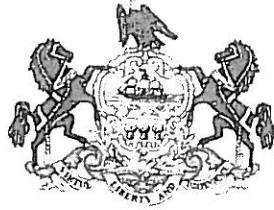


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House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES:

AGING & OLDER ADULT SERVICES
REPUBLICAN CHAIRMAN
LOCAL GOVERNMENT
POLICY

**AGING AND OLDER ADULT SERVICES COMMITTEE
INFORMATIONAL MEETING**
"Elder Abuse and Older Adult Protective Services"
—The Role of Government in Addressing Abuse—
WEDNESDAY, JANUARY 25, 2012
9:30-11:00 A.M.—ROOM 205 RYAN OFFICE BUILDING

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Call Meeting to Order

Chairman Tim Hennessey

Presentations by Roundtable Discussion Participants—

- *** **The Honorable Brian Duke, Secretary
PA Department of Aging**
- *** **Alexis L. Barbieri, Executive Deputy Attorney General
Director of the Public Protection Division
PA Office of Attorney General**
- *** **Eugene A. Vittone II
Washington County District Attorney**
- *** **Ronald W. Costen, Ph.D., Esquire
Professor and Director, PA Dept. of Aging Institute
on Protective Services at Temple University**
- *** **Alan Smith, Director
Huntingdon, Bedford, Fulton County
Area Agencies on Aging**

Member Questions

Adjournment

Investigation Process

- Following the report of suspected abuse to the AAA,
- A determination is made whether an individual meets criteria for Older Adult Protective Services:
 - Age 60 +
 - PA resident
 - Incapacitated (not the same as the definition in the Guardianship law)
 - No responsible caregiver
 - At imminent risk
- If the individual meets all five criteria a level of priority is assigned for the investigation (outlined in our regulations):
 - Emergency – Immediate (older adult is at risk of death or serious physical harm)
 - Priority – Within 24 hours (serious enough to require early intervention)
 - Non-Priority – Within 72 hours (doesn't require immediate attention)
 - No Need – Appropriate referrals (doesn't meet criteria for Protective Services)

meet the criteria for protective services, as outlined above, it is classified as “No Need” and appropriate referrals are made.

The investigation itself is conducted by trained AAA Protective Service workers, in conjunction with law enforcement, as appropriate. The purpose of the investigation is to determine if the older adult is in need of protective services. There are two possible outcomes. If it is an unsubstantiated case – meaning that the investigation has found the person not to be in need of protective services – the AAA will then provide information on the availability of other services, refer to other programs as appropriate (such as waiver services or legal assistance), the case will be closed and any information related to the report and investigation will be deleted after 6 months, as required by current law. If, however, the case is substantiated – meaning that the investigation found the older adult to be in need of protective services, an assessment of the older adult’s level of risk is done and a Protective Services Plan is developed in conjunction with the older adult, to reduce risk and meet their identified needs. When appropriate, the AAA may petition the court to take emergency measures such as an involuntary intervention, to obtain access to the person or their records, or to petition for guardianship. But for all substantiated cases, the AAA will arrange for or purchase services needed to fulfill the service plan, with the older adult’s consent, and do a reassessment at a later date to ensure that older adult’s needs are being met.

While the investigation is conducted by the AAA, the Department of Aging’s role is that of oversight and assistance. During the course of an investigation, the Department will take an active role in the following circumstances: if there is suspected sexual abuse, serious physical injury, serious bodily injury or suspicious death (the “Four Serious” categories of abuse), the law requires the AAA to forward such reports to the Department. The law also requires the Department to review all conflict-of-interest cases (e.g., county employee with a family member at a facility under investigation). In addition, the Department requests AAAs to notify us of any high-profile or serious cases. When the Department receives any inquiries or complaints related to a protective services case (for example, from a legislative office), then we will also get involved.

The Department may take the following additional actions related to oversight of a protective services case. We notify licensing agencies (i.e. Department of Health for nursing facilities, Department of Public Welfare for personal care homes) and coordinate investigations with them, as required by law. We work with AAAs to provide technical assistance with difficult cases – providing guidance, best practices, connections to other agencies, etc. We also review open cases to evaluate for proper investigation, thorough documentation, appropriate provision of services, etc. and may reach out to AAAs to ask questions and gain additional information related to a case. We have the capability to monitor cases both in the field and remotely from the Department through our SAMS database.

The law tasks the Department with setting the minimum standards of training and experience for protective services workers at the AAAs, which we do through approving curricula for their initial “basic training” and annual enrichment courses that are required (as outlined in the regulations). In addition to those requirements, the Department hosts broader trainings such as the Solicitors Training, which we have held the past 2 years. We conduct an annual Protective Services Conference (March 27-29 this year), in which we evaluate trends, challenges, and invite experts to present. This conference is primarily for the AAAs, but will be open to include other partners. Topics for trainings may include: financial exploitation, conducting an effective investigation, documentation, etc. The Department functions as a clearinghouse for best practices, and actively engages experts in the field on topics that are raised by the local agencies. In addition to these types of trainings, we develop, communicate and assist with the implementation of policies and procedures in order to support the AAAs in their compliance with OAPSA.

One of the Department's primary responsibilities is assuring the quality of the AAAs' protective services programs. AAAs are required to submit annual protective services plans to the Department for approval each fiscal year. Plans must include administrative functions, delivery of protective services, description of local collaborations, and community outreach activities. The Department is responsible for the monitoring of local programs, which is done on an annual basis through combined virtual and in-person oversight. Through our review, we are able to identify trends and training needs. Currently, the most prevalent forms of abuse that we see are: self-neglect, caregiver neglect, and financial exploitation – and the largest increase has been in financial exploitation. This type of information is captured in our annual Protective Services Report provided to the General Assembly, which is required by law.

Another function of the Department is carried out by the Criminal History Background Check unit. The Act 169 amendments to the law require prospective employees seeking to work in long-term care facilities to complete criminal history background checks. If someone has lived in PA for the past 2 years, they must only complete a PA State Police Check. If someone has not lived in PA for the past 2 years, they must also complete an FBI Background Check – which is processed by the Department. If the applicant has been convicted of any of the listed offenses in the law, they are prohibited from employment. In the case of *Nixon v. Commonwealth*, the Commonwealth Court and Supreme Court of Pennsylvania found the criminal history background check provisions to be unconstitutional, and the Department has been operating under an interim policy pending revisions to the law.

In doing this important work to protect older Pennsylvanians from abuse, we are fortunate to have many valuable partners with whom we collaborate in a variety of ways. The Institute on Protective Services is a valuable resource through our contract with Temple University. The 30+ Elder Abuse Taskforces across the state connect us with attorneys, AAAs, and consumer advocates to better address Protective Services issues. The Protective Services & Guardianship Committee brings together Department staff, AAA directors, Protective Services workers, legislative staff, and other stakeholders to discuss current issues on a quarterly basis. We work closely with other State licensing entities such as the Departments of Public Welfare and Health on investigations, and send them quarterly reports on the four serious categories of abuse by county and facility type. More recently, the Department has benefited from working with the PA Securities Commission, which conducts education and outreach on recognizing the signs of cognitive decline in older adults and assisting with investigation of financial exploitation.

As we look to the future, the Department recognizes the challenges that we face in meeting an increasing demand in a time of limited resources. I hope to continue to work in collaboration with our partners in increasing the awareness of our Protective Services program and its effectiveness throughout the state. The Department is undertaking a significant project to amend the Older Adult Protective Services Act in order to make critical changes to the program that will allow us to better serve and protect vulnerable older Pennsylvanians. And in taking a holistic view of all of our Aging programs, we hope that in working toward health and wellness, targeting services to right care, right time, right place, and bringing the best of Pennsylvania to Pennsylvanians, we will be successful in preventing instances of abuse.

Thank you for your time today and I am happy to answer any questions you may have today or in the future.

SEAPA, Inc. (Schuylkill Elder Abuse Prevention Alliance)

In honor of Make A Difference Day, SEAPA, Inc. completed a project that will benefit all seniors in Schuylkill County.

Through an anonymous donation, SEAPA is purchasing approximately 200 Personal Amplification Devices. These battery-operated devices are portable and are used to help anyone who is hearing impaired communicate with others.

SEAPA will distributed these devices – FREE - to all county police departments, state police barracks, hospital emergency rooms, Advanced Life Support (ALS) services, the Schuylkill County Office of Senior Services Protective Services Unit, The Long-Term Care Ombudsman Program, District Attorney Office, Victim Advocate and Victim Witness Coordinator.

The reason is that these responders often encounter elders who may have been victimized or traumatized. Obtaining detailed information is “key” to helping the victims. One of the most common obstacles to that information exchange is a hearing impairment. These free, portable, battery-operated devices will help our first responders and victim protection professionals provide services more efficiently to those they are working with. Unfortunately, hearing-impaired elders often become frustrated with interviews or making necessary reports because of the communication impediment. It is hoped that the distribution of these devices will remove that obstacle.

Once the devices are distributed, any first-responder or victim protection professional who encounters someone with a hearing impairment will have an easy-to-use device to help them better communicate with the person they are trying to serve.

SEAPA is committed to a safer Schuylkill for our Seniors. This group is comprised of a volunteer board of Directors. It is a non-profit organization that focuses on community education of elders and service providers to help identify and report elder abuse. SEAPA also assists with the prosecution of elder abuse by looking for ways to develop resources and networking for our local district attorney office. Finally, SEAPA looks to educate seniors so that they are aware of their rights and resources available to them. Informed and empowered elders are safer elders.

SEAPA is sponsored a distribution event of the P.A.DS.'s on Friday, October 21, 2011. The event was held from 11:00 – 1:00 in the Schuylkill County Courthouse. Refreshments were served and we provided demonstrations of the P.A.D.s to those attending.

Currently, SEAPA members are delivering devices to those agencies that were unable to attend the event on Oct. 21.

We look forward to partnering with the recipients so that they learn about SEAPA and these P.A.D.s - so that the project will have a successful and meaningful impact.

Silver ribbon campaign raises money, awareness of elder abuse

BY DUSTIN PANGONIS (STAFF WRITER DPANGONIS@REPUBLICANHERALD.COM)

Published: April 1,

ARTICLE TOOLS

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Despite Schuylkill County's high proportion of senior citizens, Schuylkill Elder Abuse Prevention Alliance member Carolyn Tenaglia said most people aren't aware of the extent of local elder abuse crimes.

"It's a very uncomfortable subject. People really don't like to discuss it, and people are reluctant to report it," Tenaglia said in a telephone interview Wednesday.

To spread awareness of elder abuse issues in the county, the alliance is holding its fourth annual Silver Ribbon Week from May 16 to 22.

Tenaglia, a regional ombudsman coordinator for MidPenn Legal Services, said the alliance is distributing two kinds of silver ribbons.

First are small lapel ribbons, which are available for free and can be worn as part of a person's outfit. Second are large hand-tied silver ribbons, about a foot wide, which cost \$7 and are meant to be hung on the exteriors of buildings. The money will defray the cost of purchasing the ribbons, and the excess will go toward alliance funds.

"Schuylkill Elder Abuse Prevention Alliance - the key word is obviously prevention," Tenaglia said. "We want to try to be proactive, versus reactive, and one of the ways to try to prevent is through education and outreach to the community."

According to estimates from the U.S. Census Bureau, 18.1 percent of Schuylkill County's population was 65 years old or older, above the state rate of 15.3 percent and the national rate of 12.8 percent. For the alliance's purposes, Tenaglia said elder abuse is typically considered to affect people 60 years old or older.

Tenaglia said there have been 320 total complaints of alleged abuse since the beginning of the fiscal year on July 1, 2007, according to figures from the Office of Senior Services. Tenaglia said that reports are up, although it's hard to say if more crimes are being committed or more people are coming forward.

The kinds of elder abuse also vary greatly, Tenaglia said. Of those 320 cases, for example, 82 were physical abuse, 79 were caregiver neglect, and 61 were financial exploitation. New types of abuses are also starting to be reported, such as a dozen cases of medication theft.

Tenaglia said one challenge the alliance faces is getting people to report suspected elder abuse.

"(People think) 'I don't want to stick my nose in somebody's business. What if I'm wrong? What if there's nothing going on,'" Tenaglia said.

Tenaglia said all reports of elder abuse are kept confidential.

Abused elders themselves are also reluctant to reach out for help, Tenaglia said. Some just don't know help exists. Other elders are vulnerable because they might depend on the people who are abusing them for important services.

"(Seniors think) 'If I make them angry at me, or I alienate them, I won't get my medications. I won't get my rides,'" Tenaglia said.

Because there is still a stigma attached to elder abuse, Tenaglia said the alliance hopes its silver ribbon campaign can help protect elders just by giving elder abuse issues a higher profile.

"People who may be potential targets are empowered to protect themselves better," Tenaglia said. "People who might be thinking, 'This is a good way to get a couple of bucks' might think, 'I shouldn't, because they're watching out.'"

Anyone interested in ordering ribbons can email request to seaparibbons@yahoo.com. Requests will be taken through the end of April.

Elder Abuse task force distributes hearing device

BY THOMAS LESKIN (STAFF WRITER TLESKIN@REPUBLICANHERALD.COM)

Published: October 3,

ARTICLE TOOLS

FONT SIZE: [A] [A] [A]

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thomas leskin/staff photo Schuylkill Elder Abuse Prevention Alliance member Carolyn Tenaglia demonstrates how to use a SuperEar 4000 amplification device that could be used by law enforcement and emergency personnel in situations involving the elderly.

In an effort to help law enforcement and emergency personnel more successfully help hearing-impaired individuals, the Schuylkill Elder Abuse Prevention Alliance will be distributing personal amplification devices for Make A Difference Day.

According to SEAPA member Carolyn Tenaglia, the organization is purchasing about 200 SuperEar 4000 amplification devices thanks to an anonymous donation. The devices cost about \$40 each, and Tenaglia said SEAPA was originally going to raise the money until the donation surfaced.

The portable battery-operated devices, manufactured by Sonic Technology, will be distributed free to all county police departments, state police barracks, hospital emergency rooms, Advanced Life Support services, the Schuylkill County Office of Senior Services Protective Services Unit, the Long-Term Care Ombudsman Program, district attorney's office, victim advocate and victim witness coordinator.

"We saw these because they're used in nursing homes by staff to conduct assessments," Tenaglia said. "These came up as a way to help communicate with their residents."

Tenaglia said the device consists of a headset, which the elderly person wears, and a small handheld microphone. While the device can be used by anyone who is hearing impaired, the reason SEAPA distributed them is that responders often encounter elders who may have been victimized or traumatized.

"They are easily kept in a police car, easy to use, don't take up a lot of space and you simply replace the small battery when you need too," Tenaglia said. "We try to educate the community about elder abuse, try to help law enforcement so they can more successfully prosecute people who are committing the crime of elder abuse."

She said obtaining detailed information is key to helping victims, but one of the most common obstacles to that information exchange is a hearing impairment.

Tenaglia said services will be able to be provided more efficiently since hearing-impaired elders often become frustrated with interviews or making necessary reports because of the communication impediment.

SEAPA is planning a distribution event that will be held from 11 a.m. to 2 p.m. Oct. 21, during which local police departments and other invited

recipients can pick up the devices. Refreshments will be served and demonstrations of the devices will be conducted for those attending.

Meeting the Needs of Persons with Alzheimer's or Other Dementia
When No Informal Support is Available

October 2010



Center for Advocacy for the Rights and Interests of the Elderly (CARIE)
Dorothy S. Washburn Legislative Committee
100 South Broad Street
Suite 1500
Philadelphia, PA 19110
www.carie.org

Sandra Day O'Connor is among the members of the group. The report highlights that "Over the next 40 years, Alzheimer's disease related costs to Medicare and Medicaid alone are projected to total \$20 trillion in constant dollars, rising to over \$1 trillion per year by 2050." On March 25, 2009, the Senate Special Committee on Aging held a hearing, "The Way Forward: An Update from the Alzheimer's Study Group."³ At the hearing, Former Senator Bob Kerrey emphasized that the disease creates a tremendous dependency on caregivers whose needs must be addressed by policymakers. There was no discussion about those who do not have a caregiver.

The Council of State Governments has issued a brief, "Cognitive Impairment & Alzheimer's Disease,"⁴ that describes why state legislators should be concerned about Alzheimer's disease and what they can do. The brief also identifies several states that have developed Alzheimer's disease plans to help progress with policy solutions. Some states' Alzheimer's Associations have also created a state plan. However, we could not identify any mention of this segment of the Alzheimer's population in any plan.

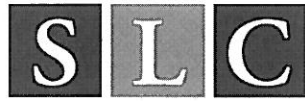
CARIE's Dorothy S. Washburn Legislative Committee makes the following recommendations:

Recommendations

1. Implement an epidemiological study to identify the scope of the problem.
2. Implement research to help identify best practices for ways to ensure early diagnosis for those who live alone. Issues related to stigma and cultural differences should be addressed. Quality assessments should be readily available in all communities for consumers who are becoming concerned about symptoms.
3. Design and fund demonstration projects to identify best practices and practical, cost-effective models for service delivery. There should be a balance between consumers' safety and their need for autonomy. Different needs, preferences and values should be considered. Models should be tested among various cultural groups to identify potential variance with approaches. Identify benchmarks and performance measures that foster good outcomes.
4. Research, design and implement clinical tools to help assess the decision-making capacity of individuals and work to maximize autonomy and

³ "The Way Forward: An Update from the Alzheimer's Study Group" at http://aging.senate.gov/hearing_detail.cfm?id=310462&

⁴ "Cognitive Impairment & Alzheimer's Disease" at <http://www.healthystates.csg.org/NR/rdonlyres/265E9FFC-18C4-4757-9254-CB6AC771EA46/0/AlzheimersTPfinal.pdf>



SeniorLAW Center

Protecting The Rights of Older Pennsylvanians

Testimony before the
Pennsylvania House Aging and Youth Committee

Elder Abuse and Older Adult Protective Services Informational Hearing

February 15, 2012

SeniorLAW Center

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PENNSYLVANIA SENIORLAW HELPLINE: 877-PA SR LAW

The Pennsylvania SeniorLAW HelpLine is Pennsylvania's only statewide legal service for seniors. The HelpLine is a free, confidential telephone legal service that provides legal advice, information, and referrals for seniors (60 and older) throughout the Commonwealth of Pennsylvania through a toll-free line staffed by knowledgeable and experienced SeniorLAW Center staff and volunteer attorneys. The HelpLine is now open 4 days a week, 10:00 a.m. - 2:00 p.m. serving seniors in every one of Pennsylvania's 67 counties. HelpLine attorneys provide legal advice, information and referral services on a wide range of civil legal issues. Seniors can access an attorney from the privacy and comfort of their homes, particularly essential for those who are disabled, isolated, and/or face mobility or transportation problems. SeniorLAW Center also created the first Legal Resource Directory for Older Pennsylvanians, a county-by-county guide of legal assistance for seniors.

FOCUSED HELPLINE SERVICES FOR VICTIMS

Through ARRA funding from the Pennsylvania Commission on Crime and Delinquency, the HelpLine also provides special, targeted services for senior victims, including those who are facing domestic, economic, consumer, or other forms of abuse or crimes against the elderly. Working with partners across the Commonwealth, these services provide confidential, in-depth legal counseling, information, advice and referrals for senior victims, easily accessible by telephone.

PROJECT S.A.F.E. (Stop Abuse and Financial Exploitation)

Project S.A.F.E.'s goal is to end and prevent various forms of elder abuse, including domestic violence and financial exploitation of the elderly, through direct legal services, representation, advocacy, educational workshops, and professional training, outreach, and partnerships. This program addresses protection from physical, emotional and sexual abuse, as well as many forms of financial exploitation, including abuse of power of attorney, credit card fraud and identity theft.

Ms. V. was a 79- year-old victim who lived with her adult daughter and adult disabled son. Senior's 42- year-old daughter was a substance addict and being treated at outpatient clinics. The incident in question took place when Daughter returned from the clinic on a Saturday afternoon. Daughter refused to feed senior or allow her access to kitchen. Daughter beat senior over a 3- day period with a belt, broomstick and the choker of a dog collar. Senior suffered broken ribs, broken nose, bruises about the face, eyes, forehead, and a swollen leg and ankle. Senior was left on an outside step on Monday afternoon, where a passerby noticed her and called police. SeniorLAW Center received a call from the police

- ⚡ Health Care Fraud and Scams: The Impact on Elders
- ⚡ Financial Exploitation of the Elderly
- ⚡ LTC Ombudsman-institutional abuse
- ⚡ Protection from Abuse Orders in PA and Special Needs of Elder Victims of Domestic Violence

In addition, CARIE and SeniorLAW Center will hold four regional elder abuse conferences across Pennsylvania in May and June 2012, bringing together diverse professionals to address elder justice, in Lancaster, Mercer, Bucks and Centre Counties.

SeniorLAW Center's other programs have focused services for grandparents and other elders raising relative children in kinship care; Asian, Hispanic and other cultural, racial and language minority seniors; older tenants facing eviction, loss of utilities and uninhabitable living conditions; and older consumers in a wide array of consumer protection problems.

Pennsylvania has more than 2.4 million senior citizens, the 4th largest percentage in the nation, with an over-85 age population growing at 10 times the general population. 20% of all Pennsylvanians are now 60 or older, and by the year 2020, that number will grow to 25% -- more than 3 million people.

Seniors are the victim population most vulnerable to physical and financial abuse. These victims are the oldest, those with lowest income, and women. Philadelphia, with its predominantly poor and female elder population, is home to the largest of these victim populations. Senior citizens are targeted and especially vulnerable to many types of violent and devastating crimes, especially seniors who are low-income and living in an inner city, such as Philadelphia. Elders are particularly susceptible to fraud, domestic violence, economic crimes and abuse, ranging from physical violence to financial exploitation, neglect of basic needs, and psychological injury.

- **Almost 90% of elder abuse involves a perpetrator who is a family member** -- 2/3 or perpetrators are adult children or spouses.
- **Those 80 years and older are abused and neglected 2-3 times their proportion of the total elderly population** -- and Pennsylvania's over-85 age population is growing at 10 times the general population.
- **Those with the lowest income have highest incidence of abuse:** elders living on incomes less than \$15,000 account for 75.6% of physical abuse and 77.7% of the financial abuse.

Recommendations

- Strengthen the protections for elder victims of domestic violence under Pennsylvania law, which does not presently fully recognize the dynamics of elder abuse in the home and does not include many individuals who perpetrate violence against elders. Expand the definition of household members to include others who commit violence or abuse against elders who may not be related to victim by blood or marriage, or through sexual or intimate relationship.
- Strengthen responses of law enforcement to financial exploitation of elders, providing tools of enhanced penalties, restitution, and funding to build capacity of those who address crimes against the elderly. Train law enforcement on the rights of elder victims and build sensitivity to elder victims' needs, including victims of violence in their own homes, and combat ageist and paternalistic attitudes.
- Support expedited procedures and responses in the legal system to serve senior victims of violence. Domestic violence is not only intimate partner violence. Reports are common of law enforcement and service providers continuing to refuse to recognize violence against elders in their homes by adult children, grandchildren and others as *domestic violence* requiring and deserving immediate protection. Many domestic violence shelters are not appropriate for or welcoming of senior victims. The wait time to file and receive a temporary protection from abuse order is often 3 to 4 hours or more, an experience which is emotionally and physically taxing on senior clients who are disabled, vulnerable, or in ill health.
- Train court staff and the judiciary on the needs and rights of senior victims: from family court to criminal court, security staff and intake workers, to courtroom staff and judges themselves. Senior victims are often ill-served by the systems that are to protect and serve them.
- Support training programs for medical professionals to be aware of elder abuse in order to improve care: older adults who have been abused have poorer survival when compared with those who have not been abused. Elder abuse training is severely lacking in the health care practice and in medical education. Physicians and health care providers are in an especially critical role with regard to the safety of elderly patients due to frequent contact with older adults as they manage medical problems. More than half of respondents to one survey to health care professionals reported *no formal training* whatsoever in elder abuse.
- Develop financial management programs for seniors to avoid financial exploitation and explore how banks can be more active in their detection and protection and more cooperative with advocates.