

1 SB312
2 127676-1
3 By Senators Irons, Figures, Coleman, Dunn, Beasley, Fielding,
4 Keahey, Singleton, Ross, Smitherman and Bedford
5 RFD: Children, Youth Affairs, and Human Resources
6 First Read: 31-MAR-11

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8 SYNOPSIS: This bill creates the Alabama Interagency
9 Council for the Prevention of Elder Abuse, provides
10 for the membership and duties of the council,
11 allows the council to adopt rules for its internal
12 operations, and establishes a lead agency for the
13 council.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To create the Alabama Interagency Council for the
20 Prevention of Elder Abuse; to provide for the membership and
21 duties of the council; to allow the council to adopt rules for
22 its internal operations; and to establish a lead agency for
23 the council.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and may be cited
26 as the Elder Abuse Prevention Act.

1 Section 2. The following words are defined for the
2 purposes of this act:

3 (1) COORDINATED SYSTEM OF CARE. The total effort in
4 the state, inclusive of service coordination/case management,
5 that is directed at meeting the needs of individuals who are
6 at risk of elder abuse.

7 (2) COUNCIL. The Alabama Interagency Council for the
8 Prevention of Elder Abuse.

9 (3) ELDER ABUSE. The maltreatment of an older
10 person, age 60 or above, by any person, including the
11 following:

12 a. Emotional/Psychological Abuse. The intentional
13 infliction of mental or emotional anguish by threat,
14 humiliation, intimidation, or other verbal or non-verbal
15 abusive conduct. Examples of psychological abuse include name
16 calling, insulting, ignoring for extended periods of time,
17 frightening, intimidating, and isolating from friends and
18 family.

19 b. 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 and obtaining the elderly person's signature
24 for transfer of property or for a will through duress or
25 coercion.

26 c. Neglect. The intentional or unintentional failure
27 by the caregiver to obtain adequate goods or services for the

1 elderly person's maintenance and well-being. Examples include
2 a caregiver who fails to buy groceries or prescription
3 medications.

4 d. Physical Abuse. The intentional use of physical
5 force that results in bodily injury, pain, or impairment.
6 Examples of physical abuse include beating, slapping,
7 bruising, cutting, burning, pushing or shoving, excessively
8 restraining, force-feeding, and physical punishment.

9 e. Self-neglect. Behavior of an elderly person that
10 threatens his or her own health or safety. Examples are
11 failure to provide oneself with adequate food, clothing,
12 shelter, medication, safety and proper hygiene.

13 f. Sexual Abuse. The non-consensual sexual contact
14 of any kind with an elderly individual. Examples include
15 fondling of the breast or genitals, rape, coerced nudity, and
16 sexually explicit photographing.

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

19 (5) PARTICIPATING AGENCY. A department, commission,
20 council, board, division, community service provider, or an
21 office or other entity which may provide services to
22 individuals at risk of elder abuse and their families.

23 (6) POLICIES. Directives by the lead agency,
24 participating agencies, the executive committee, or other
25 written documents that represent the position of the council
26 concerning any matter within the purview of this act.

1 Section 3. There is hereby created the Alabama
2 Interagency Council for the Prevention of Elder Abuse. The
3 members of the council shall include, but not limited to, the
4 following:

5 (1) The chief executive officer, or his or her
6 designee, of each of the following participating agencies and
7 organizations:

- 8 a. The Alabama 911 Network.
- 9 b. The Administrative Office of Courts.
- 10 c. The Attorney General.
- 11 d. The Banking Department.
- 12 e. The Coalition Against Domestic Violence.
- 13 f. The Crime Victims Compensation Commission.
- 14 g. The Department of Forensic Sciences.
- 15 h. The Department of Human Resources.
- 16 i. The Department of Insurance.
- 17 j. The Department of Mental Health.
- 18 k. The Department of Public Health.
- 19 l. The Department of Public Safety.
- 20 m. The Department of Senior Services.
- 21 n. The Department of Veterans Affairs.
- 22 o. The Governors Office of Faith Based Initiatives
23 and Community Service.
- 24 p. The Medicaid Agency.
- 25 q. The Office of Prosecution Services.
- 26 r. The Peace Officers Standards and Training
27 Commission.

- s. The Probate Judges Association.
- t. The Securities Commission.
- u. The Sheriffs Association.
- v. The State Bar Association.
- w. AARP Alabama.
- x. The Association of Area Agencies on Aging.
- y. The Criminal Justice Information System.
- z. The Nursing Home Association.

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

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

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

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

(6) The Chief Justice of the Alabama Supreme Court shall appoint the chair of the council from among the membership.

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

Section 4. The council shall have the following duties and authority:

1 (1) Make recommendations to the Chief Justice of the
2 Alabama Supreme Court regarding the designation of the lead
3 agency.

4 (2) Define the roles and responsibilities of all
5 participating agencies.

6 (3) Adopt rules for the internal operation of the
7 council.

8 (4) Recommend to the Chief Justice of the Alabama
9 Supreme Court the appointment of additional members to serve
10 on the council as deemed necessary and appropriate.

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

21 a. The elimination of barriers to identifying and
22 reporting elder abuse such as duplicative or fragmented
23 policies which may require modification.

24 b. The development of a coordinated program of
25 services for victims of elder abuse to include the
26 identification, intervention, prevention, and prosecution of
27 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) 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 5. The lead agency shall be responsible for
12 the general administration, supervision, and monitoring of all
13 council activities.

14 Section 6. 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 7. The council shall be subject to the
20 Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama
21 1975, as an enumerated agency as provided in Section 41-20-3,
22 and shall have a termination date of October 1, 2015, and
23 every four years thereafter, unless continued pursuant to the
24 Alabama Sunset Law.

25 Section 8. This act shall become effective on the
26 first day of the third month following its passage and
27 approval by the Governor, or its otherwise becoming law.

