

# 2015 WHITE HOUSE CONFERENCE on AGING

## Elder Justice

As Americans live longer and technology becomes increasingly sophisticated, older Americans face new challenges and opportunities. While technology is helping individuals to live longer and healthier lives, older Americans may be susceptible to financial exploitation and other forms of elder abuse.

Elder abuse is a serious public health problem affecting millions of older Americans each year, with some studies suggesting that as few as one in 23 cases is reported to authorities.<sup>1</sup> Elder abuse is defined as intentional actions that cause harm or create a serious risk of harm to an older person (whether or not harm is intended).<sup>2</sup> Elder abuse encompasses physical abuse, neglect, financial exploitation, sexual abuse, as well as emotional and psychological abuse.

Preventing, identifying, and responding to elder abuse requires a multifaceted approach because abuse does not fit a single pattern. Elder abuse is a “complex cluster of distinct but related phenomena” that involves health, legal, social service, public safety, and financial issues, and therefore calls for a coordinated and sustained response across multiple disciplines.<sup>3</sup> The term “elder justice” refers to the collective action taken by public and private partners to address elder abuse. These partners may include federal, state, local, and tribal entities, as well as private organizations that respond to elder abuse in all its forms.

### The Impact of Elder Abuse

While there have been few population-based studies of elder abuse, early research has provided some indication of the scope of the problem. Initial research suggests that in a period of one year, prevalence of elder abuse may be as many as one out of every ten people for those 60 and older for individuals who live in the community.<sup>4</sup>

Elder abuse affects older adults across all socioeconomic groups and care settings. Due to diminished capacity, older adults with cognitive impairment are at greater risk of abuse.<sup>5</sup> Additionally, African American,<sup>6</sup> Latino,<sup>7</sup> low-income, and socially isolated older adults are victimized disproportionately.<sup>8</sup> About two-thirds of elder abuse victims are women.<sup>9</sup>

Elder abuse erodes the health, financial stability, and quality of life of older adults. One study found that elder abuse triples the risk of premature death and causes unnecessary illness, injury, and suffering.<sup>10</sup> The consequences of abuse can squander

***“[Older adults’] life savings have been lost by the time the report is submitted. They do not have the time or opportunity to recoup their losses which puts them at the hands of needing more public services.”***

Denise A., Montana

the scarce resources of individuals, families, businesses, and private and public programs. Financial exploitation of older adults can cause large economic losses for older adults, families, and society. In addition, abuse increases the reliance on federal health care programs such as Medicaid and Medicare. Research suggests that victims of elder abuse may be four times more likely to be admitted to a nursing home,<sup>11</sup> and three times more likely to be admitted to a hospital.<sup>12</sup>

## Elder Abuse Response

Local, state, tribal, and federal entities, both public and private, play a critical role in responding to elder abuse. State-operated Adult Protective Services (APS) agencies receive, investigate, and respond to reports of elder abuse. In residential long-term services and supports settings, such as nursing homes and assisted living, state licensing and certification agencies (and/or APS) investigate allegations of abuse and neglect by providers, and Long-Term Care Ombudsman programs provide advocacy support to residents.

In most states, professionals such as physicians and social workers are mandatory reporters. Law enforcement officers are able to investigate criminal allegations of abuse while state and local prosecutors decide which cases to pursue. To the extent a prosecution ensues,

***“We [domestic violence service providers] are beginning to have an increase in individuals reporting intimate partner violence at a later age in life, . . . where a victim has been living silently with intimate partner violence for decades, only to disclose it at a later age because they now have increased health concerns, involvement with case managers, or are just plain (as one survivor put it) fed up and don’t want to finish their life that way.”***

Shannon R., Oregon

victim services may be available to assist the older adult through the criminal justice process.

With so many entities playing a role, there is growing recognition of the need for multidisciplinary collaboration. Depending on the nature of the abuse, additional expertise and assistance may be sought from health care providers, social service agencies, financial institutions, civil attorneys, and others.

## **Federal Efforts to Address Elder Abuse**

Addressing elder abuse remains an important focus area for numerous federal agencies. The Department of Health and Human Services funds the [National Center on Elder Abuse](#) and the [National Indigenous Elder Justice Initiative](#), and administers the Older Americans Act's Title VII Elder Rights programs.<sup>13</sup> To support evidence-based interventions to reduce elder abuse, the Department of Health and Human Services funded state, tribal, and university led efforts to test elder abuse prevention interventions in fiscal year 2012.<sup>14</sup> This funding was made available through the Affordable Care Act's Public Health and Prevention Fund. In addition, the Centers for Medicare and Medicaid Services' Elder Maltreatment Initiative aims to increase health care provider screening for elder maltreatment within the Physician Quality Reporting System.<sup>15</sup>

Within the Department of Justice, the Elder Justice Initiative coordinates efforts to address abuse and neglect in federally funded nursing facilities, and the Office of Violence Against Women supports the [National Clearinghouse on Abuse in Later Life](#).

In 2010, the Elder Justice Act was enacted into law as part of the Affordable Care Act, providing new authority and opportunities for the federal government to address elder abuse. The law established the [Elder Justice Coordinating Council](#), a permanent body chaired by the Secretary of the Department of Health and Human Services. Membership includes the Attorney General and heads of the following federal entities:

- Consumer Financial Protection Bureau
- Corporation for National and Community Service
- Department of Health and Human Services
- Department of Housing and Urban Development
- Department of Justice
- Department of Labor
- Department of the Treasury
- Department of Veterans Affairs
- Federal Trade Commission
- Securities and Exchange Commission

- Social Security Administration
- U.S. Postal Inspection Service

Since its first meeting in 2012, the Elder Justice Coordinating Council has engaged with policy leaders, stakeholders, and the public to identify ways to build upon ongoing federal efforts and to further enhance the federal government's response to elder abuse.<sup>16</sup> In 2014, the Council adopted eight recommendations to improve awareness of, prevention of, intervention in, and response to elder abuse, neglect, and exploitation.

### **Elder Justice Coordinating Council Recommendations**

1. **Support the Investigation and Prosecution of Elder Abuse Cases** by providing training and resources to federal, state, and local investigators and prosecutors.
2. **Enhance Services to Elder Abuse Victims** by improving identification of elder abuse and enhancing response and outreach to individuals who experience abuse.
3. **Develop a National Adult Protective Services (APS) System** based upon standardized data collection and a core set of service provision standards and best practices.
4. **Develop a Federal Elder Justice Research Agenda** across federal agencies to identify best practices for prevention of and intervention in elder abuse and elder financial exploitation.
5. **Develop a Broad-Based Public Awareness Campaign**, with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect, and exploitation.
6. **Encourage Cross-Disciplinary Training on Elder Abuse** to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening in, and responding to elder abuse, neglect, and exploitation.
7. **Combat Elder Financial Exploitation, including Abuse by Fiduciaries** through federal enforcement activities, policy initiatives, coordination, oversight, education, and by collaborating with industry to enhance fraud detection and provide resources for victims.
8. **Improve APS and First Responders' Ability to Identify Diminished Capacity, Diminished Financial Capacity, and Vulnerability to Financial Exploitation.**

The federal government has taken a number of important steps to implement these recommendations:

- The President's 2016 Budget proposes \$25 million in new funding to support enhancement of state APS systems; nationwide implementation of the National Adult Maltreatment Reporting System to collect APS data, and investment in research and evaluation activities to improve our understanding of elder and adult abuse and the best ways to prevent and address it.
- Recognizing the lack of consistent national data on adult maltreatment, the Department of Health and Human Services has started the design of a national APS reporting system. Ultimately, states will have the option to report APS data through the [National Adult Maltreatment Reporting System](#), providing consistent and accurate nationwide information. These data will begin to fill many information gaps about the number and characteristics of adults who are the victims of maltreatment; of those who abuse, neglect, and exploit adults; and the nature of services that are provided by APS agencies to address the abuse.
- To provide a critical resource for elder abuse prosecutors, researchers, practitioners, and most importantly, victims of elder abuse and their families, the Department of Justice launched a website dedicated exclusively to elder justice in September 2014. The [website](#) allows victims and/or their families to search for the nearest available resources, law enforcement agencies, and support networks by zip code. It provides a powerful search tool to assist academics and researchers to quickly ascertain existing data or research on elder abuse related topics. The site also provides information and training materials for elder abuse prosecutors and practitioners.
- The Consumer Financial Protection Bureau has produced several resource manuals geared towards a variety of different audiences who play an important role in combatting financial abuse, including:
  - [Protecting Residents from Financial Exploitation: A Manual for Assisted Living and Nursing Facilities](#) to help operators of nursing facilities and assisted living residences to protect the people in their care from financial exploitation through prevention and early intervention.
  - [Managing Someone Else's Money](#) to assist individuals managing money or property for a family member or friend who is unable to pay bills or make financial decisions.
  - [Money Smart for Older Adults](#) to help older Americans, their caregivers, and others in the community to identify and avoid frauds and scams.

- To help older adults prevent and address elder abuse, the Federal Trade Commission launched *Pass It On* in July 2014. This fraud education campaign is aimed at active older Americans and covers financial scams, including imposter scams, identity theft, fundraising fraud, health care scams, paying too much, and 'you've won' scams. *Pass It On* materials are available at [ftc.gov/PassItOn](http://ftc.gov/PassItOn) and in Spanish at [ftc.gov/Pasalo](http://ftc.gov/Pasalo).
- To enhance services to long-term care facility residents – including services to residents who experience abuse and to individuals with cognitive limitations – the Administration for Community Living within the Department of Health and Human Services issued [regulations](#) in February 2015 aimed at strengthening states' Long-Term Care Ombudsman Programs.
- The Centers for Medicare and Medicaid Services' Elder Maltreatment Initiative seeks to increase health care provider screening for elder maltreatment within the Physician Quality Reporting System.<sup>17</sup>

## Discussion Questions

The 2015 White House Conference on Aging aims to foster a national conversation, and the questions listed below are designed to stimulate dialogue on elder justice issues. The White House Conference on Aging will use the feedback received to continue to help shape outcomes of the 2015 White House Conference on Aging. Please provide your thoughts and ideas on our [website](#). All comments will be displayed in the public conversation area of the White House Conference on Aging website.

- How can we increase the public's awareness of elder abuse, neglect, and/or financial exploitation?
- What are some innovative practices in your state or community designed to prevent elder abuse, neglect, and/or financial exploitation?
- Which elder justice programs or policies are the most or least effective or potentially duplicative?
- Are there opportunities to use information technology and other tools to help elders stay connected with families and caregivers? Can technological tools help prevent financial exploitation of older Americans?
- What type of potential partnerships could support efforts to prevent and address elder abuse, neglect, and financial exploitation?

- 
- <sup>1</sup> Lifespan of Greater Rochester, Inc., Weill Cornell Medical Center of Cornell University, & New York City Department for the Aging. (2011). Under the Radar: New York State Elder Abuse Prevalence Study, Table 18. Retrieved from <http://www.nyselderabuse.org/prevalence-study.html>.
- <sup>2</sup> Bonnie, R., & Wallace, R. (Eds.). (2003). *Elder mistreatment: Abuse, neglect and exploitation in an aging America*. National Research Council.
- <sup>3</sup> Connolly, M.T., Brandl, B., Breckman, R. (2014). The Elder Justice Roadmap: A Stakeholders Initiative to Respond to an Emerging Health, Justice, Financial and Social Crisis. Retrieved from [http://ncea.acl.gov/Library/Gov\\_Report/index.aspx](http://ncea.acl.gov/Library/Gov_Report/index.aspx).
- <sup>4</sup> Acierno, R., Hernandez, M.A., Amstadter, A.B., Resnick, H.S., Steve, K., Muzzy, W., et al. (2010). Prevalence and correlates of emotional, physical, sexual, and financial abuse and potential neglect in the United States: The national elder mistreatment study. *American Journal of Public Health, 100*(2), 292-297.
- <sup>5</sup> Widera, E., Steenpass, V., Marson, D., & Sudore, R. (2011). Finances in the Older Patient with Cognitive Impairment: He Didn't Want Me to Take Over. *Journal of the American Medical Association, 305*(7), 698-706..
- <sup>6</sup> Beach, S. R., Schulz, R., Castle, N.G., & Rosen, J. (2010). Financial exploitation and psychological mistreatment among older adults: Differences between African Americans and non-African Americans in a population-based survey. *The Gerontologist, 50*(6), 744-757; Racial and Ethnic Disparities in the Treatment of Dementia among Medicare Beneficiaries. *Journals of Gerontology, Series B, Psychological Sciences and Social Sciences, 63*(5), S328-S333.
- <sup>7</sup> DeLiema, M., Gassoumis, Z D., Homeier, D.C., & Wilber, K.H. (2012). Determining prevalence and correlates of elder abuse using promoters: low-income immigrant Latinos report high rates of abuse and neglect. *Journal of the American Geriatric Society, 60*(7), 1333-1339. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/22697790>.
- <sup>8</sup> Lachs, M., Williams, C., O'Brien, S., Hurst, L., & Horwitz, R. (1997). Risk Factors for Reported Elder Abuse and Neglect: A Nine-Year Observational Cohort Study. *The Gerontologist, 37*(4), 469-474; Johannesen, M. & LoGuidice, D. (2013). Elder Abuse: A Systematic Review of Risk Factors in Community-Dwelling Elders. *Age & Ageing, 42*(3), 292-298.
- <sup>9</sup> Lifespan of Greater Rochester, Inc. (2011).
- <sup>10</sup> Lachs, M., Williams, C.S., O'Brien, S., Pillemer, K., & Charlson, M.E. (1998). The mortality of elder mistreatment. *Journal of the American Medical Association, 280*(5), 428-432.
- <sup>11</sup> Lachs, M., Williams, C.S., O'Brien, S., & Pillemer, K. (2002). Adult Protective Service use and nursing home placement. *The Gerontologist, 42*(6), 734-739.
- <sup>12</sup> Dong, X.Q., & Simon, M.A. (2013). Elder abuse as a risk factor for hospitalization in older persons. *JAMA Internal Medicine, 173*(10), 911-917.
- <sup>13</sup> For more information about Older Americans Act Elder Justice programs, see Administration for Community Living: [http://www.aoa.acl.gov/AoA\\_Programs/Elder\\_Rights/index.aspx](http://www.aoa.acl.gov/AoA_Programs/Elder_Rights/index.aspx) and [http://www.aoa.acl.gov/AoA\\_Programs/Elder\\_Rights/Ombudsman/index.aspx](http://www.aoa.acl.gov/AoA_Programs/Elder_Rights/Ombudsman/index.aspx).
- <sup>14</sup> Administration for Community Living. (2012). [Elder Abuse Prevention Grants Fact Sheet](#).
- <sup>15</sup> For more information, see Centers for Medicare and Medicaid Services: <http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/PQRS/index.html>.
- <sup>16</sup> The Elder Justice Coordinating Council included in its considerations, *The Elder Justice Roadmap*, a project, funded by the federal Departments of Justice and Health and Human Services, which gathered input from a wide array of stakeholders, thought leaders, and subject matter experts on what was needed "to understand, prevent, identify or respond to elder abuse, neglect, or exploitation." Available at [http://ncea.acl.gov/Library/Gov\\_Report/index.aspx](http://ncea.acl.gov/Library/Gov_Report/index.aspx).