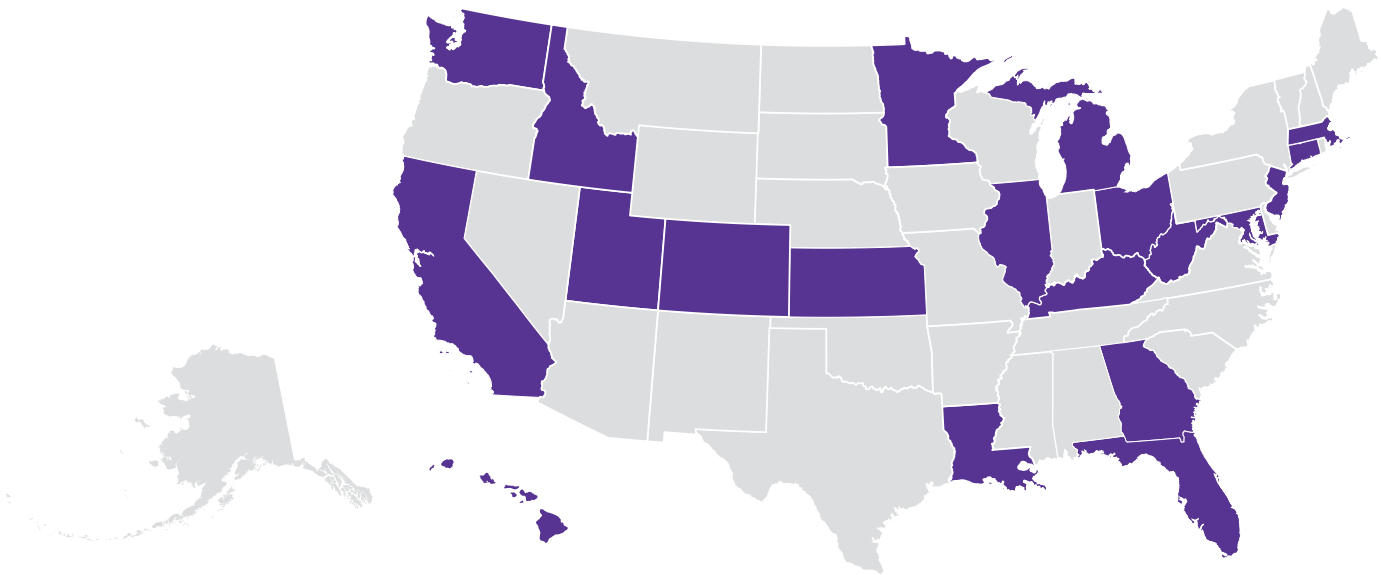


Elder Justice Policy Highlights

FEBRUARY - AUGUST 2018

The elder justice legislation found in this document was elicited and finalized from the National Center on Elder Abuse (NCEA) Listserv and independent websites in August 2018. The compilation is intended to reflect highlights across the nation and does not include all legislation related to elder justice. However, updates will be sent quarterly and states are encouraged to send updates on significant legislative action to [Ageless Alliance](#). This document reflects activity in 21 states and highlights at the federal level.



National

NATIONAL SB 2155

▶ VIEW ONLINE

On May 24, 2018, the Senior Safe Act was signed by the President and became Public Law No: 115-174. This Act is included in Sec. 303 of S.2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act. The Senior Safe Act provides immunity for individuals who obtained specified training and covered financial institutions for disclosing suspected financial exploitation of an older person. Employee training on the signs of elder financial exploitation and proper reporting procedures are scheduled to occur within the first year of employment at the covered financial institutions.

NATIONAL SENATE RESOLUTION 506

▶ VIEW ONLINE

The U.S. Senate passed on May 10, 2018, Senate Resolution 506, which designates May 15, 2018 as "National Senior Fraud Awareness Day" to increase awareness about the growing number of scams targeting older Americans.

Have questions or want to share some news or legislation with us?



ONLINE
agelessalliance.org



EMAIL
info@agelessalliance.org

California

CALIFORNIA AB 1973

[▶ VIEW ONLINE](#)

Approved by the Governor on August 20, 2018, AB 1973 amends existing law that requires specified health practitioners who have knowledge of or observe a patient who the practitioner knows or reasonably suspects has suffered from a wound or injury inflicted by specified types of conduct to report to a law enforcement agency, by extending those reporting duties to emergency medical technicians and paramedics. By expanding the scope of an existing crime, this law will impose a state-mandated local program.

CALIFORNIA AB 2719

[▶ VIEW ONLINE](#)

Signed into law by the Governor on August 24, 2018, this legislation revises the definition of elderly individuals identified as in "greatest social need" for purposes of the Older Americans Act and the Mello-Granlund Older Californians Act to include "cultural or social isolation caused by sexual orientation, gender identity, or gender expression."

The [California Commission on Aging](#) and the [California Elder Justice Coalition](#) discuss more legislation and policies affecting older people.

Colorado

COLORADO HB 18-1065

[▶ VIEW ONLINE](#)

Signed into law by the Governor on April 23, 2018, this measure specifies that in considering a disciplinary action against a department of human services employee for engaging in mistreatment, abuse, neglect, or exploitation, against a vulnerable person, the appointing authority shall give weight to the safety of vulnerable persons over the interests of any other person. If the appointing authority finds that the employee has engaged in mistreatment, abuse, neglect, or exploitation against a vulnerable person, the appointing authority may take such disciplinary action as the appointing authority deems appropriate, up to and including termination, taking into consideration the harm or risk of harm to vulnerable persons created by the employee's actions.

COLORADO SB 18-174

[▶ VIEW ONLINE](#)

Approved by the Governor on April 23, 2018, this law adds the department of health care policy and financing and case management agencies to the list

of entities to which a person with a developmental disability may file for dispute resolution. The law identifies a person with a developmental disability who is served in a residential setting as a tenant of the provider and allows property rights to accrue for such a tenant. The law removes liability when accepting a referral from the department of health care policy and financing. Except in emergencies, the law requires person-centered planning to occur prior to removing a person with a developmental disability from a residential setting when the person may be at risk of abuse, neglect, mistreatment, exploitation, or other harm. In an emergency, such person-centered planning must occur as soon as possible following removal. The law authorizes case management agencies to remove a person with a developmental disability from a residential setting and subjects those agencies to the same standards of liability as other entities authorized to remove such persons from residential settings.

[Denver Regional Council of Governments](#) lists more legislation affecting older people

Florida

FLORIDA HB 1059

[▶ VIEW ONLINE](#)

Signed into law on March 23, 2018, HB 1059 creates a civil cause of action for an injunction to prohibit a person from exploiting a vulnerable adult. The law allows courts to grant a temporary injunction if the following conditions are met: the vulnerable adult is a victim of exploitation or the court believes that the vulnerable adult is in imminent danger of becoming a victim of exploitation; there is a likelihood of irreparable harm and there is not an adequate remedy in law; there is a substantial likelihood of success, based on the merits of the case; the threatened injury to the vulnerable adult outweighs possible harm to the respondent; and; granting of a temporary injunction will not harm the public interest. The bill also creates standards for the court to follow when issuing an injunction, identifies individuals who may petition the court for an injunction, provides for a choice of venue specifying where the petition may be filed, and provides a procedural framework for the parties and court. The bill provides several remedies for vulnerable adults following the issuance of an injunction, including awarding to the vulnerable adult the temporary exclusive use and possession of any dwelling that the vulnerable adult and the respondent share, or barring the respondent from the residence of the vulnerable adult, and freezing the assets of both the vulnerable adult and an individual accused of exploiting them. The bill also imposes criminal penalties for violating an injunction.

Georgia

GEORGIA SB 406

[▶ VIEW ONLINE](#)

On May 7, 2018, the “Georgia Long-term Care Background Check Program” was enacted to promote public safety and provide for comprehensive criminal background checks for owners, applicants for employment, and employees providing care or owning a personal care home, assisted living community, private home care provider, home health agency, hospice care, nursing home, skilled nursing facility, or an adult day care, as recommended by the Georgia Council on Criminal Justice from liability.

GEORGIA HB 635

[▶ VIEW ONLINE](#)

Approved by the Governor on May 7, 2018, this Act amends Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to the “Disabled Adults and Elder Persons Protection Act” by establishing at-risk adult protective investigative/coordinating teams to coordinate the investigation of and responses to suspected instances of abuse, neglect, or exploitation of disabled adults or elder persons.

GEORGIA HB 803

[▶ VIEW ONLINE](#)

Approved by the Governor on May 7, 2018, this Act amends Article 8 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to protection of elder persons so as to prohibit the trafficking of a disabled adult, elder person, or resident.

The [Georgia Council on Aging](#) lists more legislation affecting older people

Idaho

IDAHO HB 347

[▶ VIEW ONLINE](#)

Signed into law on March 12, 2018, this measure updates ombudsman investigation terminology and procedures in conformance with federal law, as established by the Older Americans Act. It also removes the ombudsman for the elderly from the list of mandatory reporters to the Commission on Aging when there is reasonable cause to believe a vulnerable adult is being abused, neglected or exploited. As established by federal law (Older Americans Act), the ombudsman for the elderly is “resident-centered” and investigates complaints to the satisfaction of the resident.

Illinois

ILLINOIS HB 4309

[▶ VIEW ONLINE](#)

Approved by the Governor on August 14, 2018, this law creates the “Frail Individual Family Visitation Protection Act” which may be referred to as the “Kasem/Baksys Visitation Law.” This Act provides that if a caregiver unreasonably prevents a family member of a frail individual from visiting the frail individual, the court, upon a verified petition by the family member, may order the caregiver to permit visitation between the frail individual and the family member if the court finds that the visitation is in the frail individual’s best interests. It provides that in making its determination, the court shall consider the standards provided in the Probate Act of 1975. It also provides that the caregiver shall provide a person awarded reasonable visitation with notice of the frail individual’s hospitalization or transfer to a healthcare facility, relocation to another residence, and death.

[Illinois Department on Aging](#) lists more legislation affecting older people.

Kansas

KANSAS HB 2458

[▶ VIEW ONLINE](#)

Signed into law on May 16, 2018, HB 2458 expands the definition of criminal mistreatment of an elder person to include infliction of physical injury, unreasonable confinement or unreasonable punishment. It also includes violations of the guardian or conservator laws and increases the monetary limitations for determining severity levels related to financial exploitation, as well as adjusts the age from 70 to 60 years of age or older in defining an “elder person.”

Maryland

[MARYLAND SB 0004](#)

[▶ VIEW ONLINE](#)

The Study of Nursing Home Quality of Care was approved by the Governor on May 8, 2018. This measure requires the Department of Aging to research the quality of care for Maryland nursing home residents. This law alters the membership, powers, and duties of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities. It requires the Oversight Committee to evaluate the progress in improving nursing home care quality and assisted living facility quality statewide, review changes made to the membership and duties of the Oversight Committee, and to make recommendations on legislative changes that may be necessary to certain committees of the General Assembly by November 1, 2018.

[MARYLAND SB 0386](#)

[▶ VIEW ONLINE](#)

On May 8, 2018, the Governor enacted the Maryland Nursing Home Resident Protection Act of 2018, which requires the Maryland Department of Health to initiate an investigation of certain nursing home complaints alleging actual harm within 10 business days after receiving the complaint. This law requires the Department to make every effort to investigate within 24 hours complaints alleging immediate jeopardy to residents of certain nursing homes and also requires the Department to develop a certain data dashboard.

[MARYLAND HB 1506](#)

[▶ VIEW ONLINE](#)

Signed into law by the Governor on May 15, 2018 and effective October 1, 2018, the Securities Division of the Office of the Attorney General of Maryland will have authority to pursue asset recovery on behalf of financially exploited senior citizens (aged 68 or older) and vulnerable adults (a person who lacks the physical or mental capacity to provide for his or her daily needs) by bringing a civil action for damages on their behalf against persons who financially exploited them by way of deception, intimidation or undue influence.

Minnesota

[MINNESOTA HF 3833](#)

[▶ VIEW ONLINE](#)

The Safe Seniors Financial Protection Act was approved by the Governor on May 19, 2018. This legislation equips financial professionals with new tools to protect their senior and vulnerable adult clients by working with the Commerce Department to prevent and stop suspected fraud. Under the new law, state-registered broker-dealers and investment advisers are authorized to report suspected financial exploitation against a senior or vulnerable adult client to the Commerce Department or the Minnesota Adult Abuse Reporting Center. They may also disclose information to a trusted third party designated by the senior client.

Utah

[UTAH SB 88](#)

[▶ VIEW ONLINE](#)

Approved by the Governor on March 16, 2018, this law allows a broker-dealer or an investment adviser to delay a disbursement or transaction from an account when the broker-dealer or investment adviser suspects the disbursement or transaction will result in the financial exploitation of an elderly or vulnerable adult. The measure allows certain agencies to extend a broker-dealer's or an investment adviser's delay of a disbursement or transaction and provides that a court may terminate or extend the delay of a disbursement or transaction. It also requires a broker-dealer or an investment adviser to provide certain agencies access to records related to the financial exploitation of an elderly or vulnerable adult.

Washington

[WASHINGTON HB 2651](#)

[▶ VIEW ONLINE](#)

Signed by the Governor on March 21, 2018, this law Increases the personal needs allowance (PNA) for people in residential and institutional care settings. Effective January 1, 2019, a baseline PNA of \$70 per month will be established for clients in community residential and institutional settings. Beginning January 1, 2020, the PNA for these settings will be adjusted by the percentage COLA for federal benefits as published by the Social Security Administration.

West Virginia

WEST VIRGINIA HB 4279

[▶ VIEW ONLINE](#)

Approved by the Governor on March 27, 2018, this measure designates that the Secretary of the Department of Health and Human Resources shall design and arrange rules to attain or move toward the attainment, of the following goals within the Adult Protective Services System: assisting adults who are abused, neglected, financially exploited or incapacitated in achieving or maintaining self-sufficiency and self-support and preventing, reducing and eliminating their dependency on the state; preventing, reducing and eliminating neglect, financial exploitation and abuse of adults who are unable to protect their own interests; preventing and reducing institutional care of adults by providing less intensive forms of care, preferably in the home; referring and admitting abused, neglected, financially exploited or incapacitated adults to institutional care only where other available services are inappropriate;

providing services and monitoring to adults in institutions designed to assist adults in returning to community settings; preventing, reducing and eliminating the exploitation of incapacitated adults and facility residents through the joint efforts of the various agencies of the Department of Health and Human Resources, the adult protective services system, the state and regional long-term care ombudsman, administrators of nursing homes or other residential facilities and county prosecutors; preventing, reducing and eliminating abuse, neglect, and financial exploitation of residents in nursing homes or facilities; and coordinating investigation activities for complaints of financial exploitation, abuse and neglect of incapacitated adults and facility residents among the various agencies of the Department of Health and Human Resources, the adult protective services system, the state and regional long-term care ombudsman, administrators of nursing homes or other residential facilities, county prosecutors, if necessary, and other state or federal agencies or officials, as appropriate.

Keep on the Watch

NATIONAL H.R.6323

[▶ VIEW ONLINE](#)

The Senior Security Act of 2018 would amend the Securities Exchange Act of 1934 to establish the Senior Investor Taskforce within the Securities and Exchange Commission. The taskforce must report on topics relating to investors over the age of 65, including industry trends and serious issues impacting such investors, and make recommendations for legislative or regulatory actions to address problems encountered by senior investors. The Government Accountability Office would be required to report on the costs of the financial exploitation of senior citizens. This bill was introduced on July 10, 2018 and was reported (Amended) by the Committee on Financial Services on August 3, 2018.

CALIFORNIA SB 1129

[▶ VIEW ONLINE](#)

Introduced on February 13, 2018, this bill would modify the rebuttable presumption against making an award of temporary or permanent spousal support that is applicable to all criminal convictions for an act of domestic violence by distinguishing between a criminal conviction for a domestic violence felony and a domestic violence misdemeanor, and would define these two types of convictions. Under the bill, a criminal conviction for a domestic violence felony would prohibit awards relating to spousal support, attorney's fees, setting the date of separation, and retirement and pension benefits in a manner similar to a criminal conviction for a violent sexual felony. The bill would authorize the court to determine, based on the facts of the particular case, that one or more of these limitations on awards do not apply, if the convicted spouse presents documented evidence that he or she has been the victim of a violent sexual offense or domestic violence by the other spouse. Under the bill, a criminal conviction for a domestic violence misdemeanor or a misdemeanor that results in a term of probation that is based on domestic violence, as specified, would require a rebuttable presumption against making the same awards that are prohibited in cases of a criminal conviction for a violent sexual

felony or domestic violence felony, except that there would not be a rebuttable presumption that the injured spouse is entitled to 100% of the community property interest in his or her retirement or pension benefits. The bill would authorize the court to determine, based on the facts of a particular case, that the injured spouse is entitled to up to 100% of the community property interest in his or her retirement and pension benefits based on specified factors, including the duration of the marriage and when, based on documented evidence, incidents of domestic violence occurred. This bill would establish different time periods for the effectiveness of the prohibition in cases of a criminal conviction for a violent sexual felony or domestic violence felony and the effectiveness of the rebuttable presumption in cases of a domestic violence misdemeanor or probationary term, as specified. The bill is under review by the Assembly Committee on Judiciary.

CALIFORNIA SB 1320

 [VIEW ONLINE](#)

Introduced on February 16, 2018, this measure would extend eligibility for the State's confidential address program, known as Safe at Home, to victims of elder or dependent adult abuse. The program enables survivors of stalking, domestic violence, sexual assault, and human trafficking to apply for a confidential, substitute address to manage their affairs and protect their privacy from potential abusers. By expanding the scope of the program to include victims of elder or dependent abuse, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby creating a state-mandated local program. The bill was passed by the Senate on May 31, 2018 and is currently under review by the Committee on Appropriations.

CALIFORNIA AB 1946

 [VIEW ONLINE](#)

Introduced on January 29, 2018, this bill would make it a felony for a person who knows or reasonably should know that a person is a resident of an unlicensed residential care facility for the elderly or an adult resident of an unlicensed community care facility and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer or inflict thereon unjustifiable physical pain or mental suffering, while owning, managing, or helping to operate that facility. Existing law makes it a misdemeanor or a felony for a caretaker of an elder or dependent adult to violate any law proscribing theft, embezzlement, forgery, fraud, or identity theft with respect to the property or personal identifying

information of that elder or dependent adult. Under existing law, if the value of the property taken exceeds \$950, the offense is punishable by a fine not exceeding \$2,500, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by a fine not exceeding \$10,000, or by imprisonment in a county jail for 2, 3, or 4 years, or by both that fine and imprisonment. This bill would additionally make these provisions apply to a person who has a business relationship with an elder or dependent adult. If, in the commission of the above-specified offense, the elder or dependent adult is transported from one residential location to another residential location in furtherance of the offense, the bill would make the offense punishable by a fine not exceeding \$20,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years. This bill would also expand the definition of "dependent adult" to include any person between 18 and 64 years of age who resides in a community care facility or an unlicensed community care facility. The bill was re-referred to the Committee on Aging and Long-Term Care on March 22, 2018.

**Information regarding this bill was not captured in the last edition of policy highlights, so it is being included here.*

CALIFORNIA AB 2159

 [VIEW ONLINE](#)

Introduced on February 12, 2018, this bill would require a money transmitter to provide a consumer fraud warning on all money transmittal forms used by consumers to send money to an individual. It would also provide consumer fraud prevention training for its agents' to monitor its agents, activities relating to consumer transmittals, and establish a toll-free number for consumers to call to report fraud or suspected fraud. The bill would make a failure to implement the fraud prevention measures established by the bill subject to a civil penalty not to exceed \$1,000, or if the violation is willful, a civil penalty not to exceed \$5,000. The bill was re-referred to the Committee on Appropriations on May 16, 2018.

CALIFORNIA AB 2324

 [VIEW ONLINE](#)

Introduced on February 13, 2018, this bill would require mandated reporters of elder or dependent adult abuse to report the crime of invasion of privacy, as specified in the Elder Abuse and Dependent Adult Civil Protection. The bill would make a violation of this requirement a misdemeanor. The measure is currently pending a hearing with the Assembly Committee on Appropriations.

CONNECTICUT SB 158[▶ VIEW ONLINE](#)

The first public hearing for the “Expanding Eligibility for the Alzheimer’s Disease Respite Care Program” bill took place on March 1, 2018. This measure would increase the income cap to allow more individuals to meet the eligibility criteria for respite care services. The bill would be effective July 1, 2018 and on July 1, 2019 “and annually thereafter, the commissioner shall increase such income and asset eligibility criteria...to reflect the annual cost of living adjustment in Social Security income, if any.” SB 158 was referred by the Senate to the Committee on Appropriations on April 11, 2018.

CONNECTICUT HB 5142[▶ VIEW ONLINE](#)

The nursing home services study bill had its first public hearing on March 1, 2018. The bill would require the Commissioner of Social Services to study whether nursing homes are meeting the state’s residents’ need for long-term institutional care. The House recommitted the bill to the Joint Committee on Aging on May 7, 2018.

DISTRICT OF COLUMBIA B22-0838[▶ VIEW ONLINE](#)

Introduced on June 5, 2018, this bill would establish an Elder Abuse Response Team to coordinate services available to victims of elder abuse cases. A ‘Notice of Intent to Act on B22-0838’ was published in the District of Columbia Register on June 8, 2018.

HAWAII HB 1759[▶ VIEW ONLINE](#)

Introduced on January 17, 2018, HB 1759 would make financial exploitation of an elder by a caregiver a class A felony. On January 31, 2018, this bill passed a second reading and was referred to the Assembly Judiciary Committee.

**Information regarding this bill was not captured in the last edition of policy highlights, so it is being included here.*

HAWAII HB 1858[▶ VIEW ONLINE](#)

Introduced on January 19, 2018, this bill would specify that the Attorney General may bring a civil action on behalf of the State for alleged abuse of a dependent elder by employees or agents of the State whose duty is to oversee or manage the financial affairs of a dependent elder. On February 8, 2018, the measure passed a second reading and was referred to the Committee on Judiciary.

**Information regarding this bill was not captured in the last edition of policy highlights, so it is being included here.*

KENTUCKY HB 494[▶ VIEW ONLINE](#)

Introduced on February 26, 2018, this bill would establish a simplified method for elderly or vulnerable adults to petition for an order to prevent or restrain other persons from trespassing onto the petitioner’s residence. The measure would clarify abuse of an adult and establish penalties, clarify exploitation of an adult and establish penalties, clarify neglect of an adult and establish penalties, delete existing penalties for abuse, exploitation, and neglect, define terms, and create a rebuttable presumption that transfers of real or personal property made by protected adults and not supported by adequate consideration were made under undue influence. The bill was posted to the Judiciary Committee on March 5, 2018.

LOUISIANA HB 505[▶ VIEW ONLINE](#)

Introduced on March 12, 2018, this bill would allow covered financial institutions the discretion to take actions to assist in detecting and preventing financial exploitation without liability. On March 12, 2018, the bill was referred to the Committee on Commerce.

MASSACHUSETTS S.2513[▶ VIEW ONLINE](#)

On April 9, 2018, the Senate referred S.2513 to the committee on Rules of the House and Senate, acting concurrently. The bill would enact provisions requiring fingerprint-based background checks of all persons regularly on the premises of a nursing home or long term care facility with the potential for unsupervised contact with elderly persons. Fingerprints would be submitted to the identification section of the department of state police for a state criminal history check and forwarded to the Federal Bureau of Investigation for a national criminal history check, according to the policies and procedures established by the identification section and by the department of criminal justice information services. On August 16, 2018, the measure was reported favorably by the committee on Elder Affairs and referred to the committee on Senate Ways and Means.

MICHIGAN HB 5813[▶ VIEW ONLINE](#)

Introduced on April 17, 2018, this bill would require usage of a standard investigative form for incidents involving physical or financial abuse of a vulnerable adult or elder adult. No later than 30 days after the effective date of the bill, the Department of the Attorney General would be required to develop a standard vulnerable adult/elder adult incident report form. Beginning 90 days after the effective date of

the bill, a peace officer would be required to prepare a vulnerable or elder adult incident report using the standard form developed under the act, or a form substantially similar to that standard form, after responding to an incident involving a vulnerable or elder adult. This bill was referred to a second reading on June 7, 2018.

MICHIGAN HB 5949

[▶ VIEW ONLINE](#)

Introduced on May 9, 2018, this bill would permit depository institutions to refuse to disburse money from the accounts of financially endangered adults under certain circumstances, permit depository institutions to provide information to immediate family members of or other individuals with certain relationships with financially endangered adults under certain circumstances, and provide immunity from criminal, civil, or administrative liability to depository institutions and their qualified representatives for actions taken under this act. On May 9, 2018, this bill was referred to Committee on Law and Justice.

NEW JERSEY A298

[▶ VIEW ONLINE](#)

Introduced on January 9, 2018, this bill would create the crime of victimization of a senior citizen or a

person with a disability. This bill was referred to the Assembly Judiciary Committee on January 9, 2018.

**Information regarding this bill was not captured in the last edition of policy highlights, so it is being included here.*

OHIO SB 158

[▶ VIEW ONLINE](#)

Introduced on May 25, 2017, this measure would develop best practices and educational opportunities to combat elder fraud and exploitation as well as fine and require full restitution from offenders who are found guilty of certain fraud-related crimes against the elderly. This bill passed the Senate on March 21, 2018 and was reported out of the House Aging and Long Term Care Committee with amendments on June 7, 2018.

OHIO HB 527

[▶ VIEW ONLINE](#)

Introduced on February 26, 2018, this bill would allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. The measure was referred to the Committee on Aging and Long Term Care on March 6, 2018.

Legislation Tracked in Specific Topic Areas

Guardianship: [American Bar Association, Commission on Law and Aging](#)

Independent Financial Advisors and Firms: [The Financial Services Institute \(FSI\)](#) tracks and supports legislation in each state that provides protection and mandated reporting for independent financial advisors and firms when they suspect financial exploitation, as well as the ability to temporarily hold account transactions and support investigation efforts.

Financial Exploitation: [National Conference of State Legislatures](#)

NCEA
National Center on Elder Abuse

agelessalliance
united aging institute for elder abuse

Keck School of
Medicine of USC

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