

SENATE RESOLUTION NO. 51

BY SENATORS BARROW AND JACKSON

A RESOLUTION

To memorialize the Congress of the United States to take necessary actions to review and enact federal law to fully protect developmentally and physically disabled federal benefit recipients from sexual and physical exploitation or abuse by payees and fiduciaries.

WHEREAS, the Social Security Administration, through its Representative Payment Program, appoints family, friends, or other individuals to serve as payees' representatives for beneficiaries who are incapable of managing their Social Security or Supplemental Security Income (SSI) payments due to age, developmental disability, physical disability, or mental disability; and

WHEREAS, the United States Department of Veterans Affairs, through its Fiduciary Program, appoints family, friends, or other individuals to serve as fiduciaries and receive payments for veterans who are physically or mentally incapable of managing their veterans benefit payments due to physical injury, disease, or age; and

WHEREAS, recent medical testimony before the Louisiana Senate Select Committee on Women and Children revealed that developmentally or physically disabled patients were being sexually and physically exploited and abused by caregivers who were also payees; and

WHEREAS, studies have shown that children are more likely to be abused if they are living with certain caregivers, and disabled adults with developmental disabilities are more likely to be abused compared to the general population; and

WHEREAS, the Social Security Administration and the United States Department of Veterans Affairs both have programs to assess and review the suitability of payees and fiduciaries; and

WHEREAS, the Senate finds that greater efforts must be made to protect developmentally or physically disabled federal benefit recipients from exploitation and abuse by certain caregivers who are payees or fiduciaries; and

WHEREAS, Social Security recipients, SSI recipients, and veterans are entitled to health care benefits through Medicare, Medicaid, and veterans health benefits; and

WHEREAS, Medicare, Medicaid, and veterans health benefits cover an annual wellness visit or routine medical examination with a primary care physician or other health care provider; and

WHEREAS, the Senate of the Legislature of Louisiana finds that it would further protection efforts to require developmentally or physically disabled recipients of Social Security, SSI, or veterans benefits to undergo an annual medical examination with their primary care physician outside of the view of a caregiver so as to eliminate or minimize the possibility of sexual or physical exploitation or abuse from their caregiver who is also a payee or fiduciary.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana memorializes the Congress of the United States to take necessary actions to review and enact federal law to fully protect developmentally or physically disabled federal benefit recipients from sexual and physical exploitation or abuse by payees and fiduciaries.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

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PRESIDENT OF THE SENATE