

1 SB262
2 135007-4
3 By Senators Irons, Brewbaker, Keahey, Coleman, Figures,
4 Holley, Dial, Holtzclaw, and Bussman
5 RFD: Children, Youth Affairs, and Human Resources
6 First Read: 09-FEB-12

1 SB262

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4 ENROLLED, An Act,

5 To create the Alabama Interagency Council for the
6 Prevention of Elder Abuse; to provide for the membership and
7 duties of the council; to allow the council to adopt rules for
8 its internal operations; and to establish a lead agency for
9 the council.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

19 (2) COUNCIL. The Alabama Interagency Council for the
20 Prevention of Elder Abuse.

21 (3) ELDER ABUSE. The maltreatment of an older
22 person, age 60 or above, by any person, including the
23 following:

24 a. Emotional/Psychological Abuse. The intentional
25 infliction of mental or emotional anguish by threat,

1 humiliation, intimidation, or other verbal or non-verbal
2 abusive conduct. Examples of psychological abuse include name
3 calling, insulting, ignoring for extended periods of time,
4 frightening, intimidating, and isolating from friends and
5 family.

6 b. Material Exploitation. The unauthorized use of
7 funds or any resources of an elderly individual; the misuse of
8 power of attorney or representative payee status for one's own
9 advantage or profit. Examples include stealing jewelry or
10 other property and obtaining the elderly person's signature
11 for transfer of property or for a will through duress or
12 coercion.

13 c. Neglect. The intentional or unintentional failure
14 by the caregiver to obtain adequate goods or services for the
15 elderly person's maintenance and well-being. Examples include
16 a caregiver who fails to buy groceries or prescription
17 medications.

18 d. Physical Abuse. The intentional use of physical
19 force that results in bodily injury, pain, or impairment.
20 Examples of physical abuse include beating, slapping,
21 bruising, cutting, burning, pushing or shoving, excessively
22 restraining, force-feeding, and physical punishment.

23 e. Self-neglect. Behavior of an elderly person that
24 threatens his or her own health or safety. Examples are

1 failure to provide oneself with adequate food, clothing,
2 shelter, medication, safety, and proper hygiene.

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

7 (4) LEAD AGENCY. The Department of Senior Services
8 shall be designated to be the lead agency for the council.

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

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

17 Section 3. There is created the Alabama Interagency
18 Council for the Prevention of Elder Abuse. The members of the
19 council shall include, but not be limited to, the following:

20 (1) The chief executive officer, or his or her
21 designee, of each of the following participating agencies and
22 organizations:

23 a. The Alabama 911 Network.

24 b. The Administrative Office of Courts.

25 c. The Attorney General.

- 1 d. The Banking Department.
- 2 e. The Coalition Against Domestic Violence.
- 3 f. The Crime Victims Compensation Commission.
- 4 g. The Department of Forensic Sciences.
- 5 h. The Department of Human Resources.
- 6 i. The Department of Insurance.
- 7 j. The Department of Mental Health.
- 8 k. The Department of Public Health.
- 9 l. The Department of Public Safety.
- 10 m. The Department of Senior Services.
- 11 n. The Department of Veterans Affairs.
- 12 o. The Governor's Office of Faith Based Initiatives
13 and Community Service.
- 14 p. The Medicaid Agency.
- 15 q. The Office of Prosecution Services.
- 16 r. The Peace Officers' Standards and Training
17 Commission.
- 18 s. The Probate Judges Association.
- 19 t. The Securities Commission.
- 20 u. The Sheriffs Association.
- 21 v. The State Bar Association.
- 22 w. AARP Alabama.
- 23 x. The Association of Area Agencies on Aging.
- 24 y. The Criminal Justice Information System.
- 25 z. The Nursing Home Association.

1 aa. The Alabama Silver-Haired Legislature.

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

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

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

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

13 (6) The Commissioner of the Department of Senior
14 Services shall serve as the chair of the council.

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

17 (1) Define the roles and responsibilities of all
18 participating agencies.

19 (2) Adopt rules for the internal operation of the
20 council.

21 (3) Recommend to the Commissioner of the Department
22 of Senior Services appointment of additional members to serve
23 on the council as deemed necessary and appropriate.

24 (4) Develop a long-range plan, reviewed
25 semi-annually, for addressing the needs of those at risk for

1 elder abuse, which, to the extent practical, is derived from
2 scientific based research and nationally recognized best
3 practices. The council shall provide a copy of the plan and a
4 detailed summary of any progress toward implementation of the
5 plan to the Governor and the Legislature on or before the 10th
6 legislative day of each regular session. The plan should
7 include, but not be limited to, all of the following:

8 a. The elimination of barriers to identifying and
9 reporting elder abuse such as duplicative or fragmented
10 policies which may require modification.

11 b. The development of a coordinated program of
12 services for victims of elder abuse to include the
13 identification, intervention, prevention, and prosecution of
14 the crime of elder abuse.

15 c. A comprehensive fiscal review and analysis with
16 recommendations for state spending on programs and services
17 for elder abuse prevention.

18 d. The identification of annual action steps toward
19 implementation.

20 (5) Ensure interagency collaboration, public
21 participation, and mutual sharing of information to facilitate
22 policy decisions and the implementation of a plan for
23 addressing the needs of those at risk for elder abuse.

1 Section 5. The Department of Senior Services shall
2 be responsible for the general administration, supervision,
3 and monitoring of all council activities.

4 Section 6. The implementation of this act shall be
5 subject to the availability of appropriations to expand,
6 intensify, and coordinate the activities of the council. The
7 activities of the council shall include the expansion of
8 council membership.

9 Section 7. The council shall be subject to the
10 Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama
11 1975, as an enumerated agency as provided in Section 41-20-3,
12 Code of Alabama 1975, and shall have a termination date of
13 October 1, 2015, and every four years thereafter, unless
14 continued pursuant to the Alabama Sunset Law.

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

Senate 23-FEB-12.
I hereby certify that the within Act originated in and passed
the Senate.

Senate 10-MAY-12
I hereby certify that the within Act originated in and passed
the Senate, as amended by Executive Amendment.

Patrick Harris
Secretary

House of Representatives
Amended and Passed: 02-MAY-12
House of Representatives
Passed: 16-MAY-12, as amended by Executive Amendment.

By: Senator Irons