SPONSOR: Rep. Dorsey Walker & Rep. Bush & Sen. Hoffner
Reps. Collins, K. Johnson, Parker Selby, Spiegelman;
Sens. Gay, Huxtable, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 298
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE VULNERABLE ADULT POPULATIONS COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 11A. VULNERABLE ADULT POPULATIONS COMMISSION.

§ 1101A. Purpose.

The Vulnerable Adult Populations Commission is established to improve the response to and reduce the incidents of vulnerable adult abuse, neglect, and exploitation in this State.

§ 1102A. Definitions.

As used in this chapter:

(1) "Abuse" means as defined in § 3902 of Title 31.

(2) "Commission" means the Vulnerable Adult Populations Commission.

(3) "Exploitation" means as defined in § 3902 of Title 31.

(4) "Neglect" means as defined in § 3902 of Title 31.

(5) "Vulnerable adult" means as defined in § 1105 of Title 11.

§ 1103A. Appointment; composition; qualifications; term of office; removal; compensation.

(a) The Commission consists of 19 members, as follows:

(1) Ten members serving by virtue of position, or a designee selected by the member, as follows;

a. The Secretary of the Department of Health and Social Services.

b. The Director of the Division of Services for Aging and Adults with Physical Disabilities.

c. The Director of the Division of Health Care Quality.

d. The Long Term Care Ombudsman.

e. The Chancellor of the Court of Chancery.

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f. The Attorney General.

g. The Public Guardian.

h. The Chair of the Domestic Violence Coordinating Council.

i. The Superintendent of the Delaware State Police.

j. The Chief Medical Examiner.

(2) One member of the House of Representatives, or the member's designee, appointed by the Speaker of the House of Representatives.

(3) One member of the Senate, or the member's designee, appointed by the President Pro Tempore of the Senate.

(4) Seven members appointed by the Governor as follows:

a. A board-certified physician licensed to practice in Delaware.

b. One individual from the Senior Protection Initiative.

c. One individual from a law enforcement agency other than the State Police. This member may select a designee.

d. Four individuals from the vulnerable adult protection community.

(b) Members who are granted the ability to select a designee must provide the designation in writing to the Commission chair. A designee serves at the pleasure of and has the same duties and rights as the member who provided the designation.

(c) Each member appointed under paragraph (a)(4) of this section is appointed for a period of 3 years and may serve 1 additional term. Each term expires on the date specified in the appointment; however, a member remains eligible to participate in Commission proceedings until the Governor replaces that member.

(d) The Governor may appoint a member under paragraph (a)(4) for a term of less than 3 years to ensure that the members' terms expire on a staggered basis.

(e) A member does not receive compensation but may be reimbursed for actual and necessary expenses incurred in the performance of the member's official duties.

(f) A member may be removed by the member's appointing authority for gross inefficiency, misfeasance, nonfeasance, malfeasance, or neglect of duty in office. A member is deemed in neglect of duty if the member is absent from 3 consecutive, regular Commission meetings or attends less than 50% of Commission meetings in a calendar year. The member's appointing authority may consider the member to have resigned and may accept the member's resignation.

§ 1104A. Meetings; quorum; officers; committees; procedure.

(a) The Commission shall meet at least 4 times per year.

(b) The number of members who must be present at a Commission meeting to have a quorum and conduct official business is the majority of the appointed members.

(c) The Secretary of the Department of Health and Social Services shall convene the initial Commission meeting. At the initial meeting, the Commission shall elect a chair and vice-chair from among its members. Thereafter, the Commission shall elect a chair and vice-chair annually, in December.

(d) The Commission chair shall convene, preside over, and prepare an agenda for each Commission meeting. The vice-chair shall act as chair in the chair's absence.

(e) The Commission shall adopt regulations establishing the rules of procedure governing its operations under Chapters 100 and 101 of Title 29. Regulations may not permit proxy voting.

(f) The Commission may establish committees to assist in planning, policy, goal, and priority recommendations, and developing implementation plans to achieve the Commission's purpose. Each committee is composed of Commission members and other knowledgeable individuals, as the Commission deems appropriate.

(g) The Secretary of the Department of Health and Social Services shall provide reasonable and necessary staff support and materials for the Commission.

§ 1105A. Powers; duties.

The Commission shall do all of the following:

(1) Continuously study all of the following, as they relate to vulnerable adult abuse, neglect, and exploitation:

a. Delaware court services and procedures.

b. Delaware law enforcement procedures and protocol.

c. Delaware criminal justice data collection and analysis.

(2) Effectuate coordination among Delaware agencies, departments, and courts to benefit vulnerable adults who are victims of abuse, neglect, or exploitation.

(3) Promote effective prevention, intervention, and service provision based on research and data.

(4) Recommend standards to state agencies and departments regarding programs or services that serve perpetrators or victims of vulnerable adult abuse, neglect, or exploitation.

(5) Review and provide feedback on introduced legislation relating to vulnerable adult abuse, neglect, or exploitation at the request of a member of the General Assembly or on the Commission's own initiative.

(6) Submit a written report by March 15 of each year of the Commission's activities and recommendations to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Chief

Justice of the Supreme Court of Delaware, with copies to the Director and the Librarian of the Division of Research. This report must include at least each systemic change that was effectuated as a result of the Commission's work over the year of the report.

§ 1106A. Immunity.

(a) A Commission member, including a designee, who serves under this chapter must do so in good faith and with reasonable care. Unless it is established that the member caused injuries or death as a result of unreasonable care, willfully, wantonly, or by gross negligence, the member is not subject to any of the following as a result of the member's action:

(1) Disciplinary or other adverse action under the professional licensing laws of this State.

(2) Criminal liability.

(3) Civil liability.

(b) A person, including a state agency, that furnishes information, data, testimony, a report, or a record to the Commission or a review panel under this chapter is not subject to any of the following as a result of the person's furnishment:

(1) Disciplinary or other adverse action under the professional licensing laws of this State.

(2) Criminal liability.

(3) Civil liability.