

1 SB312  
2 127676-3  
3 By Senators Irons, Figures, Coleman, Dunn, Beasley, Fielding,  
4 Keahey, Singleton, Ross, Smitherman and Bedford  
5 RFD: Children, Youth Affairs, and Human Resources  
6 First Read: 31-MAR-11

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To create the Alabama Interagency Council for the  
12 Prevention of Elder Abuse; to provide for the membership and  
13 duties of the council; to allow the council to adopt rules for  
14 its internal operations; and to establish a lead agency for  
15 the council.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall be known and may be cited  
18 as the Elder Abuse Prevention Act.

19 Section 2. The following words are defined for the  
20 purposes of this act:

21 (1) COORDINATED SYSTEM OF CARE. The total effort in  
22 the state, inclusive of service coordination/case management,  
23 that is directed at meeting the needs of individuals who are  
24 at risk of elder abuse.

25 (2) COUNCIL. The Alabama Interagency Council for the  
26 Prevention of Elder Abuse.

1 (3) ELDER ABUSE. The maltreatment of an older  
2 person, age 60 or above, by any person, including the  
3 following:

4 a. Emotional/Psychological Abuse. The intentional  
5 infliction of mental or emotional anguish by threat,  
6 humiliation, intimidation, or other verbal or non-verbal  
7 abusive conduct. Examples of psychological abuse include name  
8 calling, insulting, ignoring for extended periods of time,  
9 frightening, intimidating, and isolating from friends and  
10 family.

11 b. Material Exploitation. The unauthorized use of  
12 funds or any resources of an elderly individual; the misuse of  
13 power of attorney or representative payee status for one's own  
14 advantage or profit. Examples include stealing jewelry or  
15 other property and obtaining the elderly person's signature  
16 for transfer of property or for a will through duress or  
17 coercion.

18 c. Neglect. The intentional or unintentional failure  
19 by the caregiver to obtain adequate goods or services for the  
20 elderly person's maintenance and well-being. Examples include  
21 a caregiver who fails to buy groceries or prescription  
22 medications.

23 d. Physical Abuse. The intentional use of physical  
24 force that results in bodily injury, pain, or impairment.  
25 Examples of physical abuse include beating, slapping,  
26 bruising, cutting, burning, pushing or shoving, excessively  
27 restraining, force-feeding, and physical punishment.

1 e. Self-neglect. Behavior of an elderly person that  
2 threatens his or her own health or safety. Examples are  
3 failure to provide oneself with adequate food, clothing,  
4 shelter, medication, safety and proper hygiene.

5 f. Sexual Abuse. The non-consensual sexual contact  
6 of any kind with an elderly individual. Examples include  
7 fondling of the breast or genitals, rape, coerced nudity, and  
8 sexually explicit photographing.

9 (4) LEAD AGENCY. The Department of Human Resources  
10 shall be designated to be the lead agency for the council.

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

15 (6) POLICIES. Directives by the lead agency,  
16 participating agencies, the executive committee, or other  
17 written documents that represent the position of the council  
18 concerning any matter within the purview of this act.

19 Section 3. There is hereby created the Alabama  
20 Interagency Council for the Prevention of Elder Abuse. The  
21 members of the council shall include, but not limited to, the  
22 following:

23 (1) The chief executive officer, or his or her  
24 designee, of each of the following participating agencies and  
25 organizations:

26 a. The Alabama 911 Network.

27 b. The Administrative Office of Courts.

- 1 c. The Attorney General.
- 2 d. The Banking Department.
- 3 e. The Coalition Against Domestic Violence.
- 4 f. The Crime Victims Compensation Commission.
- 5 g. The Department of Forensic Sciences.
- 6 h. The Department of Human Resources.
- 7 i. The Department of Insurance.
- 8 j. The Department of Mental Health.
- 9 k. The Department of Public Health.
- 10 l. The Department of Public Safety.
- 11 m. The Department of Senior Services.
- 12 n. The Department of Veterans Affairs.
- 13 o. The Governors Office of Faith Based Initiatives  
14 and Community Service.
- 15 p. The Medicaid Agency.
- 16 q. The Office of Prosecution Services.
- 17 r. The Peace Officers Standards and Training  
18 Commission.
- 19 s. The Probate Judges Association.
- 20 t. The Securities Commission.
- 21 u. The Sheriffs Association.
- 22 v. The State Bar Association.
- 23 w. AARP Alabama.
- 24 x. The Association of Area Agencies on Aging.
- 25 y. The Criminal Justice Information System.
- 26 z. The Nursing Home Association.

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

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

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

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

12           (6) The Commissioner of the Department of Human  
13 Resources shall serve as the chair of the council.

14           (7) The Department of Human Resources is hereby  
15 designated the lead agency for the council.

16           Section 4. The council shall have the following  
17 duties and authority:

18           (1) Define the roles and responsibilities of all  
19 participating agencies.

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

22           (3) Recommend to the Commissioner of the Department  
23 of Human Resources the appointment of additional members to  
24 serve on the council as seemed necessary and appropriate.

25           (4) Develop a long-range plan, reviewed  
26 semi-annually, for a comprehensive statewide system of care,  
27 which, to the extent practical, is derived from scientific

1 based research and nationally recognized best practices. The  
2 council shall provide a copy of the plan and a detailed  
3 summary of any progress toward implementation of the plan to  
4 the Governor and the Legislature on or before the 10th  
5 legislative day of each regular session. The plan should  
6 include, but not be limited to, all of the following:

7 a. The elimination of barriers to identifying and  
8 reporting elder abuse such as duplicative or fragmented  
9 policies which may require modification.

10 b. The development of a coordinated program of  
11 services for victims of elder abuse to include the  
12 identification, intervention, prevention, and prosecution of  
13 the crime of elder abuse.

14 c. A comprehensive fiscal review and analysis with  
15 recommendations for state spending on programs and services  
16 for elder abuse prevention.

17 d. The identification of annual action steps toward  
18 implementation.

19 (5) Ensure interagency collaboration, public  
20 participation, and mutual sharing of information to facilitate  
21 policy decisions and the implementation of a plan for a  
22 comprehensive statewide system of care to those at risk for  
23 elder abuse.

24 Section 5. The Department of Human Resources shall  
25 be responsible for the general administration, supervision,  
26 and monitoring of all council activities.

1           Section 6. The implementation of this act shall be  
2 subject to the availability of appropriations to expand,  
3 intensify, and coordinate the activities of the council. The  
4 activities of the council shall include the expansion of  
5 council membership.

6           Section 7. The council shall be subject to the  
7 Alabama Sunset Law, Chapter 20, Title 41, Code of Alabama  
8 1975, as an enumerated agency as provided in Section 41-20-3,  
9 and shall have a termination date of October 1, 2015, and  
10 every four years thereafter, unless continued pursuant to the  
11 Alabama Sunset Law.

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



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Senate

Read for the first time and referred to the Senate  
committee on Children, Youth Affairs, and Human  
Resources..... 31-MAR-11

Read for the second time and placed on the calen-  
dar..... 14-APR-11

Read for the third time and passed as amended .... 05-MAY-11

Yeas 28  
Nays 0

Patrick Harris  
Secretary