

# **2003 Survey of State Unit on Aging Elder Rights System Development Activities**

**PROGRESS IN ELDER RIGHTS**

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NATIONAL ASSOCIATION OF STATE UNITS ON AGING  
*for the*  
National Center on Elder Abuse  
Washington, DC

MARCH 2004

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*The National Center on Elder Abuse (NCEA) serves as a national resource for elder rights advocates, law enforcement and legal professionals, public policy leaders, researchers, and citizens. It is the mission of NCEA to promote understanding, knowledge sharing, and action on elder abuse, neglect, and exploitation.*

*The NCEA is administered under the auspices of the National Association of State Units on Aging.*

# Preface

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## Progress in Elder Rights System Development

In Title VII of the Older Americans Act (OAA), known and cited as the "Vulnerable Elder Rights Protection" law, the U.S. Congress established a vision and unique mission for state aging networks to assure that older individuals have access to and assistance securing and maintaining benefits, rights, opportunities, and protections promised to them through various laws, policies, and programs.

The Act authorizes State Units on Aging (SUA) to administer several important programs that form the core of an elder rights system: the **Long Term Care Ombudsman Program** looks out for the well-being of residents of long term care facilities; the **Legal Assistance Development Program** helps to ensure access to high quality legal information and advocacy throughout the state; **Elder Abuse Prevention** enables the SUA in coordination with area agencies on aging to provide public education, training, and other activities to counter the growing problem of elder abuse. Likewise, comprehensive **Ageing Information and Referral/Assistance Services** at the state and area agency level are an essential component of elder rights systems. State elder rights systems are further enhanced by **Adult Protective Services, State Health Insurance Counseling and Assistance Programs** and **Older Americans Act Benefits Counseling Programs**, which many SUAs administer.

Veteran advocates who work in the field of elder abuse share the belief that an effective elder rights system is essential to prevention. For example, elders and their families require information about advance directives, health care powers of attorney, and other surrogate decision tools to assure their choices and preferences will be fully respected if incapacity should occur. Likewise, older persons need information about how to hire and monitor in-home caregivers, how to be informed consumers, and ways to avoid being scammed. They need advocates and other intermediaries who can help them to understand their legal rights, sort out and register complaints, and resolve disputes — particularly those related to long term care facilities, assisted living, and other supportive housing arrangements.

Elder abuse is a tragedy and when it occurs the vulnerable older person is traumatized, perhaps living in fear, unable to carry out normal everyday decisions, and often confused about where to go for help and what alternatives exist. In practice, a fully functioning elder rights system should ideally offer information about and access to a comprehensive and cohesive array of protections, safeguards, and interventions, will help victims of abuse to access needed emergency services and community resources, and will also ensure that justice is served.

At the state level, elder rights system building requires collaboration between the SUA and many other state government agencies. While SUAs are charged under the OAA to build these systems, the component elements are often managed and supported by other agencies

in state government. For example, the state Attorney Generals' offices, public safety, health, mental health, corrections, and human services departments all administer programs and/or have personnel whose influence is important to older persons. Meanwhile, locally the SUA responsibility also entails all aspects of leadership, helping local aging networks to build new relationships, coordinating with other key players, offering high quality and responsive services, and pinpointing and filling gaps where needed.

While the state elder rights protection role has existed since the 1992 amendments to the Older Americans Act, there have been few attempts to document what SUAs are doing to build their elder rights systems. This document helps to fill that void.

### **2003 Survey of State Units on Aging**

This report contains the results of a survey of SUAs conducted by the National Association of State Units on Aging (NASUA) for the National Center on Elder Abuse (NCEA). The study entailed a survey of 57 SUAs and was conducted in the summer of 2003 utilizing a questionnaire developed with consultation from the NASUA Elder Rights Committee. The survey was mailed to 57 SUAs and responses were received from 31 states.

Information was collected in the survey about current Title VII coordination, policy, program, and funding initiatives. Full narrative responses are included here to illustrate the unique approaches and strategies used in various states. Importantly, recent legislative initiatives contributing to the elder rights system are identified. States have also thoughtfully shared their goals for further system development. In Appendix A, survey results are summarized in chart form organized by the categories we used in the questionnaire.

As you will note, the amount of information provided by states in response to the survey is mixed: some states provided ample detail, while others offered very brief descriptions of activities and accomplishments. We have reflected what was collected through the survey. While this report does not include a comprehensive analysis of any single issue, overall, it provides a valuable snapshot of what SUAs are doing to fulfill their mission in elder rights system development.

# Coordinating Elder Rights at the State Level

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## 1. Interagency Coordination

State Units on Aging are the driving force for the development of elder rights systems. But SUAs do not have the power, funding, or authority to build the elder rights infrastructure on their own. To be effective, they must reach out and work collaboratively with other agencies in state government. In every state, a number of state agencies, organizations, and advocacy groups are working to protect and defend the rights of vulnerable elders.

To support the states' efforts, maximize the range of services available, and improve access of elders and families to services, Title VII Vulnerable Elder Rights Protection encourages partnerships of public, private, and nonprofit agencies, including statewide collaborations, with businesses, medical and law enforcement professionals, and community-based organizations.

We asked states to identify their public-private partnerships. According to the survey, state units on aging advance elder rights along several fronts. See Chart 1, Appendix A for a listing of state government agencies with which SUAs work for elder rights system development.

### Survey Highlights

- Across most of the country, state units on aging work with the state licensing/certification agency, and a majority work closely with adult protective services (APS), the Attorney General's Office, and the state Medicaid Fraud Control Unit.

- Approximately half work with the state insurance department, mental health office, public safety/law enforcement and the state bar association.
- Significantly fewer (less than a third) work with consumer affairs, domestic violence coalitions, victim services, protection and advocacy agencies, and guardianship offices.
- Several states reported they have a close relationship with AARP, legal services, the state Medicaid agency, and U.S. Attorney's Office.

### Collaborating Organizations

Based on this survey, many state units are working jointly, collaborating with others. Some examples of collaborating organizations include:

- Banks and banking regulators
- State developmental disability agencies
- District attorneys/judicial branch
- Governors' offices
- Mental health ombudsman programs
- Public health departments
- Elder shelters
- Elder abuse coalitions
- Nonprofit groups representing business, consumers, long term care providers, healthcare, older adults)
- State Secretary of State

### Potential Partners

Collaborators and potential partners that the states say they *would like to develop working relationships* with include:

- Domestic violence coalitions
- State consumer affairs offices
- State insurance departments
- Victims' services programs
- State associations concerned with elder rights (for example, the State District Attorney's Association, State Healthcare Association, State Bar Association)

## Examples of State Interagency Efforts

In each of the following examples the SUA has fostered activities to enhance state elder rights system.

### Alabama

- *Housing and Urban Development (HUD) & U.S. Department of Agriculture (USDA) Rural Development:* Collaborative effort that brought about a closer working relationship between HUD, USDA, and Alabama Department of Senior Services to identify and address housing needs and assistance programs for low-income seniors.
- *Healthcare Facility Licensing Agencies:* Quarterly meetings, collaborate on complaints and surveys, and joint training.
- *Department of Insurance:* Gather and disseminate information on Medicare supplemental insurance and long term care insurance.

### Arizona

- *Better Business Bureau (BBB), Banks, U.S. Attorney, Federal Bureau of Investigation (FBI), Corporation Commission, and Attorney General:* Created an outreach event called "Elder Fraud Scam Jam" to provide information to the public concerning different types of fraud.
- *Attorney General's Office:* Training and informational materials on Advance Directives.

### Arkansas

- *Attorney General:* Developed training information and PowerPoint presentation on financial exploitation.
- *Victim Services:* Established a network to deal with situations of elder abuse and neglect.
- *Medicaid Fraud Control:* Helpful with situations of misuse of elder's checks.

### California

- *Department of Social Services, Community Care Licensing, Department of Health Services, Licensing and Certification:* The Ombudsman entered into memoranda of understanding with the two licensing agencies above to develop opportunities and identify procedures for coordination.
- *California Department of Justice:* The California Department of Aging (DOA) coordinated and collaborated with the State Attorney General's Office on a statewide media campaign on elder abuse that has resulted in a toll free number for reporting of elder abuse.

### District of Columbia

- *Adult Protective Services:* Pooling of resources to sponsor conferences. Priority bed availability at Shelter for the Abused Elderly funded by the Office on Aging for APS clients.
- *Legal Counsel for the Elderly:* Pooling of resources to sponsor conferences, including pro bono assistance from private law firms and the bar through Legal Counsel for the Elderly.
- *U.S. Department of Justice (DOJ), U.S. Attorneys Office, Economic Crime and Domestic Violence Sections:* Conference co-sponsors, conference speakers, and referral of cases between DOJ and Senior Service Network.

## Florida

- *Department of Children & Families/APS:* Training curriculum on elder abuse, neglect, and exploitation for professionals, and another curriculum for public education.
- *Florida Department of Law Enforcement, DCF/APS:* Training curriculum for law enforcement on elder abuse, neglect, and exploitation certified by Florida Department of Law Enforcement.
- *Florida Coalition Against Domestic Violence:* "Making Florida's Domestic Violence Shelters 'Elder Ready': Model Policies for Domestic Violence Shelters; Training Materials for Case Managers on Elder Domestic Violence.

## Georgia

- *Senior Adult Victims' Advocate (SAVA):* The Georgia Division of Aging Services created the SAVA program to help older adults, aged 60 and over, who are victims of abuse, neglect and exploitation.

Funded by the Victims of Crime Act (VOCA), the SAVA advocate serves as a liaison between victims, social service agencies, and the court system and provides support, mentoring and consultation to victims.

SAVA coordinates with APS, domestic violence shelters, sexual assault programs, ombudsmen, law enforcement officers, regulators for long term care facilities, and the court system to ensure that victims working with these entities receive additional services.

An advisory committee has helped develop protocols for working with victims, a database of resources available for victims, and a training curriculum for SAVA volunteers.

Members of the advisory committee bring multidisciplinary expertise and represent a broad range of specialized fields. State and local

agencies represented on the committee include: the Criminal Justice Coordinating Council, the Prosecuting Attorney's Council, the Governor's Office of Consumer Affairs, APS, DeKalb County Solicitors' Office, the Commission on Family Violence, Ombudsman, Legal Hotline, the Elderly Legal Assistance Program, the and Coalition Against Domestic Violence.

Program efforts have reduced gaps in services for older victims, generated a new source of information about resources available to victims, and improved coordination among agencies that serve older adults and victims.

- *GeorgiaCares:* Expanded and renamed the State Health Insurance Assistance Program (SHIP) effective July 1, 2002 resulting in GeorgiaCares, a private-public partnership, operated by the DAS. In addition to helping seniors with health insurance issues relating to Medicare and Medicaid, GeorgiaCares seeks to enroll every eligible senior in all applicable low-cost prescription assistance programs sponsored by pharmaceutical companies. GeorgiaCares also includes the Senior Medicare Patrol project. Public-private partnerships made the GeorgiaCares expansion possible.

*Partners and Collaborators:* Traditional partners include the Peer Review Organization, Medicare fiscal intermediaries and carriers, the Social Security Administration, and state Medicaid agency.

Other collaborators include the Governor's Office of the Health Insurance Advocate; pharmaceutical companies; pharmacy, hospital and medical associations; university schools of pharmacy; chain pharmacies; and retiree and volunteer groups, such as Senior Friends, Retired Teachers Association, and AARP.

Representatives from the partner organizations serve on the GeorgiaCares Advisory Council.

The expanded program has had a positive impact. In SFY 2002, the program provided Georgia's seniors an opportunity to save \$2,686,106.12 in health related expenses. From July 1 through December 31, 2002, GeorgiaCares greatly expanded Medicare beneficiaries' opportunity for savings to \$12,654,000, including savings from prescribed medications. Savings are expected to be higher in SFY 2003.

- *Georgia Senior Legal Hotline*: The Senior Legal Hotline operates a toll free line that provides legal advice, brief services, self-help information and legal referrals statewide to Georgians aged sixty and older. The hotline complements the work done by local Legal Services programs by providing quick, efficient telephone access to vulnerable Georgians and freeing these programs to handle complicated problems that cannot be addressed by phone.

The Senior Legal Hotline is a service of the Atlanta Legal Aid Society in coordination with the DAS and Legal Services. The division provides the hotline with space and telecommunications. The hotline works closely with Georgia's Elderly Legal Assistance Program, GeorgiaCares, the Ombudsman Program and AAAs. Since its inception in May 1998 the Senior Legal Hotline has served over 20,000 people.

## **Idaho**

- *Long Term Care Facility Licensing*: Coordinate regularly and work together to resolve cases.

## **Illinois**

- *Family Violence Coordinating Councils*: Developed a full day training on elder abuse in January 2003, attended by over 250 professionals working in law enforcement, the courts, healthcare and victim services agencies; as a direct result several local councils have invited the Department to present on elder abuse and

several have also implemented standing elder abuse committees to improve local services to older victims.

- *B\*SAFE: Bankers and Seniors Against Financial Exploitation*: Worked closely with the two largest bank associations to implement a statewide bank reporting project in Illinois; almost 2000 bank personnel have been trained to recognize, report and help prevent financial exploitation of seniors.

- *TRIAD*: (1) Long standing active involvement in Illinois State Triad which has resulted in the development and implementation of a Peace Officers Standards and Training (POST), which certifies Elderly Services Officers. Approximately 1,500 law enforcement officers have received training on elder abuse and aging services; (2) an annual statewide conference for law enforcement and aging advocates on crimes against the elderly, and (3) support for B\*SAFE.

## **Indiana**

- *APS, Fort Wayne State Developmental Center (FWSDC) and Protection and Advocacy*: Victims received guardian for protection and prevention of abuse, neglect and/or exploitation.

## **Kansas**

- *Judicial Branch*: Provided participants access to the judicial and legal system, sponsored events focused on law-related education and activities for seniors; Nearly three-fourths of counties participated (71 counties).

- *Coalition Against Sexual and Domestic Assault*: (1) Established an Elder Abuse Council, (2) developed safety planning for seniors brochure and a domestic violence in later life booklet, (3) provide public awareness materials and promote elder domestic violence training.

- *Attorney General's Office*: Participates in Crime Victim's Rights Conference and planning to enhance victim services.

## Kentucky

- *Kentucky Bar Association*: Development, printing, and distribution of a book, titled *Laws and Programs for Older Kentuckians*. The fourth edition has been printed.
- *Department of Insurance and Office of Attorney General*: SHIP partnered with the Department of Insurance to provide materials for the Attorney General's "Crime College" to educate seniors about services provided through SHIP.
- *Ombudsman Program*: Worked collaboratively with Health Care Excel and a host of other agencies to successfully launch the Nursing Home Quality Initiative in Kentucky. The purpose is for the public to be better informed about nursing homes and nursing home quality of care is being addressed.

## Louisiana

- *SUA, Elderly Protective Services (EPS)/Ombudsman/Legal Services, Attorney General, Bar Association, Mental Health, Bureau of Protective Services (BPS)*: Collaborated for passage of a bill requiring the immediate and mandatory reporting of physical and sexual abuse to local law enforcement offices became law.
- *SUA, Ombudsman, Department of Health and Hospitals, U.S. Attorney's Offices, Office of Inspector General, FBI, and Medicaid Fraud Control Unit*: Task Force focused on institutional abuse. One charge of task force is to educate "first responders," e.g. emergency room physicians, nurses, about what constitutes abuse and how to report it.
- *SUA, AAAs, Title III B Legal Service Providers*: Task Force recommended that Title III Legal Service reporting system be redesigned.

## Maine

- *AARP, Law Enforcement, Attorney General's Office, AAAs, and SUA*: Consumer "Check It Out" program enables seniors to call a toll free number to check on offers that seem too good to be true.
- *Law Enforcement, AARP, AAAs, Community Members, SUA*: TRIAD - Sixteen active TRIADs established throughout Maine to improve relationship between law enforcement and older persons.
- *Behavioral and Developmental Services and SUA Joint Advisory Committee*: Volunteer advisory group of service providers and advocates on aging and developmental disabilities/substance abuse issues and needs.

## Minnesota

- *Network on Abuse in Later Life*: Public education by and networking for local and state stakeholders and agencies involved in group.
- *Attorney General Working Group*: Public education and networking for Attorney General, Medicaid Fraud, Attorney General's Consumer Protection Office, Health, Human Services Licensure, Medicaid Agency, Ombudsman, Minneapolis Police, County Attorney for Hennepin County, Advocates, Regulatory Group around specific cases.
- *Department of Health and Minnesota Extension Service*: Distribution of information and training about Minnesota's Health Care Directive.

## Nevada

- *Bureau of Licensure, Mental Health, Elder Abuse Unit, Alzheimer's Association*: Ombudsman program coordinated statewide all day training to facility group residential caregivers on topics that included elder abuse, resident rights, mental health issues, nutrition, and medication administration. Presenters included staff from

the licensure agency, mental health, and Alzheimer's Association and law enforcement. The annual caregiver training has become a popular event and offers caregivers an array of topics that count towards their training requirements under the licensure regulations.

- *Bureau of Licensure, Mental Health, Law Enforcement, Medicaid Fraud, Public Guardian Monthly Meetings to discuss elder abuse issues.* The group meets in multidisciplinary teams to address abuse, neglect, exploitation, or isolation of older persons.

State legislation in 1991 gave the administrator for aging services statutory authority to create these teams. The teams were formed in both southern and northern Nevada and meet monthly to identify and prevent elder abuse.

The Nevada Aging Services Division acts as lead agency and attends all meetings. Representatives from a variety of agencies have been appointed to serve on these teams.

## **New York**

- *Operation Restore Trust:* Convene interagency workgroup under the Senior Medicare Patrol project.

- *Commission on Quality Care (CQC), Department of Health (DOH), Office of Mental Health (OMH):* With CQC, developed training for certified Ombudsman to help work with the mentally disabled in adult homes. NY State Office for the Aging was one of four chairs of the Governor's Adult Home Abuse Task Force, which also included OMH, CQC, and DOH.

- *CMS Nursing Home Quality Initiative Outreach Project*

## **North Carolina**

- *North Carolina Consumer Fraud Task Force:* In 1998, the North Carolina Division of Aging and

Adult Services joined forces with AARP and the State Attorney General's Office to establish the North Carolina Senior Consumer Fraud Task Force.

The members include representatives from federal, state, and local law enforcement (local police departments, the FBI, and State Bureau of Investigation), the state's Better Business Bureaus (BBBs), NC Association of Area Agencies on Aging, U.S. Postal Inspection Services, Seniors' Health Insurance Information Program, NC Secretary of State's Office, Retired Federal Employees' Association, APS, NC Cooperative Extension, Governor's Crime Commission, and other agencies.

The mission of the Task Force is to educate older North Carolinians and the public about consumer fraud that targets seniors, how to avoid becoming a victim, and what to do if they are defrauded.

The Attorney General's Office disseminates *Consumer Fraud Alerts* and *Deceptive Trade Practice Alerts* to the Task Force. Fraud alerts are posted online at [www.dhhs.state.nc.us/aging/fraud/alert.htm](http://www.dhhs.state.nc.us/aging/fraud/alert.htm) and distributed to aging network agencies, law enforcement, banks, and BBBs. Presentations are conducted around the state to educate seniors as well.

- *Elder Rights System Development Planning:* In 1998, NC Division of Aging and Adult Services piloted an Elder Rights System Development Planning Process with the Cape Fear AAA. UNC–Center for Aging Research at UNC–Chapel Hill conducted a two-day training session with agencies that provide services to seniors in New Hanover County.

The goal was to implement a local planning process for building an effective elder rights system that examines the issues impacting seniors on an ongoing basis and addresses gaps in services and programming.

The project, “Raising Older Adults Rights” (ROAR), continues to be active. Regular meetings of the performance team are held, and the program has been expanded to other counties in the region. *Outcome:* Local planning process for aging services and programs provides a mechanism for addressing gaps in aging services.

- *Long Term Care Education and Outreach Campaign:* In 2001, the division initiated a public education campaign to raise awareness about long term care insurance and the need for long term care planning, working in partnership with AARP and the Senior’s Health Insurance Information Program in the NC Department of Insurance. The Elder Rights Section Chief was given lead responsibility.

The concept for the campaign originated from a recommendation in the “Long Term Care Plan for North Carolina,” issued in 2001 by the North Carolina Institute of Medicine. Seminars are conducted statewide for consumers as well as employers/employees in the public and private sector on planning for one’s future long term care needs including discussion of long term care insurance, costs, types, how to select, etc.

Numerous presentations have been made statewide. *Outcome:* consumers acquire the knowledge needed to make informed decisions about long term care insurance and long term care planning.

### **North Dakota**

- *Attorney General’s Office, Law Enforcement, and AARP:* Trained over 250 law enforcement officers on elder law. Statewide training offered to eight different communities of law enforcement officers.
- *State Bar Association, North Dakota State Trial Lawyers:* Trained 100 attorneys on abuse, neglect, and exploitation. Also co-sponsored an Elder

Law Day to train attorneys statewide about elder abuse.

- *National AARP Training Foundation and State AARP Office:* Over 300 persons trained. Two statewide training sessions were provided for social workers, long term care workers, and discharge planners on surrogate decisions.

### **Ohio**

- *Department of Job and Family Services (ODJFS):* Post-national elder abuse policy summit. Ohio State University, ODJFS – Evaluation of Ohio’s APS.
- *Ohio Department of Mental Health, Department of Rehabilitation and Corrections:* Training series for Ombudsman focusing on identifying system barriers, developing advocacy strategies, and local networking.

### **Oregon**

- *Attorney General’s Office, Bankers Association AAA, AARP:* Nationally recognized project to educate bankers in how to recognize and report abuse. This has resulted in many more referrals from banks.
- *Elder Section of Bar, Oregon Advocacy Center, Legal Aid of Oregon:* Reviewed files of guardianships in courts of every county and made legislative recommendations.
- *Department of Police Safety, Standards and Training:* Educational series for law enforcement and curriculum at the Police Academy.

### **Pennsylvania**

- *Pennsylvania Coalition Against Domestic Violence:* As part of a three-year project funded by the Pennsylvania Commission on Crime and Delinquency, a cross-training curriculum for aging and domestic violence staff was developed to increase identification of domestic violence involving elder victims. Training for staff, including Train the Trainers, has been

provided to more than 300 statewide, and a training manual was developed.

- *Pennsylvania Coalition Against Rape*: In a similar project funded by Pennsylvania's Commission on Crime and Delinquency, a cross-training curriculum for aging and sexual abuse staff was developed to increase identification of sexual abuse involving elder victims. In Year two, 120 staff will be trained statewide using the training material developed in Year one.
- *Pennsylvania Department of Aging, Health, Welfare and State Department*: This project established cross system information sharing linkages to construct databases to improve management of information concerning nursing facility complaints and effectively utilize state and local Ombudsmen. This project also produced a cross agency training video for APS, Ombudsmen, Department of Health (DOH) Surveyors and Department of Public Welfare (DPW) Monitoring Staff.

## **Rhode Island**

- *Department of Elderly Affairs, RI Bar Association, and Local Senior Centers*: Consumer Awareness and Education on health insurance issues has been improved. Also, reduced risk of elder fraud and victimization, through the Rhode Island Bar Association's Ask a Lawyer program.
- *Department of Elderly Affairs, Local Mental Health Center, Senior Police Advocate, and City Solicitor*: Assessment, advocacy, victim rights information, referral, and interagency collaboration were provided to an elder resident who had been assaulted by another resident. The elder had been intimidated and undecided about pressing charges/filing complaint, but with the goal of getting services for the disabled resident received treatment and the elder services.

- *Department of Elderly Affairs, including SHIP and Information and Referral (I&R) Case Management Agencies, and Senior Centers*: Cross training, Information Outreach and Education. *Outcomes* include: improving overall programs, building alliances, strengthening delivery of I&R, and providing real time links to needed services.

## **South Carolina**

- *Department of Mental Retardation, Healthcare Association, Criminal Justice Academy, Board of Nursing and Ombudsman*: Formed Adult Protection Coordinating Council, to develop methods of addressing the ongoing needs of vulnerable adults including public awareness of adult abuse, neglect and exploitation.
- *Ombudsman, Licensing, Mental Health, Mental Retardation, Relocation Guidelines for Residential Care Residents*: Guidelines were developed to assist residents of residential care facilities in relocating to other facilities.

## **Texas**

- *Seniors and Law Enforcement Together (SALT)/TRIAD and Texas Attorney General's Office*: Joint forums to support the development of TRIAD activities at the county level. Greater awareness of fraud and telemarketing schemes.
- *Texas Department of Human Services*: Joint training on restraint reduction and prevention of injuries associated with inappropriate restraint use in nursing facilities. *Outcome*: Efforts have resulted in a 4 percent reduction in restraint use since the initiative began.

## **Utah**

- *Health Facility Licensing and Center for Medicare and Medicaid Services (CMS)*: Regular meetings are held involving the Licensure, Medicaid Survey Unit, Ombudsman and APS to share information and findings regarding nursing home facilities.

- *Medicaid Fraud*: Medicaid Fraud provides training to all Ombudsman staff and APS staff.
- *Utah State Bar*: SUA Legal Services Developer chairs the State Bar Needs of the Elderly Committee.

## Virginia

- *Department of Motor Vehicles (DMV)*: Virginia Department of Aging partnered with DMV to develop and distribute a consumer booklet, titled "When to Yield." The booklet outlines Virginia statutes and provides helpful tips to family members and caregivers about signs that a senior can no longer safely drive or should modify their operation of a vehicle.

## Washington

- *Washington Supreme Court*: Washington State was one of the partners in the Legal Needs Survey, utilizing a portion of the funding (\$20,000) to expand a statewide survey of legal needs.

For several years, the Washington State Bar Association, the Washington Supreme Court, and others involved in Washington State's Access to Justice Coalition have conducted a statewide legal assistance needs analysis. In 2002/2003, the SUA was instrumental in expanding the survey to cover older persons and their concerns. The results of the study are available at [www.courts.wa.gov/newsinfo/?fa=newsinfo.pressedetail@nesid=398](http://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressedetail@nesid=398).

The number one issue across all age groups was access to civil rights protections. Legal assistance for grandparents raising grand children, consumer problems, and access to public benefits, such as SSI, were among the highly rated needs of older persons.

This information has been helpful in sustaining the state's requirement that 11 percent of Title III B funds be utilized for legal assistance. It also prompted the State Council on Aging to support a legislative proposal that increase filing fees as a means to increase the availability of legal assistance for older persons.

## West Virginia

- *Office of Social Services, Department of Health and Human Services*: Joined with APS in effort to convince the Office of Health Facility Licensure and Certification to continue to regulate small assisted living facilities.
- *Office of Health Facility Licensure and Certification & Office of Social Services*: Closely collaborated with this agency during last legislative session to bring about legislation affecting assisted living facilities that will have a positive effect on residents in these homes.
- *Attorney General's Office*: The Bureau's Legal Services provider (West Virginia Senior Legal Aid) collaborated with the Consumer Protection Division of the Attorney General's office by arranging for a senior citizen to participate in a sting to stop fraudulent water purification system salesman. This was broadcast on NBC Dateline.

## Wisconsin

- *APS Modernization Project*: Issued a report designed to examine Wisconsin's existing adult protective services and elder abuse reporting systems, including all relevant laws and regulations, to recommend ways to better protect and serve vulnerable adults across the life span wherever they live. Report is available on Wisconsin's Web site [www.dhfs.state.wi.us/aps/index.htm](http://www.dhfs.state.wi.us/aps/index.htm).

## Wyoming

- *Department of Family Services/Aging: Multi-Agency Conference Held in 2002. Planning for coordinated efforts as to Education/Outreach.*
- *Aging Mental Health/Developmental Disabilities: Collaborative (networking) efforts initiated Health Olmstead Plan/Work Force Education.*
- *Legal Services and APS have a grant to address statewide guardianship issues. The State Unit on Aging will partner as appropriate.*

## 2. Intra-Agency Coordination

Title VII envisions the coordination of access, policy, and program initiatives among Legal Services, Ombudsman, elder abuse prevention, adult protective services, health insurance counseling, information and assistance. We asked states to identify ways in which coordination is fostered in their state.

The survey finds about half of responding states have an elder rights unit within the state agency, and of these, a majority reported that the Legal Developer and Ombudsman are part of the unit (see Chart 2, Appendix A). Slightly less than half reported that SHIP, APS, or Information Assistance are organized as part of the unit.

Many states promote partnership building with both internal and external elder rights networks. In a majority of states, elder rights program staff/managers meet frequently and collaborate on elder rights-related projects. In slightly less than half the states, according to the survey, policy memos and guidance are reviewed collaboratively and proposals for special project funding are jointly developed.

States provided examples of noteworthy intra-agency coordination activities; those collaborations and their results are listed below.

### Examples of Intra-agency Coordination, by State

#### Alabama

- SUA has a Legal Developer, Ombudsman, and Health Insurance Coordinator, but no established Elder Rights Unit.
- *Joint training with Legal and Ombudsman:* Closer working relationship between the two groups on issues that affect seniors.

#### Arizona

- *Research on Programs and Services: I&R Directory.*

#### Arkansas

- *Regional Ombudsman and APS Training Events:* Offered information on consumer education, victim rights, laws and implications of the Olmstead decision for nursing homes, law enforcement, emergency medical technicians (EMT), social workers, nurses.

#### California

- *Statewide Legal Standards Workgroup:* The Ombudsman coordinated and collaborated with the California Department of Aging's (CDoA) Legal Services Developer to update the state's legal standards for Title III providers.
- *Legal Consultation to the Ombudsman Program:* The Ombudsman and its 35 local programs receive technical assistance and consultation from the CDoA's Legal Services Provider.

#### District of Columbia

- *Committee Members, Conference Co-sponsors:* As members of the committee, all are involved in developing the elder abuse prevention annual work plans and are co-sponsors of the conferences, etc.

#### Florida

- Ombudsman, SHIP, Elder Abuse, and I&R Supervisors are all part of Division of Volunteer and Community Services, under the Supervision of the Department of Elder Affairs' Division Director.
- *Ombudsman Recruitment/Media Campaign:* Due to severe shortage of Ombudsmen, especially Spanish speaking, Ombudsman staff, SHIP, and other Division Staff worked in

conjunction with a media campaign to successfully recruit additional volunteers.

- *Suicide Prevention Training "Train the Trainer"*: Ombudsman, Elder Abuse Unit, Caregiver Support, Assisted Living Facility Agency Staff along with AAA staff trained to conduct training for aging network gatekeepers. Successfully trained over 40 trainers.

## Georgia

- *Elder Rights Conference 2000: "Preparing a Better Way for Vulnerable Adults in Georgia"* provided training and networking opportunities for professionals who serve and protect the rights of older and disabled Georgians. The event was the result of collaboration and joint funding among the DAS Elder Rights Programs including the Elder Abuse Prevention Program, Elderly Legal Assistance Program, Ombudsman, and the SHIP program.

Outside collaborators and co-funders included APS and the Governor's Office of Consumer Affairs. Conference participants included elder rights service providers, APS, advocates, AAAs, I&A services, law enforcement officers, prosecutors, and others.

One of the conference's major purposes was to strengthen the statewide elder rights system by promoting the development of regional elder rights teams. During the conference everyone received training about elder rights teams, then individuals from the same planning and service area met together to get acquainted, to discuss problems faced by vulnerable older adults in their communities, to share ways they currently were addressing these issues, and to brainstorm ways they could work on the issues as a team. As a result of the conference, nine of the 12 regions currently have local teams.

- *Ombudsman & Elderly Legal Assistance Program (ELAP)*: Since 1997 the Legal Services

Developer and the Ombudsman have operated under a "Memorandum of Understanding Regarding ELAP Representation Sought by the Ombudsman Program for Incapacitated Long Term Care Clients in Georgia" to specify how cases for clients with impaired capacity will be handled between Georgia's ELAP providers and local Ombudsmen for residents of long term care facilities. As a result of this practice residents have representation when needed and local Ombudsman have additional legal resources to help protect the rights of these residents.

- *Caregiver Mediation Project*: Guardianship Mediation Project is a special project funded through The Center for Social Gerontology to assist family members and prospective wards through mediation. Lessons learned from the grant experience will benefit older adults and their families.

## Idaho

- *Ombudsman and Adult Protection Coordinator/Legal Services Director* located in same office and work closely together on a regular basis.

## Illinois

- *Elder Rights Conference*: Joint planning for annual elder rights conference now in its 17th year; conference offers opportunities for elder abuse, Ombudsman and Legal Services to learn about each others' programs and issues, and to network together.

- *Cross training*: The Ombudsman and Legal Services programs recently collaborated on a joint two day training program on legal issues affecting nursing home residents; e.g. involuntary discharge hearings; also the elder abuse and Ombudsman have frequently come together to be trained in areas such as investigative techniques and undue influence.

## Indiana

- Involved in money management and guardianship.

## Kansas

- *Legal Service Developer* coordinates activities for legal assistance development and elder abuse neglect and exploitation.
- *Prevention of Elder Abuse Neglect and Exploitation Conference*: Training provided to APS, law enforcement, legal service providers, case managers, professionals, paraprofessionals and caregivers
- *Elder Abuse Council*: Established multidisciplinary task force to coordinate efforts to address older victim issues of family violence. Developed brochure on domestic violence in later life and safety planning for Kansas seniors.
- *Compassionate Care Training*: In service training provided to Adult Care Facility on ways to prevent abuse inside a facility

## Kentucky

- The Ombudsman and SHIP are part of SUA. Information and Assistance (I&A) provided by SUA and on contract basis by AAAs. Elder Abuse/APS through sister agency collaborate with periodic cross training with SUA. Elder Rights issues discussed at quarterly meetings of AAAs and Ombudsman.
- *Ombudsman*: Ombudsman staff meets quarterly with the staff of the licensing agency and the APS to discuss issues with providing protective services to residents of long term care. These agencies share joint staff training. The goal is to provide increased protection from abuse, neglect, and exploitation to residents of Kentucky's long term care facilities.
- *Mental Health and Aging Annual Conference*: Regional one-day conference focusing on mental

health issues to improve access to mental health services for the elderly.

## Louisiana

- *Resolving complaints*: Program Directors have worked together to resolve complaints that affect both programs.
- *State legislation*: Program Directors commented on proposed laws to protect the rights of adults.
- *Joint training*: Legal Services Developer developed with input from the EPS and Ombudsman program directors an Elderly Investigations Training for law enforcement officers. This is a one and one-half day training provided in several regions of the state yearly by state staff and contractors.

## Maine

- *Publications/Web site for SUA*: Statewide comprehensive resources available for older persons and their families.
- *Cross training within SUA*: Statewide training provided to all staff.

## Minnesota

- *Frequent information sharing*.
- *Nursing Home Closure Work Group*: Developed policies and procedures for local county agencies and providers in the event of a nursing home closure. This resulted in passage of new nursing home closure statute
- *Medicaid fraud prevention*: SHIP Program and Medicaid Fraud enhanced training and fraud reporting procedures for all staff and volunteers involved in the programs.
- *Vulnerable Adult Review Panel*: Human Services, Health, Minnesota Board of Aging, Ombudsman review complaints of those consumers dissatisfied with the APS investigation by Health or Human Services

licensing entities on reports of abuse, neglect or exploitation.

## **Nevada**

- *Training:* The development of training on a variety of elder rights issues that is attended by the Ombudsmen, EPS workers, and community based social workers. An example of training included a session on regulations relating to group residential facilities and how workers can identify problems based on their observations and bring it to the attention of Ombudsmen and regulatory agency. Ombudsmen and EPS staff meet on a regular basis either by teleconference or statewide to address elder abuse issues

## **North Carolina**

- *Ombudsman Program provided updates on current legal issues:* Legal Services Developer participates in certification and quarterly training for regional Ombudsman. Legal Services Developer provides information on legal issues for Ombudsman such as guardianship, HIPAA, legal authority, etc. Result is that Ombudsman staff is better able to respond to complaint involving complex legal issues.
- *How to Recruit, Train, and Retain Volunteers:* The Volunteer Development Coordinator provides assistance to the Ombudsman Program, Caregiver Support Program and the Medicare Lookout Project on effective ways to recruit, train and retain strong volunteers in these programs. All programs rely heavily on local volunteers. The result is that programs are better equipped to attract/manage/retain effective volunteers. The entire aging network—state, regional and local — rely heavily on volunteers to provide services to seniors.
- *Training of Title V Enrollees as Direct Care Workers:* The Title V Program Coordinator collaborated with In-Home Services Coordinator

to enable Title V enrollees to become Certified Nurse Assistants (CNA).

## **North Dakota**

- Eight Regional Human Service Centers have responsibility for intra-agency staffing and collaboration

## **Ohio**

- Working on abuse prevention and with Communications Division on elder rights awareness.
- *Collaboration is routine with the Elder Rights Division:* The Benefits Specialist and Legal Services Developer is also a Certified Ombudsman. Each year the division establishes goals that involve all areas, for example a goal to assess and recommend changes for Legal Services that involves Ombudsman and other staff.

## **Oregon**

- *Training of District Attorneys:* Legal Services Developer and protective services staff will train District Attorneys on prosecutions in elder abuse cases.
- *Medicare/Medicaid fraud reduction:* Abuse prevention staff and Senior Health Insurance Benefits Assistant (SHIBA)/SHIP train SHIBA volunteers to do outreach to elders.
- *Caregiver training:* AAAs and the SUA have teamed up to produce a caregiver video on elder abuse, entitled "Nobody Should Have to Live with Abuse." The video is used to provide training for in-home caregivers across the state and has been presented to the Oregon Home Care Commission.

## **Pennsylvania**

- *Task Force for Protection of Older Pennsylvanians:* APS, Ombudsmen, and APPRISE Health Insurance Counseling Staff of

the SUA provided information and testimony to the Attorney General's office through participation in a state level task force and regional public hearings. Resource guide and policy/legislative recommendations were issued by the Attorney General.

- *Interface with other State Licensing/Regulatory Agencies:* APS and Ombudsmen staff met regularly in house and externally with Departments of Health and Welfare to comprehensively identify barriers to information sharing necessary to effectively carry our responsibilities for abuse reporting and investigations in nursing facilities and personal care homes.
- *Elder Abuse Public Service Announcements:* APS and Ombudsmen staff collaborated with the Press Office to develop radio and TV public service announcements (PSAs) encouraging visitation of long term care residents over the holidays, and providing information on signs of abuse and how to report it.

### **Rhode Island**

- *SUA, The Center for Social Gerontology (TCSG), and key organizations/stakeholders:* Plan to conduct a detailed review of state APS laws and look to national models with a view to drafting and working to pass more up-to-date legislation.
- *Department of Elderly Affairs, SHIP, and I&R Programs:* Ongoing technical support and staff training have ensured responsiveness and accuracy of information for consumers, real time access to needed services and has strengthened capacity to address complex health insurance and healthcare choice questions.
- *Department of Elderly Affairs and RI Bar Association Lawyer Referral Service for Elders and Legal Services:* Worked with many individual seniors in assisting them with housing issues ranging from the sale of family homes, tenants'

rights, rent increases and evictions and related issues. In one case, the legal services program was able to assist one senior threatened with eviction from public housing to remain in her apartment. The grantee agencies play an important role in helping protect the housing of elders.

### **South Carolina**

- *Advance Directives Training.*
- *Information Referral and Assistance:* Provide a system of I&A to assist older adults and their families identify and access available resources and programs.

### **Texas**

- *Joint training with Ombudsman and SHIP:* Two state-level trainings have been conducted for AAA staff on current issues, advocacy procedures and resource development. Trainings have resulted in more advocacy successes among local programs.

### **Utah**

- *Financial Abuse Conference:* A statewide conference for Attorneys, Judges, and Law Enforcement was sponsored by the SUA, University of Utah School of Law, Utah State Courts and APS. The conference was funded by the Borchard Foundation.

### **Virginia**

- *Public Guardianship Program:* Virginia integrates program information into presentations for aging network, seniors and/or caregivers. Most presentations include information on fraud abuse prevention, insurance counseling, legal toolkit, end of life planning, etc.
- *Public Presentations:* Agency presentations cover a wide variety of topics and printed information is available to participants.

- *Printed Publications:* Virginia Department for the Aging (VDA) often covers several related topics in a single publication. One specific brochure talks about tips to avoid common scams as well as Medicare and Medicaid fraud and abuse.
- *Training Opportunities:* VDA has held several training sessions related to Medicare and nursing homes. These sessions have been offered to Ombudsmen and Insurance Counselors in the AAAs.

### **West Virginia**

- *West Virginia Governor's Summit on Aging:* Each year the Ombudsmen, Senior Health Insurance Network (SHINE) personnel, Medicaid Waiver specialists, Legal Services Developer and other state employees along with employees of other state agencies and AARP sponsor the Governor's Summit on Aging which educates elders, professionals and the general public about senior issues including senior rights and elder abuse and neglect.

- *West Virginia SHINE Conference:* The Executive Director of West Virginia Senior Legal Aid, Inc. (WVLSA) always makes a presentation to the SHINE counselors at the annual statewide SHINE conference. The regional Ombudsman also attends this conference.

- *West Virginia Elder Advocacy Quarterly:* WVSLA and the Ombudsman Program publish this quarterly newsletter jointly. It is posted on WVSLA Web site, distributed online as well as mailed.

### **Wisconsin**

- *In-Service for Volunteer Ombudsman Program:* 65 volunteer Ombudsman trained on recognition of and reporting of elder abuse

### **Wyoming**

- *Strategic plan:* Identified goals of safety and health for all seniors, need for medical management, need for elder abuse education, outreach, need for oversight of funded services.

## SECTION II:

# State Leadership and Management

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Leadership in elder rights requires vision. One of the greatest challenges, it has been said, is to bring allies and colleagues together through a process where all can develop a shared vision of what is important and why.

We asked states to share examples of leadership and management practices that have been particularly successful. See Chart 3, Appendix A, for a complete summary of the state responses.

## Survey Highlights

- Approximately a third of the states responded that creating an Elder Rights Task Force was an effective leadership tool.
- About 20 percent said an Elder Rights Mission Statement or publishing a newsletter was a useful leadership strategy.
- The majority of states said they had developed program rules/guidelines and/or targeted funds to special initiatives as a management function to support elder rights systems development.
- About half the states responding said that they developed quality standards or developed outcome measures for system development purposes.
- Less than a third had developed an elder rights plan or conducted a needs survey.

## Examples of State Strategies

### Arizona

- *Publishes a focus newsletter on aging services* and is developing state plan goals.

### California

- Part of the elder rights plan is *increasing the number of volunteer Ombudsmen* in skilled nursing facilities. Ombudsmen standards and measures are in process.

### Florida

- *Collaborating with other state agencies and organizations as well as AAAs* to develop the focus of what activities are doing locally. This is part of the contract language with the AAAs.

### Georgia

- *Program Advisory Committees for the Senior Adult Victims Advocate and for the GeorgiaCares Program (SHIP)*: The state is promoting regional elder rights teams and is incorporating elder rights services and programs into Division of Aging Services.

### Idaho

- *Combining funds*: Elder Rights Title VII, Chapter 3 funding and obligations are combined with the Adult Protection Program.

### Illinois

- *Training*: Holds trainings and conferences.

### Indiana

- *Training*: Conducts Train the Trainer, prevention of elder abuse and exploitation.

## **Kansas**

- *Partnership and consultation:* Participates in the Elder Abuse Council and works with the multidisciplinary task force. Kansas has also developed legal assistance standards.

## **Kentucky**

- Conducts conferences, quarterly Office of Aging Services (OAS)/AAA Meetings, quarterly Ombudsman meetings. Partnered with the Kentucky Bar Association to produce book entitled "Laws and Programs for Older Kentuckians".

## **Louisiana**

- The SUA serves on statewide task forces/councils to represent the interest of elders including the DOJ, Elder Law Task Force, Triad, Mental Health, Homeless Council, Minority Health Care Council, Regional Adult Protective Services Coordinating Councils, State Bar Association, etc.

## **Maine**

- Collaborates on specific issues as they arise.

## **Minnesota**

- Building new partnership and sharing information.

## **New York**

- Uses the Governor's Advisory Committee and NY State Office for the Aging Web sites.

## **North Carolina**

- The Division requires AAAs to include elder rights programming in area plans that are completed every four years.
- In 1998, the Division collaborated with UNC-CARES at University of North Carolina-Chapel Hill and Cape Fear AAA to convene a group of local agencies providing aging services to develop an elder rights system that examined

existing services, identified gaps/needs/problems and developed plans to address gaps in services. A Performance Team was established to monitor progress made toward established goals.

- The Division has lead responsibility for writing the *State Aging Services Plan*, submitted to the North Carolina General Assembly every four years. Elder Rights is included in the plan.

## **North Dakota**

- Finished *Policy and Procedures Manual*, development of e-forms, and statewide training. Fully participate with all other adult service entities in any collaborative manner possible.

## **Oregon**

- Participates as an affiliate of National Committee for the Prevention of Elder Abuse (NCPEA).

## **Pennsylvania**

- Reported that each of the elder rights program components has specific networks, committees, newsletters, program directives, etc. supplemented by cross-training opportunities, conferences and multi-focus workshops.

## **Rhode Island**

- A new elder rights booklet, *Taking Care of Business*, by the RI Bar Association Committee on Legal Services and published by the Department of Elderly Affairs, is one example of the close collaboration between the Department and its grantee agencies in the arena of elder rights.

Several community outreach efforts have been held throughout the state with the legal service developer and RI Bar Association attorneys.

### **South Carolina**

- Publishes and Older Rights/Ombudsmen annual report.

### **Virginia**

- Developed a set of service standards for AAAs and contractors. The process involved state, AAA and contractor staff. Each participated in workgroups and a general oversight group to reach consensus.

### **West Virginia**

- Plans are underway as a result of the May 21, 2003 legal assistance meeting held by West Virginia Senior Legal Aid and The Center for Social Gerontology (TCSG) to convene a task force to discuss financial exploitation and the need for systematic changes to improve assistance.

## Information and Access

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Assuring access and raising public awareness of services and resources that are available are essential to elder rights systems development. We asked states to share with us their strategies for public information and outreach to assure access to elder rights services and supports. Chart 4, Appendix A summarizes the responses.

### Survey Highlights

- Nearly 80 percent of states responded that they utilized toll free telephone numbers.
- A majority indicated that they used targeted outreach or public awareness campaigns; specially developed directories, brochures or videos; and special or targeted staff training.
- Slightly less than half responded that they used other strategies. Nine states, for example, get information out about elder abuse via a Web site, and several reported providing cross training and/or interagency training activities.
- In addition, one state has developed a list serve forum modeled after the National Center on Elder Abuse list serve.
- Another state reported using referrals from SHIP, and another reported providing a Senior Citizen Law Project Attorney.

### Examples of State Outreach and Education Efforts

#### Arizona

- One *toll free number* that results in better utilization of volunteers who answer phone, triage issues, and help assure faster services.

#### Arkansas

- *Videos filmed in local nursing homes on resident rights* using AAA staff are distributed statewide. Arkansas also developed brochures to inform the public and create referrals.

#### California

- *Ombudsman* developed a brochure on elder abuse and the reporting of abuse. The Ombudsman also maintains a toll free number for the reporting of abuse in facilities. The number is prominently displayed on the Ombudsman poster, which is displayed in all long term care facilities.

#### District of Columbia

- *Developed public education brochures and videos about elder abuse* and where to turn for help, including an APS brochure, financial exploitation brochure, and home improvement fraud video.
- *Conducted targeted training to educate seniors, public housing representatives, and staff about elder abuse.* Sessions were held for seniors participating in senior center and nutrition programs, sessions for senior public housing resident council representatives, and sessions for staff of public housing buildings.

#### Florida

- *Created a media campaign to heighten awareness of abuse and neglect* and to inform stressed caregivers of available assistance. Playing off the successful media campaign, Florida also developed brochures and posters to educate the public about abuse and neglect.

## Georgia

- *GeorgiaCares*: Offers insurance information, counseling and assistance through GeorgiaCares, the state's SHIP program. Services are available across Georgia through twelve local area agencies on aging facilitated by a statewide toll free number that automatically routes callers to local offices for information and assistance. When the program was expanded in SFY 2002 to enroll all eligible Georgia Medicare beneficiaries in all low-cost prescription drug assistance programs, the implementation was phased in over a six-month period adding two Area Agencies on Aging each month. Program publicity was distributed across the state in coordination with the rollout with press releases distributed monthly in each new region. Simultaneously, local programs conducted community education about the program and held outreach events.

There has been an impact. In SFY 2001 community education and media events reached over 600,000 people helping Medicare beneficiaries save \$703,884 in health related costs. In SFY 2002 outreach and media events reached more than 2 million people and beneficiaries saved more than \$2.5 million. In SFY 2003 the program served three times as many individuals than the year before and substantially increased opportunities for savings exceeding \$28 million.

Outreach has been ongoing. Private funding financed the recent production of a GeorgiaCares video. Georgia pharmacists were given 1,000 copies for display in their stores to help educate the community about the program and help recruit volunteers. Further, program brochures were translated into nine different languages.

- *Georgia Senior Legal Hotline*, a project of the Atlanta Legal Aid Society in cooperation with

the Georgia DAS and the Legal Services, has increased access to Legal Services for Georgia's seniors and increased the capacity of current providers to handle cases by assisting with legal issues most appropriately handled by telephone. The hotline receives approximately 8,000 calls a year; it resolves around 4,000 cases each year.

## Illinois

- *Senior HelpLine* is a widely advertised as the number to call for both nursing home and elder abuse concerns; the Department also contracts for an after-hours toll free number, which is also listed on all elder abuse materials, to receive elder abuse reports at nights and on week-ends and holidays.

- Provides numerous materials on both the Elder Abuse and Ombudsman Programs, including brochures, posters, videos, public services announcements, newspaper ads, ribbons, and booklets for reporters.

Residents' rights brochures, etc. have been developed and are widely distributed; several have been translated into five additional languages and are being translated into eight more languages this year.

## Indiana

- Maintains a *toll free APS hotline* and an Ombudsman hotline. Indiana also has an outreach unit making presentations to get the word out.

## Kansas

- *Advocate for Elder Rights* that coordinates statewide trainings and promotes legal assistance development. Kansas also promotes the Elder Law Hotline, providing senior access to the justice system; legal service providers conduct public awareness in priority areas of law.

## **Kentucky**

- Educates staff of long term care facilities on reporting suspected abuse, neglect and exploitation. In FY 2002, Ombudsman provided 131 separate training sessions for long term care facility staff. Continually providing this service means that staff of Kentucky's long term care facilities are better informed about APS issues.
- Developed a variety of brochures, directories, videos are available for informational/educational purposes. Agencies, consumers, general public and officials may access brochures, directories and videos maintained by OAS. Brochures and directories are distributed through a variety of mechanisms. Videos are available through a loan arrangement.

## **Louisiana**

- Informs the local communities of program priorities during Older Americans Month. Published articles in local newspapers describing the EPS, Ombudsman, and Legal Services Programs. Received telephone calls from state residents requesting additional information or to report alleged abuse.
- Redesigned training to more effectively reach the adult learner for Ombudsman Coordinators and Volunteers. Provided training materials to contractor that specialized in designing effective adult training tools. Current training materials were revamped for use in training sessions for FFY 2005.

## **Maine**

- Developed the Statewide Prescription Drug Survey, to provide information to consumers to make better decisions about where to purchase their prescription drugs. Maine also created a booklet and video on adult guardianship, to provide assistance and information to

individuals regarding the private guardianship process.

## **Minnesota**

- Conducts the Senior Linkage Line Outreach Campaigns, a good example being the PSAs done by Minnesota's First Lady to raise awareness of caregiving by families. In this public outreach campaign, the Senior Linkage Line was advertised as the number to call for questions or assistance.
- In addition, AARP funded the printing of elder rights materials for persons and their families in assisted living facilities.

## **Nevada**

- Improving Web site, to include more information to consumers on elder issues, specifically elder rights.

## **New York**

- Outreach, information, system management and training.
- New York maintains and Ombudsman Web site with ORT component.

## **North Carolina**

- *Long Term Care Outreach Campaign:* Elder Rights Section Chief collaborated with AARP and the Seniors' Health Insurance Information Program to conduct seminars/workshops on long term care insurance and planning for future long term care needs.
- North Carolina also held a First Responders Training on Elder Abuse Prevention. Regional Ombudsmen work with local APS agencies and other local agencies to conduct training for human service professionals on how to recognize elder abuse and how to report it.

## North Dakota

- Provides outreach information by partnering with other special service entities.
- North Dakota also participates with State Health Department on the communicative disease committee and statewide flu campaign.
- This committee became a strategic alliance through which the SUA elder rights staff educated the Health Department staff on elder rights issues and subsequently engaged that department's substantial outreach capacity in helping seniors access various elder rights supports. It proved a method for "enlarging the circle of believers."

## Ohio

- Conducted a public awareness campaign. The state unit director taped television and radio segments about the Ombudsman and Long Term Care Consumer Guide. Calls and Web site visits increased as a result.

## Oregon

- Several newspapers and television stations spotlighted the problem of elder abuse.
- The state also developed a curriculum for inclusion in general domestic violence training for all segments of the Department of Human Services.

## Pennsylvania

- *Long Term Care Informational Resources*: The Ombudsmen Program developed a booklet, *How to Select Long Term Care in Pennsylvania*, and brochure, *Know Your Rights as a Personal Care Home Resident*.
- Pennsylvania also *targeted outreach to Bethlehem Steel Retirees*, sending letters to 26,000 members who lost healthcare benefits when the company was sold. AAPRISE health insurance counselors and the United Steelworkers union

held informational town meetings across the state. So far, 2,600 of those who lost benefits have been enrolled in the Prescription Assistance Contract with the Elderly (PACE) or PACENET prescription drug programs operated by the SUA.

## Rhode Island

- *Outreach campaign* that reaches 1,200 to 1,500 elders annually are conducted primarily at local senior centers and provide elders direct access to legal issues through an "Ask a Lawyer" program.

## South Carolina

- *Summer School of Gerontology* that builds knowledge and skills, and promoting personal and professional development.
- *South Carolina's Annual Ombudsman Report* provides information on Ombudsman services, facility information, advance directives, paying for care, resident rights, protection and the law, and getting good care.

## Texas

- *Targeted media campaign* to support Ombudsman program, to create better awareness of the Ombudsman program, and to support volunteer recruitment. Area agencies had increased requests for assistance and volunteer recruitment was increased, which resulted in additional certification training for new volunteers.

## Virginia

- Operates a *nationwide toll free number* that provides live information and assistance, distributes printed materials, provides counseling and follows up with sampling for satisfaction.

## **Washington**

- Provides a *statewide telephone system* for all Legal Services with special numbers for seniors.

## **West Virginia**

- *Developed pamphlets and posters* for distribution to all nursing homes in the state, to inform residents of Ombudsman programs and the services the program provides. West Virginia also provides a senior legal advice and referral hotline.

## **Wisconsin**

- Provides a *Wisconsin APS/Elder Abuse list serve*, with 300 members, and a Web site for consumers.

## **Wyoming**

- Published Resource Directory as part of a nursing facility transitions grant. Directory updated and distributed by Centers for Independent Living.
- Planning meetings convened with Department of Family Services (APS) team, Aging Division Administrator and program staff to define a new partnership.

## Elder Rights Training and Education

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At the state and local levels, staff training is important in keeping everyone informed of elder rights issues and enabling staff to explore and contribute to service delivery improvements. We asked states to describe the various types of training opportunities currently being offered, the target audiences, and the collaborating institutions and sectors.

See Chart 5, Appendix A for a complete summary of state responses.

### Survey Highlights

- Over 75 percent of the state agencies surveyed say they actively support training specifically tailored to elder rights issues, such as Ombudsman training or legal issues training, as part of their elder rights initiatives.
- Slightly less than half of the states have specially developed curricula in place or sponsor a statewide elder rights conference.
- About half of the states say participation in training sponsored by other agencies supports their elder rights initiatives.

### Examples of Elder Rights Training Activity and Resources

#### Alabama

- Joint legal and Ombudsman training on nursing home contracts and medications.

#### Arizona

- Statewide training for each program and cross training.

#### Arkansas

- Aging Conference that provides information on rights, laws and responsibilities of seniors.

#### California

- Two conferences a year for Regional Ombudsman Coordinators, which include sessions on elder rights and legal issues. A 36-hour Ombudsman core curriculum has been written to deal specifically with elder rights/resident rights and elder abuse issues.

#### District of Columbia

- Provided training and education at Domestic Violence/Senior Service Network Conferences, and Financial Fraud Conferences.

#### Florida

- Train-the-Trainer/Gatekeeper Training for SUA and AAA staff instructing them on how to conduct older adult suicide prevention, training on how to recognize, respond, and refer potentially suicidal older adults for help.
- Aiming to gain a better understanding and perspective, Florida Department of Elder Affairs funded a study to look at the relationship between elder mistreatment and substance abuse and depression. University of South Florida conducted the study.

#### Georgia

- *Family Violence Prevention:* The Georgia Division of Aging Services collaborates with family violence shelters and rape crisis programs in providing training to local public health staff. It also conducts workshops at the annual victims' conference, as well as the family violence conference.

- *Ombudsman/Office of Regulatory Services (ORS) Training:* In May 2001, the Ombudsman and the Department of Human Services (DHS), ORS held the first joint conference with community Ombudsman and surveyors from the agency that licensed and regulated Georgia's nursing homes and personal care homes. The event improved communications among the participants, clarified their respective roles, and resulted in recommendations for improved coordination for surveys and investigations.
- *Long Term Care Staffing Conference to focus on staffing issues in long term care:* In December 2000, Georgia Division of Aging Services jointly sponsored a conference with the Georgia Council on Aging, Ombudsman Program and others focused on finding solutions to the long term care staffing crisis in Georgia. Representatives of more than 30 agencies attended the conference.

In break out working sessions, after hearing presentations from national experts detailing innovative approaches to staffing, multidisciplinary groups recommended strategies for action. These included recommendations for benefits, salaries, training, recruitment, management, dependent care, transportation, career enhancement, cultural barriers, and work environment. These discussions became the basis of a final report.

To continue the focus on staffing solutions, partners in this event formed the *Georgia Alliance on Staffing Solutions*. Additionally, the Ombudsman Program coordinated with others to organize the first *statewide forum for more than 125 Certified Nursing Assistants* in conjunction with the Georgia Gerontology Society's 2001 Annual Conference; contributions from AAAs provided scholarships for Certified Nursing Assistants to attend. Training participants praised the event, which was replicated

regionally by local Ombudsman in FY2002 with support from AARP.

## **Idaho**

- Joint APS/Ombudsman training conference focusing on APS investigations and coordination between APS & Ombudsman. APS & Ombudsman collaborate regularly.

## **Illinois**

- *TRIAD Conference, Attorney General Conferences on Elder Abuse* and on training healthcare providers, Illinois Health Cares Train the Trainers, initial and ongoing training for elder abuse case workers and supervisors and for Ombudsman staff and volunteers, as well as regional Ombudsman and family violence coordinating council statewide and local presentations.
- *Cross trainings:* The Ombudsman and Legal Services programs recently collaborated on a joint two-day training program on legal issues affecting nursing home residents such as *involuntary discharge hearings*; also the elder abuse and the Ombudsman have frequently come together to be trained in areas such as *investigative techniques and undue influence*.
- *Elder Rights Conference:* Joint planning for annual elder rights conference now in its 17th year; conference offers opportunities for elder abuse, long term care Ombudsman, and Legal Services to learn about each others' programs and issues, and to network together.

## **Kansas**

- Community education and training offered in *priority areas of law*. Publications and resource guides for seniors on *spousal impoverishment* have also been developed.

## **Kentucky**

- Center director's workshop, Governor's conference on Aging, and SHIP conference. The Annual SHIP conference usually offers a session on "Elder Abuse and Intervention Strategies."
- Kentucky also has joint APS/Ombudsman Training. State and local Ombudsman are allowed to participate in a series of trainings conducted for APS staff on how to conduct investigations in long term care settings. This produces better-informed Ombudsman staff about APS investigations in long term care facilities.

## **Louisiana**

- *Adult and Elder Abuse Awareness Conference:* In 2000 and 2002, the Louisiana Governor's Office of Elderly Affairs, Elder Rights Unit, Ombudsman, Legal Services, and DHH/Bureau of Protective Services jointly planned and conducted a statewide training for persons who work with elderly or disabled persons including social workers, healthcare professionals, and case managers. Conference attendance in 2002 totaled 191.
- *Ombudsman Conference:* The state Ombudsman conducted the FY 2003 conference utilizing national speakers and advocacy groups. Contractors were honored for their years of program commitment and received training in the latest techniques for investigating and resolving complaints and coordinating with other agencies.

## **Maine**

- State Education and Training Unit offers training for state employees and contract agencies three times a year and works with Maine's legal services developer.
- Maine also has an Ombudsman training on elder rights for volunteer Ombudsman.

## **Minnesota**

- APS Unit at the Department of Human Services has developed a full core curriculum for APS investigations, funded by Hartford Grant through the University of Minnesota.
- Minnesota also has state outreach to banks, financial planners and physicians. Through a contract with an AAA, statewide training was provided on financial exploitation and abuse.

## **Nevada**

- Medical, mental, legal training/education offered in the community or university.
- Ombudsmen meet twice a year for 1 ½ days of training covering aspects of Ombudsman training. This year, Ombudsman concentrated on database issues. A meeting of all Ombudsmen provides an opportunity to network and learn from each other.
- Also provided an all-day training offered statewide to Ombudsman and other community partners that included Medicaid-Fraud Unit, Law Enforcement, Sexual Abuse Unit, Bureau of Licensure and Certification and Protective Services. The training theme was "communication," which carried over all day to emphasize collaboration on elder abuse cases.

## **New York**

- Operation Restore Trust (ORT) community training with Senior Medicare Patrol funds, annual adult abuse conference, information incorporate into SHIP/HIICAP training (as appropriate).
- *Annual Adult Abuse Conference sponsored by the New York State Office for the Aging (SOFA)* and the Office of Children and Family Services, the state agency that administers adult protective services, in conjunction with the Brookdale Center on Aging of Hunter College. SOFA and four representatives of AAAs are on

the conference planning group. Over 150 case management staff from AAAs and their subcontractors attend this annual conference, as well as approximately 10 SOFA staff.

Workshops and plenary sessions cover a variety of topics related to serving vulnerable or abused adults. Overall, approximately 550 individuals attend this 1 ½ day conference each year. Invited participants include staff in the adult protection network, as well as health, mental health, law enforcement, and human service professionals

### **North Carolina**

- *Legislative Advocacy Training:* Ombudsman program collaborates with AARP and Friends of Residents in Long Term Care in statewide event focusing on care provided in long term care facilities. Advocates also meet with legislators to discuss long term care issues and to promote legislation that strengthens protection for residents.

- Ombudsman Program provides training in long term care facilities on topics of *residents' rights, family empowerment, and other long term care related issues, such as Alzheimer's disease.*

In addition, the Ombudsman is partnering with other advocacy organizations on a *Family Empowerment Initiative*. The goal is to educate and support family members so they can be effective advocates for their relative in a long term care facility. Emphasis is placed on reinforcing the concept that delegating daily care to professionals in long term care facilities does not diminish the family's role in shaping and influencing how care is provided.

- Regional Ombudsmen provide training on *elder abuse, neglect, and exploitation.*

- Chief of Elder Rights Section provides statewide training on *consumer fraud* and joint training with Ombudsman staff on *long term care insurance and planning for long term care*

- Legal Services Developer provides training on *kinship care legal issues, guardianship, advance directives, and other legal issues.*

- North Carolina also has training on *guardianship and alternatives:* The Legal Services Developer provides training to increase consumers' knowledge about advance directives, living wills, healthcare power of attorney, and types of guardianship.

### **North Dakota**

- *Elder law training:* Trained over 250 law enforcement officers on *elder law*. Statewide trainings were offered to eight different communities of law enforcement officers.

- *Elder abuse training:* North Dakota has also trained 100 attorneys on *elder abuse, neglect, and exploitation*. Co-sponsored an Elder Law Day for all attorneys in the state to receive training on the topic.

- *Surrogate decision-making:* The state sponsored two statewide trainings in surrogate decision-making, attended by over 300 social workers, long term care workers, and discharge planners.

### **Ohio**

- *Provides an AARP Legal Counsel for the Elderly (LCE) Training on Guardianship and Elder Abuse:* Legal Services, APS, and Ombudsman participated in training.

### **Oregon**

- Statewide conferences every year since 1995.

- The state also has developed five training videos: *Roll Call Video for Police, Victimization of Barbara White, Restoring the Sacred Circle, Nobody Should Have to Live with Abuse, and Preventing Financial Exploitation: How Bankers Can Help.*

### **Pennsylvania**

- *Pennsylvania Protective Services Training Institute:* Collaboration of SUA, Temple

University Harrisburg Campus, and the Philadelphia Corporation for Aging (AAA). The Institute provides educational assessment and training for staff of the 52 AAAs. The Institute also provides investigative consultation to AAAs and law enforcement engaged in investigating complex elder abuse cases.

- *Ombudsmen Training and Annual Enrichment Conference*: Office of State Ombudsmen has developed a three-tiered training program. *Tier One*: Introductory one day for new staff and volunteers; *Tier Two*: Advanced 3-day training for staff Ombudsmen and graduates of Tier One; *Tier Three - Annual Enrichment*: A two-day conference with multiple workshops; plus *ten hours of training for resident advocates* on how to enhance quality of life for all residents.

### **Rhode Island**

- *One-day conference on probate and advanced directive issues* was held for the local elder rights network by AARP.

### **South Carolina**

- *Summer School of Gerontology*, which provides for Ombudsman certification and recertification training.
- *Monthly Ombudsman trainings* are provided to increase Ombudsman's professional development and knowledge base.

### **Texas**

- *SHIP, I&A, and Case management staff training* that results in better training and coordination of local staff.

### **Utah**

- *Financial abuse conference for attorneys, judges, and law enforcement.*
- APS trained approximately 400 law enforcement officers this past year and 400 fire fighters.

- *APS Law Enforcement Training*: A four-hour comprehensive training session on elder abuse and state laws.

### **Virginia**

- Attorneys provide training to local bar associations on guardianship, powers of attorney and end of life planning issues.
- Aging Network Professionals provide trainings at various professional conferences, such as Virginia Guardianship Association, Elder Rights Coalition, and Virginia Coalition for the Prevention of Elder Abuse.

### **Washington**

- Provide trained speakers in law.

### **West Virginia**

- *The Center for Social Gerontology (TCSG)* has provided two trainings on elder rights issues.
- *Ombudsman trainings*: Money is placed in Ombudsman Program budget that allows the state Ombudsman to attend National Association of State Long Term Care Ombudsman Programs annual conference. This allows the Ombudsman to be well informed of current issues and policies affecting the Ombudsman Program. Last year money was placed in the regional Ombudsman program budget that allowed most regional Ombudsman to attend regional training in Winchester, VA. This will empower regional Ombudsman to be better advocates for long term care residents.

### **Wisconsin**

- Developed an *Elder Abuse Interdisciplinary Team Manual*.

### **Wyoming**

- Two multi-agency conferences with information on elder rights.

## Sources of Funding for Elder Rights

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### 1. State Allocation of Title VII, Chapter 3 Elder Abuse Prevention Resources

Only about \$5 million of the total amount appropriated under Title VII of the Older Americans Act is targeted to abuse prevention. Despite very limited funding, many states have accomplished significant results.

States are given discretion within broad federal guidelines to set priorities for elder abuse prevention. To get a picture of how the funds are allocated, we asked states to tell us how they have targeted these monies. States gave the following examples:

#### Examples of State Elder Abuse Prevention Activities

##### Alabama

- Ninety-nine percent allocated to AAA.
- Public education/outreach methods used include training in local communities, targeting long term care workers from nursing homes, home health, and assisted living facilities. One AAA uses the funds to gather all professions to work on elder abuse prevention.
- Alabama held three training sessions for professionals, with a total of approximately 250 people attending. RNs, aides, and administrators were among those trained.

##### Arkansas

- Funds were utilized for statewide activities, such as regional training events, "Approaching the Challenges of Today and Tomorrow." Publication education/outreach methods used

include training events and a conference, targeting mandatory reporters.

##### Arizona

- Sixty percent allocated to AAA.

##### California

- One hundred percent allocated to AAA, with grants ranging from \$763 to \$76,959.
- Funding supplemented with state funds, in the amount of \$22,943 (match). Other resources include Ombudsman and money management programs.
- Public education/outreach methods used include community education, information and brochures. Those trained included older adults, caregivers and mandated reporters.
- Many AAAs fund their local Ombudsman program with Title VII. These funds help pay the costs for education and outreach materials, conferences, and additional staff, among other things.

##### District of Columbia

- Funding was utilized for statewide activities, including the *Adult Abuse Prevention Committee*, which is the sponsor of all Title VII elder abuse prevention activities. All Title VII activities are planned by the committee members, all of whom serve as volunteer members. Activities included conferences and a real property tax sales project.

- Funds helped pay the costs of public education and outreach to senior centers, nutrition program, and wellness center participants; seniors in the community; public housing residents' council representatives; and public housing managers. Methods included brochures, presentations, and conferences.
- Funding was also used to conduct four trainings attended by 240 professionals, including social workers, lawyers, counselors, and public housing managers.
- As well, the funds helped to support coalitions/task forces (the project operates through the DC Adult Abuse Prevention Committee but the committee itself does not receive financial support; funds go directly to support activities planned by the committee).
- Funding is also used for conferences. Family Violence Prevention Funds were tapped for this purpose as well.

### **Florida**

- Sixty percent allocated to AAA, with grants ranging from \$17,000 to \$62,000.
- Funds were utilized for statewide activities, including training for professionals and public education on elder abuse. Funds also supported curriculum development.
- Methods for disseminating to the public include brochures and posters; the audience targeted was older adults.
- Florida held four training sessions for ALF staff, healthcare workers, and emergency first responders. In total, approximately 120 to 150 people were trained.
- Other funds for special projects include Senior Companion Grant Funds, to conduct pilot programs for having "senior companions" work with self-neglecting elders to improve their outcomes.

- OAA funds also supported coalitions and/or task forces and SUA staff.
- Elder abuse, neglect and exploitation training, developed by DOEA in collaboration with APS, is well received in the state. DOEA and APS headquarters staffs conduct the training currently, but plans include AAA collaborations with APS counterparts to expand reach.

### **Georgia**

- Seventy-eight percent allocated to AAA, with grants ranging from \$5,112 to \$23,002. Georgia also had a 5 percent state match.
- Funding primarily is used to help pay the costs of community education, professional education, and information and assistance.
- OAA funds supported travel for the Program Specialist and printing and promoting materials for outreach and education (elder abuse brochures, elder abuse prevention pins, training videos and curricula).

### **Idaho**

- Idaho reported receiving only \$25,000 under Title VII, Chapter 3; the six AAA each receive grants of \$1,000. The funds also support SUA staff.

### **Illinois**

- 100 percent allocated to AAAs, with grants ranging from \$4,719 to \$41,540.
- Funding is used to support local multidisciplinary teams (MDTs) with the goal of building capacity; each local elder abuse provider agency has received \$3,000 in MDT assistance (\$125,000 in total).
- State funds supplement federal OAA Title VII funds in the amount of \$100,000. The Department allocates this amount for training and public education purposes; local abuse

provider agencies also conduct a great deal of public and professional education on elder abuse with state funded staff, but no break out of funds is available.

- Funding is also used for local elder abuse and Ombudsman agencies for public education materials, to attend or sponsor elder abuse conferences, etc.
- Funds allow local elder abuse provider agencies to gain from the expertise of multidisciplinary teams, who meet regularly with elder abuse staff to provide information and assistance in responding to the many complex issues in elder abuse cases.

### **Indiana**

- 100 percent allocated to AAA with grants ranging from \$4,100 to \$54,000.
- Sixteen training sessions were held for case managers, supervisors, AAA staff, and nursing facility staff. In total, 320 professionals were trained.
- Family and Social Services Administration sponsored Train the Trainer for APS on the prevention of elder abuse and exploitation.

### **Kansas**

- Funds were utilized for statewide education programs, elder abuse task force, and professional training.
- Public education and outreach targeted caregivers, professionals, paraprofessionals, and law enforcement. Fifty-six workshops were held for attorneys, APS, social workers, nurses, law enforcement, and SUA staff, with a total of 1,755 people attending.
- Funds were also used to support statewide multidisciplinary teams, elder abuse coalitions and/or task forces, and conferences.

### **Kentucky**

- One hundred percent allocated to AAA, in the amount of \$1,318 to \$11,827. State funds supplement funding; \$1,628 is used to support local program activities (local AAA decision regarding amount each year).
- Funds are used for statewide activities, such as training and education, primarily to staff and residents of family care and personal care homes. If funding permits, the training is provided to other types of long term care facilities and to civic organizations.
- Public education and outreach methods include posters, brochures and public meetings and target residents of long term care facilities, family and caregivers of residents, community organizations, and senior center participants.
- Funding helps to train 200 to 300 professionals annually, targeting nursing home administrators and personal care and family care home operators and staff.

### **Louisiana**

- State funds in the amount of \$2,249,000 supplement federal funds, and help to pay the costs of investigating reported elder abuse cases.
- Louisiana utilized OAA Title VII funds to help pay the costs of statewide APS training for the public, law enforcement, and services providers. Funds were also used to train 3,500 professionals, including healthcare, nurses, social workers, MDs, psychologists, law enforcement professionals, and district attorneys.
- Public education and outreach methods used include public viewing and didactic education, targeting professionals, general public, and healthcare providers.
- Brochures were created for a public information campaign on elder abuse. The

campaign educated thousands of public, private, and healthcare providers. Each brochure lists local and state telephone numbers to make reports.

### **Minnesota**

- Minnesota used funds for a statewide project, *“Common Entry Point Reporting/Maltreatment Investigators,”* an automated and Web-based reporting and investigation system. One hundred county workers were trained in four different sessions.
- Funds also support local multidisciplinary teams.
- The number of APS county teams increased from 18 to 36.

### **Nevada**

- Nevada pooled federal funds with state general funds for travel for investigations to rural areas. Funds were also used to support conferences and SUA staff.

### **New York**

- New York uses funds to support SUA staff.

### **North Carolina**

- One hundred percent allocated to AAA, with grants ranging from \$3,900 to \$25,500. The funds are supplemented with state funds (5%).
- Conducts *First Responders Training*, designed to train law enforcement officers, emergency medical technicians, and fire fighters on what to do if they encounter possible elder abuse situation when responding to a “911” call. Training covers basic definitions of abuse, neglect and exploitation, reviews the North Carolina APS laws, and explains protocols to follow when there is suspicion of abuse.

### **North Dakota**

- Funds were allocated to the SUA and were used for statewide activities that include

presentations on hoarding by two national experts.

- The state also conducted ten training sessions, attended by 350 professionals, including social workers, attorneys, police officers, and OAA Title III staff.
- Funds were also used to support local multidisciplinary teams and help pay the costs of a conference, SUA staffing, and support county local social service staff. North Dakota reported trying to partner with various state/federal funding entities for special projects.

### **Ohio**

- One hundred percent allocated to AAA (pass through to Ombudsman programs), with grants ranging from \$5,894 to \$41,720.
- Ombudsman programs conduct training, consult with providers, and through community outreach and education raise community awareness.
- AAA hosted *Abuse Conference for Law Enforcement* to help law enforcers and others identify and understand elder abuse issues.

### **Oregon**

- Ninety-five percent allocated to AAA, with grants of \$1,000.
- Funds are utilized for statewide activities, such as training for investigators, police and District Attorneys.
- Funds are also used for public education/outreach, training of professionals, and support for statewide and local multidisciplinary teams, coalitions/task forces, and conferences. Oregon supplements these monies with state funds.
- Held *statewide Multidisciplinary Team Conference* that resulted in more criminal prosecutions.

## **Pennsylvania**

- One hundred percent allocated to AAA. Fair share is based on the allocation formula (total is \$262,869).

## **Rhode Island**

- Rhode Island uses the funds to support SUA staff.

## **South Carolina**

- One hundred percent allocated to AAA, with range of grants from \$2,294 to \$27,903.
- Funds are used for public education/outreach, such as health conferences targeting citizen groups.
- South Carolina also conducts trainings for nursing home staff.

## **Texas**

- One hundred percent allocated to AAA.

## **Utah**

- One hundred percent allocated to AAA, with grants ranging from \$460 to \$9,400. Utah supplements the Title VII monies it receives with state funds.
- Funds are used for public education/outreach, training of professionals, and support for conferences.
- Created an awareness campaign on elder abuse issues. Prevention funds were used, in part, to fund billboards and radio spots encouraging people to recognize and report elder abuse.

## **Virginia**

- OAA Title VII FY 2002 funding was \$223,965 for Elder Abuse and Ombudsman activities. Total dollars spent for elder rights: (1) Elder Abuse \$124,605; (2) Information & Assistance \$3,474,873; (3) Legal Assistance \$374,530; (4) Long Term Care Coordinating \$509,677; (5)

Ombudsman \$969,862; (6) Public Guardianship \$579,000; (7) SHIP 287,184.

## **Washington**

- Seventy-five percent allocated to AAA, with grants ranging from \$350 to \$8,000.
- Funds used for statewide activities include a telephone survey and interview on legal needs with Supreme Court (see description below).
- Funding also helped pay the costs to train 300 professionals at three separate trainings attended by attorneys, social services, nurses, and certified professional guardians. In addition, the funds were used to support coalitions/task forces and help cover costs of conferences.
- Washington State was one of the partners in the Legal Needs Survey, utilizing a portion of the funding (\$20,000) to expand a statewide survey of legal needs. For several years, the Washington State Bar Association, the Washington Supreme Court and others involved in the Washington Access to Justice Coalition have conducted a state-wide legal assistance needs analysis. In 2002/2003, the SUA was instrumental in expanding the survey to cover older persons and their concerns. The results of the study are available at [www.courts.wa.gov/newsinfo/?fa=newsinfo.pressedetail&newsid=398](http://www.courts.wa.gov/newsinfo/?fa=newsinfo.pressedetail&newsid=398).

## **West Virginia**

- One hundred percent allocated to AAA, with grants ranging from \$6,358 to \$12,170. Funds were used for statewide activities and public education/outreach.
- The Bureau of Senior Services partners and the WV Department of Health and Human Resources host the annual *Governor's Summit on Aging*, a statewide conference for the aging provider network, including, including APS workers, Ombudsman, domestic violence

advocates, hospital and nursing home social workers, and other non-professionals and volunteers with an interest in aging and elder rights. Participants gain valuable knowledge in the field of geriatrics, healthcare, and adult abuse and neglect.

- Funds were also used to conduct two trainings where 150 professionals received training, including social workers, nursing home administrators, adult protective services, RNs, law enforcement and Ombudsman.

### **Wisconsin**

- Wisconsin utilizes funds to support SUA staff.

### **Wyoming**

- Funds allocated to AAA, with grants ranging from \$38,008 to \$42,000.
- Funds utilized for statewide activities included Legal Services and Ombudsman education and outreach. Wyoming conducted one training session for 20 professionals.
- Funds were also used to support local interdisciplinary teams, conferences, Ombudsman and Legal Services. Funds were pooled with \$25,898 for Ombudsman.

## 2. Other Federal and State Funding Sources

**T**itle VII Vulnerable Elder Rights Protection under the OAA is designed as an advocacy tool to protect and advance legal, human, and civil rights of older Americans. However, because Title VII funding levels are relatively small compared with the need, many states seek out other sources in addition to the OAA for elder rights purposes.

We asked about the sources of public funding other than the OAA that are used to support and expand state elder rights systems. Refer to Chart 6 in Appendix A for a complete summary of state survey responses.

### Survey Highlights

- A majority of states use SHIP grant funds, State General Funds, or another public funding source to support some components of their elder rights systems.
- Nearly half of the states use Medicaid/Medicare fraud and abuse control grants, while about 20 percent reported using Legal Service Corporation funds, Legal Service Hotline grants, Nursing Home Transition grants, and Victim Assistance Fund grants.
- Less than 10 percent of states reported using Community Service Block Grants (CSBG), Domestic Violence Prevention Fund grants, pension counseling grants, or Social Service Block Grants (Title XX).

### Examples of How State General Funds Support Elder Rights Efforts

#### California

- Local assistance to regional programs/AAAs, State Operations.

#### Florida

- Ombudsman, Prescription Drug Assistance for Seniors.

#### Georgia

- Community based services, GeorgiaCares program (low cost prescription drug program education and enrollment), Ombudsman, Senior Legal Hotline.

#### Idaho

- Funds for APS.

#### Illinois

- Elder Abuse Program, Ombudsman.

#### Louisiana

- Elderly Protective Services Program, Ombudsman.

#### Maine

- Funds for APS, Homemaker Services.

#### Ohio

- Funds for APS, Ombudsman.

#### Utah

- Funds for APS, Legal Services Developer, Ombudsman.

## **Virginia**

- Public Guardianship and Conservator Program.

## **Wisconsin**

- Direct Services, Elder Abuse, Elderly Benefit Specialists, Ombudsman.

## **Wyoming**

- Community based services (includes training/education with case management and waiver conference, Ombudsman).

## **Other Sources of Financial Assistance for Elder Rights**

### **California**

- Civil Monetary Penalty funds.

### **Illinois**

- Violence Against Women Act; Civil Money Penalty funds (nursing homes fines).

### **Kansas**

- Senior Health Insurance Counseling of Kansas.

## **Kentucky**

- Real Choices Grant.

## **Maine**

- Victims of Crime Act funds.

## **North Carolina**

- Legislation passed in 1993 providing state funding for the Ombudsman program; funding utilized to increase number of regional Ombudsman positions.

## **Ohio**

- Local senior service levies.

## **Pennsylvania**

- State Lottery funds.

## **Wisconsin**

- Targeted domestic violence money to support older victims of domestic violence.

### 3. Private Funding and Foundation Grants

National and local private foundations and corporations can play an important role in supporting states' elder rights efforts.

We asked states whether they were able to tap into sources of private funding to support needed elder rights services. Eight states responded yes, 21 states responded no, and 2 states did not respond.

Below are states that indicated they are making use of private funding to extend the reach of their elder rights systems:

#### Examples of Private Sector Sources of Funding

##### Arizona

- A private business provides grant in the amount of \$1-\$2,000, used for private facilities/sponsor coalition meetings.

##### Arkansas

- The ABA provides \$5,000 for an Elder Fatality Review Team.

##### California

- A grant application to The Archstone Foundation to study the efficacy of regional Ombudsman programs.

##### Georgia

- Private partners have generated \$265,000 in additional financial resources for the GeorgiaCares program. Additional support is expected. An important partner is the Thanks Mom & Dad Fund®, which accepts charitable contributions earmarked for GeorgiaCares.

- The Barbara Fraser Legacy Learning Fund provided \$5,261, established by the Long term Care Ombudsman Program to promote professional development and public education in the fields of aging and long term care.

##### Minnesota

- Robert Wood Johnson Foundation and Commonwealth Fund health grants in the amount of \$450,000 over three years were provided to increase access of older persons to Medicaid sharing programs Qualified Medicare Beneficiary Program (QMB)/Specified Low Income Medicare Beneficiary (SLMB).

##### North Carolina

- Z. Smith Reynolds Foundation provided \$35,000 to help expand the Senior Education Corps Program, an intergenerational program linking seniors and at-risk children.

##### Oregon

- AARP, Oregon bankers.

##### North Dakota

- AARP (national and state) provided an unspecified amount for training purposes.

##### Utah

- The Borchard Foundation Center on Law and Aging grant provided an unspecified amount to fund a financial abuse conference.
- Three American Bar Association (ABA) grants for local legal projects.

## State Elder Rights Legislation, 2000-2003

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State legislatures are playing an increasingly important role in elder rights policy, enacting state laws to help strengthen the service system and protect older Americans and their families, particularly those who are most vulnerable. We asked states to tell us about state elder rights protection laws which were recently passed by their legislatures. The responses are listed below.

### Specific Examples of State Elder Rights Laws

#### District of Columbia

- *DC Law 13-263: Protections from Predatory Lending and Mortgage Foreclosure Improvements Act.* Was to be effective April 2001, most sections have since been repealed.

#### Florida

- *SB 1276 (2002):* Moving the Ombudsman under the direction and supervision of the SUA.
- *SB 2568 and 1822 (2003):* Moving the Office of Public Guardian, under the direction and supervision of the SUA.

#### Georgia

- *LTCO State Funding:* The Ombudsman program received \$500,000 in additional state funding in 2000. The request for increased funding was one of the legislative priorities for the Coalition of Advocates for Georgia's Elderly (CO-AGE). With additional funding, the Ombudsman program hired additional staff and recruited more volunteers to visit the growing number of personal care homes (assisted living facilities) in Georgia and meet program standards for routine visits.

- *SB 407 (2000) Georgia Protection of Elder Persons Act of 2000:* Legislation regarding elder abuse has been an elder rights priority for a number of years. Successful legislative advocacy included SB 407, which among other features:

- ▶ Enhanced penalties if the victim is 65 or older;
- ▶ Created the crime of cruelty against adults 65 or older and the crime of breach of fiduciary relationship against people 65 or older;
- ▶ Increased mandatory reporters, and
- ▶ Required the Department of Human Services (which includes the Division of Aging Service), the Peace Officers Standards and Training Council, Prosecuting Attorneys Council, Institute of Continuing Judicial Education, and any other agency involved in the investigation of abuse or exploitation of persons 65 or older to cooperate in the development of training programs for the education and training of social services, criminal justice, and judicial professionals.

The above organizations met and together developed the "*Georgia Adult Abuse Prevention, Reporting and Education Guide*," published in May 2001.

- *HB 1585 (2002):* Cruelty to a Person 65 Years of Age or Older, amended Official Code of Georgia (O.C.G.A.) 16-5-100. Prior to passage of this bill it was a crime to deprive a person 65 years of age or older of necessary sustenance to the extent that the health or well being of a person is jeopardized. Sustenance has been defined by case law in Georgia as only food and

water. The amendment now expands the law so that the crime includes the willful deprivation of healthcare and shelter.

- *SB 12 (2003):* Disabled Adults and Elder Persons Penalties for Abuse, Neglect and Exploitation provided for the enhancement of abuse to a felony. This passed as an amendment to HB 318, Adult Day Care Licensure.
- *HB 318 (2003):* Adult Day Care Licensure. For a number of years Georgia elder rights advocates recommended licensure for adult day care. In Georgia the service was unregulated, however service providers who received federal funding through the state unit on aging or reimbursement under the Community Care Services Program, a Medicaid waiver program, had to meet program standards. In 2003 the Georgia General Assembly passed HB 318 Adult Day Care Licensure bill. However, implementation will be dependent on additional state appropriations.

### **Illinois**

- *HB 51, HB 85, HB 87:* Prevent convicted elder abusers from inheriting from their victim; add EMTs to mandatory reporters of elder abuse; criminalize failure to report; require the Department to do more to educate the public and the banking industry about financial exploitation, frauds and scams.
- *HB 1484:* Brings Illinois Act on Aging into closer compliance with the OAA. Provides that the Ombudsman rather than the Department of Aging designates and oversees regional programs. Includes supportive living facilities within the duties of the Ombudsman.

### **Kansas**

- *HB 2254:* Identify new additional persons who must report suspected adult abuse.
- *SB14:* Adds "The crime of theft to the list of crimes that are to be included in criminal history

information obtained to screen prospective employees of adult care homes and home health agencies."

### **Louisiana**

- *Act 80 (Special Session):* Requiring APS to notify law enforcement of reports of physical/sexual abuse.
- *ACT 244 (2003 Regular Session):* Allows Elderly Protective Services (EPS) to require incident reports from law enforcement upon receipt of complaint, allows EPS to initiate legal actions with District Attorney which now only District Attorney can do, give EPS access to information, provides for long term court orders for treatment and allows EPS to obtain verbal order from court.
- *Conditional Procuration - Recognition of Springing Power of Attorney in Louisiana* (1999 Legislative Session).

### **Maine**

- *LD 277:* An Act to Amend the Standards Regarding the Endangerment of the Welfare of a Dependent Person. Lowers the standard of culpability and clarifies that a legal duty can be inferred if a person has assumed responsibility for care.
- *LD 1275:* An Act to Amend the Laws Governing Improvident Transfers of Title. Expands current laws that allow certain older individuals to void transactions due to a presumption of undue influence.
- *LD 780:* An Act to Amend the Maine Registry of CNAs. Bans employment of CNAs with certain types of criminal convictions.

### **Minnesota**

- *Nursing Home Closure Law:* Protects residents' rights when a nursing home closes.

- *Long Term Care Reform*: Increased the availability of Information and Assistance, build web-based database for use by counties and families, develop quality information about nursing homes and home and community based services.
- *Vulnerable Adult Review Panel*: Mandated a panel reference to review complaints from consumers dissatisfied about APS investigation of abuse, neglect or exploitation.

## **Nevada**

- Recent legislation approved expansion of Ombudsman Program. Two full-time Ombudsmen and three support staff members to handle intake tasks and one staff member to handle data tasks.
- *AB73*: An Act relating to crimes; reducing the age of a victim (65 to 60 years of age) that is used as the threshold for determining the applicability of certain crimes against older persons; revising the provisions concerning certain crimes against older persons; providing penalties; and providing other matters properly relating thereto.
- *SB386*: An Act relating to public health; expanding the rights of patients of certain healthcare facilities to certain visitation privileges; providing that a person may designate certain other persons to make anatomical gifts or order the burial or cremation of the person upon death; revising related provisions governing the priority of persons authorized to make decisions concerning anatomical gifts, burial and cremation of human remains of decedent.

## **New York**

- *Chapter 211 (2002)*: Increases the maximum administrative penalties assessed by the Public Service Commission from \$1,000 to \$5,000 per access line for violations of Federal and State

laws and rules regarding unauthorized changes of interstate telephone service. The Federal Communications Commission (FCC) prohibits the act of “slamming” or switching through several methods – a senior citizen may receive a check in the mail, or enter a contest, and not realize that the fine print says that by signing the check or entering the contest they have agreed to change their telephone service. Another method is a telephone call made to a senior citizen offering lower rates and finding out at a much later date that the service has been switched. This new state law will provide a disincentive by raising the penalty amount to \$5,000.

- *Chapter 626 (2002)*: Strengthens the New York Banking Law by providing consumers protections in the sub prime lending market as it relates to high cost home loans and home improvement contractors. *Note*: A recent proposed rule by the U.S. Treasury Department would exempt national banks from state laws regarding predatory lending. We have contacted the State Banking Department regarding clarification as it relates to State law.

- *Chapter 124 (2003)*: Authorizes the Consumer Protection Board to transfer the State’s Do-Not-Call registry to the National Do-Not-Call registry. The Federal Trade Commission has requested that states adopt or amend state statutes and rules to recognize the national registry and authorize the transfer. All too often senior citizens are the recipients of unsolicited telemarketing calls since they are home more often or are completely homebound. Many senior citizens registered their names on the state’s Do-Not-Call registry. This bill will further provide peace of mind to our seniors by allowing their telephone numbers and data to be transferred to the national Do-Not-Call registry.

## North Dakota

- *HB 1329 (2001)*: Provide immunity to bank employees who report ANE. Provisions sponsored by the North Dakota Banking Association provide immunity to bank employees who report suspected abuse, neglect or exploitation.
- *HB 1164 (2003)*: Assisted living facilities are required to be licensed by the North Dakota Department of Human Services.
- *HB 1351 (2003)*: Makes it a Class C felony to cause or permit a child or vulnerable adult to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance, or drug paraphernalia. It is a Class B felony if a child or vulnerable adult actually suffers bodily injury by exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia. Makes it a Class A felony if the exposure, ingestion, inhalation, or contact results in the death of the child or vulnerable adult.
- *SB 2255*: Do Not Call Legislation. Established "do not call" protection from telemarketers and authorized the development of a do not call list for the state.

## Ohio

- *HB403*: Created the Long Term Care Consumer Guide (LTCCG). Law was repealed in 2003 but the LTCCG continues.
- *SB191*: Nursing homes attempted to amend this bill to reduce staffing requirements but the Ombudsman successfully advocated against amendments.
- *HB95*: (2004–2005 biennium budget bill): Attempts were made to make APS optional but ODA and advocates thwarted the change.

## Oregon

- *HB2101*: Contempt proceedings of violation of the Elderly and Disabled Abuse Prevention Act may be heard in the county where violation occurred.
- *HB 2449*: Increases civil penalties for elder abuse to three times accrual economic and non-economic damages.
- *SB35*: Requires prior court approval for payment of compensation to persons employed by a fiduciary to provide direct services to a protected person or services to fiduciary that directly affect protected person when fiduciary has pecuniary or financial interest in person employed.
- *SB37*: Allows guardian to file for restraining order on behalf of elderly person.
- *SB118A*: Adds sexual abuse to the Elderly and Disabled Person Abuse Prevention Act.
- *SB119A*: Creates procedures for use in civil actions to investigate physical or financial abuse of elderly.

## Pennsylvania

- *Act 107 (2002)*: Provides for licensing of viatical settlement providers. This is an attempt to prevent fraud against older adults.
- *Act 122 (2002)*: Creates Access to Justice Account in Treasury to provide Legal Services to poor and disadvantaged persons.
- *Act 171 (2002)*: Elder Care Payment Restitution Act requires a facility to refund difference between any payment made and the cost of elder care provided to the consumer. A facility that fails to pay the personal representative is liable for twice the payment.
- *Act 39 (2001)*: Provides for full faith and credit for foreign protection from abuse orders

so orders issued by other states will be honored in state where adult plaintiff resides.

- *Act 95 (2001)*: Long Term Care Resident and Employee Immunization Act, requires facility to request that residents and employees of a long term care facility be immunized against flu and pneumonia. Requires Department of Health to make educational materials available on vaccination against the virus and disease.
- *Act 173 (2000)*: Allows an agency, pursuant to the Older Adult Protective Services Act, to petition the court for access to financial records of an older adult whose principal has denied access to those records. Petition based on need to prevent further abuse, neglect, exploitation or abandonment of the older adult.
- *Act 10 (2000)*: Increases life of protective order from one year to 18 months.
- *Act 12 (2000)*: Upgrades offense of institutional assault upon a resident of a mental health or mental retardation facility by an employee from a misdemeanor to a felony 3.

### **South Carolina**

- *3145*: Requires criminal record background checks on facility healthcare workers.

- *S660*: Provides that any person who knowingly abuses, neglects, or exploits a vulnerable adult is guilty of a felony.
- *Change in Regulations*: Creating minimum staffing ratios in nursing homes.

### **Texas**

- *SB93*: Strengthened nursing home standards and increased penalties for poor performing facilities.

### **Utah**

- *HB25*: Complete revision of APS statute, May 2002. Bill clarified and strengthened role of APS and protection.

### **West Virginia**

- *HB4123*: Updated the education and training requirement for regional long term care Ombudsman.
- *SB405*: Strengthened the regulations on assisted living homes and the rights of residents living in these homes.

### **Wyoming**

- Legislative authorization for Family Caregiver (2000), Medicaid Waiver, Assisted Living Waiver.

## Systemic Barriers/Challenges Relating to Elder Rights

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Level funding remains a challenge for state units in many areas of the country, an obvious impediment to elder rights system development. We asked states to identify and discuss other barriers to elder rights progress that cause the most concern. States reported the following challenges:

### Examples of Specific Barriers

#### Alabama

- Political climate for taking action.

#### Arizona

- Senior issues not a high priority to state legislature.
- Limited grant opportunities.
- Lack of interested partners due to funding constraints.

#### California

- Coordination with many stakeholders.

#### District of Columbia

- Some agencies with which we wish to partner are in a constant state of flux
- Limited state level staff to focus on elder rights coordination from a systems development perspective
- Inability of system to intervene in self-neglect cases.

#### Florida

- Ability to work closely across different state agencies that touch on elder rights.

#### Georgia

- Area Agencies on Aging have many responsibilities and a limited number of staff available to support regional coordination of an elder rights system.
- Elder abuse intervention and prevention has lower priority than child abuse and domestic/family violence.
- Elder rights services provide valuable and essential information, assistance, and direct financial benefit to many more citizens than are served through the traditional aging services such as nutrition, senior centers, etc. However, elder rights services are viewed as less valuable and with a lower priority.

#### Idaho

- Funding.

#### Illinois

- A lack of regulations issued from AoA on OAA amendments to the Ombudsman sections have been a very serious barrier to moving the Ombudsman Program forward. Without clear federal direction and definitions, each state must attempt to interpret the legislative language on its own, and the result has been confusion, disagreement, and uncertainty over what OAA means and what it requires, state budget crisis presents challenges for all government services.

## **Kansas**

- Not having a fully functioning elder rights division.

## **Kentucky**

- Lack of data system that is useable and accessible to all the partners.
- Barriers caused by multi-agency roles and responsibilities in investigations.
- No uniform federal laws or regulations on elder abuse/neglect.
- Public understanding of issues involved.

## **Louisiana**

- Advocates for elder and persons with mental health and disability issues may not have the same objectives for the populations represented.

## **Maine**

- Unfortunate perception among many is that older adults are already “getting their share.”
- Use of the term “elder rights” can be interpreted negatively by policymakers.
- Resistance to extending adult protective provisions because of legislator perception that child protective “has gone too far.”

## **Minnesota**

- General political climate makes it hard to initiate anything that might cost a county or provider.
- Continue to lack technology at the county level.
- Data sharing in the context of a world that wants increased data privacy.

## **Nevada**

Division has no relationship to various database programs within the agency.

## **North Carolina**

- Funding; limited staff.

## **North Dakota**

- Overworked district service workers; great distances between services and vulnerable adults; weather is volatile for several months a year.

## **Ohio**

- Lack of knowledge and commitment to APS; turf issues related to APS have interfered with discussions about agency location and leadership needs; inadequate support for Legal Services Developer position needs OAA funding to be more effective.

## **Oregon**

- Severe state budget deficits have cut many programs for the elderly; no increase in funding; no federal statutes or federal funding for investigation of elder abuse.

## **Pennsylvania**

- Misinterpretation of HIPAA by healthcare providers which causes them to withhold information from APS and Ombudsmen.
- Lack of a comprehensive plan detailing protocols and procedures for closure of long term care facilities and resident relocation.

## **Rhode Island**

- Individual agencies that are part of the overall elder rights effort may be so focused on their individual area of services (e.g. adult protection) that it is difficult for the groups to come together for overall strategizing and coordination.
- Need to develop materials that are cross-disciplinary, e.g. information materials that look at elder rights more holistically rather than within specific programs, such as fraud and scams.

## **South Carolina**

- Lobbying efforts by the nursing home industry
- Lack of Public Guardianship Program
- Lack of support from legislature for Volunteer Ombudsman Program

## **Texas**

Staff shortages in the area of long term care regulatory agency and lack of case management for clients in community based alternative programs.

## **Utah**

Elder Rights Program lacks coordination.

## **Virginia**

- Turf and funding issues serve as barrier to development of affordable, accessible Legal Services for seniors.

## **Washington**

- Loss of state funding for and decrease in legal services.

## **West Virginia**

- State Healthcare Association often opposes legislative initiatives that would result in empowering/protecting residents living in long term care homes.
- Guardianship laws do not protect vulnerable people who fall under control of a guardian or a court system that fails to aggressively protect these people.
- APS laws do not guard against vulnerable adults being financially exploited.

## **Wisconsin**

- Funding for increasing public awareness and support for professional education.

## **Wyoming**

- Lack of collaborative efforts and initiatives plan is to change and improve that process.

## State Elder Rights System Improvements, 2000-2003

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When asked to name three important elder rights programmatic changes and/or service system improvements made since 2000, states reported considerable achievements. Many of the factors contributing to improvements overlap, but they loosely fall into the categories of: 1) improved coordination, 2) reorganization of the system, 3) development of program standards, 4) data utilization, 5) more training, and 6) attention to specific program initiatives.

### Survey Highlights

#### **Coordination**

The most common theme in the responses related to more coordination within the state. Several states responded that they had developed elder abuse task forces, organized multidisciplinary teams and/or interdisciplinary teams, and worked more collaboratively between the state and local level. States also reported expanding their reach and working with different partners, including domestic violence, law enforcement, and financial institutions.

#### **Reorganization**

Some states mentioned reorganization efforts, such as bringing the elder rights system under one umbrella organization or developing focal points in each region of the state. Several states also mentioned they developed a stronger link between the APS system and the Ombudsman program.

#### **Standards**

Many states reported adopting improved program standards. The methods varied, but included regulatory changes and legislative changes. Overall, the goal appeared to be improved accountability and better elder rights services.

#### **Data collection**

A number of states mentioned improvements in data collection to better track program performance and support advocacy.

#### **Training**

Many states mentioned training initiatives to help educate professionals or the public about elder abuse. Training efforts mentioned include training for 'first responders', law enforcement training and financial abuse and/or fraud training.

#### **Programs and services**

Programs that help victims of elder abuse and their families have improved at the state level. States noted "borrowing" good program ideas from concepts that have worked in other states. States reported a wide variety of programs and services, among them: legal assistance, money management programs, information and referral, and programs that empower the consumer (quality improvement).

## Examples of Elder Rights System Improvements

The following examples illustrate the progress states have made in developing elder rights systems:

### Arizona

- *Coordinated strategy* for reaching state plans goals and improved data collection.

### District of Columbia

- *More case support* between and among Legal Counsel for the Elderly, APS, U.S. Attorney's Office, and Senior Service Network.

### Florida

- *Florida's Elder Abuse Unit has the lead responsibility for supporting a state TRIAD on elder crime prevention in activities.* Other groups involved are state law enforcement, Attorney General, AARP, and various other state associations.
- Florida is in the final stages of completion a *Financial Exploitation Guide for Financial Institutions*, patterned after Oregon's program.
- AAA contracts have been tailored to focus on current issues and priority needs of the community.

### Georgia

- *Assuring high quality elder rights program services through promulgating program standards, training related to the standards, and tracking key measurements and outcomes.* In 1993, the Elderly Legal Assistance Program adopted program standards; the Ombudsman Program implemented program policies and procedures in SFY 1998; and in July 2002 the Elder Abuse Prevention Program implemented formal program standards.

- *Standards for GeorgiaCares, the SHIP program, are in development and should be ready for review and comment by the end of July 2003.* Program outcomes and measures have been identified and tracked, and will be refined in SFY 2004.

### Illinois

- *Two year effort inclusive of all stakeholders in 2001–2002 to revise the Ombudsman standards and procedures to strengthen and unify the statewide Ombudsman Program;* the proposed revised standards are under review by the new administration.
- *Money Management Services* have been expanded to include financial exploitation clients who are not eligible to be served through the Department's Home and Community Based Services Program in over half of the local elder abuse agencies.
- *A statewide initiative by the Illinois Department of Public Health to improve the healthcare system's response to domestic violence victims* has been expanded to include elder abuse in FY 2004.

### Kansas

- *Developing a partnership with the Kansas Judicial Branch and the Chief Justice of the Supreme Court.*

### Louisiana

- The Legal Services Developer developed *Elderly Investigations Training for law enforcement officers*, with input from Elder Protective Services and Ombudsman Program Directors. This is a one and one-half day training provided in several regions of the state yearly by state staff and contractors.
- *SUA, DHH/U.S. Attorney's Offices, OIG, FBI, MFCU Task Force* focused on *institutional abuse*. One of the task force's charges is to educate first responders (e.g., emergency room physicians,

nurses) about what constitutes abuse and how to report it.

## **Maine**

- *Amendments to the adult endangerment law that will make it easier to prosecute these cases.*
- *Amendments to statute regarding employment of Certified Nurse Assistants (CNA) that will bar those with felony convictions, regardless of setting in which crime committed, from working in a healthcare setting.*
- *Amendments to the improvident transfer statute that extend protections to guarantees and allow personal representatives of deceased persons to file under the statute.*

## **Minnesota**

- *Statewide Web-based database for I&A consumers (MinnesotaHelp.Info).*
- *Doubled number of counties with APS Investigation Teams (from 18 to 36), with 51 counties to go.*
- *Distribution of 25,000 Healthcare Directives.*

## **Nevada**

- *The Division now houses the Elder Protective Services (EPS) Program. EPS works collaboratively with the Ombudsman Program in advocating for elderly who often move back and forth between the community and institutionalized settings.*
- *A data system that incorporates all the Division's programs.*

## **North Carolina**

- *The Division joined forces with the Attorney General's Office and AARP in 1998 to establish the North Carolina Senior Consumer Fraud Task Force. The task force's mission is to educate seniors and their friends and family on steps they can take to prevent seniors from being taken advantage of.*

- *The Ombudsman Program implemented two very worthwhile initiatives: (1) the Family Empowerment Initiative and (2) the Law Enforcement Initiative. Family Empowerment is aimed at helping families advocate on behalf of their relatives in long term care facilities and to have a strong voice in care planning. The Law Enforcement Initiative is designed to bring together professionals from a wide variety of disciplines that are committed to reducing and prosecuting crime against disabled old adults in long term care settings.*
- *A Pro Bono legal assistance project for Kinship Caregivers was developed by the Legal Services Developer in collaboration with the Attorney General's Office and the North Carolina Bar Association.*

## **North Dakota**

- *Development of elder right focal points in all eight regions of the state.*
- *Development of Manual of Policies and Procedures, electronic forms, and a resource manual.*

## **Ohio**

- *Creation and implementation of Ombudsman Documentation and Information System to improve accuracy of data and support advocacy.*
- *Ohio Department of Aging and Ohio Department of Jobs and Family Services commissioned a study of APS and co-sponsored an abuse policy summit. Results are expected to inform policy decisions about APS implementation.*

## **Pennsylvania**

- *Older Adults Protective Services regulations were rewritten and received final approval in July 2002. Chapters were added to implement Act 169-96 Criminal Background Checks and Act 13-97 Mandatory Reporting of Abuse.*

- The ‘Ombudsmanager’ data collection and management system has been implemented. Among other things, the system meets HIPAA requirements, collects data for all federal reporting, and allows for sharing of information while protecting security and confidentiality of the information.

- The Department's APPRISE (SHIP) Program developed a *video for family caregivers* explaining the rights of Medicare beneficiaries to qualify for healthcare under the Medicare system.

### **Rhode Island**

- Working with the RI Attorney General's Office Consumer Rights Unit to conduct outreach and disseminate information to elders relevant to fraud and scams. These efforts often include the participation of local police advocates.

- Plan in place to work with national consulting group to *redraft and resubmit the current APS legislation in Rhode Island.*

### **South Carolina**

- Developed *Ombudsman Annual Report* and *new Ombudsman Program Manual.*

### **Virginia**

- *Increased coordination of state and local AAA staff.* This enhances program operation and service delivery. This has allowed a greater

collaboration in training and technical assistance to AAA staff.

### **West Virginia**

- *Expanded staffing - Ombudsman:* The Ombudsman Program has added one new long term care Ombudsman and an attorney who is a certified Ombudsman and works only on Ombudsman issues. The Ombudsman Program has added a position to coordinate Ombudsman volunteers (which have tripled in number) and help develop a quarterly Ombudsman newsletter.

- West Virginia Senior Legal Aid has launched a helpful Web site at [www.seniorlegallaid.org](http://www.seniorlegallaid.org). It includes a searchable online manual: *Legal Questions Frequently Asked by Seniors in West Virginia.*

### **Wisconsin**

- *APS Modernization Project.* Joint initiatives specific to domestic violence in later life and also the domestic violence/disability connection.

- Establishment of an *Elder Abuse Interdisciplinary Team* in each of the state's 72 counties.

## Future Challenges and Goals for Elder Rights

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Looking ahead, states identified a number of specific challenges that must be dealt with as they move their elder rights systems forward, as well as strategies and goals for addressing the challenges.

### Top Challenges Facing States

#### Arizona

*Challenges:* Long term care planning and caregiving.

*Strategy/goal:* Create outreach materials and training in those areas.

#### Arkansas

*Challenges:* Volunteer Ombudsman program and community education.

*Strategy/goal:* Establish volunteer program in half the state.

#### California

*Challenge:* Better coordination with agencies involved in promoting elder rights.

*Strategy/goals:* Increase outreach and the development of memoranda of understanding with other agencies to better coordinate activities.

#### District of Columbia

*Challenges:* More involvement by the police department; revision of APS law to address self-neglect.

*Strategy/goals:* Stronger relationship with police department, revision of APS law to include self-neglect.

#### Florida

*Strategy/goals:* Improve program service delivery from AAA contracts and establish model programs in all areas of the state.

#### Georgia

*Challenges:* Better protection, enhanced rights, dignity, autonomy, and financial security for older Georgians through elder rights services. Maintain or increase program funding and volunteer resources for elder rights.

*Strategy/goals:* Provide leadership in the development of a state elder rights system with improved coordination among a range of related agencies and organizations and enhanced services for older Georgians. Strategies include:

- *Statewide Elder Rights Task Force* comprised of representatives of each of the regional areas and the state to ensure continued focus and growth of elder rights in the state; development of the second Statewide Elder Rights Conference;
- *Development of statewide training for the state's Information and Assistance staff* to assist in better coordination with other elder rights programs and to facilitate better referrals to and from these programs;
- *Development of an Elder Rights Case Problem database* to catalog unusual and difficult cases discovered throughout the state;
- *Improved protections from abuse and fraud through specialized forensics* to investigate and prosecute elder abuse and financial exploitation;
- *Safe shelter program available statewide for older victims;* and

- *Implemented elder abuse plan for the State of Georgia.*

## **Idaho**

*Challenge:* Getting law enforcement's attention, obtaining more funding, more workers (good APS system, but too many cases).

*Strategy/goals:* Applied for law enforcement training grant and hope to increase prosecutions and convictions. Revisit criminal statute to make abuse, neglect, and exploitation of vulnerable adults a felony where health or severe bodily harm occurs.

## **Illinois**

*Challenges:* Greater public and professional understanding of elder abuse and how to respond effectively, especially by systems which come into frequent contact with older persons, such as the healthcare system. Continued work to increase the response to elder abuse from the criminal justice system, in particular prosecutors.

*Strategy/goals:* Improved MIS system for both the Ombudsman and Elder Abuse Programs, more data analysis, more training and public education, more work with other systems, (especially prosecutors, healthcare, substance abuse, and mental health services), more attention to prevention efforts.

## **Kansas**

*Challenge:* Re-establish SUA Elder Rights Division.

*Strategy/goal:* Establish Elder Rights Division and fully participate in elder rights issues.

## **Kentucky**

*Challenge:* Development of network of local coordinating councils to address elder rights issues.

*Strategy/goal:* Federal elder rights legislation should be passed and fully funded to give states better direction and dollars with which to leverage local support.

## **Louisiana**

*Challenges:* Training to provide current information to staff and service providers about issues affecting elders. Cooperation among agencies that advocate for and protect the rights of elders.

*Strategy/goals:* Develop annual analyses of current accomplishments to keep State Legislators and other supporters informed. Publish an Elder Rights Newsletter.

## **Maine**

*Challenge:* Improve legal protection for elder victims of crime.

*Strategy/goal:* Comprehensive review of civil and criminal statutes affecting the protection of elder victims of crime.

## **Minnesota**

*Challenges:* APS revitalizing work with banks and others who have contact with seniors. Declining role of Legal Services representation for seniors, Ombudsman handling of complaints in assisted living facilities.

*Strategy/goals:* 87 APS teams, new software application to track cases, expand Ombudsman services to assisted living facilities, 211 system up and running and making accurate referrals.

## **Nevada**

*Challenge:* By statute, the Division maintains reports on elder abuse investigations but the number of cases received by law enforcement remains a low and unrealistic number. A goal to increase the reports submitted to the Division by law enforcement agencies continues to be a challenge. Once a contact has been developed

with a law enforcement agency and a system of reporting is in place, a staff turnover occurs and the system goes awry. Division staff has successfully collaborated with the City Attorney's Office to develop a 4-hour training that has proved to be extremely successful. The next plan is for Division staff to conduct visits to rural law enforcement agencies in an effort to network and find ways to improve the reporting system.

*Strategy/goals:* Division staff will continue to provide training to law enforcement due to constant staff turnover by law enforcement agencies. Continue to conduct rural visits to law enforcement agencies. A shorter version of the 4-hour training is to be developed and presented to agencies and in the community.

### **New York**

*Challenges:* Continual training and recruitment of volunteers and community outreach for the Ombudsman.

### **North Carolina**

*Challenges:* Consumer Protection, additional funding for Ombudsman Program, education on long term care planning and long term care insurance, and legal assistance.

*Strategy/goals:* Develop a network of volunteers in counties to train to help educate seniors about consumer fraud and how to protect themselves from con artists. Seniors are particularly targeted for certain types of consumer fraud and other deceptive trade practices such as telemarketing fraud. Division is pursuing Medicaid funds to help support Ombudsman Program. Continued focus on educating individuals about the need for long term care planning and long term care insurance (is it a viable option). Pursue grants to establish a legal hotline.

### **North Dakota**

*Challenges:* Ongoing training at all points, and state funding.

*Strategy/goal:* Keep moving forward in incremental steps.

### **Ohio**

*Challenges:* Legal Services funding, training, coordination with other programs. Guardianship reform is needed.

*Strategy/goals:* Completion of Legal Services delivery system assessment; promotion of conservatorships as an alternative to Guardianship in appropriate situations.

### **Oregon**

*Challenges:* Guardianships, development of uniform definitions, and research.

*Strategy/goals:* Development of Healthcare Representative Program; improve quality and functioning of multidisciplinary teams; develop in-state forensic nursing resource; certification of elder abuse investigators.

### **Pennsylvania**

*Challenge:* Absence of comprehensive, uniform guardianship support services for individuals at risk of abuse, neglect, exploitation or abandonment.

*Strategy/goals:* Statewide implementation of methods to support local guardianship services all the way from training guardians, setting up guardianship, through monitoring guardian performance and prosecuting those who abuse their powers.

### **Rhode Island**

- *Challenges:* Need redrafting of APS legislation. Legislation in Rhode Island is now 20 years old and does not include up to date definitions and procedures; a new law will clarify roles and expectations.

The Protective Services Unit requires a refocused triage function and improved working relationships with key agencies.

*Strategy/goals:* Achieve new law and develop materials that provide a one-stop view of elder rights. Focusing the unit more clearly on abuse, legal, and public safety issues, and allowing subcontracted case management agencies to take the lead on general social service needs, will better focus the APS unit and will allow for better use of limited state dollars and positions.

### **South Carolina**

*Challenge:* Volunteer Ombudsman Program.

*Strategy/goals:* Implement Volunteer Ombudsman Program.

### **Texas**

*Challenge:* Better coordination and oversight for advocacy activities in assisted living facilities.

*Strategy/goals:* Better awareness of the needs of residents in unlicensed care facilities, better partnering and coordination among local agencies in providing oversight for these homes.

### **Utah**

*Strategy/Goals:* Develop elder rights system; increase funding to staff elder rights system.

### **Virginia**

*Challenge:* Long term funding source. Most program enhancements are dependent on year to year federal grant funding.

*Strategy/goal:* Institutionalization of elder rights programs, both programmatically and financially.

### **West Virginia**

*Challenges:* Guardianship laws being enforced and the development of a public guardianship system. APS laws/regulations centering on financial exploitation. Education of law enforcement and prosecutors about adult abuse/financial exploitation.

*Strategy/goal:* Efforts made to strengthen legislation and education pertaining to guardianship/conservatorship. Law enforcement and prosecuting attorneys must be better educated on how to deal with APS clients who have been financially exploited.

### **Wisconsin**

*Challenge:* Elder financial exploitation.

*Strategy/goal:* Have in place a systematic response to financial exploitation.

### **Wyoming**

*Challenges:* Collaborative efforts between Aging and APS, education and training, module development for education, follow-up.

*Strategy/goals:* Create a cohesive service system with ongoing education and state monitoring to ensure an ongoing staff training (i.e. direct care providers—train the trainer concept). Train a core group, representing Aging, Domestic Violence, Home Health, Department Family Services, Victim Services, Ombudsman, Public Health, etc. to present on the issues and reporting process and then to have them go about the state to train the trainers. Develop a state system to monitor ongoing training within all agencies (service providers).

APPENDIX A:

# **2003 State Elder Rights Survey Summary Charts**

**Chart 1. Interagency Cooperation**

	Adult Protective Services*	Attorney General's Office	Consumer Affairs	Domestic Violence Coalition	Insurance Department	Long Term Care Facility Licensing	Medicaid Fraud Control Units	Mental Health Office	Office of Public Guardian	Protection and Advocacy Agency	Public Safety/Law Enforcement	State Bar Association	Victim Services	Other**
Alabama	Yes	Yes		No	Yes	Yes	Yes	Yes	No		No	Yes	No	Yes
Arizona		Yes	Yes		Yes	Yes	Yes			Yes	Yes		Yes	Yes
Arkansas		Yes	Yes			Yes	Yes				Yes		Yes	
California						Yes					Yes			
Florida	Yes	No	No		No		No	No	Yes	No		No	No	
Georgia	Yes			Yes		Yes	Yes			Yes	Yes	Yes	Yes	Yes
Idaho						Yes								
Illinois	Yes	Yes				Yes					Yes	Yes		Yes
Indiana	Yes			Yes		Yes	Yes				Yes	Yes		
Kansas	Yes	Yes		Yes				Yes					Yes	Yes
Kentucky	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes
Louisiana	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes	Yes	Yes		Yes
Maine		Yes				Yes		Yes		Yes				
Minnesota	Yes	Yes	Yes	Yes	Yes	Yes	Yes				Yes		Yes	Yes
Nevada		Yes				Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes
New York		Yes			Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes
North Carolina	Yes	Yes	Yes		Yes	Yes	Yes			Yes		Yes	Yes	Yes
North Dakota		Yes	Yes			Yes		Yes				Yes		
Ohio	Yes	Yes	No	No	Yes	Yes	Yes	No		No	Yes	No	No	Yes
Oregon		Yes	Yes	Yes	Yes		Yes							Yes
Pennsylvania		Yes		Yes	Yes	Yes		Yes			Yes		Yes	Yes
Rhode Island		Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
South Carolina	Yes	Yes	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes
Texas	Yes				Yes	Yes	Yes		Yes					Yes
Utah		No	No	No	No	Yes	Yes	No	Yes	No	No	Yes	No	
Virginia	Yes				Yes			Yes	Yes					Yes
Washington	Yes				Yes	Yes	Yes			Yes		Yes		Yes
Washington, D.C.	Yes	Yes				Yes		Yes				Yes	Yes	Yes
West Virginia	Yes			Yes			Yes	Yes						
Wisconsin	Yes	Yes	Yes	Yes		Yes	Yes	Yes		Yes		Yes	Yes	
Wyoming						Yes	Yes							Yes
<i>*if not administered by SUA</i>														

**Chart 2. Intra-agency Cooperation**

	The following are part of the SUA:						Coordination within the state:				Other*
	Elder Rights Unit in SUA	Legal Developer	Ombudsman	SHIP	Elder Abuse/APS	Information and Assistance	Elder Rights Staff/Mgr Meet Frequently	Elder Rights Staff/Mgr Collaborate	Policy Memos/Guidance Developed/Review Collaboratively	Proposals for Special Project Funding Jointly Developed	
Alabama											Yes
Arizona	Yes	Yes	Yes	Yes			Yes	Yes	Yes	Yes	
Arkansas	Yes		Yes	Yes	Yes			Yes		Yes	
California							Yes	Yes	Yes		
Florida	Yes		Yes	Yes	Yes	Yes					Yes
Georgia	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Idaho	Yes	Yes	Yes		Yes		Yes		Yes		
Illinois		Yes	Yes		Yes		Yes	Yes			Yes
Indiana			Yes	Yes	Yes	Yes		Yes			Yes
Kansas											Yes
Kentucky		Yes	Yes	Yes	Yes	Yes			Yes		Yes
Louisiana		Yes	Yes		Yes		Yes	Yes	Yes		
Maine		Yes		Yes	Yes	Yes					
Minnesota	Yes	Yes		Yes		Yes	Yes	Yes			Yes
Nevada	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	
New York											
North Carolina	Yes	Yes	Yes		Yes	Yes	Yes	Yes		Yes	Yes
North Dakota	Yes	Yes	Yes		Yes		Yes	Yes	Yes		
Ohio	Yes	Yes	Yes	Yes		Yes					Yes
Oregon		Yes			Yes		Yes	Yes		Yes	
Pennsylvania							Yes	Yes	Yes	Yes	
Rhode Island								Yes		Yes	
South Carolina	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes		Yes
Texas	Yes		Yes			Yes	Yes	Yes		Yes	
Utah								Yes	Yes		
Virginia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes
Washington							Yes	Yes	Yes	Yes	
Washington, D.C.								Yes			
West Virginia	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	
Wisconsin											
Wyoming		Yes	Yes		Yes	Yes			Yes		

**Chart 3. SUA Leadership Role and SUA Management Practices**

	SUA Leadership				SUA Management							
	Developed Elder Rights Mission Statement	Establish Statewide Elder Rights Task Force	Publish Elder Rights Newsletter	Other*	Develop Elder Rights Plan	Conduct Needs Survey	Develop Program Rules/ Guidelines	Target Funds to Special Initiatives	Develop Quality Standards	Develop Outcome Measures	Other*	
Alabama				Yes								
Arizona		Yes		Yes		Yes			Yes	Yes	Yes	
Arkansas												
California							Yes	Yes	Yes			Yes
Florida	Yes			Yes			Yes	Yes		Yes	Yes	
Georgia			Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes
Idaho				Yes								Yes
Illinois	Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	Yes
Indiana				Yes		Yes	Yes			Yes		
Kansas				Yes				Yes				Yes
Kentucky		Yes		Yes			Yes	Yes	Yes	Yes		
Louisiana				Yes		Yes	Yes	Yes	Yes	Yes		
Maine				Yes			Yes					
Minnesota		Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Nevada		Yes			Yes							
New York				Yes								
North Carolina				Yes	Yes		Yes	Yes	Yes	Yes		
North Dakota		Yes		Yes			Yes	Yes	Yes			Yes
Ohio	Yes		Yes			Yes	Yes		Yes	Yes		
Oregon		Yes		Yes			Yes	Yes	Yes	Yes		
Pennsylvania				Yes	Yes	Yes	Yes	Yes	Yes	Yes		
Rhode Island	Yes	Yes		Yes	Yes		Yes	Yes				
South Carolina	Yes			Yes	Yes		Yes	Yes	Yes			
Texas			Yes				Yes	Yes	Yes	Yes		
Utah												
Virginia				Yes		Yes	Yes	Yes	Yes	Yes		
Washington					Yes	Yes	Yes	Yes				
Washington, D.C.		Yes			Yes			Yes				
West Virginia	Yes		Yes									Yes
Wisconsin				Yes				Yes				Yes
Wyoming				Yes			Yes					

**Chart 4. Information and Access**

	Targets Outreach or Public Awareness Campaigns	Specially Develop Directories, Brochures or Videos	Toll Free Numbers	Special or Targeted Staff Training	Other*
Alabama					Yes
Arizona		Yes	Yes		Yes
Arkansas	Yes	Yes	Yes		
California		Yes	Yes		
Florida	Yes	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	Yes	
Idaho	Yes	Yes	Yes	Yes	Yes
Illinois	Yes	Yes	Yes	Yes	
Indiana	Yes		Yes	Yes	
Kansas	Yes		Yes	Yes	Yes
Kentucky	Yes	Yes	Yes	Yes	Yes
Louisiana	Yes	Yes	Yes	Yes	
Maine					Yes
Minnesota	Yes	Yes	Yes	Yes	Yes
Nevada		Yes	Yes	Yes	Yes
New York			Yes		Yes
North Carolina	Yes		Yes	Yes	Yes
North Dakota	Yes		Yes	Yes	
Ohio	Yes		Yes		
Oregon	Yes	Yes	Yes	Yes	
Pennsylvania	Yes	Yes	Yes	Yes	Yes
Rhode Island	Yes	Yes	Yes	Yes	
South Carolina		Yes	Yes	Yes	
Texas					
Utah					Yes
Virginia		Yes	Yes	Yes	
Washington			Yes		
Washington, D.C.	Yes	Yes		Yes	
West Virginia	Yes	Yes	Yes	Yes	
Wisconsin	Yes	Yes		Yes	Yes
Wyoming		Yes			Yes

**Chart 5. Training and Education**

	Statewide Elder Rights Conference	Specific Elder Rights Program Training	Specially Supported Developed Curricula	Other*
Alabama				Yes
Arizona		Yes		
Arkansas	Yes	Yes		
California		Yes	Yes	
Florida	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	Yes
Idaho				Yes
Illinois	Yes	Yes	Yes	Yes
Indiana				
Kansas		Yes	Yes	Yes
Kentucky	Yes	Yes		Yes
Louisiana	Yes	Yes	Yes	
Maine		Yes		Yes
Minnesota	Yes	Yes	Yes	
Nevada	Yes	Yes		Yes
New York				Yes
North Carolina		Yes		Yes
North Dakota		Yes	Yes	
Ohio		Yes		
Oregon	Yes	Yes	Yes	
Pennsylvania		Yes	Yes	Yes
Rhode Island		Yes		
South Carolina	Yes	Yes	Yes	Yes
Texas	Yes			
Utah		Yes		Yes
Virginia	Yes	Yes		
Washington		Yes		
Washington, D.C.				
West Virginia	Yes	Yes	Yes	Yes
Wisconsin	Yes	Yes	Yes	
Wyoming				Yes

**Chart 6. Public Resources**

	Community Service Block Grant	Domestic Violence Prevention Funds	Legal Service Corporation Fund	Legal Service Hotline Grant	Medicaid Funds	Medicare Fraud and Abuse Grants	Nursing Home Transition Grants	Pension Counseling Grants	SHIP	Social Service Block Grant	Victim Assistance Fund Grants	State General Funds*	Other*
Alabama					Yes		Yes		Yes				
Arizona						Yes			Yes				
Arkansas	Yes				Yes	Yes						Yes	
California					Yes				Yes			Yes	Yes
Florida						Yes			Yes			Yes	
Georgia			Yes	Yes		Yes			Yes		Yes	Yes	
Idaho						Yes						Yes	
Illinois											Yes	Yes	Yes
Indiana	Yes				Yes				Yes	Yes			
Kansas			Yes		Yes								Yes
Kentucky					Yes		Yes		Yes			Yes	Yes
Louisiana												Yes	
Maine				Yes	Yes				Yes			Yes	Yes
Minnesota	Yes	Yes	Yes			Yes		Yes	Yes	Yes	Yes	Yes	Yes
Nevada					Yes								
New York						Yes			Yes				
North Carolina													Yes
North Dakota			Yes		Yes				Yes				
Ohio			Yes	Yes			Yes		Yes		Yes	Yes	Yes
Oregon					Yes	Yes					Yes	Yes	Yes
Pennsylvania									Yes				Yes
Rhode Island					Yes	Yes			Yes				
South Carolina				Yes	Yes		Yes		Yes				
Texas													
Utah									Yes	Yes		Yes	Yes
Virginia						Yes			Yes			Yes	
Washington				Yes	Yes	Yes							
Washington, D.C.		Yes											
West Virginia		Yes	Yes	Yes	Yes		Yes		Yes			Yes	
Wisconsin							Yes	Yes	Yes			Yes	Yes
Wyoming					Yes	Yes	Yes						

APPENDIX B:

**Elder Rights 2003:  
Survey of State Unit on Aging  
System Development Activities**

**2003 Survey of State Unit on Aging Elder Rights**  
**System Development Activities\***

Person Completing the Survey (Name): \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

State: \_\_\_\_\_

**Note:** Please feel free to include as attachments any materials which support or provide further detail on your answers. We ask you to list your attachments at the conclusion of the questionnaire.

1. **Interagency Coordination:** In every state there are several organizations whose mission involves protection and/or enhancement of elder rights. Title VII encourages State Units on Aging (SUAs) to work cooperatively with other organizations, helping make the path to service easy, logical and effective. Characterize the SUA relationship with key organizations by completing the following:

<b>Organization</b>	<b>Close working relationship</b>	<b>Periodic Collaboration</b>	<b>Working Relationship Needs Development</b>
Adult protection (if not administered by the SUA)	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Attorney General Office	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Consumer Affairs	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Domestic Violence Coalition	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Insurance Department	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Long Term Care Facility Licensing	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Medicaid Fraud Control Units	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Mental Health Office	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Office of Public Guardian	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Protection and Advocacy Agency	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Pubic Safety/law enforcement	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
State Bar Association	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Victim Services	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
Please identify others:			
(a) _____	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
(b) _____	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
(c) _____	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
(d) _____	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

2. **Examples of Interagency Coordination:** Please provide one or more examples of particularly positive interagency collaborations, identify what agency/agencies were involved, and the outcome or results of the "close working relationship"

**Example A:**

Agency Involved:	
Outcome:	

**Example B:**

Agency Involved:	
Outcome:	

**Example C:**

Agency Involved:	
Outcome:	

3. **Intra-Agency Coordination:** Title VII envisions the coordination of access, policy and program initiatives among legal services, ombudsman, elder abuse prevention, adult protective service, health insurance counseling, information and assistance. Please identify the ways in which coordination is fostered in your state. Check all that apply.

(a) \_\_\_ elder rights unit established in SUA. The following are part of the unit. Check all that apply.

\_\_\_ legal developer    \_\_\_ state long term care ombudsman    \_\_\_ SHIP

\_\_\_ elder abuse/adult protective service    \_\_\_ information & assistance

\_\_\_ Other. Please identify \_\_\_\_\_

(b) \_\_\_ elder rights program staff/managers meet frequently

(c) \_\_\_ elder rights program staff/managers collaborate on projects

(d) \_\_\_ policy memos/guidance are developed/reviewed collaboratively

(e) \_\_\_ proposals for special project funding are jointly developed

(f) \_\_\_ Other: Please describe:

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4. **Examples of Intra-Agency Coordination:** Please provide three examples of noteworthy intra-agency coordination activities and briefly describe the results of the collaboration.

**Example A:**

Activity:	
Results:	

**Example B:**

Activity:	
Results:	

**Example C:**

Activity:	
Results:	

5. **SUA Leadership Role:** Leadership in elder rights requires the SUA to communicate a common vision and to promote the buy-in of staff, local administrators and providers. What leadership strategies or tools have been particularly effective in helping the SUA in this area?

- (a) \_\_\_ Developed elder rights mission statement
- (b) \_\_\_ Establish statewide elder rights task force/committee
- (c) \_\_\_ Publish elder rights newsletter or columns
- (d) \_\_\_ Other. Please describe: \_\_\_\_\_

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6. **SUA Management:** What management functions are used to support elder rights system development? Check all that apply

- (a) \_\_\_ Develop an elder rights plan
- (b) \_\_\_ Conduct needs survey

**SUA Management -continued**

- (c) \_\_\_ Develop program rules/guidelines
- (d) \_\_\_ Target funds to special initiative(s)
- (e) \_\_\_ Develop quality standards
- (f) \_\_\_ Develop outcome measures
- (g) \_\_\_ Other. Please describe:

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7. **Information and Access:** Information and access assistance are key components of elder rights system development. While SUAs continue to build and modernize their access systems, special efforts may have been made to bolster information about and access to elder rights programs and services. From the following list, please check the strategies the SUA has used specifically in elder rights.

- (a) \_\_\_ Targeted outreach or public awareness campaigns
- (b) \_\_\_ Specially developed directories, brochures or videos
- (b) \_\_\_ Toll free number(s)
- (d) \_\_\_ Special or targeted staff training
- (e) \_\_\_ Other. Please explain:

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8. Please provide one or two specific examples of items checked in Question 7.

**Example A:**

Strategy:	
Output/Outcomes:	

**Example B:**

Strategy:	
Output/Outcomes:	

9. **Training and Education:** Training and education provide opportunities for state and local staff to learn new aspects of the elder rights issues and to participate in and contribute to service delivery improvements. Please identify training efforts supporting the SUA's elder rights initiatives.

- (a) \_\_\_ Statewide elder rights conference
- (b) \_\_\_ Specific elder rights program training (i.e. ombudsman training, legal issues training)
- (c) \_\_\_ Specially supported/developed curricula.
- (d) \_\_\_ Other training/education initiatives. Please specify:

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10. Please further explain and/or provide examples of one or two items checked in Question 9.

**Example A:**

Training:	
Output/Outcomes	

**Example B:**

Training:	
Output/Outcomes	

11. **Public Resources:** The Older Americans Act provides funding to support elder rights services through the long term care ombudsman program, elder abuse prevention, Title III funding for ombudsman and legal assistance. Ideally, many additional programs and funding sources are also part of "the system." What other public resources are supporting your state aging network's elder rights system?

- (a) \_\_\_ Community Service Block grant
- (b) \_\_\_ Domestic violence prevention funds
- (c) \_\_\_ Legal Service Corporation funds
- (d) \_\_\_ Legal Service Hot Line grant
- (e) \_\_\_ Medicaid funds
- (f) \_\_\_ Medicare Fraud and Abuse grants
- (g) \_\_\_ Nursing Home Transition grants
- (h) \_\_\_ Pension Counseling grants
- (i) \_\_\_ SHIP (State Health Insurance Counseling) grant
- (j) \_\_\_ Social Service Block grant
- (k) \_\_\_ Victim Assistance Fund grants
- (l) \_\_\_ State general funds-- Please specify, for what purpose: \_\_\_\_\_

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(m) \_\_\_ Other. Please specify: \_\_\_\_\_

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12. **Private and foundation funding:** Have you been able to tap private and/or corporate resources to support any of your elder rights activities?  yes  no

If yes, Please describe the grant source, grant amount and purpose of the grant(s):

Grant Source:	
Grant Amount:	
Purpose of Grant:	

13. **Policy Focus:** Legislative initiatives are significant part of the foundation for an elder rights system. What important legislation has been passed since 2000 that is particularly important for elder rights and your state elder rights system? Please identify and briefly describe.

**Example A:**

Bill Number:	
Description:	

**Example B:**

Bill Number:	
Description:	

**Example C:**

Bill Number:	
Description:	

14. **Program Focus:** while we assume that every state has made strides in elder rights system development since 1997 when NASUA last inventoried accomplishments, we are looking for three important *elder rights programmatic changes and/or improvements* that have been made in your state since 2000 that you would like others to know about? Please provide a brief description, outputs and/or outcomes if available.

<b>Example A:</b>	
<b>Example B:</b>	

<b>Example C:</b>	
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15. **Barriers:** While level funding remains a challenge for SUA's in many areas, what other *specific barriers* are impeding elder rights system development in your state? Briefly describe.

<b>Barrier 1:</b>	
<b>Barrier 2:</b>	
<b>Barrier 3:</b>	

16. **Future Challenges and Issues:**

A. As you consider continued development of your elder rights system, what specific areas need further attention?

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B. What would you like to accomplish over the next five years related to these challenges?

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**Part B: A Focus on OAA Funding for Elder Abuse--Title VII, Chapter 3**

17. While only about \$5million in federal funds are allocated to SUAs under the elder abuse prevention section of the Older Americans Act (Chapter 3, Title VII), many SUAs have accomplished significant results with these funds. Please describe what this funding stream supported in your state during the last fiscal year. Check all that apply.

- (a) \_\_\_ Allocated to area agencies on aging
    - % allocated \_\_\_\_\_
    - range of grants: from \_\_\_\_\_ (low) to \_\_\_\_\_ high
  
  - (b) \_\_\_ Utilized for statewide activities. Please give example.
    - Project title: \_\_\_\_\_
    - Project activity: \_\_\_\_\_
  
  - (c) \_\_\_ Public education/outreach
    - Methods used \_\_\_\_\_
    - Audience targeted \_\_\_\_\_
  
  - (d) \_\_\_ Training of professionals
    - Number of training sessions (estimate) \_\_\_\_\_
    - Number of professionals trained (estimate) \_\_\_\_\_
    - Types of professionals trained \_\_\_\_\_
  
  - (e) \_\_\_ Support for multidisciplinary teams
    - \_\_\_ statewide
    - \_\_\_ regional
    - \_\_\_ local
  
  - (f) \_\_\_ Supplemented with state funds. Please specify amount and purpose.
    - Amount of state funds: \_\_\_\_\_
    - Purpose: \_\_\_\_\_
  
  - (g) \_\_\_ Pooled with other state/federal funding for special projects.
    - Identify other funds: \_\_\_\_\_
    - Purpose: \_\_\_\_\_
  
  - (h) \_\_\_ Support for coalitions and/or task forces
  - (i) \_\_\_ Support for conferences
  - (j) \_\_\_ Support SUA Staff
  - (k) \_\_\_ Other. Please identify. \_\_\_\_\_
-

18. Of all the items checked in your response to Question 19, what activity/program funded under OAA, Title VII, Chapter 3 -Elder Abuse Prevention -- would you particularly like to highlight. Please describe:

Project:	
Results/Outcomes :	

**Part C: A Call for Case Study Volunteers**

Case Studies: As part of our elder rights update, NASUA intends to develop up to three case studies of well functioning state elder rights systems. The case studies will provide in-depth profiles and complete descriptions of system characteristics.

The process will involve analysis of written materials and personal interviews with key contacts including both state representatives and AAA personnel. If you would like to be considered as a case study state, please note below and provide a contact person to serve as the Liaison for the Elder Rights Case Study Initiative.

A.  Yes, we would like to be considered for ER case study.  No, we are not interested.

B. If yes, briefly describe the strengths of your system that, in your opinion, warrant documentation as an elder rights system model:

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C. Please identify a person to provide further information. This person will serve as Project Liaison should your state be chosen for case study.

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

**Part D: Attachments**

We encourage you to include attachments, which expand on your responses to the questions in this survey. Please list the attachment by title and the corresponding question number. Use an additional sheet, if necessary.

Survey Question Number	Attachment Title
_____	_____
_____	_____
_____	_____

Please return completed questionnaire to by fax or mail to:

Elder Rights Survey  
National Association of State Units on Aging  
1201 15th Street, N. W. Suite 350 Washington, D.C. 20005  
Fax: (202) 898-2583

**Please respond by June 30, 2003**

Thank you very much !!!

## APPENDIX C:

# Elder Rights Resources: Examples from States

The following is a small selection of publications and resources about abuse prevention, elder domestic violence, and vulnerable adult law that are available from the states.

## Arizona

- *Senior Resource Guide*

## California

- *Stop Elder Abuse in California: What Is Being Done? What Can You Do? - Brochure*
- *Long Term Care Ombudsman: Advocates for Residents - Poster*

## Florida

- *Guardianship Monitoring in Florida: Fulfilling the Court's duty to Protect Wards*
- *RFP for Elder Abuse Neglect and Exploitation Coordinator*
- *Elder Abuse Neglect and Exploitation — Training for Professionals (10/02)*
- *Elder Abuse, Neglect and Exploitation — Public Education Session (10/02)*
- *Elder Abuse, Neglect and Exploitation — Certified Officer Training Curriculum*
- *Training Materials for Care Managers: Elder Domestic Violence*
- *The Relationship Between Elder Mistreatment and Substance Abuse*
- *The Relationship Between Elder Mistreatment and Depression*
- *Suicide Prevention in Later Life Gatekeeper Training - CD Rom*
- *Elder Ready Communities: Preparing Shelters to House Victims of Late Life Abuse in "50 Strategies to Prevent Violent Domestic Crimes,"*

published by the National Crime Prevention Council

- *Model Policies for Making Florida's Domestic Violence Centers Elder Ready*
- *Final Report: On the Response to Making Domestic Violence Services Elder Ready*
- *Florida Department of Elder Affairs: Elder Abuse Campaign 2001- television PSAs, radio PSAs (English and Spanish)*
- *Posters: 'Domestic Violence Does Not Respect Age'; 'You'll Remember That...'*
- *Brochures: 'Elder Abuse Hurts Us All', 'Domestic Violence: Any Family, AnyAge', 'Abuso A Mayores: Nos Hiere a Todos'*
- *Public Education Materials: Elder Abuse Hurts Us All, 1-800-96ABUSE — tote bag, jar opener, key chain.*

## Minnesota

- *Network on Abuse in Later Life Brochure*
- *Investigating Complaints, Resolving Individual Concerns and Advocating for Minnesota's Elders Brochure*
- *Sexual Assault of Elders and People with Disabilities*
- *Interviewing Techniques with Victim and Perpetrator Presentation Outline and Bibliography*
- *Choosing a Nursing Home Brochure*
- *Nursing Home Quality Measures Brochure*

- *The Rights of Nursing Home Residents Brochure*
- *Understanding Case Mix Clarification Brochure*
- *Assisting You with Assisted Living Brochure*
- *We're Here For You Poster*
- *Become a Volunteer Advocate Poster*
- *Federal Study on Nurse Staffing in Nursing Facilities Brochure*
- *The Age Odyssey Conference Brochure*
- *7<sup>th</sup> Annual Training Institute Vulnerable Adult Maltreatment Investigations Agenda*
- *Vulnerable Adult Law and Practice Curriculum: Workbook and Study Guide*

### **North Dakota**

- *Current Status of Vulnerable Adult Protective Services Across North Dakota Report*
- *Vulnerable Adult Protective Services Fact Sheet*

### **Oregon**

- *Nobody Should Have to Live with Abuse Video*
- *Preventing Financial Exploitation: How Bankers Can Help Video*
- *Restoring the Sacred Circle Video*
- *Roll Call Video for Police*
- *Victimization of Barbara While Video*

### **South Carolina**

- *South Carolina Long Term Care Ombudsman Program 2001 Annual Report*

### **Virginia**

- *Insurance Counseling Brochure*
- *Avoid Scams and Fraud Brochure*
- *Tools for Life Planning in Virginia Brochure*
- *When to Yield: Questions and Answers about Dementia and Driving Brochure*

### **West Virginia**

- *Dateline NBC Exposes Fraudulent Water Systems Sales in West Virginia Press Release*
- *West Virginia Elder Advocacy Quarterly Newsletter*
- *West Virginia Long Term Care Ombudsman Program Pamphlet*
- *West Virginia Senior Legal Aid, Inc. Brochure*