

MCEAP Meeting Minutes

July 12, 2012

Members in attendance: Judy Shaw, Patrick Hood, Kathy Kenneborous, Dennis Culley, Alyson Cummings

Participating by phone: Quincy Hentzel, Melissa Morrill, Deanna Mullin

1. Presentation:

The focus of the meeting was a presentation of a case by a representative of a Maine financial institution. The case involved an elderly customer who, by all appearances, was being exploited by a caretaker not related to the customer. Frontline staff members of the financial institution noticed multiple red flags including the withdrawal of larger amounts of cash and a change in behavior in that the customer started using a different branch on occasion and started using the drive thru.

The financial institution reported the matter to DHHS. However, since there was insufficient evidence to establish a lack of competency on the part of the customer, DHHS was unable to pursue the matter further. Law enforcement also felt there was insufficient evidence to pursue the matter further.

An informative discussion followed the presentation allowing for the Committee, with the assistance of the representative from the bank, to identify multiple barriers to addressing this type of financial exploitation of the elderly when the victim meets the competency requirements and, thus, is outside of the jurisdiction of APS. The identified barriers were:

1. The need to update Maine's criminal laws – it was noted that financial exploitation of the elderly is not a defined crime in Maine unlike other states including California and Missouri.
2. The need to create more safe harbors for those reporting possible exploitation – the misconception that APS is compelled to redact certain information before it provides it to law enforcement was specifically noted as a problem.
3. The need to develop a method whereby an adult can consent to future referrals before experiencing diminished capacity.
4. The need to determine ways in which to address the problem of “willing victims” perhaps through education.
5. The need to devise a method for providing a “warm handoff” when the person is already being defrauded.

The group recommended that the Steering Committee explore barriers 1, 2, and 4 while the Financial Exploitation Working Group will consider barriers 3 and 5 as part of their work.

The Steering Committee expressed its appreciation for the willingness of the bank's representative to share their experience with us as well as her willingness to provide assistance as we move forward.

2. Website Content:

The remainder of the meeting was used to discuss the types of items MCEAP might include on a website. The group brainstormed ideas for content as well as other possible information sharing tools and agreed upon the following:

Web Content:

- Scam alerts (this would require resources to make sure they are updated)
- Information on MaineCare penalties and how they operate
- Surrogate decision making tools such as POAs – what they are and what they are not
- Streaming capability and integrated video perhaps using YouTube
- Links to other stakeholders' sites
- Quick Twitter feeds

Other information sharing tools:

- Coffee News
- Local papers such as the Forecaster
- Facebook – as a way to attract the attention of family members caring for the elderly

Before the meeting ended, there was some discussion of the fact a missing link in all of our work is the need to quantify the overall cost of elderly financial exploitation to the system whether public or private enterprise. It was observed that while the obvious cost to the system may be increased reliance on public resources such as MaineCare, the less obvious cost is to private companies and institutions such as banks and credit unions. In order to make a case for changes including statutory changes, it may be important to have a more clear understanding of the overall impact across Maine. It was agreed that this topic would be discussed further at the next Steering Committee meeting.