

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S1/23/23 S1/26/23
A Bill

SENATE BILL 74

By: Senators J. Boyd, *Irvin*

By: Representatives Rose, Gramlich, L. Johnson

For An Act To Be Entitled

AN ACT TO AMEND THE AUTHORITY OF A SURROGATE UNDER
THE ARKANSAS HEALTHCARE DECISIONS ACT; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE AUTHORITY OF A SURROGATE
UNDER THE ARKANSAS HEALTHCARE DECISIONS
ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-6-106, concerning the authority of a surrogate within the Arkansas Healthcare Decisions Act, is amended to *add additional subsections* to read as follows:

(d)(1) A surrogate may apply for public benefits, such as Medicare and Medicaid, for the principal, subject to any federal restrictions or requirements, and have access to information regarding the principal's income, assets, and banking and financial records to the extent required to make an application.

(2) The authority under subdivision (d)(1) of this section includes without limitation the ability to assist with, submit, and execute applications for benefits, redetermination of eligibility, and other ongoing related communications.

(3) The authority under subdivision (d)(1) of this section shall terminate when revoked by a principal who no longer lacks decisional capacity, upon appointment or availability of a power of attorney or guardian



with such authority, or upon the death of the principal.

(4) The authority under subdivision (d)(1) of this section shall be granted to a surrogate from a principal in writing or recorded orally.

(e) A surrogate shall meet all federal requirements to act as an authorized representative, including confidentiality provisions.

/s/J. Boyd

APPROVED: 2/9/23