

YEAR IN REVIEW

DEVELOPMENTS ON THE NATIONAL AND STATE LEVELS

MCEAP 2016 ELDER ABUSE SUMMIT

May 12, 2016

Lynne Caswell, Legal Assistance Developer

Office of Aging and Disability Services

FEDERAL

- EIFFE
- CFPB
- ACL APS GUIDELINES
- NAMRS
- DOJ
- OOA REAUTHORIZATION
- MODEL CIVIL FINANCIAL EXPLOITATION STATUTE
- EJCC

STATE

- EASI
- APS GOALS ATTAINMENT
- FAST
- LSE / BSB WARM HAND-OFF PILOT
- USM NIJ GRANT
- MCEAP

FEDERAL

EIFFE

Elder Investment Fraud and Financial Exploitation Prevention Program - Legal

American Bar Association, Commission on Law and Aging through
a grant from the Investor Protection Trust

National Pilot Test – 6 States

GOALS

- RECOGNIZE client's possible vulnerability to investment fraud and financial exploitation due to mild cognitive impairments
- IDENTIFY investment fraud and financial exploitation
- REPORT suspected investment fraud and financial exploitation to appropriate authorities

OUTCOMES

- Develop model national curricula for wide array practitioners
 - Elder law
 - Trusts & estate law
 - Family law
 - Tax law
 - Business law

Launched in Maine @ MSBA Summer Meeting

June 26, 2015

Maine's Advisory Committee

- Maine's Office of Securities
- Maine Board of Bar Overseers
- Maine's Adult Protective Services
- Maine's Legal Services for the Elderly
- Maine's Legal Assistance Developer
- Investment Protection Org
- ABA, Commission on Law and Aging

CFPB

U.S. Consumer Financial Protection Bureau

MANAGING SOMEONE ELSE'S MONEY

Help for agents under a power of attorney

cfpb Consumer Financial
Protection Bureau

MANAGING SOMEONE ELSE'S MONEY

Help for representative payees and VA fiduciaries

cfpb Consumer Financial
Protection Bureau

<http://www.consumerfinance.gov/managing-someone-elses-money/>

Protecting residents from financial exploitation

A manual for assisted living and nursing facilities



MANAGING SOMEONE ELSE'S MONEY

Help for court-appointed guardians of property and conservators



Older Americans are not alone in the fight to stop financial abuse

By [Stacy Canan Naomi Karp](#) - MAR 23, 2016

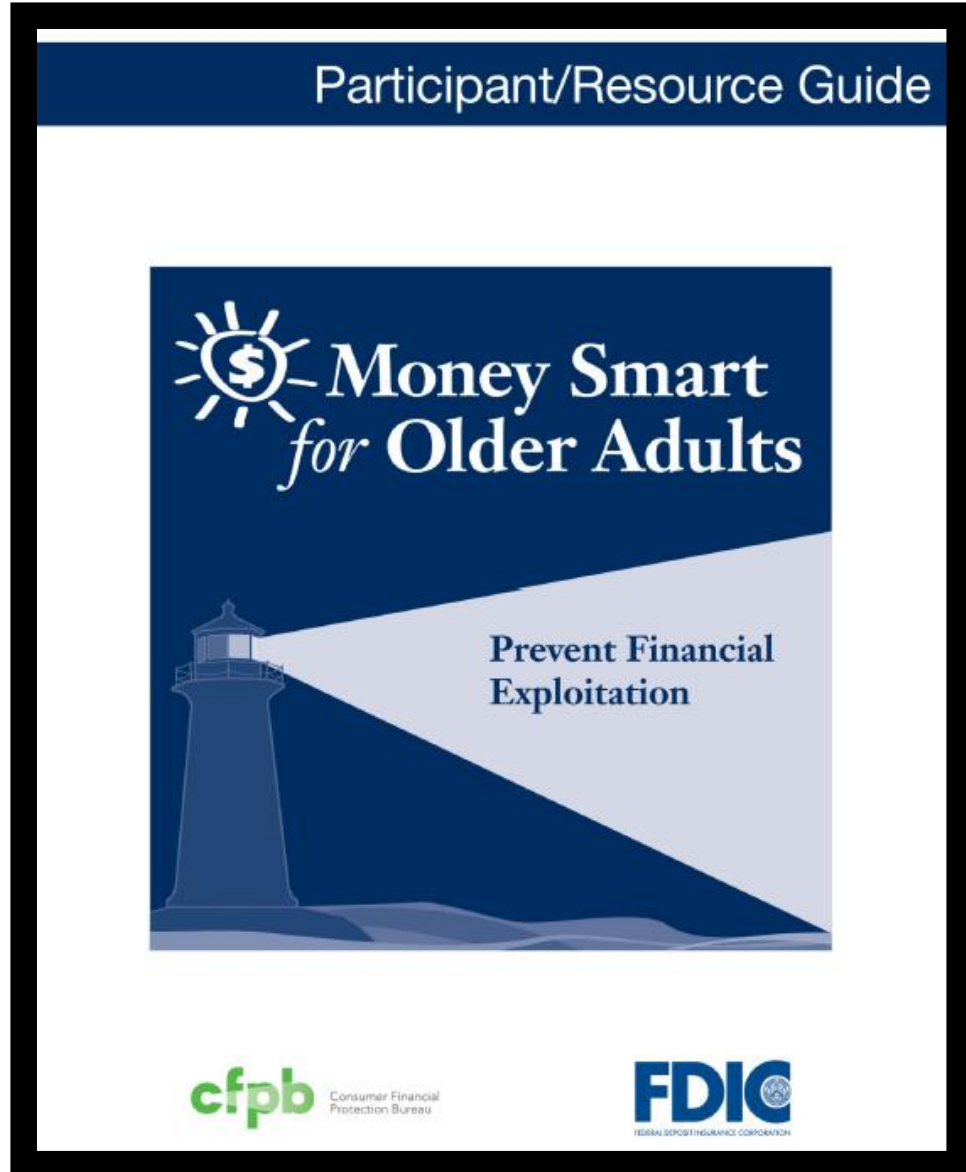
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Table of Contents

(excerpts)

- Common Types of Older Adult Financial Exploitation
- Telephone Scams
- Identify Theft
- Planning For Unexpected Life Events
- How to Be Financially Prepared
- Scams that Target Homeowners
- Scams that Target Veterans Benefits
- Report Financial Exploitations



CFBP ADVISORY & REPORT FOR FINANCIAL INSTITUTIONS | PREVENTING FINANCIAL ABUSE

Includes Best Practices and Tools to:

- Train staff to recognize abuse
- Use fraud detection technologies (i.e. predictive analytics)
- Offer age-friendly services
- Report to authorities

2013 Interagency Guidance on Privacy Laws and Reporting Financial Abuse of Older Adults

- **Board of Governors of the Federal Reserve System**
- **Commodity Futures Trading Commission**
- **Consumer Financial Protection Bureau**
- **Federal Deposit Insurance Corporation**
- **Federal Trade Commission**
- **National Credit Union Administration**
- **Office of the Comptroller of the Currency**
- **Securities and Exchange Commission**

http://files.consumerfinance.gov/f/201309_cfpb_elder-abuse-guidance.pdf

ACL GUIDELINES FOR STATE APS SYSTEMS

Administration on Community Living

Draft Voluntary Consensus

PROCESS FOR DEVELOPING

- ACL reviewed research on APS practice & drafted guidelines
- Engaged Working Group of Experts
- Public Forums
- Public Comments (July 2015 – February 2016)
- Final Guidelines - Fall 2016
- Revisit and update every 2 years

FOCUS AREAS

- Program Administration
- Response Time Frames
- Receiving Reports
- Conducting Investigations
- Service Planning and Intervention
- Training
- Evaluation / Program Performance

NAMRS

National Adult Maltreatment Reporting System

Administration on Community Living, Administration of Aging

1st Comprehensive, National Reporting System for APS Programs

Elder Justice Act of 2009¹

Required the U.S. HHS:

- Collect and disseminate data related to abuse, neglect and exploitation of elders in coordination with the DOJ
- Conduct research related to the provision of APS

Created the Elder Justice Coordinating Council (EJCC)

EJCC's 3rd recommendation – develop a national APS system based upon standardized data collection and a core set of service provision standards and best practices.

¹ 42 USC 13976 *et seq*

2013-15 Pilot Test

9 STATES

Colorado

Georgia

Illinois

Massachusetts

MAINE

Missouri

Montana

Pennsylvania

Texas

- January – December 2015
- Quantitative & Qualitative
- Practices & Policies of APS
- Outcomes of investigations

DOJ

Department of Justice

DOJ Launches 10 Regional Elder Justice Task Forces

Purpose: to coordinate and enhance efforts to pursue nursing homes that provide grossly substandard care to their residents.

Members include representatives from:

- the U.S. Attorneys' Offices;
- State Medicaid Fraud Control Units;
- State and Local Prosecutors' offices;
- the Department of Health and Human Services (HHS),
- State Adult Protective Services agencies;
- Long-Term Care Ombudsman programs; and
- State law enforcement

“Millions of seniors count on nursing homes to provide them with quality care and to treat them with dignity and respect when they are most vulnerable. Yet, all too often we have found nursing home owners or operators who put their own economic gain before the needs of their residents. These task forces will help ensure that we are working closely with all relevant parties to protect the elderly.”

Acting Associate Attorney General Stuart F. Delery

OAA REAUTHORIZATION

Older Americans Act

Signed by President on April 19, 2016

Funding for Elder Justice Programs

- \$20.7 million for the LTCOP (flat-funded)
- \$10 million for the Elder Justice Initiative (+ \$2 million)
- \$3.9 million for Elder Rights Support Activities (flat-funded)
- \$1.7 billion for the Social Services Block Grant (flat-funded)
- \$1.6 billion available for use in FY17 in the Crime Victims Fund (- \$900 million)
- \$6 million available for the Violence Against Women Act Abuse in Later Life program (+ \$2 million)

MODEL CIVIL FINANCIAL EXPLOITATION STATUTE

National Center for Victims of Crime
and
ABA Commission on Law & Aging

EJCC

Elder Justice Coordinating Council

established in 2012

MEMBERS

- US Department of Health and Human Services
- Social Security Administration
- Consumer Financial Protection Bureau
- US Postal Inspection Service
- US Department of Housing and Urban Development
- Attorney General
- US Department of Justice
- US Department of the Treasury
- Federal Trade Commission
- US Department of Veterans Affairs
- US Department of Labor
- Chief Executive Officer
- Corporation for National and Community Service
- US Securities and Exchange Commission

2013 Recommendations

IMPROVING RESPONSE

IMPROVING AWARENESS AND PREVENTION

#1 - Support the Investigation and Prosecution of Elder Abuse Cases

#2 - Enhance Services to Elder Abuse Victims

#3 - Develop a National Adult Protective Services System

#4 - Develop a Federal Elder Justice Research Agenda

#5 - Develop a Broad-Based Public Awareness Campaign

#6 - Cross-disciplinary Training on Elder Abuse

#7 - Combat Elder Financial Exploitation, including Abuse by Fiduciaries

#8 - Improve Screening for Dementia and Cognitive Capacity, Financial Capacity, and Financial Exploitation

Spring 2016 Meeting

hosted by the Senate Special Committee on Aging

Research—Opportunities to Advance the Field

- Jeff Hall, PhD, Centers for Disease Control and Prevention
- Marie Bernard, MD, Deputy Director, National Institute on Aging, National Institutes of Health
- Carrie Mulford, PhD, Department of Justice, National Institute of Justice
- Laura Mosqueda, MD, Director of the National Center on Elder Abuse

Financial Exploitation—Incorporating the Financial Services Industry Into the Work of Elder Justice

- Jason Karlawish, MD, Professor of Medicine, University of Pennsylvania
- Ken Bentsen, CEO, Securities Industry and Financial Markets Association
- Deb Whitman, PhD, EVP AARP, Chief Public Policy Officer
- Naomi Karp, JD, Senior Policy Advisor, Office for Older Americans, Consumer Financial Protection Bureau

Training—Expanding the Family of Responders

- Andy Mao, JD, Director of the DOJ Elder Justice Initiative
- Stacy Rodgers, MPA, Social Security Administration, Agency Chief of Staff
- Mark Lachs, MD, Cornell Weill Medical Center, Co-Director New York Center on Elder Abuse

Kathy Greenlee, Assistant Secretary for Aging, HHS

comments on future focus for EJCC and its partners

Data - to start analyzing and doing predictive modeling; on behavior of older people and their abusers.

Research - in every field to help at both prevention and response and to identify the factors that support the resilience of older adults who are victims to ensure they are also survivors.

Assessment and Screening Tools – to develop an easy-to-use tool to help professionals find abuse and to quickly identify possible cognitive impairment.

STATE

EASI[©]

Elder Abuse Suspicion Index

GOAL

The Maine EASI® Pilot Program offers a simple tool to help identify older adults most at risk of abuse, neglect, or exploitation so they can be connected with the right resources before it's too late.

PARTNERS

Aroostook Area Agency on Aging

Easter Area Agency on Aging

Legal Services for the Elderly

Long Term Care Ombudsman Program

Southern Maine Area Agency on Aging

ELDER ABUSE SUSPICION INDEX © (EASI)

EASI Questions

Q.1-Q.5 asked of patient; Q.6 answered by doctor

Within the last 12 months:

1) Have you relied on people for any of the following: bathing, dressing, shopping, banking, or meals?	YES	NO	Did not answer
2) Has anyone prevented you from getting food, clothes, medication, glasses, hearing aides or medical care, or from being with people you wanted to be with?	YES	NO	Did not answer
3) Have you been upset because someone talked to you in a way that made you feel shamed or threatened?	YES	NO	Did not answer
4) Has anyone tried to force you to sign papers or to use your money against your will?	YES	NO	Did not answer
5) Has anyone made you afraid, touched you in ways that you did not want, or hurt you physically?	YES	NO	Did not answer
6) Doctor: Elder abuse <u>may</u> be associated with findings such as: poor eye contact, withdrawn nature, malnourishment, hygiene issues, cuts, bruises, inappropriate clothing, or medication compliance issues. Did you notice any of these today or in the last 12 months?	YES	NO	Not sure

GOALS ATTAINMENT SCALING

David Burns, BSc, MSW, PhD
University of Toronto

**RESEARCH
PROJECT
WITH APS**

Will measure the change in a client's re-victimization risk status over the course of intervention towards individually constructed outcomes of problem resolution

FAST

FINANCIAL ABUSE SPECIALIST TEAM

Established with funding from the DOJ Victims of Crime Act

MISSION

To ensure that financial crimes against older or vulnerable adults in Maine are vigorously and effectively investigated and, where appropriate, prosecuted

GOAL

To increase the financial security of all older and vulnerable adults living in Maine by recovering assets that are stolen, by holding perpetrators of financial crimes against older and vulnerable adults accountable for this actions and, by deterring financial exploitation of Maine's older and vulnerable adult population.

PERMANENT MEMBER AGENCIES

Consultants will be invited to participate in the FAST as needed

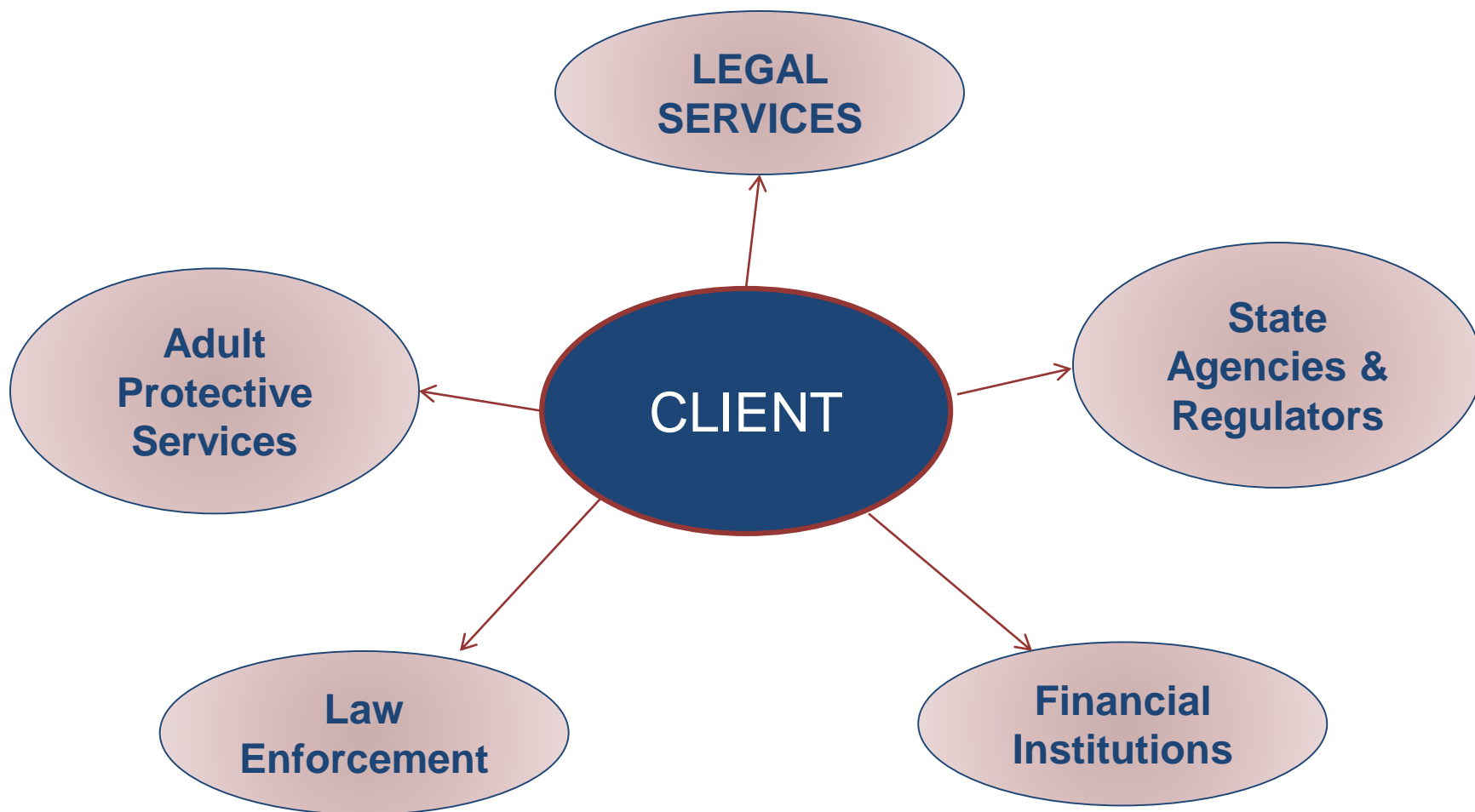
- Adult Protective Services
- Attorney General's Office
- Office of Securities
- Legal Services for the Elderly
- Office of the District Attorneys
- Law Enforcement agencies
- Long Term Care Ombudsman
- Maine's Legal Assistance Developer

Referrals to FAST

Accepted from any FAST member agency

Process Managed by APS FAST Caseworkers

COLLABORATION IS KEY!



WARM-HAND OFF PROJECT

Legal Services for the Elderly
and

Bangor Savings Bank

THE HEALTH CARE COST OF ELDER ABUSE: AN ANALYSIS OF MEDICARE, MEDICAID, AND ADULT PROTECTIVE SERVICES DATA IN MAINE, 2006 THROUGH 2014

National Institute of Justice:
Research and Evaluation on the Abuse,
Neglect, and Exploitation of Elderly
Individuals

University of Southern Maine

MCEAP

Maine Council for Elder Abuse Prevention

www.elderabuseprevention.info

MCEAP's Facebook Page



Scholarship Essay Contest

500 word essay:
What is elder
abuse and why
does it matter to
you?

- \$1,000 1st place
- \$500 2nd Place
- \$50 per county
(participating)



**MAINE COUNCIL FOR
ELDER ABUSE
PREVENTION**

MCEAP

Committees
and
Workgroups

- Education and Awareness Committee
- Multijurisdictional Scam
- Mandatory Reporters
- Speaker's Bureau

ELDER ABUSE PREVENTION IS IMPORTANT BECAUSE...



World Elder Abuse Awareness Day 2016
Social Media Plan

I PREVENT ELDER ABUSE IN MY COMMUNITY BY...

Senior\$afe

- Adopted by NASAA
- Senior\$afe Act of 2015
- In-state trainings continue

QUESTIONS

NO EXCUSE FOR ELDER ABUSE



ELDER ABUSE



THE END

MAINE COUNCIL FOR
ELDER ABUSE
PREVENTION

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<http://www.maine.gov/dhhs/oads/>