

2020 Second Extraordinary Session

SENATE RESOLUTION NO. 51

BY SENATOR BARROW

CONGRESS. Memorializes Congress to enact legislation to further protect certain developmentally and physically disabled social security, SSI, and veterans benefits recipients from sexual and physical exploitation or abuse by payees and fiduciaries.

1 A RESOLUTION

2 To memorialize the Congress of the United States to take necessary actions to review and  
3 enact federal law to fully protect developmentally and physically disabled federal  
4 benefit recipients from sexual and physical exploitation or abuse by payees and  
5 fiduciaries.

6 WHEREAS, the Social Security Administration, through its Representative Payment  
7 Program, appoints family, friends, or other individuals to serve as payees' representatives for  
8 beneficiaries who are incapable of managing their Social Security or Supplemental Security  
9 Income (SSI) payments due to age, developmental disability, physical disability, or mental  
10 disability; and

11 WHEREAS, the United States Department of Veterans Affairs, through its Fiduciary  
12 Program, appoints family, friends, or other individuals to serve as fiduciaries and receive  
13 payments for veterans who are physically or mentally incapable of managing their veterans  
14 benefit payments due to physical injury, disease, or age; and

15 WHEREAS, recent medical testimony before the Louisiana Senate Select Committee  
16 on Women and Children revealed that developmentally or physically disabled patients were  
17 being sexually and physically exploited and abused by caregivers who were also payees; and

18 WHEREAS, studies have shown that children are more likely to be abused if they

1 are living with certain caregivers, and disabled adults with developmental disabilities are  
2 more likely to be abused compared to the general population; and

3 WHEREAS, the Social Security Administration and the United States Department  
4 of Veterans Affairs both have programs to assess and review the suitability of payees and  
5 fiduciaries; and

6 WHEREAS, the Senate finds that greater efforts must be made to protect  
7 developmentally or physically disabled federal benefit recipients from exploitation and  
8 abuse by certain caregivers who are payees or fiduciaries; and

9 WHEREAS, Social Security recipients, SSI recipients, and veterans are entitled to  
10 health care benefits through Medicare, Medicaid, and veterans health benefits; and

11 WHEREAS, Medicare, Medicaid, and veterans health benefits cover an annual  
12 wellness visit or routine medical examination with a primary care physician or other health  
13 care provider; and

14 WHEREAS, the Senate of the Legislature of Louisiana finds that it would further  
15 protection efforts to require developmentally or physically disabled recipients of Social  
16 Security, SSI, or veterans benefits to undergo an annual medical examination with their  
17 primary care physician outside of the view of a caregiver so as to eliminate or minimize the  
18 possibility of sexual or physical exploitation or abuse from their caregiver who is also a  
19 payee or fiduciary.

20 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
21 memorializes the Congress of the United States to take necessary actions to review and enact  
22 federal law to fully protect developmentally or physically disabled federal benefit recipient  
23 from sexual and physical exploitation or abuse by payees and fiduciaries.

24 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted  
25 to the secretary of the United States Senate and the clerk of the United States House of  
26 Representatives and to each member of the Louisiana delegation to the United States  
27 Congress.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SR 51 Original

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Memorializes Congress to take necessary actions to review and enact federal law to fully protect developmentally and physically disabled federal benefit recipients from sexual and physical exploitation or abuse by payees and fiduciaries.