



News and Updates

February/March 2013

In this Issue

CEJC News

- Steering Committee welcomes Jill Nielsen
- Two more partners for Summit 2
- JOIN CEJC!

State and Local News (California)

- 2013-14 budget delays Dual Eligible pilot
- California has highest poverty rate in U.S
- Legislation in response to spate of rapes
- Family violence reports in S.F.
- Abuse Begins with "Dual Eligibles"

State News (other states)

- Brook Astor's son sentenced

National News

- OIG report finds almost a fifth of abusive SNF nurse aides had prior convictions
- Institute of Medicine to hold elder abuse workshop

International News

- Fraud Victims to Receive \$100 million for MoneyGram scams
- Telecommunications company urges clampdown on Jamaican lottery scam

Recently Released Research/Reports

- National APS Resource Center: *Putting Research Into Practice*
- New research on forensics in elder abuse
- Financial fraud research center awards grants
- Abused elderly likely to have brain, head and neck injuries
- BJS study finds intimate partner violence drops
- Smart-e-pants electric underwear prevents pressure sores
- Diminished response to untrustworthiness may contribute to abuse
- FCA reports on caregivers' role in ensuring quality care
- Family Caregiving and Transitional Care: A Critical Review*

- Selected Caregiver Assessment Measures: A Resource Inventory for Practitioners*
- JEAN highlights financial abuse prosecution

Resources

- NCEA partners with QuantiaMD on training
- Getting protective orders without going to court
- Dementia self assessment screening tool
- Stanford Research Center awards grant
- Newsletter addresses mortgage fraud training for expert witnesses
- TOOLS: online database allows access to nursing home inspections
- Integrated care and dual eligible beneficiaries

Good Reads

- Commonwealth Club president speaks out against probate judge

Weighing In: Advocacy Opportunities

- ABA offers grants for legal aid

CEJC News

Steering Committee Welcomes Jill Nielsen

CEJC's Steering Committee welcomes **Jill Nielsen** as its newest member. Jill is an APS Supervisor with San Francisco's Department of Aging and Adult Services, and previously held a similar position in Alameda County. She currently co-chairs the Protective Services Operations Committee of the California Welfare Directors Association and will provide liaison between the two organizations. She has also worked with the Academy for Professional Excellence Project MASTER, designing courses for APS supervisors.

CEJC Has Two More Partners for Summit

CEJC's Steering Committee is also delighted to welcome two new partners, the **County Welfare Directors Association** and the **California Association of Area Agencies on Aging** as co-hosts for Summit 2. The California Commission on Aging is also a partner. Tentatively scheduled for September, 2013, the event will address new and emerging issues in the field of elder justice, and will provide a forum to review progress since our first summit.

JOIN CEJC!

Watch your email for an invitation to join us in promoting elder justice in California. We will also include the many exciting events we have planned for 2013, including work with key state leaders to launch a blue ribbon panel to develop a comprehensive and coordinated framework for elder justice in California. By joining CEJC, you will have a voice in shaping the future of elder justice in California and the country.

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 (California)

2013-14 Budget Delays Dual Eligible Pilot

In his proposed 2013-2014 state budget, Governor Brown calls for delaying the implementation of the Dual Eligible Pilot Project until September 2013. The controversial plan is to shift hundreds of thousands of people with disabilities, the blind, and seniors who are eligible for both Medicare and Medi-Cal into managed care plans in 8 pilot counties. He further proposes to implement the transition in a “phased in” approach in seven of the counties (San Mateo County, one of the pilots, would enroll persons all at once beginning in September of 2013). The governor’s proposed budget plan does not call for any new reductions to Medi-Cal, In-Home Supportive Services (IHSS), or other major health and human service programs.

California has Highest Poverty Rate in U.S

Using a new Census Bureau system for measuring poverty, California’s poverty rate is the largest in the country at 23.5%, an increase from 16.3% using traditional measures. For more, [click here](#).

Legislative Response to Spate of Rapes in State

Senator Fran Pavley (D-Agoura Hills), responding to a flurry of reported rapes in facilities for the disabled and mentally ill, has announced plans to introduce legislation to require that sexual abuse victims within state developmental centers and psychiatric hospitals receive timely forensic medical examinations, including the use of kits to collect evidence when allegations of abuse are made. She is working with Disability Rights California, the California Coalition Against Sexual Assault (CALCASA), The Arc of California and United Cerebral Palsy on a bill.

Family Violence Reports in S.F. Soaring

A dramatic increase in reports of domestic violence in San Francisco from mid-2010 to mid-2011, including a 47% increase in phone calls to domestic violence crisis lines, has observers wondering if the rise is an increase in actual incidence or if it reflects greater public awareness generated by the intense media attention to Sheriff Ross Mirkarimi’s arrest for domestic violence.



The increase was reported in a draft of the 2011 Comprehensive Report on Family Violence in San Francisco, which is compiled by the Status of Women using statistics gathered from several city agencies and nonprofits that work on domestic violence issues. The report also showed that the prevalence of family violence in San Francisco across all socioeconomic categories as well as ethnicity and age.

Abuse Begins with “Dual Eligibles”

Even before the program has been officially launched, California’s pilot project to enroll dual eligibles into managed care is being accused of injuring people. LA County ophthalmologist **Dr. Kent Small** claimed in a recent *Orange County Register* article that his treatment of a 78-year-old non-English speaking patient for macular degeneration was suspended for weeks after the patient received a call from someone representing an HMO who told him that if he didn’t enroll with them, the state was going to put him on another managed care plan with restricted coverage. Frightened, the patient signed up on the spot. What he wasn’t told was that the program hadn’t begun yet and when it does, patients will have the right to opt out of managed care.

Small claimed that it took his patient weeks to get his coverage changed back so he could be treated and by the time he'd worked out his insurance, he was legally blind in one eye. Another of Small's patients was scared into enrolling in an HMO after being told that failure to do so would result in her losing her Medicare. The claims prompted the California Academy of Eye Physicians & Surgeons to contact the Centers for Medicare and Medicaid Services (CMS), requesting that the feds remove the passive enrollment component of the plan and review the instances in which dual-eligible patients in California have recently enrolled with HMOs to ensure they were not tricked into doing so. For months, CEJC has joined other advocates around the state in calling for caution and greater attention to the pitfalls of the cost-cutting move which is still awaiting federal approval for implementation.

State News (other states)

Brook Astor's Son Sentenced

In the latest installment of the high profile elder abuse case involving philanthropist Brook Astor, 85 year old son Anthony Marshall was sentenced to one to three years for 14 criminal counts, including fraud and grand larceny, for cheating her out of millions and for changing her will.



PHOTO BY GENEVIEVE ALVAREZ

National News

OIG Report Finds Some Abusive SNF Nurse Aides Had Prior Convictions

According to an analysis mandated under the Affordable Care Act of background checks of nursing aides in skilled nursing facilities conducted by the Office of the Inspector General, 300 of the 1,611 nursing aides charges with abuse, neglect, or property theft in 2010 had at least one prior criminal conviction. The convictions most commonly involved charges of burglary, shoplifting and writing bad checks. For more, [click here](#).



Institute of Medicine to hold Elder Abuse Workshop

IoM will hold a two-day public class "Elder Abuse and Its Prevention: A Workshop" that will focus on global elder abuse and its prevention on April 17-18, 2013 in Washington, DC. The event will be free and open to the public for those who want to attend in person and via webcast. For more information, [click here](#).

International News

MoneyGram Fraud Victims to Receive \$100 Million for Scams

The Justice Department has announced that MoneyGram International Inc., one of the world's largest money transfer firms, has reached a tentative agreement to pay \$100 million to avoid federal prosecution over charges that its agents engaged in extensive wire fraud schemes. Victims who suffered losses between 2004 and 2009 may be eligible. For more on the case, [click here](#). Information will be available through the Victim Asset Recovery Program at www.justice.gov/criminal/vns/caseup/.



Telecommunications Company Urges Clampdown on Jamaican Lottery Scam

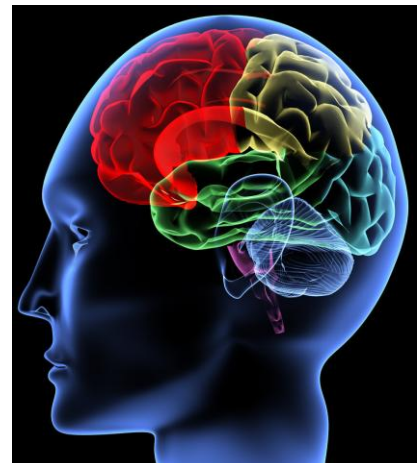
FairPoint Communications, a landline telephone company based in Vermont, is urging US authorities to clamp down on the Jamaican lottery scam which is suspected of cheating hundreds of residents in the state. The company's CEO is pressing for legislation to make it easier for the Justice Department to target off-shore phone-scramming suspects through an extradition treaty. FairPoint has also launched a website called Bewareof876.com to raise awareness about the problem. Vermont's Attorney General's Consumer Assistance Program receives about 200 complaints a year related to phone scams originating in Jamaica.

Recently Released Research/Reports

National APS Resource Center: Putting Research Into Practice CEJC Steering Committee members **Lori Delagrammatikas**, **Mary Twomey**, and **Mary Counihan** were among the presenters on the *Taking the Guesswork Out of Findings* webinar sponsored by the National APS Resource Center in September 2012. The webinar presented the findings from research on California's APS data by the Center of Excellence on Elder Abuse and Neglect at the University of California, Irvine, which focused on SOC 242, the state's form for aggregating county APS statistics. The webinar highlighted inconsistencies in how counties interpret and quantify such factors as health and safety hazards. The inconsistencies were attributed to variations in resources, the ways county programs define eligibility, variations in caseworkers' skill levels, and biases driven by workers' training, and education. The webinar was recently posted as a "Research to Practice Brief" on the Center's website at <http://www.napsa-now.org>.

Abused Elderly Likely to Have Brain, Head and Neck Injuries

According to a new study at the University Health Network in Toronto, elderly people who are abused are more likely to have brain, head and neck injuries than those who suffer accidental injuries. The researchers found that the cause of death in one-third of elder abuse cases was subdural hemorrhage, which occurs when blood pools in the space between the outer and middle layers of the covering of the brain. Broken ribs and injuries to the



upper extremities, face, teeth, eyes and larynx are also common among abused older people. The study notes that compared to accidental injuries, abused individuals are more likely to have severe, repetitive injuries and suggests that radiologists can play a critical role as sentinels in identifying physical elder abuse. For more, [click here](#).

Stanford Studies Fraudulent Ads

Stanford Center on Longevity has awarded its first \$50,000 in seed grants to a team of Stanford researchers to examine the effects of positive and negative high-arousal states on responses to fraudulent advertisements. The study addresses the claim that fraud perpetrators impair potential victims' decision-making ability by evoking emotions like excitement or anger. By examining the impact of positive and negative mood states and levels of arousal on susceptibility to fraudulent advertisements, the researchers hope to shed light on ways to prevent fraud.

Smart-e-Pants Electric Underwear for Preventing Pressure Sores

Researchers at the University of Calgary claim to have made a discovery that reduces the incidence and cost of pressure ulcers (also known as bed sores or decubiti) in immobilized patients. Called Smart-e-Pants, the device is fitted with electrodes in areas where the ulcers usually develop such as bony protrusions on the buttocks. The electrodes stimulate the muscles. For more, [click here](#).

Diminished Response to Untrustworthiness May Contribute to Abuse

Two new UCLA studies explored variations in how people respond to facial cues as a risk factor in financial abuse. In one study, younger and older adults rated photographs of faces on how trustworthy and approachable they seemed. The faces were intentionally selected to look trustworthy, neutral, or untrustworthy. Although the younger and older adults reacted similarly to the trustworthy and neutral faces, the younger adults reacted negatively when viewing the untrustworthy faces, whereas the older adults saw them as more trustworthy and approachable, leading the researchers to conclude that the older adults missed telling facial cues. In the second study, older and younger adults received functional magnetic resonance imaging (fMRI) brain scans while viewing the faces. The younger adults showed anterior insula activation, especially when viewing the untrustworthy ones. In contrast, the older adults displayed very little activation, which the researchers attribute to the older adults not having as strong early-warning signals that tell them to be wary

FCA Reports on Caregivers' Role in Ensuring Quality Care

The National Center on Caregiving at Family Caregiver Alliance has released two new reports on the challenges faced by family caregivers and their role in ensuring quality care:

- *Family Caregiving and Transitional Care: A Critical Review* examines the role of caregiving families as patients transition between healthcare settings (e.g. from hospitals to home or rehab facilities). The report notes that although family caregivers



are usually implement care plans, they are rarely included in discharge planning or adequately trained to perform complex medical procedures, resulting in preventable negative outcomes for patients. For copies, [click here](#).

- *Selected Caregiver Assessment Measures: A Resource Inventory for Practitioners* was developed for researchers and program developers to assess the knowledge and well-being of family caregivers as they perform caregiving tasks for ill or elderly relatives. The tools measure family caregivers' unmet financial, physical, emotional and social needs and their abilities to provide care, which have typically been unrecognized or ignored. It is a follow up to 2002 edition. To see the report, [click here](#).

JEAN Highlights Financial Abuse Prosecutions

Two articles that appear in the most recent issue of the *Journal of Elder Abuse & Neglect*, focus on prosecuting financial elder abuse cases:

- *Assessing Knowledge of Elder Financial Abuse: A First Step in Enhancing Prosecutions*, by Sheri Gibson & Edie Greene explores techniques for educating jurors about financial abuse.
- *When a Son Steals Money From His Mother: Courtroom Perceptions of Elder Financial Exploitation* by Jonathan Golding and colleagues looks at factors that impact juries' perceptions of the parties in exploitation cases.

Other articles in the issue are:

- *Seniors' Self-Administration of the Elder Abuse Suspicion Index (EASI): A Feasibility Study* (Yaffe, Weiss, & Lithwick)
- *Exploring Definitions of Financial Abuse in Elderly Korean Immigrants: The Contribution of Traditional Cultural Values* (Lee, Lee & Eaton)
- *Detection Scales for the Risk of Domestic Abuse and Self-Negligent Behavior in Elderly Persons* (EDMA) (Touza, Prado & Segura)
- *Screening for Elder Mistreatment in a Dental Clinic Population* (Russell, Fulmer, Singh, (Valenti, Vermula & Strauss)
- *Resident-to-Resident Abuse in Nursing Homes as Reported by Nurse Aides* (Castle)
- *Family Members' Reports of Non-Staff Abuse in Michigan Nursing Homes* (Zhang, Page, Conner & Post)

Resources

NCEA Partners With QuantiaMD on Training

The National Center on Elder Abuse partnered with QuantiaMD, an online physician community, to produce a nine-minute training video featuring Dr. Laura Mosqueda. The interactive programs alerts users to red flags for recognizing abuse. To view the training click [here](#).



Getting Protective Orders Without Going to Court

Courts in several New York boroughs have implemented a protocol that enables homebound older adults to get protective orders without going to court. Working with community agencies, the courts have permitted hearings to take place over the phone. Deirdre Lok, Assistant Director and General Counsel at the Harry and Jeanette Weinberg Center for Elder Abuse Prevention at the Hebrew Home at Riverdale in NY, has offered to provide technical assistance to coalitions that want to replicate the model in their areas. She recently conducted a webinar on the subject for coalitions participating in the National Committee for the Prevention of Elder Abuse's Affiliate Program. For more, [click here](#).

Dementia Self Assessment Screening Tool

Researchers at Georgia Tech have created a computer software tool that allows adults to screen themselves for early signs of dementia that's patterned after the paper-and-pencil Clock Drawing Test, one of health care's most commonly used screening exams for cognitive impairment. The participant is given a specific time and instructed to draw a clock with numbers and the correct minute and hour hands. Once completed, the sketch is emailed to a clinician, who uses the ClockAnalyzer Application to score the test. According to the project's leader Ellen Yi-Luen Do, "Technology allows us to check our weight, blood-sugar levels and blood pressure, but not our own cognitive abilities. Our ClockMe System helps older adults identify early signs of impairment, while allowing clinicians to quickly analyze the test results and gain valuable insight into the patient's thought processes." To watch a video demonstration of the tool, [click here](#).

Financial Fraud Research Center Releases New Materials

The Financial Fraud Research Center, a joint project of the Stanford Center on Longevity and the Financial Industry Regulatory Authority (FINRA) Investor Education Foundation, has recently added the following resources to its website:

- Fraud News describes current cases of fraud in the news. To view, [click here](#).
- Introduction to Research. A fact sheet and bibliography of recent fraud related research. To view, [click here](#).

Training for Expert Witnesses

The National Institute of Justice (NIJ) has added *How to Be a Good Expert Witness* to its list of available multimedia resources. Panel members discuss the skills and practices necessary to be an effective expert witness, explains the role of the expert witness and lists the steps that an expert witness should take to prepare for court testimony.



ProPublica Creates APP for CMS Database on Nursing Home Inspections

Since 2012, the Centers for Medicaid & Medicare Fraud (CMS) publishes reports of nursing home inspections in a new online database called Nursing Home Inspect created by ProPublica, an independent, non-profit newsroom that produces investigative journalism. The database has covered nearly 118,000 deficiencies at 14,565 homes since January 2011. Future inspection reports will be added as they become available.

The app allows users to run state-by-state comparisons of nursing homes in such areas as "the number of deficiencies cited by regulators in the past three inspection cycles

(roughly three years); the number of serious deficiencies (in which patients were put at immediate jeopardy) per home; fines imposed; and how often the government has suspended payments to homes." A new mapping visual shows how states differ in average fines, serious deficiencies per home and payment suspensions. To view it, [click here](#).

Explaining Integrated Care and Dual Eligible Beneficiaries

Confused About "Dual Eligibles"? If so, you're not alone. This paper provides an overview of the joint efforts of states and the CMS to develop more integrated ways of paying for and delivering health care to the nine million people who are eligible for both the Medicare and Medicaid programs where the poorest and sickest who account for a disproportionately large share of the programs' spending. As an outgrowth of the Affordable Care Act, CMS is reviewing proposals from states to test two new models to align Medicare and Medicaid benefits and financing for dual eligible beneficiaries in order to better coordinate care and reduce costs. To view the paper, [click here](#).

Good Reads

Commonwealth Club President speaks out Against Probate Judge

Gloria Duffy, Chief Executive Officer of San Francisco's prestigious Commonwealth Club describes her response to her parents' abuse and the problems of finding help for elder abuse victims. In the process, she exposed abuse by a probate judge. To view the article, [click here](#).



Consumer Reports Addresses Financial Abuse

The January 2013 issue of this trusted mainstay of consumer guides includes "*Protecting Mom & Dad's Money: What to Do When you Suspect Financial Abuse*." Quoted in the article are, NAPSA Director Kathleen Quinn and Liz Loewy, Manhattan Assistant District Attorney. To see the article, [click here](#).

This newsletter is partially funded by the County of Los Angeles Community and Senior Services and the City of Los Angeles Department of Aging.
