

1 HB257
2 117718-2
3 By Representatives Irons, Sanderford, Ison, England and
4 Robinson (J)
5 RFD: Government Appropriations
6 First Read: 14-JAN-10

1 ~~the public, creating the immediate need for stronger plans for~~
2 ~~the health, safety, well-being, peace and dignity of this~~
3 ~~rising population.~~

4 ~~(4) The current responsibilities for elder safety~~
5 ~~and protection from abuse, exploitation and neglect is shared~~
6 ~~by multiple agencies and departments of the State of Alabama,~~
7 ~~including the executive, judicial and legislative branches of~~
8 ~~government.~~

9 ~~(5) There is a need for increased coordination,~~
10 ~~collaboration, communication, sharing, training and partnering~~
11 ~~between the state agencies and departments that have unique~~
12 ~~skills, research, scientific and technical capabilities and~~
13 ~~professional disciplines that will greatly enhance and create~~
14 ~~a much stronger, comprehensive system of care for the safety~~
15 ~~and protection of existing and of potential elder abuse~~
16 ~~victims.~~

17 ~~(6) These and other planned steps toward~~
18 ~~strengthening elder safety will prepare Alabama to~~
19 ~~aggressively seek and receive federal and private funds, for~~
20 ~~the purpose of protecting the elderly, providing justice for~~
21 ~~those who have been victims of elder abuse and protecting and~~
22 ~~enhancing the lives of Alabama's elderly.~~

23 ~~(7) Alabama's renewed efforts to create, coordinate~~
24 ~~and sustain a stronger system of care for its elder citizens'~~
25 ~~safety, protection and life services will provide,~~
26 ~~simultaneously, an affirmation of public policy which~~

1 ~~recognizes, respects and values the safety and dignity of the~~
2 ~~elderly and which will serve as a positive and proactive~~
3 ~~opportunity to prevent expensive, burdensome and prolonged~~
4 ~~litigation against the State over issues of elder safety and~~
5 ~~care, as has historically occurred in the areas of children's~~
6 ~~foster care, mental health services and other vital State~~
7 ~~programs.~~

8 ~~(8) The State of Alabama, in all of these actions,~~
9 ~~affirms and pursues the clear Biblical mandates of honor,~~
10 ~~reverence, mercy, peace and dignity of its elders.~~

11 ~~(9) There is an urgent and substantial need to~~
12 ~~develop and implement a statewide comprehensive, coordinated,~~
13 ~~multidisciplinary interagency system of care for individuals,~~
14 ~~who are at risk of elder abuse.~~

15 Section 3. The following words are defined for the
16 purposes of this act.

17 (1) ELDER ABUSE. The maltreatment of an older
18 person, age 60 or above, by any person, including:

19 (a) PHYSICAL ABUSE. The intentional use of physical
20 force that results in bodily injury, pain, or impairment.
21 Examples of physical abuse include beating, slapping,
22 bruising, cutting, burning, pushing or shoving, excessively
23 restraining, force-feeding, and physical punishment.

24 (b) SEXUAL ABUSE. The non-consensual sexual contact
25 of any kind with an elderly individual. Examples include

1 fondling of the breast or genitals, rape, coerced nudity, and
2 sexually explicit photographing.

3 (c) EMOTIONAL/PSYCHOLOGICAL ABUSE. The intentional
4 infliction of mental or emotional anguish by threat,
5 humiliation, intimidation, or other verbal or non-verbal
6 abusive conduct. Examples of psychological abuse include name
7 calling, insulting, ignoring for extended periods of time,
8 frightening, intimidating, and isolating from friends and
9 family.

10 (d) NEGLECT. The intentional or unintentional
11 failure by the caregiver to obtain adequate goods or services
12 for the elderly person's maintenance and well-being. Examples
13 include a caregiver who fails to buy groceries or prescription
14 medications.

15 (e) SELF-NEGLECT. Behaviors of an elderly person
16 that threatens his or her own health or safety. Examples are
17 failure to provide self with adequate food, clothing, shelter,
18 medication, safety and proper hygiene.

19 (f) MATERIAL EXPLOITATION. The unauthorized use of
20 funds or any resources of an elderly individual; the misuse of
21 power of attorney or representative payee status for one's own
22 advantage or profit. Examples include stealing jewelry or
23 other property, obtaining the elderly person's signature for
24 transfer of property or for a will through duress or coercion.

25 (2) COORDINATED SYSTEM OF CARE. The total effort in
26 the state, inclusive of service coordination/case management,

1 that is directed at meeting the needs of individuals, who are
2 at risk of elder abuse.

3 (3) COUNCIL. The Alabama Interagency Council for the
4 Prevention of Elder Abuse.

5 (4) LEAD AGENCY. A participating agency designated
6 to be the lead agency for the council.

7 (5) PARTICIPATING AGENCY. A department, commission,
8 council, board, division, community service provider, or an
9 office or other entity which may provide services to
10 individuals at risk of elder abuse and their families
11 including, but not limited to, the following:

12 a. The Alabama 911 Network.

13 b. The Alabama Administrative Office of the Courts.

14 c. The Alabama Attorney General.

15 d. The Alabama Banking Department.

16 e. The Alabama Coalition Against Domestic Violence.

17 f. The Alabama Crime Victims Compensation

18 Commission.

19 g. The Alabama Department of Forensic Sciences.

20 h. The Alabama Department of Human Resources.

21 i. The Alabama Department of Insurance.

22 j. The Alabama Department of Mental Health.

23 k. The Alabama Department of Public Health.

24 l. The Alabama Department of Public Safety.

25 m. The Alabama Department of Senior Services.

26 n. The Alabama Department of Veterans Affairs.

- 1 o. The Alabama Governors Office of Faith Based
- 2 Initiatives and Community Service.
- 3 p. The Alabama Medicaid Agency.
- 4 q. The Alabama Office of Prosecution Services.
- 5 r. The Alabama Peace Officers Standards and Training
- 6 Commission.
- 7 s. The Alabama Probate Judges Association.
- 8 t. The Alabama Securities Commission.
- 9 u. The Alabama Sheriffs Association.
- 10 v. The Alabama State Bar Association.
- 11 w. AARP Alabama.
- 12 x. The Alabama Association of Area Agencies on
- 13 Aging.
- 14 y. The Alabama Criminal Justice Information System.
- 15 z. The Alabama Nursing Home Association.

16 (6) POLICIES. Directives by the lead agency,
17 participating agencies, the executive committee, or other
18 written documents that represent the position of the council
19 concerning any matter within the purview of this act.

20 Section 4. There is hereby created the Alabama
21 Interagency council for the Prevention of Elder Abuse. The
22 makeup of the Council shall include the following;

23 (1) The chief executive officer, or his or her
24 designee, of each of the following participating agencies and
25 organizations:

- 26 a. The Alabama 911 Network.

- 1 b. The Alabama Administrative Office of the Courts.
2 c. The Alabama Attorney General.
3 d. The Alabama Banking Department.
4 e. The Alabama Coalition Against Domestic Violence.
5 f. The Alabama Crime Victims Compensation
6 Commission.
7 g. The Alabama Department of Forensic Sciences.
8 h. The Alabama Department of Human Resources.
9 i. The Alabama Department of Insurance.
10 j. The Alabama Department of Mental Health.
11 k. The Alabama Department of Public Health.
12 l. The Alabama Department of Public Safety.
13 m. The Alabama Department of Senior Services.
14 n. The Alabama Department of Veterans Affairs.
15 o. The Alabama Governors Office of Faith Based
16 Initiatives and Community Service.
17 p. The Alabama Medicaid Agency.
18 q. The Alabama Office of Prosecution Services.
19 r. The Alabama Peace Officers Standards and Training
20 Commission.
21 s. The Alabama Probate Judges Association.
22 t. The Alabama Securities Commission.
23 u. The Alabama Sheriffs Association.
24 v. The Alabama State Bar Association.
25 w. AARP Alabama.

1 x. The Alabama Association of Area Agencies on
2 Aging.

3 y. The Alabama Criminal Justice Information System.

4 z. The Alabama Nursing Home Association.

5 (2) The membership of the Council shall be inclusive
6 and reflect the racial, gender, geographic, urban/rural, and
7 economic diversity of the state.

8 ~~(2)~~ (3) The chief executive officers of state
9 agencies serving on the council shall serve ex officio.

10 ~~(3)~~ (4) The council shall meet at least bi-monthly
11 and the meetings shall be open to the public.

12 ~~(4)~~ (5) No member of the council shall cast a vote
13 on any matter which would provide direct financial benefit to
14 that member or otherwise give the appearance of a conflict of
15 interest under state law.

16 ~~(5)~~ (6) The Chief Justice of the Alabama Supreme
17 Court shall appoint the chair of the council from among the
18 membership.

19 ~~(6)~~ (7) The Chief Justice of the Alabama Supreme
20 Court shall designate the lead agency for the council upon
21 recommendation of the council.

22 Section 5. The council shall have the following
23 duties and authority:

24 (1) To make recommendations to the Chief Justice of
25 the Alabama Supreme Court regarding the designation of the
26 lead agency.

1 (2) To define the roles and responsibilities of all
2 participating agencies.

3 (3) To adopt rules for the internal operation of the
4 council.

5 (4) To recommend to the Chief Justice of the Alabama
6 Supreme Court the appointment of additional members to serve
7 on the Council as deemed necessary and appropriate.

8 (5) To develop a long-range plan, reviewed
9 semi-annually, for a comprehensive statewide system of care,
10 which, to the extent practical, is derived from scientific
11 based research and nationally recognized best practices. The
12 council shall provide a copy of the plan and a detailed
13 summary of any progress toward implementation of the plan to
14 the Chief Justice of the Alabama Supreme Court, the Governor
15 and the Legislature on or before the 10th legislative day of
16 each regular session. The plan should include, but not be
17 limited to, all of the following:

18 a. The eliminating of barriers to identifying and
19 reporting elder abuse such as duplicative or fragmented
20 policies which may require modification.

21 b. The development of a coordinated program of
22 services for victims of elder abuse to include the
23 identification, intervention, prevention, and prosecution of
24 the crime of elder abuse.

1 c. A comprehensive fiscal review, and analysis with
2 recommendations for state spending on programs and services
3 for elder abuse prevention.

4 d. The identification of annual action steps toward
5 implementation.

6 (6) To ensure interagency collaboration, public
7 participation, and mutual sharing of information to facilitate
8 policy decisions and the implementation of a plan for a
9 comprehensive statewide system of care to those at risk for
10 elder abuse.

11 Section 6. The lead agency shall be responsible for
12 the general administration, supervision, and monitoring of all
13 council activities.

14 Section 7. The implementation of this act shall be
15 subject to the availability of appropriations to expand,
16 intensify, and coordinate the activities of the council. The
17 activities of the council shall include the expansion of
18 council membership.

19 Section 8. The council shall be subject to the
20 Alabama Sunset Law, Chapter 20, Title 41, as an enumerated
21 agency as provided in Section 41-20-3, and shall have a
22 termination date of October 1, 2015, and every four years
23 thereafter, unless continued pursuant to the Alabama Sunset
24 Law.

1 Section 9. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Government Ap-
propriations 14-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 04-FEB-10

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as amended 16-FEB-10

Yeas 93, Nays 0, Abstains 0

Greg Pappas
Clerk