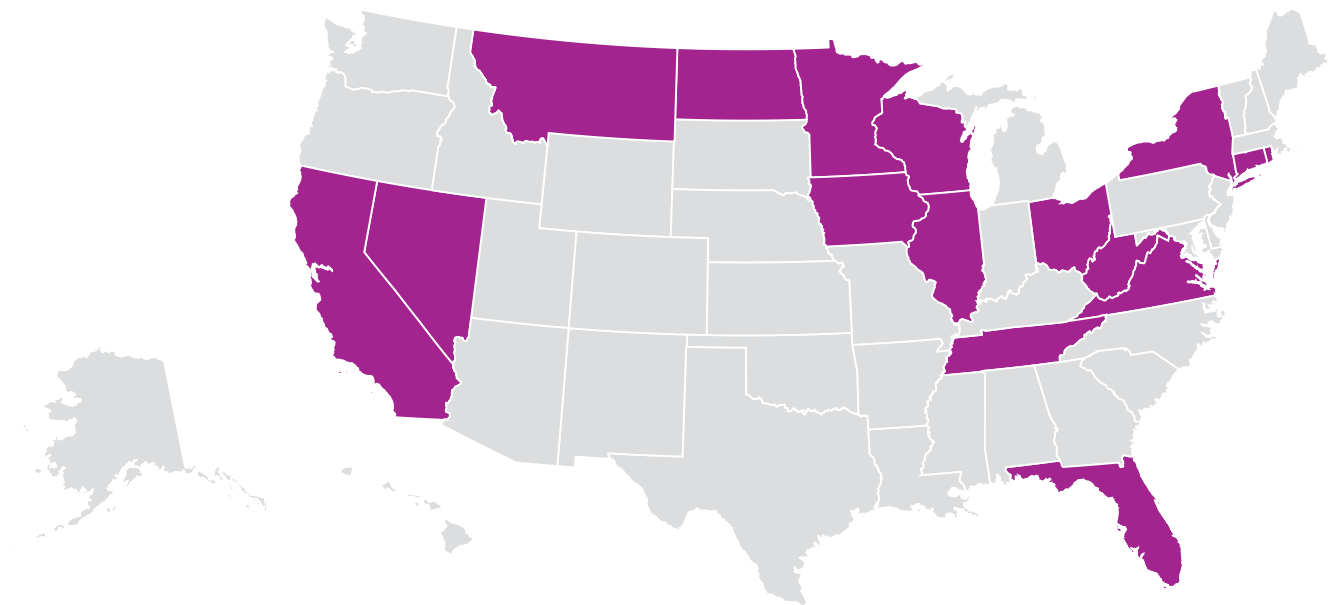


Elder Justice Policy Highlights

MARCH 2019 – AUGUST 2019

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 2019. 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 17 states and highlights at the federal level.



National

NATIONAL H.R.3253 [▶ VIEW ONLINE](#)

Enacted on August 6, 2019, the Sustaining Excellence in Medicaid Act of 2019 extends certain Medicaid demonstration programs and other Medicaid provisions and adjusts the methodology for calculation of the price paid for drugs and biologics by State Medicaid programs.

California

CALIFORNIA SB 304 [▶ VIEW ONLINE](#)

Approved by the Governor on August 16, 2019, this act consolidates elder abuse and fraud cases occurring across counties. The new law states that if more than one felony violation of subdivision (d) or (e) of Section 368 occurs in more than one jurisdictional territory, the jurisdiction of any of those offenses, and for any offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred.

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



ONLINE: agelessalliance.org



EMAIL: info@agelessalliance.org

CALIFORNIA SB 314[▶ VIEW ONLINE](#)

Approved by the Governor on June 26, 2019, this legislation makes abandonment eligible for enhanced civil remedies under the State Elder Abuse Act.

CALIFORNIA SB 328[▶ VIEW ONLINE](#)

Approved by the Governor on June 26, 2019, this law revises the exemption of spouses and cohabitants from the presumption of fraud or undue influence. It establishes that a gift made to a care custodian who commenced a marriage, cohabitation, or domestic partnership with a transferor who is a dependent adult while providing services to that dependent adult, or within 90 days after those services were last provided to the dependent adult, if the donative transfer occurred, or the instrument was executed, less than 6 months after the marriage, cohabitation, or domestic partnership commenced, shall be subject to the presumption of fraud and undue influence. This law also prohibits a surviving spouse from receiving a share of the decedent's estate if the spouse was a care custodian of the decedent who was a dependent adult and the marriage commenced while the care custodian provided services to the decedent, or within 90 days after those services were last provided to the decedent, and the decedent died less than 6 months after the marriage commenced, unless the spouse can prove by clear and convincing evidence that the marriage was not the product of fraud or undue influence.

Connecticut

CONNECTICUT SB 832[▶ VIEW ONLINE](#)

Enacted on July 1, 2019, this law provides the public with access to a searchable database of perpetrators of crimes and other substantiated abuse, neglect, exploitation or abandonment of elderly persons or persons with disabilities.

Illinois

ILLINOIS HB 0347[▶ VIEW ONLINE](#)

Approved by the Governor on August 2, 2019, this law amends the Probate Act of 1975 and provides that a person convicted of assault, aggravated assault, battery, or aggravated battery of an elderly person shall not receive any property, benefit, or other interest by reason of the death of that elderly person.

ILLINOIS HB 3065[▶ VIEW ONLINE](#)

Approved by the Governor on August 23, 2019, this law revises the Adult Protective Services Act by establishing that the Department on Aging shall contact as many of the eligible adult's family members, neighbors, and friends as reasonably possible under the circumstances, when conducting any investigation concerning a report of suspected abuse, neglect, financial exploitation, or self-neglect of an eligible adult.

Iowa

IOWA HF 569[▶ VIEW ONLINE](#)

Signed by Governor on May 10, 2019, this act declares personal degradation of a dependent adult as a form of dependent adult abuse by a caretaker regulated by the department of human services, and makes penalties applicable.

Minnesota

MINNESOTA HF 90[▶ VIEW ONLINE](#)

Approved by the Governor on May 22, 2019, the Elder Care and Vulnerable Adult Protection Act establishes assisted living licensure in Minnesota for the first time, beginning August 1, 2021. It contains improved protections for assisted living residents facing housing or service terminations or refusals to readmit by establishing limited grounds for termination, appeals, and discharge planning protections. The license will also establish new requirements in areas including basic services and person-centered care, dementia care, resident and family councils, resident rights, disclosures, assessments, planned closures, staff training, physical plant standards, licensing of assisted living directors, and survey frequency. The law also contains protections going into effect prior to 2021, including improved retaliation and electronic monitoring protections. This law increased funding for the state enforcement agencies charged with protecting residents of assisted living and for Minnesota's Office of Ombudsman for Long-Term Care.

MINNESOTA HF 400[▶ VIEW ONLINE](#)

Enacted on May 22, 2019, this law establishes the opiate product registration fee and the Opiate Epidemic Response Advisory Council with the purpose of developing and implementing a comprehensive and effective statewide effort to address the opioid addiction and overdose epidemic in Minnesota.

Montana

[MONTANA SB 311](#) [VIEW ONLINE](#)

Signed by the Governor on May 1, 2019, this law allows certain covered financial institutions to report suspected financial exploitation and allows for the delay of transactions if there is suspected financial exploitation. The law provides immunity for covered financial institutions unless the act of the financial institution or its representatives was done in bad faith and caused pecuniary loss to an older person or a person with a developmental disability who was suspected of being a victim of financial exploitation.

[MONTANA SB 324](#) [VIEW ONLINE](#)

Enacted on May 7, 2019, this legislation revises the definition of abuse in the Montana Elder and Persons with Developmental Disabilities Abuse Prevention Act to include “causing personal degradation by publishing or distributing certain photographs or videos” and creates a penalty.

[MONTANA HB 566](#) [VIEW ONLINE](#)

Signed by the Governor on May 7, 2019, this legislation requires all assisted living facilities to provide background checks for new employees.

Nevada

[NEVADA SB 540](#) [VIEW ONLINE](#)

Approved by Governor on June 12, 2019, this law adds vulnerable persons to existing provisions related to persons in need of protection. These provisions pertain to: 1) The Repository for Information Concerning Crimes Against Older Persons; 2) The abuse, neglect, exploitation, isolation or abandonment of a vulnerable person; 3) The Unit for Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General and; 4) The powers of attorney.

North Dakota

[NORTH DAKOTA HB 1107](#) [VIEW ONLINE](#)

Signed by the Governor on March 20, 2019, this law amends existing law relating to the duties of the state long-term care ombudsman and vulnerable adult protective services. It shortens the time period within which complaints against a facility must be investigated. It also clarifies that a long-term care

ombudsman is not a mandated reporter of suspected abuse or neglect, based on federal law which states that the Ombudsman and representatives of the Office shall not report suspected abuse, neglect or exploitation of a resident when a resident or resident representative has not communicated informed consent to such report. The law also allows that reports be made available to a guardian or legal representative of the vulnerable adult who is the subject of a report, if the guardian or legal representative is not suspected of abusing or neglecting the vulnerable adult.

[NORTH DAKOTA HB 1161](#) [VIEW ONLINE](#)

Signed by the Governor on April 10, 2019, this legislation enacts a new section to chapter 51-28 of the North Dakota Century Code relating to prohibiting false information from being entered into a telephone caller identification system with the intent to deceive, defraud, or mislead; and to provide a penalty.

[NORTH DAKOTA HB 1378](#) [VIEW ONLINE](#)

Signed by the Governor on March 19, 2019, this law enacts a new chapter to title 30.1 of the North Dakota Century Code relating to supported decision making, a process for making well-informed, voluntary decisions by methods less restrictive than guardianship or conservatorship.

[NORTH DAKOTA SB 2113](#) [VIEW ONLINE](#)

Signed by the Governor on April 11, 2019, this law enacts a new section to chapter 50-10.2 of the North Dakota Century Code relating to authorized electronic monitoring of facility residents. It also amends and reenacts sections 12.1-31-14 and 50-10.2-01 of the North Dakota Century Code relating to authorized electronic monitoring of facility residents and privacy, and provides a penalty.

[NORTH DAKOTA SB 2179](#) [VIEW ONLINE](#)

Signed by the Governor on April 8, 2019, this law enacts chapter 6-08.5 of the North Dakota Century Code, relating to the prevention of financial exploitation and would amend and reenact section 6-08.1-03 of the North Dakota Century Code, relating to a financial institution’s duty of confidentiality.

[NORTH DAKOTA SB 2289](#) [VIEW ONLINE](#)

Signed by the Governor on March 21, 2019, this law enacts chapter 50-25.3 of the North Dakota Century Code relating to family visitation rights. Under

this measure, a caregiver may not unreasonably or arbitrarily deny or restrict visitation to a family member or friend or communication or interaction between a vulnerable adult and a family member or friend. The law also states that a family member or friend who has had visitation unreasonably or arbitrarily denied or restricted by a caregiver may file with the district court a petition to compel visitation.

Ohio

OHIO HB 166

 [VIEW ONLINE](#)

Effective July 18, 2019, the biennium budget for 2020-2021 increases state general revenues for adult protective services by \$1.49 million per year (to be split evenly among that state's 88 counties) and increases general revenue of \$2.7 million by the second year of the budget for long-term care ombudsman programming.

Rhode Island

RHODE ISLAND S 0433A

 [VIEW ONLINE](#)

Signed by the Governor on July 15, 2019, the Senior Savings Protection Act requires qualified individuals, those who are associated with a broker-dealer who serve in a supervisory, compliance, or legal capacity, to report the occurrence or suspected occurrence of financial exploitation of persons who are 60 years of age or older and persons who have a disability between the ages of 18 and 59 years old. Qualified individuals are to notify the Department of Business Regulation, the Division of Elderly Affairs, and law enforcement and may also alert immediate family members, legal guardians, conservators, or agents under a power of attorney of the person possibly being financially exploited. The legislation also allows qualified individuals to hold financial transactions that they believe may be involved with financial exploitation. Lastly, the Act calls for the Department of Business Regulation and the Division of Elderly Affairs to develop websites that include training resources to assist in the prevention and detection of financial exploitation against the elderly and the disabled.

RHODE ISLAND S 0603

 [VIEW ONLINE](#)

Signed by the Governor on July 8, 2019, this legislation makes amendments to reporting duties and requirements for persons with knowledge of mistreatment or neglect of elders at health care

facilities. The measure adds physician assistant and probation officer to the list of individuals who have a duty to report elder abuse incidents and requires additional information to be collected in such reports. The measure also provides that Individuals required to report provide the division of elderly affairs twenty-four hour notice of the discharge from a facility, of any person subject to abuse or neglect.

Tennessee

TENNESSEE HB 0909

 [VIEW ONLINE](#)

Signed by the Governor on May 24, 2019, the Elderly and Vulnerable Adult Protection Act of 2019 revises various provisions governing the protection of elderly and vulnerable adults. It classifies several felonies related to abuse of an elderly person or vulnerable adult and adds the persons convicted of these offenses to a registry. Additionally, the measure makes revisions to the process by which someone may obtain a protective order for an adult that is a subject of abuse. The Act also adds as conduct that constitutes "sexual exploitation" an intentional act or statement by a person intended to shame, degrade, humiliate, or otherwise harm the personal dignity of an elderly or vulnerable adult; or an act or statement by a person who knew or should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of an elderly or vulnerable adult. The measure adds that the court may waive court costs, taxes, or fees for obtaining an order of protection if the individual is found to be indigent. Lastly, it establishes an elder abuse task force.

Virginia

VIRGINIA SB 1490

 [VIEW ONLINE](#)

Approved by the Governor on March 18, 2019, this law authorizes financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds if the financial institution staff believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or makes, or has actual knowledge that another person has made a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult.

VIRGINIA SB 1224[▶ VIEW ONLINE](#)

Enacted on March 22, 2019, this legislation authorizes local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The legislation also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults.

VIRGINIA HB 2225[▶ VIEW ONLINE](#)

Approved by the Governor on March 12, 2019, this measure authorizes any financial institution staff who suspects that an adult has been financially exploited to provide supporting information and records to the local department of social services or the adult protective services hotline.

West Virginia

WEST VIRGINIA HB 2618[▶ VIEW ONLINE](#)

Approved by the Governor on March 26, 2019, this legislation provides the inclusion of undue influence as a factor in the definition of financial exploitation of an elderly person or protected person.

Keep on the Watch



National

NATIONAL H.R.2719[▶ VIEW ONLINE](#)

Re-introduced on June 11, 2019, the Stamp Out Elder Abuse Act of 2019 would enable a “Stamp Out Elder Abuse” semipostal (fundraising) stamp to be issued. This in turn would afford members of the public to raise awareness of and combatting elder abuse, as well as propose funding for elder justice activities. The Postal Service would make the stamp available to the public for a period of no less than 2 years, beginning no later than 1 year after the date of enactment. Proceeds would be provided to the Department of Justice and the Department of Health and Human Services (Administration for Community Living) for the purpose of elder justice activities.

California

CALIFORNIA AB 1396[▶ VIEW ONLINE](#)

Ordered to the Assembly on August 26, 2019, this bill would authorize the court to order a restrained party, if appropriate, to participate in mandatory clinical counseling or anger management courses, as specified, when the court issues a protective order for abuse of an elder or dependent adult that involves acts of physical abuse or acts of deprivation

by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. The measure is currently pending concurrence in Senate amendments and may be considered on or after August 29 pursuant to Assembly Rule 77.

District of Columbia

**DISTRICT OF COLUMBIA
B23-0095**[▶ VIEW ONLINE](#)

A hearing was held on July 11, 2019 for the Protecting Children Through Mandatory Reporting Amendment Act of 2019. This Act would broaden the circumstances under which mandatory reporters must contact the authorities. It ensures that mandated reporters must report all suspected child abuse, whether or not they have come into direct contact with the child. It would also add clergy and leaders of religious institutions to the list of mandatory reporters. The bill also stiffens penalties for failure to report child abuse and requires training and certification for mandated reporters. At the July 11 hearing, the Office of the Attorney General introduced amendments to the mandated reporting statute for the District’s Adult Protective Services that would modernize the standard of knowledge that creates a duty to report as well as the penalties for failing to do so.

Florida

[FLORIDA HR \(PENDING BILL #\)](#) [▶ VIEW ONLINE](#)

Introduced on August 7, 2019, the Guardianship Accountability Act would create a National Online Resource Center on Guardianship to compile research and statistics on guardianship and training materials, as well as a database on state laws concerning the practice. The act would also expand the availability of grants to support developing state databases, training court visitors, and information sharing.

Minnesota

[MINNESOTA HF 5](#) [▶ VIEW ONLINE](#)

As part of its larger jobs bill, the House passed HF 5 on April 9, 2019. This measure is a comprehensive paid family leave bill establishing a new system and tax to require paid-family support. The bill would support family caregivers providing care to aging or vulnerable loved ones. The measure awaits Senate approval.

[MINNESOTA SF 2466](#) [▶ VIEW ONLINE](#)

Introduced on March 14, 2019, this measure would provide banks the ability to freeze transactions they suspected were the result of financial exploitation.

New York

[NEW YORK A7458](#) [▶ VIEW ONLINE](#)

Introduced on May 3, 2019, this measure would extend the authorization of the Long-Term-Care Ombudsman Program to advocate on behalf of managed long-term-care participants through December 2021. The measure passed the Senate and Assembly on June 17, 2019.

Wisconsin

[WISCONSIN AB 350](#) [▶ VIEW ONLINE](#)

Introduced on July 31, 2019, this bill would make it a crime to engage in, supervise, or facilitate a transaction with illegally obtained property or items of value or to make property or items of value available to another with the intent to perpetuate illegal activity, or to engage in a transaction that is designed to conceal or disguise the nature, location, source, ownership, or control of the resources or to avoid a financial transaction reporting requirement under federal law.

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 against elder abuse

Keck School of
Medicine of USC

Special Thanks to: Georgia Anetzberger, Sean Burke, April DeValkenaere, Aisha Elmquis, Jennifer Mika, Peggy Rogers, Jennifer Taylor, and Jane Walsh.

This document was completed for the National Center on Elder Abuse and is supported in part by a grant (No. 90ABRC0001-01-02) from the Administration on Aging, U.S. Department of Health and Human Services (HHS). Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging or HHS policy.