

Bylaws
Adult Protection Coordinating Council

Article I. Name

The name of the group shall be the Adult Protection Coordinating Council herein referred to as the Council.

Article II. Mission and Purpose

Section 1:

Section 43-35-320 of the S.C. Code of Laws provides that the Council shall generally:

1. Coordinate the planning and implementation efforts of the entities involved in the adult protection system.
2. Facilitate problem resolution and develop action plans to overcome problems identified within the system.
3. Develop methods of addressing the ongoing needs of vulnerable adults, including increasing public awareness of adult abuse, neglect and exploitation.
4. Remain abreast of new trends in adult protection from national clearinghouses and appropriate entities.

Section II:

Section 43-35-330 of the S.C. Code of Laws requires the Council to specifically:

1. Provide and promote coordination and communication among groups and associations which may be affected by the council's actions and recommended changes in the system;
2. Identify and promote training on critical issues in adult protection, facilitate arrangements for continuing education seminars and credits, when appropriate, and determine and target problem areas for training based on analysis of the data;
3. Coordinate data collection and conduct analyses including periodic monitoring and evaluation of the incidence and prevalence of adult abuse, neglect and exploitation;

4. Assist with problem resolution and facilitate interagency coordination of efforts to address unmet needs and gaps in the system;
5. Promote and enhance public awareness;
6. Promote prevention and intervention activities to ensure quality of care for vulnerable adults and their families; and
7. Annually prepare a report of the council's activities and accomplishments for the calendar year and distribute the report to council members, the Chairman of the Medical Affairs Committee of the Senate, the Chairman of the Medical, Military and Municipal Affairs Committee of the House of Representatives, directors or chairs of member agencies or entities who have a designee serving on the council, and other interested parties as well as publishing the report on the department's website.

Section III:

The Council has no authority to direct or require any implementing action from any member or entity.

Section IV:

Duties of the Council are subject to the appropriation of funding and allocation of personnel sufficient to carry out the functions of the Council.

Section V:

The Council shall review within two years studies or reports that have not been implemented. The purpose of this review will be to determine the pertinence or appropriateness of the subject matter for follow-up study or action.

Article III. Membership

Section I:

Membership shall include:

1. One member from the institutional care service provision system or a family member of a consumer of the system, and one member from the home and community-based service provision system who is a consumer or a family member of a consumer of that system, both of whom must be appointed by the council for a term of two years.
2. These members who shall serve ex officio:

- (a) Attorney General or a designee
- (b) Office on Aging, Executive Director or designee
- (c) Criminal Justice Academy, Executive Director or designee
- (d) South Carolina Department of Health and Environmental Control, Commissioner, or a designee
- (e) State Department of Mental Health, Director, or a designee
- (f) South Carolina Department of Disabilities and Special Needs, Director or a designee
- (g) Adult Protective Services Program, Director or a designee
- (h) South Carolina Department of Health and Human Services, Executive Director or a designee
- (i) Police Chiefs' Association, President, or a designee
- (j) South Carolina Commission on Prosecution Coordination, Executive Director, or a designee
- (k) Protection and Advocacy for People with Disabilities, Inc., Executive Director or a designee
- (l) South Carolina Sheriffs' Association, Executive Director or a designee
- (m) South Carolina Law Enforcement Division, Chief, or a designee
- (n) Long Term Care Ombudsman or a designee
- (o) South Carolina Medical Association, Executive Director, or a designee
- (p) South Carolina Health Care Association, Executive Director, or a designee
- (q) South Carolina Home Care Association, Executive Director, or a designee
- (r) South Carolina Department of Labor, Licensing and Regulation, Director, or a designee
- (s) Executive director or president of a provider association for home and community-based services selected by the members of the council for

terms of two years, or a designee

(t) South Carolina Court Administration, Executive Director, or a designee

(u) Executive director or president of a residential care facility organization selected by the members of council for terms of two years, or a designee.

3. Vacancies on the council must be filled in the same manner as the initial appointment.

Section II:

1. Members selected for terms of two years shall be limited to no more than two full two-year terms.
2. Members from the institutional care service provision system and community-based service provision system will be current consumers or family members of current consumers and will be selected by the Chair and Vice Chair from suggestions submitted by Council members utilizing the Council's form to obtain potential member information.
3. Members from the provider associations for home and community based services and organizations for residential care facilities will be selected on a rotating basis beginning with the largest number of members and the longest established.

The initial member, starting in calendar year 2012, for the home and community based services provider associations will be the Human Services Provider Association followed by the Personal Care Provider Association and lastly, the Adult Day Services Association.

The initial member, starting in calendar year 2012, for the residential care facilities organizations will be the South Carolina Association of Residential Care Homes, followed by the South Carolina Association of Residential Care Programs, and lastly, the Assisted Living Federation.

Section III:

Each Commissioner, Executive Director, Director or manager of a member entity, or a selected member, shall be entitled to one vote. Interim and Acting Commissioners, Executive Directors, Directors or managers of a member entity, or their designees, and selected members, will be full voting members of the Council for the duration of their appointments.

Section IV:

Members selected by Council shall serve without compensation. State employees shall serve in the course of their regular duties and are not eligible for compensation from the Council.

Article IV. Officers

Section 1:

The officers shall be Chairman and Vice Chairman.

Section II:

The term of office shall be one two-year term.

Section III:

Election of new officers shall be held at the meeting immediately prior to the expiration of the current officers' two-year term. Duties will be assumed at the meeting following the meeting in which elections were held.

Section IV:

The Chair will assume the following duties:

1. Preside at all meetings.
2. Be the spokesperson of the group.
3. Appoint committees as necessary.
4. Be responsible for working with designated staff that provide support for the Council's activities.
5. Perform other duties as necessary.

The Vice Chair shall perform duties of the Chairman in his or her absence or disability and other assigned or delegated duties at the request of the Chair.

Section V.

Service in any one office shall be limited to no more than two full two-year terms. After a break in service, a member may again be considered for an office.

Section VI:

If the office of the Chair should become vacant, the Vice-Chair shall assume the position of Chair. If the office of the Vice-Chair becomes vacant, the remaining members shall vote at their earliest convenience on the vacancy to fill the unexpired term. Election to an unfulfilled term shall not be considered in determining the two consecutive two-year terms.

Section VII:

Officers shall be elected by simple majority of the membership.

Article V. Meetings

Section I:

The Council shall meet at least once each calendar quarter. Meetings may be called by a petition of two-thirds of the Council membership.

Section II:

Meeting dates shall be established by consensus of the Council members. A regularly scheduled meeting may be canceled and rescheduled.

Section III:

All material relevant to agenda items shall be mailed two weeks in advance of the meeting date. Exceptions may be made when this is absolutely unavoidable.

Section IV:

Actions voted on in the previous meeting may not be reconsidered due solely to the absence of any member.

Section V:

A quorum is thirteen voting members. Members shall sit in the areas designated for members.

Section VI:

A simple majority of the members shall represent the desire of the Council.

Section VII:

Staffing for the Council shall be the responsibility of the South Carolina Department of Health and Human Services. Staff from member and non-member agencies may be requested to provide expertise at the pleasure of the Council and the convenience of the manager of the agency or organization.

Article VI: Committees

Standing committees shall not be created by the Council unless: (1) there is an appropriation of funding and allocation of personnel sufficient to carry out the functions of the Council as mandated in Section 43-35-330 or, (2) member entities agree to provide staff support until the Council is funded and has a staff allocation.

Article VII: Amendments

Bylaws may be amended by a two-thirds majority of the voting membership of the Council, provided the proposed changes are not in conflict with the South Carolina Statutes. Such changes shall be presented at the regularly scheduled meeting preceding the meeting at which the proposed change is voted on.

Article VIII: Parliamentary Authority

Roberts Rules of Order shall constitute the ruling authority in all cases in which they are not inconsistent with the Bylaws or any other statute of this State.

Adopted February 7, 1994

Revised February 11, 2002 (Article II, Section V added, technical changes made)

Revised February 11, 2013 (Article II and III revised pursuant to Omnibus Adult Protection Act amendments for membership and duties)