

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3328

By: McEntire and Derby of the
House

5 and

6 Pugh of the Senate
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10 AS INTRODUCED

11 An Act relating to the elderly and vulnerable adults;
12 creating the Commission on the Prevention of Abuse of
13 Elderly and Vulnerable Adults; providing termination
14 date; providing for membership; setting deadline for
15 appointments; providing for filling of vacancies;
16 establishing deadline for organizational meeting;
17 directing election of a chair and vice-chair;
18 authorizing meetings; stating duties of Commission;
19 requiring Commission to report findings and
20 recommendations to the Governor and Legislature by a
21 specified date; prohibiting compensation of
22 Commission members; requiring travel reimbursement
23 for Commission members; requiring Commission to
24 comply with specified acts; providing for staff
 assistance; and providing for noncodification.

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

22 SECTION 1. NEW LAW A new section of law not to be
23 codified in the Oklahoma Statutes reads as follows:
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1 A. There is hereby created to continue until December 31, 2019,
2 the "Commission on the Prevention of Abuse of Elderly and Vulnerable
3 Adults".

4 B. The Commission shall consist of thirteen (13) members as
5 follows:

6 1. The Director of the Oklahoma Department of Human Services or
7 designee;

8 2. The Administrative Director of the Courts or designee;

9 3. The Executive Coordinator of the District Attorneys Council
10 or designee;

11 4. The Commissioner of the Department of Mental Health and
12 Substance Abuse Services or designee;

13 5. An attorney in private practice with experience in
14 guardianship casework, appointed by the Governor;

15 6. A guardian of a family member with diminished capacity,
16 appointed by the Governor;

17 7. A health care provider or employee of a health care
18 provider, appointed by the Governor;

19 8. A member of the House of Representatives, appointed by the
20 Speaker of the House of Representatives;

21 9. A member of a statewide organization that advocates on
22 behalf of the elderly and family caregivers, appointed by the
23 Speaker of the House of Representatives;

1 10. A member of a local or statewide organization that
2 advocates on behalf of adults with intellectual and physical
3 disabilities, appointed by the Speaker of the House of
4 Representatives;

5 11. A member of the Senate, appointed by the President Pro
6 Tempore of the Senate;

7 12. A member of the Oklahoma Bar Association, appointed by the
8 President Pro Tempore of the Senate; and

9 13. A member of a local area agency on aging, appointed by the
10 President Pro Tempore of the Senate.

11 C. Appointments to the Commission shall be made by October 1,
12 2018. Members of the Commission shall serve at the pleasure of the
13 appointing authority. A vacancy on the Commission shall be filled
14 by the appointing authority.

15 D. The Commission shall convene no later than December 1, 2018,
16 to conduct an organizational meeting. The Commission shall elect a
17 chair and vice-chair at the organizational meeting. A majority of
18 the members present at a meeting shall constitute a quorum to
19 conduct business. The Commission shall be authorized to meet at
20 such times as may be required in order to fulfill the duties imposed
21 upon the Commission in subsection E of this section.

22 E. The Commission shall study, evaluate and make
23 recommendations for any changes to state policy, rules or statutes
24 to better provide adequate protections and services for individuals

1 who may be at risk for abuse, neglect or exploitation under existing
2 adult guardianship laws by reviewing the following:

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

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

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

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

11 F. The Commission shall prepare a report of its findings and
12 recommendations for the Governor, President Pro Tempore of the
13 Senate and the Speaker of the House of Representatives by December
14 1, 2019.

15 G. Members of the Commission shall receive no compensation for
16 serving on the Commission, but shall receive travel reimbursement as
17 follows:

18 1. State employees who are members of the Commission shall be
19 reimbursed for travel expenses incurred in the performance of their
20 duties by their respective agencies in accordance with the State
21 Travel Reimbursement Act in Title 74 of the Oklahoma Statutes;

22 2. Legislative members of the Commission shall be reimbursed
23 for necessary travel expenses incurred in the performance of their
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1 duties in accordance with the provisions of Section 456 of Title 74
2 of the Oklahoma Statutes; and

3 3. All other members of the Commission shall be reimbursed by
4 the Office of Management and Enterprise Services for travel expenses
5 incurred in the performance of their duties in accordance with the
6 State Travel Reimbursement Act.

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH SERVICES AND LONG-TERM
13 CARE, dated 02/14/2018 - DO PASS, As Coauthored.

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