

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

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

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

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22 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:

25 (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.

30 (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.

34 (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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10 **APPROVED: 2/9/23**  
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