

INTERVENTION ALTERNATIVES: WHEN PROSECUTION IS NOT POSSIBLE

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ORANGE COUNTY ELDER ABUSE FORENSIC CENTER

- In existence since 2003
- Coalition of multiple county and community agencies
- Difficult cases brought by any agency, most often APS, Ombudsman, Police, DA
- Develop plan for coordinated response
- Currently nearly 1,000 complex cases responded to

OVERARCHING GOALS:

- Mitigate risk of new or ongoing abuse
- Maximize positive outcome
- Improve quality of life
- Support autonomy of clients

OCEAFC

- Prosecution is difficult
- Low % of cases filed with the Court
- Not always the most appropriate course of action

What else can we do?

OTHER LEGAL REMEDIES:

- Emergency Protective Orders
- Restraining Orders
- Arrest on other charges (drug, traffic, etc)
- In Home Support Service fraud

Block *this perpetrator* from
ongoing abuse

But, be careful.....

You may be opening the door for another
perpetrator to victimize the client.

SOCIAL SERVICE INTERVENTIONS:

- Meals on Wheels
- Friendly visitor program
- Adult day (health) care
- Senior Center
- Mental health services
- Domestic violence services
- Transportation services

GOAL:

- Improve quality of life
- Foster independent functioning
- Decrease vulnerability

MEDICAL CARE

- Educate/alert/support primary care physicians and support staff
- Provide assistance with (suggestions for) medical decision making:
 - order in-home care
 - safe discharge planning
 - questions of capacity
 - medication compliance
 - caregiver education

PSYCHIATRIC HOSPITALIZATION

- Voluntary vs involuntary
- Basis for involuntary hold
- Questionable outcome for victim
- Right back where you started?

GUARDIANSHIP ?

- Assess capacity to make independent decisions regarding finances, medical care or personal needs
- If not, is guardianship the least restrictive alternative?
- Is there a family member, friend, associate willing and able to step in?

With what authority?

Will this individual become another abuser?

Will the victim accept assistance?

- How much risk is reasonable?

PROFESSIONAL ASSISTANCE:

- Mental health services
- Geriatric care manager
- Professional fiduciary
- Religious affiliations
- Emergency placement

FAMILY ENGAGEMENT

- Provide specific guidelines re abuse/neglect
- Provide specific goals/tasks
- Encourage realistic expectations
- Provide support service referrals
- Empower to file APS report

NO GOOD INTERVENTION OPTIONS ?

Watchful waiting.....

Sometimes
this **IS** the plan!

WHY WATCHFUL WAITING ?

- Dementia advances
- Family dynamics shift
- Medical conditions improve
- Medical conditions decline
- Pain tolerance decreases
- House goes into foreclosure
- Money runs out at end of month

CONFIRM DUE DILIGENCE:

- Client refuses meaningful assistance AND retains capacity to make (bad but autonomous) decisions
- All options have been explored, no good options exist
- Team confirms lack of action is advisable
- Mitigate “vicarious trauma” to team

QUESTIONS?
COMMENTS?



ABUSE, NEGLECT, AND EXPLOITATION: PREVENTION AND PROSECUTION

OAA SERVICES AND THEIR ROLE

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INTRODUCTION

- Commend NASUAD for holding this intensive.
- Here on behalf of 3000-member bi-partisan Elder Justice Coalition of which NASUA was one of the original 5 founding members.
- We see elder justice as being achieved through the prevention and prosecution of elder abuse.



WHAT IS ELDER ABUSE?

- Our nation is witnessing a growing public health crisis known as elder abuse.
- Takes many forms from the physical to the financial.
- Impacts the most vulnerable of our older Americans.
- Average victim: woman living alone between 75 and 80.



FEDERAL RESPONSE

- Victims of elder abuse lose up to \$2.9 billion a year—entire life savings.
- Yet at federal level, response is tepid and has not kept pace.
- One estimate shows that less than 2 percent of federal funds spent on abuse prevention go to elder abuse.
- Yet, more than 6 million reported cases and many times more unreported.



ELDER ABUSE IS A LOCAL ISSUE

- Elder abuse does not fit a single profile.
- Local issue, solutions must be locally driven.
- Federal role is to support local initiatives with resources and guidance.
- Done so in piecemeal fashion to date.
- Three programs: SSBG (which funds Adult Protective Services), Violence Against Women Act, and...



OLDER AMERICANS ACT

- ...The Older Americans Act.
- Among its seven titles there are various programs and services that do or are intended to prevent elder abuse and neglect.
- We need to move from where we are and have all programs and services in the Act touch elder abuse prevention.



OAA OVERVIEW

Older Americans Act: Overview and Highlights

The Older Americans Act (OAA) was signed into law on July 14, 1965 and is reauthorized periodically. The Act established the Administration on Aging and created the Aging Services Network that includes 56 State Units on Aging, 629 Area Agencies on Aging, 246 Title VI Native American aging programs and over 20,000 service provider organizations. In September 2006, Congress reauthorized the OAA reinforcing its mission to enhance the ability of older Americans to live with maximum dignity and independence while adding several new initiatives to the existing responsibilities of the aging services network. In 2011, Congress will again consider reauthorization and amendments to the Act effective 2012.



The Older Americans Act has seven (7) titles

Title I

Declaration of Objectives; Definitions

Title II

Administration on Aging

Title III

Grants for States and Community Programs on Aging

Title IV

Activities for Health, Independence and Longevity

Title V

Community Service Senior Opportunities Act

Title VI

Grants for Native Americans

Title VII

Vulnerable Elder Rights

Title III-B Supportive Services & Senior Centers Programs

Information and Assistance; Outreach; Case Management; Chore Services; Transportation; Assisted Transportation; Homemaker; Adult Day Care; Personal Care

Title III-C Nutrition

C-1: Enables senior citizens to share a meal and socialize with other seniors. Also provides nutrition education, health screening, and counseling at senior centers.

C-2: Provides daily delivery of hot meals to homebound seniors.

Nutrition Services Incentive Program (NSIP): rewards State Agencies on Aging and Indian Tribal Organizations that efficiently deliver nutritious meals to older adults. State AoAs and Indian Tribal Organizations may choose to receive part or all of that support in the form of USDA foods.

Title III-D Disease Prevention and Health Promotion Services

Educates and enables older persons to make healthy lifestyle choices.

Title III-E National Family Caregiver Support Program

2000 amendments provide assistance to people who provide the primary care for spouses, parents, older relatives and friends.

Title IV Activities for Health Independence and Longevity

Expands the knowledge and understanding of the older population and the aging process. Activities that design, test, and promote the use of innovative ideas and best practices. Provide training for personnel in the field of aging.

Title V Community Services Senior Opportunity Act

SCSEP, the Senior Community Services Opportunity Act, is the only federal job training program that explicitly serves low-income adults, age 55 years and older.

Title VI Grants for Native Americans

Grants directly to Tribal and Native American organizations for nutrition and supportive services. Provides grants for the Native American Family Caregivers Support Program.

Title VII Vulnerable Elder Rights Protection

Authorizes the Long-Term Care Ombudsman Program which investigates abuse in long-term care and nursing facilities and other programs directed at preventing of elder abuse, neglect and exploitation.

For more information about the Older Americans Act and efforts in your community to improve programs and services, contact your State Agency on Aging; local Area Agency on Aging, Tribal/Native American organization, or senior center; or contact the Administration on Aging at www.aoa.gov.

Contact your Senators and Representative and ask them to invest in Older Americans Act programs! Increase OAA funding to keep pace with population growth and price increases.



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TITLE VII

- Most well-known is Title VII (Vulnerable Elder Rights Protection Activities).
- Passed in the 1992 Reauthorization.
- Broken into several categories
 - LTC ombudsmen
 - Elder abuse prevention
 - Legal assistance services
- Plus provisions for Native American elder abuse prevention, competitive grants.



LONG TERM CARE OMBUDSMEN

- Advocate for residents of nursing homes, board and care homes, assisted living facilities and similar adult care facilities.
- Work to resolve problems of individual residents and to bring about changes at the local, state and national levels that will improve residents' care and quality of life.
- Begun in 1972 as a demo program and today exists in all states, DC, Puerto Rico and Guam.
- Thousands of local ombudsman staff and volunteers work in communities throughout the country as part of the statewide ombudsman programs.



ELDER ABUSE PREVENTION

- NCEA – National Resource Center for this Title (established in Title II).
- Established in 1987.
- Trains law enforcement officers, health care providers, and other professionals on how to recognize and respond to elder abuse.
- Supports outreach and education campaigns to increase public awareness of elder abuse and how to prevent it.
- Supports the efforts of state and local elder abuse prevention coalitions and multidisciplinary teams.



LEGAL ASSISTANCE SERVICES

- Targeted for seniors with a social or economic need.
- Includes work on protection from abuse or neglect.
- A Legal Assistance Developer exists in each state to coordinate the provision of legal services under the OAA, providing support to AAAs and the legal assistance providers with which the agencies have contracted.
- Also funded under Title III-B.



NATIVE AMERICAN SERVICES

- Multidisciplinary services, such as:
 - establishing a coordinating council
 - providing training, technical assistance, and other methods of support to groups carrying out multidisciplinary efforts for an Indian tribe or other Native American group; and
 - broadening and studying various models for elder fatality and serious injury review teams



COMPETITIVE GRANTS, FUNDING

- Competitive grants awarded to states and tribes in FY 2012.
- \$6m for demo projects on prevention.
- Entire Title VII appropriations just over \$20 million.
- Legal services and Native American provisions have never been funded.



TITLE III

- The heart of the OAA.
- Supportive services, senior centers, nutrition (largest program in Act), family caregiver support, preventive health among key programs and services it provides.
- Title III-B specifically provides for legal services, nursing home abuse investigations as uses of funding under supportive services provisions.



HOW CAN WE IMPROVE THE OAA?

- Future of the OAA is with the greater coordination and linkages between Title III services and elder abuse prevention.
- National Family Caregiver Support program is an example.
- Only program of its kind.
- Trains family members (including grandparents raising grandchildren) how to be good caregivers.



NAT'L FAMILY CAREGIVER PROGRAM

- How to improve?
- Stronger commitment to respite care services to lessen caregiver stress which can contribute to elder abuse.
- Training caregivers from start to be sensitive and responsive to elder abuse in information provided. Make sure trainers have proper knowledge to pass on to caregivers.



NUTRITION PROGRAMS

- Provide the most day to day contact with seniors of any program.
- Congregate and home delivered.
- Does the most to promote independence of older adults.
- How to improve?
- Build elder abuse prevention and education into nutrition education programs which are mandated.
- Provide better training for HDM providers, especially those on routes, to help detect elder abuse and particularly self-neglect.



DISEASE PREVENTION AND SCSEP

- Title III-D: Disease Prevention and Health Promotion Services Program.
- Its main feature by title is prevention, so all of its programs and services should link to elder abuse prevention.
- Title V: SCSEP; train low-income adults doing community service about elder abuse and how to prevent it.



GRANTS FOR NATIVE AMERICANS

- Title VI: Grants for Native Americans.
- Elder abuse in Indian Country growing as its population does.
- Prevention information must be tailored to unique situations in tribes, from different tribal codes to lack of access to services.



IN GENERAL...

- All individuals who come in contact with older adults—paid or volunteer—under OAA must receive elder abuse prevention training.
- And elder abuse prevention programs, services and education information must be culturally sensitive and responsive.



WRAP-AROUND SERVICES

- OAA programs operate locally with federal funds.
- In some communities they do provide the so-called “wrap-around services” that seniors need to avoid elder abuse
- Example:



JUNEAU, AK'S PROGRAM

- Juneau, AK, Senior Wrap Around Services Program.
- Goal is to prevent seniors from falling through the cracks and to assist the most vulnerable in living in their own homes.
- Critical to elder abuse prevention in that a senior who falls through the cracks ends up alone and isolated and potentially a greater victim.
- Isolation and frailty can make them more vulnerable.



WRAP-AROUNDS

- Involving community members and specifically those who come into contact with older persons during the course of their everyday work.
- Examples: neighbors, newspaper and mail carriers, heating companies, police personnel, bank tellers, apartment managers and doormen, telephone company employees.
- Train people to assume role of “gatekeepers” who can become better observers of older people.
- Watch appearance, home conditions, emotional state, caregiver stress, economic problems, etc.
- Case manager assesses home and makes a plan of care when a report is made.



OTHER LOCAL INITIATIVES

- To start, too many unfamiliar with what elder abuse is—and isn't—to be able to report.
- This highlights the need for community education, awareness and training.
- For those who do know what elder abuse is, too many unfamiliar with what resources exist in their community around elder abuse prevention.



LOCAL EDUCATION INITIATIVES

- Roadmap project raised the idea of a national elder abuse education and training plan that can be adaptable at local level and that ties into services.
- CFPB materials need to be disseminated locally.
- SSA has been doing good work at local level. Keep field offices open to allow work to continue.



LOCAL INITIATIVES

- Local elder abuse hotlines need to be inventoried and a list published.
- All federal agencies, aging associations, and coalitions should have links to these hotlines and to local and state APS offices on their sites.
- Widely publicize Eldercare Locator.
- Related concept: mandatory reporting consistency, both in training and in definitions.



LOCAL AGENCIES AND PROSECUTION

- Get local aging agencies involved in prosecution – formal liaison structures between officials and DA offices to share info.
- Better integration with local DV programs.
- In AK, a Domestic Violence Response Unit investigates all felony arrest cases involving abuse and/or neglect committed against a person 65 years or older.
- Artificial barriers between domestic violence and elder abuse need to be broken down at all levels, especially when it involves funds from VAWA since elder abuse is a women's issue.



ELDER JUSTICE ACT

- Enormous potential.
- Now approaching 5 years.
- Dedicated funding for Adult Protective Services.
- More funding and training for LTC ombudsmen.
- Forensic centers.
- Qualified staff in LTC facilities.



FUNDING FOR EJA?

- Funding an enormous struggle to date.
- \$8 million provided through ACA.
- No direct Congressional appropriation.
- Elder Justice Initiative offers real leadership and hope.
- Invests in national data system, research.
- Pending in Congress.
- All here must join in advocacy.
- Go to EJC website for information:
<http://www.elderjusticecoalition.com/current-issues>



CONCLUSIONS

- As we did 40 years ago with child abuse—it is about prevention of elder abuse with a defined federal responsibility and role.
- Not federalizing elder abuse prevention, but leveraging federal resources to strengthen local programs.
- Our future efforts must also include direct involvement of older persons. Prevention as empowerment.



WHAT SHOULD WE DO NOW?

- Detection and reporting critical: cannot stop what you don't report.
- APS and ombudsmen must have resources.
- For victims of criminal elder abuse, prosecutions must be pursued.
- One question of this session is which is more important, prevention or prosecution?
- Both are important for different reasons, but we are behind in providing resources for both.
- Goal for future must be about more direct, edgy confrontational advocacy in D.C.
- People in Congress must be made to feel uncomfortable on this issue.



FINALLY...

- Elder abuse is an issue that can and should be localized and humanized.
- It happens in your hometown—even in your neighborhood—maybe even in your family.
- Needs to be prevented where it can and those who do it should be prosecuted.
- Because one final thought: remember, a victim of elder abuse is never the same.



RESOURCES

- EJC: www.elderjusticecoalition.com
- NCEA: ncea.acl.gov
- Roadmap:
ncea.acl.gov/Library/Gov_Report/index.aspx
- Eldercare Locator: www.eldercare.gov
- Center on Elder Abuse (UCI):
www.centeronelderabuse.org/about.asp
- Natl Indigenous EJ Initiative: www.nieji.org

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