

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1805

By: Representative Capp
By: Senator Bond

For An Act To Be Entitled

AN ACT TO CREATE A COMMISSION ON THE PREVENTION OF
ABUSE OF ELDERLY AND VULNERABLE ADULTS; AND FOR OTHER
PURPOSES.

Subtitle

TO CREATE A COMMISSION ON THE PREVENTION
OF ABUSE OF ELDERLY AND VULNERABLE
ADULTS.

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

SECTION 1. DO NOT CODIFY. Commission on the Prevention of Abuse of
Elderly and Vulnerable Adults.

(a) The Commission on the Prevention of Abuse of Elderly and
Vulnerable Adults is established.

(b) The commission shall consist of the following members:

(1) The Attorney General or his or her designee;

(2) The Director of the Administrative Office of the Courts or
his or designee;

(3) The Director of the Department of Human Services or his or
her designee;

(4) The Prosecutor Coordinator of the Office of the Prosecutor
Coordinator or his or her designee;

(5) The Director of the Division of Aging, Adult, and Behavioral
Health Services of the Department of Human Services or his or her designee;

(6) One (1) judge from each congressional district;



(7) An attorney in private practice with experience in guardianship casework who shall be appointed by the Governor;

(8) A guardian of a family member with diminished capacity who shall be appointed by the Governor;

(9) A healthcare provider or an employee of a healthcare provider who shall be appointed by the Governor;

(10) A member of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives;

(11) A member of a statewide organization that advocates on behalf of the elderly and family caregivers, who shall be appointed by the Speaker of the House of Representatives;

(12) A member of a local or a statewide organization that advocates on behalf of adults with intellectual and physical disabilities, who shall be appointed by the Speaker of the House of Representatives;

(13) A member of the Senate, who shall be appointed by the President Pro Tempore of the Senate;

(14) A member of the Arkansas Bar Association, who shall be appointed by the President Pro Tempore of the Senate; and

(15) A member of a local area agency on aging, who shall be appointed by the President Pro Tempore of the Senate.

(c)(1) The appointments to the commission shall be made by August 1, 2019.

(2) Each member of the commission shall serve at the pleasure of the respective appointing authority.

(3) The vacancy in a member position on the commission shall be filled by the respective appointing authority within thirty (30) days of the date on which the appointing authority receives notice of the vacancy.

(d)(1) The commission shall conduct an organizational meeting by December 1, 2019.

(2) The commission shall meet as often as is required to fulfill the duties of the commission.

(3) A majority of the members of the commission present at a meeting of the commission shall constitute a quorum to conduct the business of the commission.

(e)(1) The Attorney General shall serve as chair of the commission.

(2) The vice chair for the commission shall be elected at the

first organizational meeting of the commission.

(f) A member of the commission shall not receive compensation or a travel reimbursement for serving on the commission.

(g) Staff assistance for the commission shall be provided by the Senate and the House of Representatives.

(h) The commission shall study, evaluate, and make recommendations for changes to state policy, rules, and statutes that may assist in providing better protections and services for individuals who may be at risk for abuse, neglect, or exploitation under the current adult guardianship laws by reviewing:

(1) Current guardianship statutes to determine if changes may improve protections for elderly and vulnerable adults;

(2) Guardianship services that are offered by the Department of Human Services;

(3) Local-level efforts to provide guardianship services; and

(4) Funding needs and the availability of funds for guardianship services, including without limitation an examination of existing and potential funding sources.

(i) By December 1, 2020, the commission shall submit a report of its findings and recommendations to the:

(1) Governor;

(2) Speaker of the House of Representatives;

(3) President Pro Tempore of the Senate;

(4) Senate Interim Committee on Children and Youth; and

(5) House Committee on Aging, Children and Youth, Legislative and Military Affairs.

(j) The commission is subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.

(k) The commission expires December 31, 2020.