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LC004804

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IN GENERAL ASSEMBLY

AN ACT

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE OFFICE OF THE ELDER
ADVOCATE

Referred To: House State Government & Elections

SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

THE OFFICE OF THE ELDER ADVOCATE

Older adults are the fastest-growing population in Rhode Island; however, their voices are often fragmented across agencies and programs. While the long-term care ombudsman can address the rights of residents living in licensed long-term care facilities, the majority of older adults— those living in their own homes and independent housing— lack a dedicated, independent advocate able to protect their rights. The purpose of the elder advocate is to promote the rights, dignity, and well-being of older Rhode Islanders holistically across settings including, but not limited to, issues relating to age discrimination, financial exploitation, housing, access to benefits, guardianship and identifying systemic service gaps.

(1) "Elder advocate" means the person provided for in § 42-66.14-4.

1 (2) "Office" means the office of the elder advocate.

2 (3) "Older adult" means an individual sixty (60) years of age or older.

3 **42-66.14-4. Establishment -- Appointment -- Term.**

4 (a) The office of the elder advocate is hereby established.

5 (b) The governor, with the advice and consent of the senate, shall appoint a member of the
6 bar who has practiced law for at least five (5) years in Rhode Island to fill the office of the elder
7 advocate. The appointee shall be a person qualified by training and experience in legal matters
8 pertaining to elder rights, government benefits, elder abuse and neglect, and guardianship.

9 (c) The elder advocate shall hold office for a term of five (5) years and shall continue to
10 hold office until their successor is appointed and qualified.

11 **42-66.14-5. Duties.**

12 (a) The elder advocate and/or designee shall have the following duties:

13 (1) Receive and respond to complaints from individual older adults regarding issues related
14 to infringement of their rights;

15 (2) Advocate for systemic improvements in aging services and protections;

16 (3) Monitor state agencies and programs for elder responsiveness and equity;

17 (4) Educate the public on elder rights, services, and protections;

18 (5) Convene stakeholders, including older adults, caregivers, and community leaders; and

19 (6) Refer individual facility complaints to the long-term care ombudsman, while retaining
20 authority over broader systemic issues.

21 **42-66.14-6. Authority.**

22 (a) The elder advocate and/or designee shall have the right and power to:

23 (1) Communicate privately, by mail or orally, with any older adult seeking assistance from
24 the office for matters related to infringement of their rights;

25 (2) Where authorized, access, inspect, copy, and/or subpoena documents in the custody of:

26 (i) Clerks of the family and probate courts;

27 (ii) Law enforcement agencies;

28 (iii) Healthcare providers within and beyond the State of Rhode Island with whom an older
29 adult has sought or received medical attention or treatment;

30 (iv) State agencies; and

31 (v) Any other public or private entity.

32 (3) Take whatever steps are appropriate to see that persons are made aware of the services
33 of the office, its purpose, and how it can be contacted; and

34 (4) Apply for and accept grants, gifts, and bequests of funds from state agencies, other

1 states, federal and interstate agencies and independent authorities, and private firms, individuals
2 and foundations, for the purpose of carrying out the provisions of § 42-66.14-2. Such funds shall
3 be deposited with the general treasurer in a restricted receipt account established within the office
4 to permit funds to be expended in accordance with the provisions of the grant or bequest.

5 **42-66.14-7. Designees of elder advocate.**

6 The elder advocate may appoint staff and designees as may be deemed necessary, whose
7 powers and duties shall be those imposed upon the elder advocate by law and shall be performed
8 under and by the advice and direction of the elder advocate.

9 **42-66.14-8. Appropriations.**

10 (a) The general assembly shall annually appropriate such sums as it may deem necessary
11 for payment of:

12 (1) The salary of the elder advocate;

13 (2) The salaries of the person(s) appointed pursuant to § 42-66.14-7;

14 (3) Legal and administrative assistance as may be necessary; and

15 (4) Office expenses and other actual expenses incurred by the elder advocate in the
16 performance of the elder advocate's duties.

17 (b) The state controller is hereby authorized and directed to draw their orders upon the
18 general treasurer for the payment of the sum(s) provided for in subsection (a) of this section, as
19 may from time to time be required, upon receipt of proper vouchers approved by the elder advocate.

20 **42-66.14-9. Reporting.**

21 Annually, the elder advocate shall submit a detailed report analyzing the work of the office
22 and any recommendations resulting therefrom to the governor, the speaker of the house of
23 representatives, and the president of the senate.

24 **42-66.14-10. Confidentiality.**

25 (a) Any and all records of the office pertaining to any older adult who has sought assistance
26 or is being assisted by the office shall be considered confidential.

27 (b) Any and all information contained in the records provided for in subsection (a) of this
28 section shall not be disclosed publicly in any manner that would identify any individual; provided,
29 however, that such records may be made disclosed to persons with the authorization of the older
30 adult or upon application and for good cause shown by the family court.

31 **42-66.14-11. Exemption from court fees, charges.**

32 Any older adult who is represented by the office shall not be required to pay any fees to
33 any district, superior, family, or supreme court of this state, or the clerks thereof, or any fees or
34 charges for the services or travel of deputy sheriffs for serving any writ, citation, subpoena, or other

1 [process or for making copies of the writs.](#)

2 **42-66.14-12. Indemnification.**

3 [The State of Rhode Island shall protect and hold harmless any attorney, investigator, social](#)
4 [worker, or other person employed by the office and/or any volunteer appointed by the elder](#)
5 [advocate, from financial loss and expense, including legal fees and costs, if any, arising from any](#)
6 [claim, demand, or suit for damages resulting from acts or omissions committed in the discharge of](#)
7 [the person's duties within the scope of the person's employment or appointment which may](#)
8 [constitute negligence as determined by a court of competent jurisdiction; provided, however, that](#)
9 [wanton, malicious, or grossly negligent acts shall not be subject to such indemnification.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE OFFICE OF THE ELDER
ADVOCATE

- 1 This act would establish the office of the elder advocate to promote the rights of older
- 2 adults in Rhode Island.
- 3 This act would take effect upon passage.

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