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News and Updates

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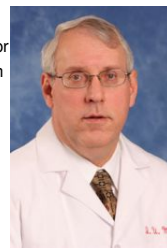
CEJC News

Brown Bags Begin

CEJC and the California Commission on Aging (CCoA), in collaboration with the Assembly Committee on Aging and Long Term Care, hosted the first in a series of brown bag lunches for Assembly members and staffers to acquaint them with Elder Justice. The first event, conducted on June 21 by CEJC chair **Lisa Nerenberg** and CCoA policy analyst **Carol Sewell**, provided an overview of elder abuse and elder justice. The second event, held on July 12, was led by CEJC Steering Committee members **Mary Counihan** and **Jill Nielsen** and **Krista Brown**, Aging and Adult Program Coordinator with the California Social Work Education Center. The session focused on APS and California's abuse reporting system. Upcoming sessions will cover financial abuse, abuse in long term care facilities, and the legal system's response to abuse.

Forensics Expert Dean Hawley Keynotes at Summit

Dr. Dean Hawley, Professor of Pathology, Indiana University, will give the plenary address at the From Practice to Policy: Setting the Course for Elder Justice 2013 Statewide Elder Justice Summit on September 26. Dr. Hawley is an expert in elder abuse, domestic violence, elder abuse in Indian country, family justice centers, and conducting abuse investigations in long term care facilities. He will also participate in a breakout session on abuse in facilities.



CEJC Has New Fiscal Sponsor, Website

CEJC recently became one of 100+ non-profit organizations sponsored by LA-based Community Partners. The relationship will enable CEJC to build capacity and network with other non-profit organizations and funders. CEJC is also launching a new website, thanks to volunteer extraordinaire **Fernando Quinones**. Visit us at ElderJusticeCal.org

Tell us your news!



Every day brings important new developments in elder justice and abuse prevention. Help us keep our colleagues informed by sharing updates on your new products, projects, and activities. We also welcome your thoughts and comments. You can reach us by [clicking here](#).

State and local news

Appropriations Committee Guts SB 60

Acting independently from the author and supporters of SB 60 (Wright), the Senate Appropriations Committee removed language ensuring that financial crime victims are eligible for victim compensation, leaving only the language making human trafficking victims eligible for the assistance. CCOA, which sponsored the bill, has withdrawn its sponsorship and intends to reintroduce a new bill next year that will include victims of elder financial crimes and abuse.

AB 140 Moves Ahead

AB 40, which defines undue influence in the civil code, has passed out of the Senate Judiciary Committee and heads to the Appropriations Committee when Assembly members return after their recess. This bill defines undue influence as excessive persuasion that causes someone to act or refrain from acting in a manner that results in an unfair outcome. It further establishes criteria to be used in determining if undue influence is present: victim vulnerability, the influencer's authority, actions or tactics used by influencers, and the fairness of the result.

The SCAN Foundation Partners with PBS

The SCAN Foundation, a leader in engaging California stakeholders in advancing long term services and support policy, has partnered with the PBS Newshour to produce a 6-part series on the challenges of long-term care. The first segment, which aired on May 30, focused on one family's struggles. The series will continue through the year with reports that focus on the challenges faced by individuals and governments, as well as the models for change being tested. For more on the series, [click here](#).



National news

NGN Promotes State Guardianship Reform Collaboratives

The National Guardianship Network (NGN) has awarded incentive grants and technical assistance to 4 states to create interdisciplinary networks of guardianship stakeholders. Called WINGS, the networks will consider how adult guardianship (called conservatorship in California) is working and what changes are needed. They will focus on judicial processes, protecting vulnerable adults' rights and needs, addressing inadequate funding, and ensuring guardian accountability and fiduciary standards. NGN hopes to develop a "replication template" to help other states create networks. Funding for the grants comes from the State Justice Institute and the Albert and Elaine Borchard Foundation Center on Law and Aging. States selected to participate—New York, Oregon, Texas, and Utah—were required to demonstrate collaboration among chief justices, state units on aging, state APS programs, and others. The creation of state WINGS groups was a key recommendation of the 2011 Third National Guardianship Summit convened by NGN at the University of Utah. NGN consists of 10 national organizations dedicated to effective adult guardianship law and practice.



FTC Issues "Obamacare Card" Fraud Alert

Never at a loss to exploit an opportunity, scammers, claiming to be from the government, are poised to take advantage of widespread confusion over the Affordable Care Act by offering people "Obamacare cards" and threatening to throw them in jail unless they buy insurance. They contact consumers by phone or email claiming to be with Obamacare and asking for bank account routing numbers, credit card numbers, or cash. Some have tried to sell them coverage, both real and bogus. Federal and state officials fear that scammers will exploit government efforts to educate consumers by pretending to be certified "navigators." The administration has announced \$54 million in grants to create "navigator" programs to help uninsured Americans sign up for benefits in the exchanges. In California, the state's exchange is expected to hire 21,000 of these workers to help enroll an expected 2 million new uninsured residents. According to California Insurance Commissioner Dave Jones, "We've convinced Covered California, our health benefits exchange, to adopt a system of fingerprinting background checks, some minimal training, and certification but we believe they should go further."

Senate FY 2014 Budget Includes Funds for Elder Justice

The Senate's FY 2014 budget bill includes \$8 million in elder justice funding for the Department of Health and Human Services, including support for Adult Protective Services demonstration projects, which was called for in President Obama's FY 2014 budget proposal. The Senate bill also provides \$4 million for elder rights support programs to aid in elder abuse prevention and nearly \$22 million to support the long term care ombudsman program and community-based elder abuse prevention activities.



Federal Bill Introduced to Fight Fraud

A bipartisan bill filed by U.S. Rep. **Ted Deutch**, D-Fla., **Vern Buchanan**, R-Fla., and **Peter Welch**, D-Vt. would create a federal advisory office dedicated to protecting elders from fraud and ensuring that victims' complaints are handled efficiently and quickly. The bill mandates the FTC, which would house the new office, to "immediately" funnel elder fraud and exploitation reports to appropriate local law enforcement or regulatory agencies for investigation, something the FTC is not required to do now. It would also alert elders to new scams and educate them about investment fraud. Complaints to the FTC regarding fraud against people age 60 and older almost doubled between 2010 and last year, with 115,892 filed in 2012 — one quarter of all fraud complaints.

HUD Urges Housing Providers to Consider Olmstead Decision

The Department of Housing and Urban Development has released guidelines urging housing providers that accept government funds to consider the needs of individuals transitioning out of nursing homes and other institutional settings. The guidelines explain the Supreme Court's 1999 decision in *Olmstead v. L.C.*, which involved two disabled women who were placed in institutional settings even though clinical assessments concluded they were suited for a community-based setting and who sued for their right to live in the community. The Court found in their favor leading to similar cases and initiatives, including a class action lawsuit against San Francisco and several State agencies brought on behalf of current and potential residents of Laguna Honda Hospital and the Independent Living Resource Center of San Francisco. The guidelines explain how housing providers can support these initiatives by granting certain preferences to transitioning individuals. Allowable preferences include awarding funds under a Section 811 Project Rental Assistance grant. The guidance also addresses how housing providers can assist in Olmstead-related initiatives while maintaining obligations under the Fair Housing Act. To download the document, [click here](#).



NCVC to Focus on Elder Financial Crimes

This year's national conference of The National Center for Victims of Crime will feature a plenary discussion and two workshops focusing on financial crime. The plenary, Pathways to Recovery: Helping Victims of Financial Fraud, will focus on emerging issues in advocating for victims of financial fraud. NCVC consultant **Josh Bailes** and **Christine Kieffer** from the FINRA Investor Education Foundation will provide advice on how advocates can help financial fraud victims navigate the reporting process, pursue recovery of assets and prevent re-victimization. Related workshops will address identity theft, the financial exploitation of retirees and elders, and building coalitions among advocates for financial fraud victims. For more, [click here](#).

Reports/Research

GAO Exposes Lack of National Coordination

The Government Accountability Office's recently released *Elder Justice: More Federal Coordination and Public Awareness Needed* points out that HHS and DOJ administer 12 separate elder justice-related programs. Although the Elder Justice Coordinating Council, authorized under the Elder Justice Act, was created to coordinate the programs, they have yet to articulate common objectives. Other findings include:

- States are facing major challenges responding to increased demands for services to elder abuse victims in a constrained fiscal environment.
- Five of the nine regional agency officials GAO spoke with identified the need for elder justice issues to be elevated to national attention through a national public awareness campaign.

GAO recommended that HHS take the lead in identifying common objectives and outcomes and in developing a national elder justice public awareness campaign. The report is available [here](#).

Study Links Depression, Isolation to Fraud

Researchers at Wayne State University's Institute of Gerontology have created a potential victim profile that could alert professionals and families to seniors who are most psychologically vulnerable to fraud. The study, led by **Peter Lichtenberg**, looked at 4,400 people age 60 and older and found those with high depression levels, and who scored low on tests gauging how valued and connected to others they felt, were almost 300% more likely to report having lost money to scams or fraud. None of Lichtenberg's subjects had Alzheimer's or any memory-impairing medical conditions. The study, published in the current issue of *Clinical Gerontologist*, also suggested that younger seniors (under age 74), who are fraud victims are more likely to report being financially dissatisfied. "These were people looking to make more money for their retirement and didn't have many avenues available." Lichtenberg's next project is to develop a rating scale and checklist that can guide health-care workers, law enforcement, and aging service professionals in determining when a senior might be at risk for fraud. He plans to create public education materials on fraud vulnerability for elders and their families as well.



Financial Literacy, Self Confidence, Linked to Fraud

In another recently published study on cognition, financial literacy, and vulnerability to fraud, researcher **Keith Jacks Gamble** of DePaul University and his colleagues found that overconfidence in one's financial knowledge is a significant predictor of falling victim to fraud. For more, [click here](#).

New Directions for Elder Abuse Research

In a new report released by the National Institute on Justice, researchers **Shelly Jackson** and **Thomas Hafemeister** discuss the findings from two NIJ studies of elder abuse in domestic settings and emphasize the importance of developing new theories of elder abuse. They point out that elder abuse researchers have relied more on adapting existing theories from other fields than on developing new theories and looking critically at current theories to increase our understanding and guide future research. The report, NCJ 241731, is available by [clicking here](#).



OVC Releases Vision 21 Final Report

The Office for Victims of Crime has released "Vision 21: Transforming Victim Services Final Report" a comprehensive assessment of the crime victim assistance field that draws from input from a broad range of service providers, advocates, criminal justice professionals, allied practitioners, and policymakers. For copies, [click here](#).

Who are the Duals? CBO Offers Profile

The Congressional Budget Office (CBO) has released "Dual-Eligible Beneficiaries of Medicare and Medicaid: Characteristics, Health Care Spending, and Evolving Policies" which can be found at [here](#).

JEAN Spotlights Practice

The most recent issue of the *Journal of Elder Abuse & Neglect* is chock full of articles of interest to advocates and practitioners, including:

- [The National Elder Mistreatment Study: Race and Ethnicity Findings](#) by **Melba Alexandra Hernandez-Tejada** MS, **Ananda Amstadter** PhD, **Wendy Muzzy** MRA & **Ron Acierno** PhD
- [Neuropsychological Correlates of Performance Based Functional Status in Elder Adult Protective Services Referrals for Capacity Assessments](#) by **Jason E. Schillerstrom** MD, **Elizabeth M. Birkenfeld** BS, **Anne S. Yu** BS, **Minh-Phuong T. Le** BS, **Daniel J. Goldstein** BA & Donald R. Royall MD
- [Perceptions of Institutional Elder Neglect in Civil Court](#) by **Nesa E. Wasarhaley** MS & **Jonathan M. Golding** PhD
- [Elder Abuse and Neglect: A Survey of Clergy Awareness, Knowledge, and Intervention Preferences](#) by **John D. Rudnick Jr.** EdD FACHE & **Pamela B. Teaster** PhD
- [Elder Abuse and Neglect in Institutional Settings: The Resident's Perspective](#) by **Michèle Charpentier** PhD & **Maryse Soulières** MSc

Resources

NSCLC: Advocates Guide for CCI

The National Senior Citizens Law Center (NSCLC), in collaboration with the Disability Rights Education and Defense Fund (DREDF), has produced an Advocate's Guide to California's Coordinated Care Initiative (CCI). This guide was designed for advocates and individuals providing assistance to dual eligibles and Medi-Cal-only seniors and people with disabilities to help them understand the CCI and how it will impact the populations they serve. The guide is available by [clicking here](#)

FDIC and CFPB Develop Class to Avoid Scams

The Federal Deposit Insurance Corp (FDIC) and the Consumer Financial Protection Bureau (CFPB) have collaborated on a new instructional tool to teach seniors and their caregivers how to avoid financial exploitation. It is available [here](#).



NCJRS Highlights Elder Abuse

In honor of World Elder Abuse Awareness Day (June 15), the National Criminal Justice Resource Service posted an online resource directory that includes links to publications and Web sites that focus on financial and physical abuse of older individuals. To access, [click here](#)

ID Theft Resources

- IDTheft.gov is a great website for information/resources/sample letters for advocates to help identity theft. [Click here](#)
- The IRS' ID Theft Disclosure Program, available ONLY to local law enforcement, enables officers to request certain tax information on behalf of victims of tax based identity theft that can help them investigate cases. For more, [click here](#).
- The Federal Trade Commission (FTC) has produced several booklets on medical identity theft to give to victims. For free bulk order requests, [click here](#).

Weighing in

Elder Justice Coordinating Council Seeks Input

During the second convening of the Elder Justice Coordinating Council, Federal Interagency Elder Justice Working Groups submitted nine proposals to advance federal involvement in the prevention, detection, and prosecution of elder abuse, neglect, and exploitation:



- Proposal 1: Support the investigation and prosecution of elder abuse, neglect, and financial exploitation cases
- Proposal 2: Support and protect elder victims by improving identification of elder abuse and enhancing response and outreach to victims
- Proposal 3: Develop a national Adult Protective Services (APS) system based upon standardized data collection and a core set of service provision standards and best practices
- Proposal 4: Establish a coordinated federal research agenda to identify best practices for prevention of and intervention in elder abuse and elder financial exploitation
- Proposal 5: Develop a strategic, multifaceted public awareness campaign including media relations, public service announcements, and online tools and information with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect and exploitation
- Proposal 6: Develop training to educate stakeholders across multiple sectors and disciplines on preventing, detecting, intervening, and responding to elder abuse, neglect, and exploitation
- Proposal 7: Bolster ability of financial services providers to address financial exploitation
- Proposal 8: Reduce financial exploitation by fiduciaries through enhanced oversight and collaboration among federal and state entities
- Proposal 9: Improve ability of APS and first responders to screen for diminished capacity, vulnerability to financial abuse, and whether individuals have been victimized

[Click here](#) to read the full proposals: The Council is accepting feedback on the proposals that will be used in developing implementation strategies at EJCCC@acl.hhs.gov

ACL Proposes New Ombudsman Regs

The Administration on Community Living (ACL) has proposed new long-term care ombudsman regulations, which address:

- Responsibilities of the State Ombudsman, State Agency on Aging, and representatives of the Office of the State Long-Term Care Ombudsman related to program operations
- Consistent approaches to resolving complaints on behalf of residents
- Appropriate role of ombudsmen in resolving abuse complaints
- Conflicts of Interest—processes for identifying and remedying conflicts so that residents have access to effective, credible ombudsman services ACL encourages public comment.

To view the proposed rule [click here](#). Comments can be made [here](#).

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