

An Act

ENROLLED HOUSE

BILL NO. 3328

By: McEntire, Derby and West
(Josh) of the House

and

Pugh and Pittman of the
Senate

An Act relating to the elderly and vulnerable adults; creating the Commission on the Prevention of Abuse of Elderly and Vulnerable Adults; providing termination date; providing for membership; setting deadline for appointments; providing for filling of vacancies; establishing deadline for organizational meeting; providing for chair and vice-chair; authorizing meetings; stating duties of Commission; requiring Commission to report findings and recommendations to the Governor and Legislature by a specified date; prohibiting compensation of Commission members; prohibiting travel reimbursement for Commission members; requiring Commission to comply with specified acts; providing for staff assistance; and providing for noncodification.

SUBJECT: Elderly and vulnerable adults

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created to continue until December 31, 2019, the "Commission on the Prevention of Abuse of Elderly and Vulnerable Adults".

B. The Commission shall consist of fourteen (14) members as follows:

1. The Attorney General of Oklahoma or designee;
2. The Director of the Oklahoma Department of Human Services or designee;
3. The Administrative Director of the Courts or designee;
4. The Executive Coordinator of the District Attorneys Council or designee;
5. The Commissioner of the Department of Mental Health and Substance Abuse Services or designee;
6. An attorney in private practice with experience in guardianship casework, appointed by the Governor;
7. A guardian of a family member with diminished capacity, appointed by the Governor;
8. A health care provider or employee of a health care provider, appointed by the Governor;
9. A member of the House of Representatives, appointed by the Speaker of the House of Representatives;
10. A member of a statewide organization that advocates on behalf of the elderly and family caregivers, appointed by the Speaker of the House of Representatives;
11. A member of a local or statewide organization that advocates on behalf of adults with intellectual and physical disabilities, appointed by the Speaker of the House of Representatives;
12. A member of the Senate, appointed by the President Pro Tempore of the Senate;
13. A member of the Oklahoma Bar Association, appointed by the President Pro Tempore of the Senate; and
14. A member of a local area agency on aging, appointed by the President Pro Tempore of the Senate.

C. Appointments to the Commission shall be made by October 1, 2018. Members of the Commission shall serve at the pleasure of the

appointing authority. A vacancy on the Commission shall be filled by the appointing authority.

D. The Commission shall convene no later than December 1, 2018, to conduct an organizational meeting. The Attorney General of Oklahoma or designee shall chair the Commission. The Commission shall elect a vice-chair at the organizational meeting. A majority of the members present at a meeting shall constitute a quorum to conduct business. The Commission shall be authorized to meet at such times as may be required in order to fulfill the duties imposed upon the Commission in subsection E of this section.

E. The Commission shall study, evaluate and make recommendations for any changes to state policy, rules or statutes to better provide adequate protections and services for individuals who may be at risk for abuse, neglect or exploitation under existing adult guardianship laws by reviewing the following:

1. Existing guardianship statutes to determine if changes could improve protections for elderly and disabled adults;

2. The guardianship services available to individuals through the Oklahoma Department of Human Services;

3. Efforts at the local level to provide guardianship services; and

4. Funding needs and availability for guardianship services, including an examination of existing and potential funding sources.

F. The Commission shall prepare a report of its findings and recommendations for the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives by December 1, 2019.

G. Members of the Commission shall receive no compensation for serving on the Commission and no reimbursement for travel.

H. The Commission shall be subject to the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

I. Staff assistance for the Commission shall be provided by the Oklahoma State Senate and the Oklahoma House of Representatives.

Passed the House of Representatives the 1st day of May, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 18th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____