

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3328

By: McEntire

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6 AS INTRODUCED

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

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

24 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 thirteen (13) members as
follows:

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

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

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

5 C. Appointments to the Commission shall be made by October 1,
6 2018. Members of the Commission shall serve at the pleasure of the
7 appointing authority. A vacancy on the Commission shall be filled
8 by the appointing authority.

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

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

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

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

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

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

5 F. The Commission shall prepare a report of its findings and
6 recommendations for the Governor, President Pro Tempore of the
7 Senate and the Speaker of the House of Representatives by December
8 1, 2019.

9 G. Members of the Commission shall receive no compensation for
10 serving on the Commission, but shall receive travel reimbursement as
11 follows:

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

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

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

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

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

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