

Committee on Children, Families, and Elder Affairs

SB 1396 — Department of Elderly Affairs

by Senator Garcia

The bill makes several changes to certain programs operated within the Department of Elder Affairs (DOEA). Specifically, the bill:

- Permits Long-Term Care Ombudsman Program staff employed in the state office of the Program to become certified as ombudsmen;
- Deletes obsolete language relating to the DOEA joining the Background Screening Clearinghouse within the Agency for Health Care Administration (the AHCA), and includes certain persons within the definition of ‘direct service provider’ who require a level 2 background screening;
- Revises the duties of the executive director of the Office of Public and Professional Guardianship (the OPPG) to include offering and making certain information about alternatives to and types of guardianship available for dissemination by the Area Agencies on Aging and Aging Resource Centers throughout the state;
- Increases the number of continuing education hours of professional guardians from 16 to 30 hours every two years and requires certain additional topics for such training;
- Reorganizes language for clarity and requires the OPPG to notify complainants no later than 10 business days after the OPPG determines that a complaint is not legally sufficient;
- Revises the number of days within which the OPPG must complete and provide any initial investigative findings and recommendations to both the guardian and the complainant from 60 to 45 days;
- Requires the OPPG to provide both the guardian and the complainant with a written statement specifying any finding of a violation of a standard of practice by a professional guardian and any actions taken or specifying that no such violation was found within 10 business days after completing an investigation; and
- Requires the Clerks of the Circuit Court (Clerks) to report sanctions imposed by the court on a professional guardian to the OPPG within a specified time frame.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 110-0