

1 State of Arkansas As Engrossed: S1/23/23 S1/26/23

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 74

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5 By: Senators J. Boyd, *Irvin*

6 By: Representatives Rose, Gramlich, L. Johnson

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For An Act To Be Entitled

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

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Subtitle

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

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

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

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

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

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



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

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

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

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7 /s/J. Boyd
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