

1 SB262
2 135007-2
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

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8 SYNOPSIS: This bill would create the Alabama
9 Interagency Council for the Prevention of Elder
10 Abuse, provides for the membership and duties of
11 the council, allows the council to adopt rules for
12 its internal operations, and establishes a lead
13 agency for the 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. The Department of Human Resources
18 and the Department of Senior Services shall be designated to
19 be the co-lead agencies for the council.

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

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

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

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

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

- 1 t. The Securities Commission.
- 2 u. The Sheriffs Association.
- 3 v. The State Bar Association.
- 4 w. AARP Alabama.
- 5 x. The Association of Area Agencies on Aging.
- 6 y. The Criminal Justice Information System.
- 7 z. The Nursing Home Association.
- 8 aa. The Alabama Silver-Haired Legislature.

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

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

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

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

20 (6) The Commissioners of the Department of Human
21 Resources and the Department of Senior Services shall serve as
22 the co-chairs of the council.

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

25 (1) Define the roles and responsibilities of all
26 participating agencies.

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

3 (3) Recommend to the Commissioners of the Department
4 of Human Resources and the Department of Senior Services
5 appointment of additional members to serve on the council as
6 deemed necessary and appropriate.

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

16 a. The elimination of barriers to identifying and
17 reporting elder abuse such as duplicative or fragmented
18 policies which may require modification.

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

23 c. A comprehensive fiscal review and analysis with
24 recommendations for state spending on programs and services
25 for elder abuse prevention.

26 d. The identification of annual action steps toward
27 implementation.

1 (5) Ensure interagency collaboration, public
2 participation, and mutual sharing of information to facilitate
3 policy decisions and the implementation of a plan for a
4 comprehensive statewide system of care to those at risk for
5 elder abuse.

6 Section 5. The Department of Human Resources and the
7 Department of Senior Services shall be responsible for the
8 general administration, supervision, and monitoring of all
9 council activities.

10 Section 6. The implementation of this act shall be
11 subject to the availability of appropriations to expand,
12 intensify, and coordinate the activities of the council. The
13 activities of the council shall include the expansion of
14 council membership.

15 Section 7. The council shall be subject to the
16 Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama
17 1975, as an enumerated agency as provided in Section 41-20-3,
18 Code of Alabama 1975, and shall have a termination date of
19 October 1, 2015, and every four years thereafter, unless
20 continued pursuant to the Alabama Sunset Law.

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