

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative Capp
6 By: Senator Bond
7

A Bill

HOUSE BILL 1805

For An Act To Be Entitled

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

14 TO CREATE A COMMISSION ON THE PREVENTION
15 OF ABUSE OF ELDERLY AND VULNERABLE
16 ADULTS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. DO NOT CODIFY. Commission on the Prevention of Abuse of
23 Elderly and Vulnerable Adults.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

21 (c)(1) The appointments to the commission shall be made by August 1,
22 2019.

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

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

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

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

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

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

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

1 first organizational meeting of the commission.

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

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

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

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

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

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

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

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

21 (1) Governor;

22 (2) Speaker of the House of Representatives;

23 (3) President Pro Tempore of the Senate;

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

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

27 (j) The commission is subject to the Freedom of Information Act of
28 1967, § 25-19-101 et seq.

29 (k) The commission expires December 31, 2020.

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