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News and Updates

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CEJC News

Elder Justice in the Age of Managed Care: A Webinar

On **December 11, 2013, 3:00—4:30 p.m.**, CEJC will host a webinar to explore the elder justice (EJ) implications of major changes that are radically altering California's Long Term Services and Supports (LTSS) system. The changes include transitioning seniors into managed care plans, which has EJ advocates asking:

- Are managed care providers aware of their duty to report abuse and neglect? Do they understand



the rights of residents of long term care facilities? Will they receive training in how to recognize elder abuse?

- How will plans respond if LTSS consumers can't make informed decisions about their care? What will happen if they don't have surrogates?
- How will safe transitions between acute and long term care facilities be assured?
- Can EJ service providers share information with new providers?
- What new forms of fraud can we expect?

Amber Cutler, staff attorney for the National Senior Citizens Law Center, will describe the new LTSS environment and the opportunities and challenges it

poses. Following her, responders Ellen Schmeding and Molly Davies will describe how the EJ network is being impacted and its response. Ellen is Director, Aging & Independence Services/Public Administrator, Public Guardian, Public Conservator, Aging & Independence Services, Health & Human Services, San Diego County. Molly is Vice President, Elder Abuse Prevention and Ombudsman Services, WISE & Healthy Aging, and President of the California Long-Term Care Ombudsman. Participants will be invited to offer suggestions for an **action plan** to keep the EJ network apprised of LTSS developments and to provide feedback to policy makers on the challenges that the changes engender. To register: Email your request to academyfms@mail.sdsu.edu.



Summit Generates Action

The highly acclaimed California Elder Justice Policy Summit: From Practice to Policy—Setting the Course for Elder Justice, which was co-sponsored by CEJC and the California Commission on Aging (CCoA), along with partners the County Welfare Directors Association of California, the California Association of Area Agencies on Aging and the California Long-Term Care Ombudsman Association, has prompted a flurry of activity, which includes:

- Working with staffers for the Assembly Committee on Aging and Long Term Care and Assembly Speaker Perez' Office to implement key summit recommendations. CEJC and CCoA will host a working meeting in December with Assembly staff members and summit breakout session facilitators and presenters at the recent CEJC/CCoA brownbag lunch series to explore members' interest in carrying bills to enact summit recommendations.
- Seeking support for the resolution passed at the summit to establish a State Blue Ribbon Panel on Elder Justice. California Assembly members Jose Medina (Riverside), Henry Perrea (Fresno), Joan Buchanan (Alameda), Chris Holden (Los Angeles) and the California Congress of Seniors have endorsed the resolution.
- Working with Assembly staffers on plans for developing a statewide elder abuse data collection system. U.S. Assistant Secretary for Aging Kathy Greenlee recently hailed the initiative and pledged her support for enlisting California's input into DHHS' national APS data collection project that is currently in progress (see National News).
- Convening a task force to explore high risk caregiving situations and how caregiver abuse can be prevented.

Join CEJC!

We know the problems. We have ideas for solutions. But what California's EJ network lacks is a united voice and opportunities to engage in collaborative, multidisciplinary problem-solving and policy development. CEJC was formed to harness the enormous expertise, talent, and passion that exists in California to assist policy makers formulate in-depth



public policy that empowers and protects older Californians and ensures justice and accountability. CEJC's agenda is an ambitious one. Drawing from recommendations made during the Elder Justice summit and the 2011 *Improving California's Response to Elder Abuse, Neglect, and Exploitation: A Blueprint*, CEJC is working with policy makers to develop comprehensive policy responses to systemic problems. Your membership demonstrates your commitment to ensuring that elder justice policy in California reflects current understanding of the problem, promising practices, and the experiences of service providers and those they serve. Benefits of membership further include:

- Summits, webinars, and forums with leading elder justice experts, advocates, and researchers
- Committees and task forces to explore common problems and craft solutions
- Meetings with state legislators, administrators, and analysts to ensure that elder justice policy in California is informed by research, practice, and the insights of California's exceptional grassroots innovators and service providers
- Opportunities to develop skills in advocacy, leadership, policy research and analysis, strategic planning, and needs assessment
- Volunteer opportunities to increase your experience and expertise in a supportive environment with talented mentors and colleagues
- Bi-monthly News and Updates provides streamlined information and analysis from multiple disciplines To join, visit CEJC's website at <http://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

***ProPublica* Finds More Assisted Living Facilities Shortcomings**

ProPublica's ongoing investigation of the assisted living industry has revealed that less than half of the \$2 million in fines that the California Department of Social Services issued against assisted living facilities from 2007 to 2012 were collected. Of the 50 largest fines assessed over those years, the review showed, the department collected no money in 39 cases. In one instance, a facility in Shasta County that was operating without a license accrued more than \$250,000 in penalties and paid none of it. As described in earlier News and Updates, Sen. Leland Yee of San Francisco and San Mateo counties, has announced that he plans to call a hearing. *ProPublica* has deemed California, which has more assisted living facilities than any other state, as "one of the loosest regulatory environments in the country." for more, [click here](#).

"(California has) one of the loosest regulatory environments in the country." *ProPublica*, 2013

California Sued Over Delayed Nursing Home Complaint Investigations

On October 19, the Foundation Aiding the Elderly (FATE) brought a lawsuit in San Francisco Superior Court against the California Department of Public Health for failing to promptly investigate complaints at nursing homes and skilled nursing facilities in the state. Two top DPH officials were named in the suit: Ronald

Chapman, director of DPH, and Debby Rogers, deputy director of DPH's Center for Health Care Quality. The suit accuses state regulators of "taking months and sometimes years" to complete investigations of nursing homes and other long-term care facilities and asks the court to:

- Impose deadlines on DPH or enforce existing deadlines for investigating complaints at nursing homes; and
- Compel DPH to issue an annual report on the timeliness of its complaint investigations. To learn more about the suit, [click here](#).

Governor Agrees to Finish State Makeover of Long-Term Care Ombudsman's Office

Among the bills signed by Gov. Jerry Brown in the concluding hours of the last session was SB 609, which strengthens the enforcement power of the Office of the State Long-Term Care Ombudsman by increasing the penalties for preventing ombudsman representatives from entering rooms of facility residents without an escort. The penalty would more than double to \$2,500 per incident. According to Sen. Lois Wolk (Davis), who authored the bill, "Penalties haven't changed for 30 years and those penalties are not deterring bad actors from violating state and federal law." For more, [click here](#)

"Penalties haven't changed for 30 years and those penalties are not deterring bad actors from violating state and federal law." Sen. Lois Wolk (Davis)

Governor Signs Home Care Services Consumer Protection Act

Beginning January 1, 2015 home care organizations will be required to meet established registration standards and be regulated by the State Department of Social Services (DSS). Home care aides must be registered by DSS, submit to background checks, and sign declarations regarding their criminal conviction history. They must also be listed in an online registry. The bill contains 3 pages of aides and organizations that are exempt. [Click here](#) to read the bill.

Update on Napa County Caregiver Ordinance

It's been over two years since Napa County enacted the "Caregiver Ordinance" to protect older adults from criminals acting as caregivers. It requires those who are compensated to care for the elderly and persons with disabilities to undergo background checks and apply for a permit. County officials have struggled to spread the word about the law, and it's estimated that more than half of Napa County's caregivers are working without a permit. For more, [click here](#).

News from elsewhere

States Permit Residents' Surveillance



Oklahoma recently passed Senate Bill 587, which allows family members to place surveillance cameras in the rooms of their loved ones in nursing homes, making it the third state, along with New Mexico and Texas, to do so. In the last two years, at least five states have considered similar legislation, with most efforts stalled because of privacy rights concerns raised by facility owners, unions, elder care lawyers and families. For more, [click here](#).

National news

Federal Agencies Collaborate on APS Data Collection

The U.S. Assistant Secretary for Planning and Evaluation, DHHS, has awarded a contract to Walter R. McDonald Associates to develop a national APS data system. The project is co-funded by the Administration for Community Living (ACL) and developed in partnership with the Bureau of Justice Statistics (BJS), Department of Justice (DoJ). APS stakeholders, federal and state policymakers, law enforcement, and others will help determine what data the system should collect. As a first step, BJS is working on a project with the Urban Institute to identify what data APS agencies currently collect, what they would need in order to report data to a national collection system, and what key case indicators should be collected. This information will be used in designing and operating the national system. By September, 2015, DHHS will have piloted the data system and evaluated the data sets.

House Aims to Improve Nursing Home Surveys, Protect Whistleblowers

California Rep. Lucille Roybal-Allard has introduced the Nursing Home Patient Protection and Standards Act of 2013 to improve the nursing home survey process, enhance whistleblower protections for surveyors, and establish an advisory committee for CMS that would include skilled nursing facility administrators, directors of nursing, and other stakeholders. The legislation responds to a 2009 U.S. Government Accountability Office report that found that 46% of surveyors and 36% of directors felt there were weaknesses in the traditional survey methodology. For more, [click here](#).



Senate Aging Committee Launches Anti-Fraud Hotline

The U.S. Senate Special Committee on Aging has set up a new toll-free hotline to make it easier for older adults to report suspected fraud and receive assistance. On weekdays, it will be staffed by investigators with experience with investment scams, identity theft, bogus sweepstakes and lottery schemes, Medicare and Social Security fraud, and other forms of exploitation, who will examine complaints and, if appropriate, refer them to the proper authorities. Anyone with information about suspected fraud can call the toll-free fraud hotline at 1-855-303-9470, or contact the committee through its website, located at <http://www.aging.senate.gov/fraud-hotline>. Committee chair Senator Bill Nelson (D-FL) and ranking member Susan Collins (R-ME) have made consumer protection and fraud prevention a primary focus of the committee's work. This year they have held hearings on Jamaican lottery scams, tax-related identity theft, Social Security fraud, payday loans, and other forms of exploitation. The committee also launched an enhanced senior-friendly website, which features large print, simple navigation and an uncluttered layout. To view the new website, visit www.aging.senate.gov.

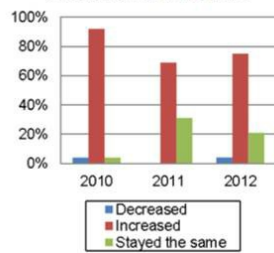
FTC Seeks Info on ACA-Related Fraud

As consumers begin enrolling in health insurance plans under the Affordable Care Act, the Federal Trade Commission is asking for information about frauds that take advantage of the changes, including scams in languages other than English. FTC reports that companies are using the individual mandate to market health savings cards on Spanish-language radio, falsely claiming that the cards constitute health insurance. For a recent blogpost with additional scams to watch out for, [click here](#). Complaints can be filed at ftc.gov.

Reports/Research

AARP Report Shows APS Caseloads Up, Funds Remain Same

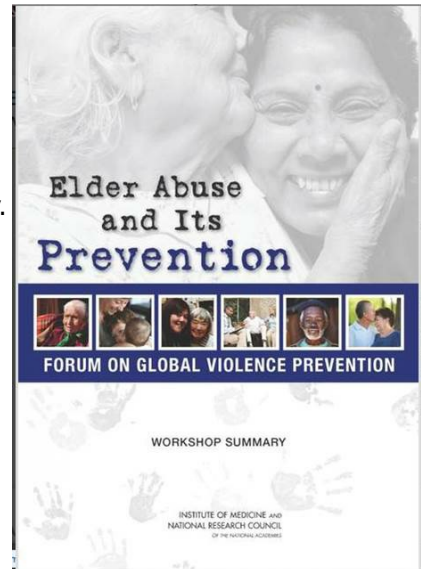
Change in APS Caseloads: SFY 2010–2012
Percent of Responding States



A 2013 report by AARP's Public Policy Institute reveals that while APS caseloads increased between 2010 and 2012, more than 60% of states that responded to a survey reported increased demand for APS while funding remained unchanged or was reduced.

IOM Releases Forum Report: Elder Abuse and Its Prevention

The Institute of Medicine of the National Academies has released *Elder Abuse and Its Prevention - Workshop Summary* from its April 17-18, 2013 workshop. Issues discussed at the event include the prevalence and characteristics of elder abuse around the world, risk factors, outcomes, culture, and the role of the community. Presentations also included intervention models and opportunities for prevention across sectors and settings. [Click here](#) to read the report.



CFPB Guides for Financial Caregivers

The Consumer Financial Protection Bureau (CFPB) estimates that 22 million people in the U.S. have assumed formal and informal responsibilities for making financial decisions for others. This ranges from simply agreeing to hold powers of attorney for spouses or others in case it becomes necessary to make financial decisions to guardianship. The guides explain the 4 main responsibilities of fiduciaries:


- Act in the person's best interest (e.g fiduciaries should not loan or give money to themselves or others, and avoid conflicts of interest).
- Manage money and property carefully (e.g pay bills on time, protecting unspent funds, investing carefully, and having a list of all monies, properties, and debts).
- Keep money and property separate from own (e.g avoid joint accounts)
- Maintain good records (e.g track purchases, and keep receipts).

The 4 guides are tailored to people in 4 fiduciary capacities: 1) Those named in powers of attorney to make decisions about money and property, 2) Those appointed by courts as guardians or conservators of property, 3) Trustees under living trusts, and 4) Representative payees.

The guides also contain information on how to spot financial exploitation and avoid scams, agencies that accept reports, and resources for financial caregivers. To view the guides, [click here](#). Paper copies can be ordered online at: <http://promotions.usa.gov/cfpbpubs.html>

Choosing Home for Someone Else: Guardian Decisions on LTSS

On October 16, the AARP Public Policy Institute released a report presenting findings from an in-depth study of how professional guardians make decisions about where incapacitated adults live. The report includes original research on where people under guardianship live, how guardians make residential decisions, and how they seek to balance independence and perceived risk, often in the face of restricted options. The report includes recommendations bearing on effective, person-centered guardian residential decisions. For the full 32-page report, as



well as a two-page summary, [click here](#).

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