

By: Pat Porter

No: T001

Committee: (H&HS)_____

RESOLUTION

A RESOLUTION TO: Protect nursing home residents from eviction or other exploitation by legal representatives including family members.

WHEREAS, when family members who have been appointed as legal representatives by nursing home resident refuse to pay the facilities for the ward's care thereby making the ward subject to risk of eviction; and

WHEREAS, Adult Protective Services is the agency delegated to investigate these allegations, but often the case is not investigated to the fullest extent because of limited resources and because of the interpretation by APS that because the resident (ward) is deemed to be "presently" safe (in the facility); and because most law enforcement agencies consider this to be a breach of contract, not theft; and

WHEREAS, laws do not currently exist to have law enforcement agencies to actively pursue these thefts and the residents do not always have recourse to a guardian ad litem to protect their interests against these family members;

now, therefore, be it

RESOLVED: That the 10th Texas Silver-Haired Legislature encourage and strongly recommend that the 79th Texas Legislature pass legislation that will better protect nursing home residents from eviction and other exploitation by their legal representatives

PASSED AND APPROVED this ____ day of September, 2004, by

the _____ Committee,

Chair

PASSED AND APPROVED this ____ day of September, 2004, by

by the Texas Silver-Haired Legislature.

Chris Kyker, Speaker

ATTEST:

Al Campbell, Secretary