

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - ELDERLY AFFAIRS
DEPARTMENT

Introduced By: Senator Erin Lynch Prata

Date Introduced: February 27, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 42-66-4.1 of the General Laws in Chapter 42-66 entitled "Elderly
2 Affairs Department" is hereby amended to read as follows:

3 **42-66-4.1. Definitions.**

4 As used in this chapter:

5 (1) "Abuse" means physical abuse, sexual abuse, and/or emotional abuse of an elderly
6 person by a caregiver as defined in subsection (5).

7 (a) "Physical abuse" means the ~~willful~~ infliction of physical pain or injury (e.g. slapping,
8 bruising or restraining) upon an elderly person.

9 (b) "Sexual abuse" means the infliction of non-consensual sexual contact of any kind
10 upon an elderly person. Sexual abuse includes, but is not limited to, sexual assault, rape, sexual
11 misuse or exploitation of an elder, as well as threats of sexual abuse where the perpetrator has the
12 intent and the capacity to carry out the threatened abuse.

13 (c) "Emotional abuse" means a pattern of ~~willful~~ infliction of mental or emotional harm
14 upon an elder by threat, intimidation, isolation or other abusive conduct.

15 (2) "Exploitation" means the fraudulent or otherwise illegal, unauthorized or improper act
16 or process of an individual, including, but not limited to, a caregiver or fiduciary, that uses the
17 resources of an elder for monetary or personal benefit, profit, gain, or that results in depriving an
18 elder of rightful access to, or use of, benefits, resources, belongings, or assets by use of undue

1 influence, harassment, duress, deception, false representation or false pretenses.

2 (3) "Neglect" means the ~~willful~~ failure by a caregiver or other person with a duty of care
3 to provide goods or services necessary to avoid physical harm, mental harm or mental illness to
4 an elderly person, including, but not limited to, "abandonment" (withdrawal of necessary
5 assistance) and denial of food or health related services.

6 (4) ~~"Willful" means intentional, conscious and directed toward achieving a purpose.~~

7 (5) "Caregiver" means a person who has assumed the responsibility for the care of the
8 elderly person voluntarily, by contract or by order of a court of competent jurisdiction, or who is
9 otherwise legally responsible for the care of the elderly person.

10 (6) "Self-neglect" means a pattern of behavior in an elderly person that directly,
11 imminently and significantly threatens his/her own health and/or, safety. Self-neglect includes,
12 but is not limited to, an inability or an incapacity to provide self with food, water, shelter, or
13 safety to the point of establishing imminent risk of any of the harm(s) described in the
14 immediately preceding sentence.

15 (7) "Protective services" means services and/or action intended to prevent and/or alleviate
16 the abuse, neglect, exploitation or self-neglect of elderly persons. Protective services may include
17 supervision, counseling, and assistance in securing health and supportive services, safe living
18 accommodations and legal intervention.

19 (8) "Elderly person" or "elder" means any person sixty (60) years of age or older.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would amend the definitions of abuse and neglect with regard to elderly affairs
- 2 by deleting the term "willful". This act would also delete the definition of willful.
- 3 This act would take effect upon passage.

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