

House Resolution 1366

By: Representatives Cooper of the 43rd, Clark of the 101st, Kelley of the 16th, Wilkinson of the 52nd, Jones of the 53rd, and others

A RESOLUTION

- 1 Creating the House Study Committee on a Georgia Abuser Registry; and for other purposes.
- 2 WHEREAS, the population of Georgia ages 65 and older will increase 143 percent over the
3 next 30 years; and
- 4 WHEREAS, abuse, neglect, and exploitation are increasing threats to the vulnerable senior
5 and disabled population; and
- 6 WHEREAS, according to the National Center on Elder Abuse, one in ten Americans over
7 age 60 experienced abuse over one year, and many experienced it in multiple forms; and
- 8 WHEREAS, according to the National Committee for the Prevention of Elder Abuse (2011),
9 the annual fiscal loss experienced by elderly victims of financial exploitation was estimated
10 to be \$2.9 billion in 2009, which was a 12 percent increase from 2008; and
- 11 WHEREAS, Georgia should require providers of community based services to safely meet
12 the needs of the growing elderly and disabled population, including home care,
13 transportation, housing, and health care; and
- 14 WHEREAS, licensed care providers in the state should employ staff members with no
15 history of abuse, neglect, or exploitation; and
- 16 WHEREAS, the Healthcare Facility Regulation Division of the Georgia Department of
17 Community Health is responsible for maintaining the Certified Nursing Assistant Registry
18 and has a procedure in place to receive and investigate complaints of abuse, neglect, and
19 exploitation that originate in a licensed health care facility that, when substantiated, are listed
20 as adverse findings in the registry; and

21 WHEREAS, the Division of Aging Services of the Department of Human Services is
22 responsible for administering Adult Protective Services to review and investigate complaints
23 of abuse, neglect, and exploitation that originate outside of a licensed health care facility and
24 maintain records of substantiated cases on individuals; and

25 WHEREAS, oftentimes the people charged in a criminal court with abuse, neglect, or
26 exploitation of a senior or an individual with a disability are able to plea down to a lesser
27 charge, thereby making it impossible for a potential employer to know of these charges
28 during a standard preemployment background check; and

29 WHEREAS, the State of Tennessee has an abuse registry in its state that was created by
30 legislation in 1987 "to put the public on notice of potential offenders, in order to protect the
31 health, safety, and welfare of Tennesseans"; in the statute, it states that "any person" who
32 abuses, neglects, or misappropriates the property of a vulnerable person may be placed on
33 the registry; and such registry is housed in the Department of Health; and

34 WHEREAS, Senate Bill 138 was passed in 2015, and Section 11 of such bill created a Child
35 Abuse Registry in Georgia to list substantiated cases and convicted cases of child abuse to
36 assist abuse investigators and to provide information to the state agencies that license care
37 providers; and

38 WHEREAS, to create an expansive, comprehensive state-wide abuser registry will require
39 the collaboration and cooperation of several state agencies that investigate crimes of abuse,
40 neglect, and exploitation of vulnerable populations; a reliable integrated data base; a
41 department to maintain the registry; and the use of the court system to allow for proper
42 appeals for those placed on the abuser registry; and

43 WHEREAS, it is important for Georgia to protect its elderly and disabled residents from
44 perpetrators of abuse, neglect, and exploitation and maintain its leadership in combating elder
45 abuse.

46 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

47 (1) **Creation of joint study committee.** There is created the House Study Committee
48 on a Georgia Abuser Registry.

49 (2) **Members and officers.** The committee shall be composed of five members of the
50 House of Representatives to be appointed by the Speaker of the House of

51 Representatives. The Speaker shall designate a member of the committee as chairperson
52 of the committee.

53 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
54 issues, and problems mentioned above or related thereto and recommend any action or
55 legislation which the committee deems necessary or appropriate.

56 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
57 may conduct such meetings at such places and at such times as it may deem necessary or
58 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
59 accomplish the objectives and purposes of this resolution.

60 (5) **Allowances and funding.** The legislative members of the committee shall receive
61 the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia
62 Annotated. The allowances authorized by this resolution shall not be received by any
63 member of the committee for more than five days unless additional days are authorized.
64 Funds necessary to carry out the provisions of this resolution shall come from funds
65 appropriated to the House of Representatives.

66 (6) **Report.**

67 (A) In the event the committee adopts any specific findings or recommendations that
68 include suggestions for proposed legislation, the chairperson shall file a report of the
69 same prior to the date of abolishment specified in this resolution, subject to
70 subparagraph (C) of this paragraph.

71 (B) In the event the committee adopts a report that does not include suggestions for
72 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
73 of this paragraph.

74 (C) No report shall be filed unless the same has been approved prior to the date of
75 abolishment specified in this resolution by majority vote of a quorum of the committee.
76 A report so approved shall be signed by the chairperson of the committee and filed with
77 the Clerk of the House of Representatives.

78 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
79 House of Representatives a copy of the minutes of the meetings of the committee in lieu
80 thereof.

81 (7) **Abolishment.** The committee shall stand abolished on December 1, 2016.