2) ***(a) Except as otherwise provided in subsection (11)(a) of Section 3 of this Act,*** any person, including but not limited to physician, law enforcement officer, nurse, social worker, cabinet personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause reports to be made in accordance with~~[the provisions of]~~ this chapter.

(b) Death of ***an***~~[the]~~ adult does not relieve ***a person***~~[one]~~ of the responsibility for reporting the circumstances surrounding the death.

(3) An oral or written report shall be made immediately to the cabinet upon knowledge of suspected abuse, neglect, or exploitation of an adult.

(4) Any person making~~[such]~~ a report ***under subsection (3) of this section*** shall provide the following information, if known:

(a) The name and address of the adult, or of any other person responsible for ***the adult's***~~[his]~~ care;

(b) The age of the adult;

(c) The nature and extent of the abuse, neglect, or exploitation, including any evidence of previous abuse, neglect, or exploitation;

(d) The identity of the perpetrator~~[, if known]~~;

(e) The identity of the complainant, if possible; and

(f) Any other information that the person believes might be helpful in establishing the cause of abuse, neglect, or exploitation.

(5) Upon receipt of the report, the cabinet shall conduct an initial assessment and take the following action:

(a) Notify within twenty-four (24) hours of the receipt of the report the appropriate law enforcement agency. If information is gained through assessment or investigation relating to emergency circumstances or a potential crime, the cabinet shall immediately notify and document notification to the appropriate

law enforcement agency;

(b) Notify each appropriate authorized agency. The cabinet shall develop standardized procedures for notifying each appropriate authorized agency when an investigation begins and when conditions justify notification during the pendency of an investigation;

(c) Initiate an investigation of the complaint; and

(d) Make a written report of the initial findings together with a recommendation for further action, if indicated.

(6) (a) The cabinet shall, to the extent practicable, coordinate its investigation with the appropriate law enforcement agency and, if indicated, any appropriate authorized agency or agencies.

(b) The cabinet shall, to the extent practicable, support specialized multidisciplinary teams to investigate reports made under this chapter. This team may include law enforcement officers, social workers, Commonwealth's attorneys and county attorneys, representatives from other authorized agencies, medical professionals, and other related professionals with investigative responsibilities, as necessary.

(7) ***(a)*** Any representative of the cabinet may enter any health facility or health service licensed by the cabinet at any reasonable time to carry out the cabinet's responsibilities under this chapter.

(b) Any representative of the cabinet actively involved in the conduct of an abuse, neglect, or exploitation investigation under this chapter shall also be allowed access to financial records and the mental and physical health records of the adult which are in the possession of any hospital, firm, financial institution, corporation, or other facility if necessary to complete the investigation mandated by this chapter. These records shall not be disclosed for any purpose other than the purpose for which they have been obtained.

(8) Any representative of the cabinet may**,** with consent of the adult or caretaker**,** enter any private premises where any adult alleged to be abused, neglected, or exploited is found~~[in order]~~ to investigate the need for protective services for the purpose of carrying out~~[the provisions of]~~ this chapter. If the adult or caretaker does not consent to the investigation, a search warrant may be issued upon a showing of probable cause that an adult is being abused, neglected, or exploited, to enable a representative of the cabinet to proceed with the investigation.

(9) If a determination has been made that protective services are necessary when indicated by~~[the]~~ investigation, the cabinet shall provide ***the***~~[such]~~ services within budgetary limitations, except in~~[such]~~ cases where an adult ***refuses the***~~[chooses to refuse such]~~ services.

(10) ***If an***~~[In the event the]~~ adult ***accepts***~~[elects to accept the]~~ protective services to be provided by the cabinet, the caretaker shall not interfere with the cabinet when rendering ***the***~~[such]~~ services.

(11) The cabinet shall consult with local agencies and advocacy groups, including but not limited to long-term care ombudsmen, law enforcement agencies, bankers, attorneys, providers of nonemergency transportation services, and charitable and faith-based organizations, to encourage the sharing of information, provision of training, and promotion of awareness of adult abuse, neglect, and exploitation, crimes against the elderly, and adult protective services.

(12) (a) By November 1 of each year and in accordance with state and federal confidentiality and open records laws, each authorized agency that receives a report of adult abuse, neglect, or exploitation shall submit a written report to the cabinet that provides the current status or disposition of each case referred to that agency by the cabinet under this chapter during the preceding year. The Elder Abuse Committee established in KRS 209.005 may recommend practices and procedures in its model protocol for reporting to the cabinet under this

section.

(b) By December 30 of each year, the cabinet shall provide a written report to the Governor and the Legislative Research Commission that summarizes the status of and actions taken on all reports received from authorized agencies and specific departments within the cabinet under this subsection. The cabinet shall identify any report required under paragraph (a) of this subsection that is not received by the cabinet. Identifying information about individuals who are the subject of a report of suspected adult abuse, neglect, or exploitation shall not be included in the report under this paragraph. The report shall also include recommendations, as appropriate, to improve the coordination of investigations and the provision of protective services. The cabinet shall make the report available to community human services organizations and others upon request.

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