

California Elder Justice Coalition News and Updates for February/March 2012

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CEJW to Launch Statewide Membership Organization

On January 16, CEJW's Steering Committee held a strategic planning retreat, which was led by Monique Parrish of Lifecourse Strategies. A highlight of the event was the decision to launch a statewide membership organization, the California Elder Justice Coalition, with the following mission:

"To promote policy and practice that improves the lives of vulnerable and abused adults in California."

And vision:

"Making California a safe, secure, and just place to grow old."

Key objectives for the California Elder Justice Coalition, or CEJC, will be to:

- Implement recommendations contained in CEJW's *Improving California's Response to Elder Abuse, Neglect, and Exploitation: A Blueprint*;
- Host an annual summit to review progress in implementing the Blueprint and explore new and emerging issues;

- Provide a unified voice to inform public policy related to elder justice and abuse prevention; and
- Develop an elder justice advocacy training program

Information about the new organization will be provided in future issues of *News and Updates*. CEJW's Steering Committee thanks the San Francisco Institute on Aging for hosting the retreat, facilitator extraordinaire Monique Parrish, and Terri Restelli-Deits for supplying delicious refreshments.

CEJW Inaugurates New Webpage

As CEJW transitions to its new home at WISE & Healthy Aging, it has replaced its wiki with a webpage at <http://www.wiseandhealthyaging.org/cms/1291.html>. The new page features the following:

CEJW Policy Briefs

To inform discussion and debate about elder justice developments, CEJW created the following in-depth analyses:

- *Dual Integration Demonstration Project* explores the impact of revamping California's long-term services and supports system on vulnerable older adults (January 19, 2012).
- *Raising Expectations State Scorecard Report* analyzes California's scores in this comparative analysis of state Long-Term Services and Supports (LTSS) conducted by AARP, the Commonwealth Fund, and The SCAN Foundation. (January 19, 2012).
- *Reauthorization of the Older Americans Act (OAA)* focuses on how the OAA can be more responsive to the needs of abused and vulnerable elders.
- *California Ombudsman Program Under Scrutiny* responds to a 2009 report by the California Senate Office of Oversight and Outcomes that raises concerns about potential conflicts of interest faced by those charged to monitor abuse in long-term care facilities.

To view the Policy Briefs, go to <http://www.wiseandhealthyaging.org/cms/1303.html>

CEJW Publications, including:

- *Improving California's Response to Elder Abuse, Neglect, and Exploitation: A Blueprint*. This 104 page document is the product of a 2-year information and idea gathering process that included a statewide summit of 92 elder justice experts, advocates, and stakeholders.
- *CEJW Environmental Scan*. In planning the 2010 elder justice summit and developing the *Blueprint*, CEJW identified and reviewed local, state, and national reports and publications, which are summarized in the scan.
- *Mental Health Service Needs of Vulnerable Elders: A Fact Sheet*. Developed to help aging service providers participate in the Mental Health Services Act (MHSA) stakeholder process, the fact sheet describes the needs of older adults with mental health problems, particularly those who are abused or vulnerable.
- *Promising Practices and Resources in Elder Abuse Prevention*. This handout was prepared for the February 22, 2011 hearing *From Financial Scams to Surveillance*

Cams: A Spotlight on Elder Abuse, sponsored by the California Assembly Committee on Aging and Long-Term Care and the Assembly Committee on Public Safety.

- *Promoting Practice-Based Policy*. This article on CEJW was published in the *Journal of Elder Abuse & Neglect (Volume 22, Issue 3-4, 2010)* as part of the special issue, *The Archstone Foundation Elder Abuse & Neglect Initiative*.

To view CEJW Publications, go to <http://www.wiseandhealthyaging.org/cms/1302.html>

Other features of the new site include Elder Justice Resources and descriptions of CEJW's history, leadership, and accomplishments.

NAPA Ordinance Leaders Reach Out to Disability Rights Community

Many in the elder justice network have followed the development of the Napa Caregiver Ordinance, which requires those who are compensated to care for the elderly and disabled in Napa County to undergo background checks and apply for permits. The ordinance, which was initiated by the Napa Commission on Aging five years ago, is quickly becoming a model for other communities and was featured at a special summit on elder abuse for prosecutors last year. Since its inception, the program has benefited from the strong leadership of Napa County District Attorneys Gary Leiberstein and Michael Mautner, who have spearheaded community outreach and education.

Plans are currently in progress to amend the ordinance in response to feedback and suggestions from the disability rights community. To learn more about the needs of victims with disabilities, Prosecutors Leiberstein and Mautner procured a grant to attend the Crime Victims With Disabilities National Training Conference in December, 2011 along with partners from the Napa Women's Shelter and the disability rights community.

According to CEJW Steering Committee member Terri Restelli-Deits, who has been involved in the project from the beginning, and, until recently, worked for the Area Agency on Aging, which administers the permit application process, "The District Attorney's office hasn't been content to just rest on its laurels but is now taking the lead in reaching out to the disability rights community to ensure that the ordinance works for everyone. The best and most critical components of the ordinance are that it helps to raise awareness, educate the community, and bring groups together to communicate about consumer focused care." Terri further credits Commission on Aging Commissioner Betty Rhodes, an 85-year old elder, who spearheaded the ordinance and recently won a national leadership award for her work. For more on the ordinance, go to

http://napavalleyregister.com/news/local/napa-county-s-caregiver-ordinance-wins-award/article_55ecc86a-4c6f-11e1-ab58-0019bb2963f4.html#ixzz1lQeQLjw3

Tips on Background Checks

Praesidium, a private firm that offers background checks and risk management training for organizations that serve vulnerable populations, offers the following advice to organizations about updating their background check records.

“One question we are frequently asked is how often should checks be conducted on employees and volunteers after their initial hire. Although there is not a one size fits all answer for every organization, below are a few helpful guidelines:

- At a minimum, background checks should be conducted every three years on full and part time employees.
- A check should be conducted when an employee or volunteer returns after an extended absence or seasonal work.
- Require employees and volunteers to self-report if they have been arrested or convicted of a crime.
- Be sure to follow guidelines for your license, accreditation or certification--they may require checks on a more frequent basis.

State Updates

State Leg Season In Full Swing

With the deadline come and gone for bills introduced in the California legislature last year to keep going through the rest of the two-year session, advocates and staffers have turned their attention to fleshing out new bills and garnering support. CEJW Steering Committee member Mary Twomey, who is co-director of the Center of Excellence on Elder Abuse and Neglect at the University of California, Irvine, has convened the first of a series of meetings with advocates to plan strategies for tracking and disseminating information about bills. *News and Updates* will provide updates on the group’s progress.

Dual Eligible Update

As reported in past *News and Updates*, California is one of 15 states awarded a federal contract to develop new models of coordinated care for people eligible for both Medicare and Medicaid (Medi-Cal), who are known as “dual eligibles.” California has about 1.15 million dual eligibles, many of whom have multiple chronic health conditions and rely on services like In-Home Support Services. Fifty-four organizations and individuals, including CEJW, submitted comments to the Final Request for Solutions (RFS) as part of the stakeholder input process. For more on the Dual Eligibles Coordinated Care Demonstration, go to <http://www.dhcs.ca.gov/provgovpart/Pages/DualIntegrationDemonstration.aspx>

Federal Updates

Federal Investigator Calls For Penalties For Misuse Of Antipsychotics

In testimony to a Senate Special Committee on Aging hearing, Health and Human Services Inspector General Daniel Levinson proposed penalties, including the barring of Medicare payments, to nursing homes that inappropriately use antipsychotics. Overusing the commonly-prescribed off-label antipsychotics has been linked to an increased risk of death in dementia patients.

Consumer Financial Protection Bureau (CFPB) Issues First Report

Created by the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act, the Bureau began operations on July 21, 2011 as the first federal agency focused on protecting American consumers. The new report describes the Bureau’s organization,

goals, and accomplishments to date. As described in previous *News and Updates*, CEJW advisors Jenefer Duane, former director of the Elder Financial Protection Network, and Naomi Karp, former policy analyst for the AARP Public Policy Institute, joined the Office of Financial Protection for Older Americans within CFPB, which is directed by former Minnesota Attorney General Skip Humphrey. The goals of the office are to 1) improve financial decision making of seniors and 2) prevent unfair, deceptive and abusive acts targeted at seniors. The office is currently conducting outreach meetings around the country, including California, with core constituents, public officials, financial institutions, industry reps, advocates, and other stakeholders. For copies of the report, go to http://www.consumerfinance.gov/wp-content/uploads/2012/01/Congressional_Report_Jan2012.pdf

Senator Bernie Sanders Introduces OAA Reauthorization

On January 26, Senator Bernie Sanders (I-VT), Chairman of the Senate Subcommittee on Primary Health and Aging introduced legislation reauthorizing the Older Americans Act, which provides funding for and oversight of long term care ombudsman programs, legal assistance for seniors, and elder abuse prevention programs, as well as a wide array of long term services and supports including meals, home-care, service coordination, and job training. The reauthorization contains several noteworthy additions:

- Instructs the Bureau of Labor Statistics to improve how it calculates inflation for the elderly by more accurately reflecting out-of-pocket expenses for health care and prescription drugs.
- A cost-of-living measure tailored to make more accurate annual adjustments in Social Security benefits.
- Provides additional funds to meal programs.

Home Care Consumer Bill of Rights (S1750)

Introduced by Al Franken (MN) and co-sponsored by Richard Blumenthal (CT), Robert Casey (PA) and Sheldon Whitehouse, the bill would amend the Older Americans Act to 1) establish a federal Bill of Rights for home care consumers; 2) authorize grants to states to establish home care; and 3) begin to develop quality assurance standards for home and community services to vulnerable older adults.

Elder Justice Coalition 2011 Roundup Report

In a recent report to the Elder Justice Coalition, National Coordinator Bob Blancato summarized EJC's 2011 highlights and plans for 2012:

2011

Although President Obama's proposed budget for FY 2012 contained a request for first time funding for the Elder Justice Act (\$21.5 million), once again, the appropriation was not included; neither the House nor the Senate Appropriations Committees were willing to support the funding. The option is now closed through September 2012 and puts off discussion until after FY 2013.

Included among the provisions of the EJA are:

- \$16.5 million for State Adult Protective Services demonstrations to improve operations. Of these funds, \$1.5 million will be targeted for coalition building,

training and technical assistance, elder rights program development, and research for preventing and addressing elder abuse within Tribal nations.

- An additional \$5 million to the Long-Term Care Ombudsman Program to improve resident advocacy to elders and adults with disabilities who live in long-term care settings.
- The Elder Justice Coalition (EJC) grew in size from 750 members to over 3,000 members in 2011.
- A total of 14 States have applied for grants from CMS to conduct criminal background checks on persons seeking employment in nursing homes.
- As part of an initiative conducted in collaboration with the Center of Excellence on Elder Abuse and Neglect at the University of California, Irvine, more than 12,000 individuals signed postcards supporting funding for the EJC that feature Mickey Rooney who testified before the Senate Special Committee on Aging in March.

2012

- EJC will continue advocacy with the Obama Administration on the implementation of the EJC, with special emphasis on establishing the Advisory Board on Elder Abuse, Neglect and Exploitation and the Elder Justice Coordinating Council; and toward designating a home for Adult Protective Services within HHS.
- Advocacy efforts will continue to secure passage of two important reauthorizations, the Older Americans Act, which currently includes funding for elder abuse and long-term care ombudsman programs, and the Violence Against Women Act (VAWA), which currently includes funding for the *Training and Services to End Violence Against Women in Later Life* grant.
- Advocacy will also focus on securing passage of the Elder Abuse Victims Act (H.R.2564, S.462), the National Silver Alert Act (H.R.112, S.1263), and the Senior Financial Empowerment Act (S.465).
- EJC will continue to help get additional states to apply for background check grants.
- Advocacy will also focus on having elder justice raised as an issue by both national parties in the 2012 presidential campaign.

Resources

Courses on Death Investigations

The following new courses from RTI International, which were developed with NIJ support, are now available free of charge:

- Investigating Sudden Deaths: Cause of Death Scenarios That Mimic One Another. To access, go to <https://www.forensiced.org/training/courseapp.cfm?csection=Medicolegal%20death%20investigation>
- Death Investigation in the Elderly. To access, go to <https://www.forensiced.org/training/alltraining.cfm>

ABA Volunteer Guardianship Monitoring and Assistance Handbook for Courts

This new online resource, produced by The American Bar Association's Commission on Law and Aging, was designed to guide courts in developing volunteer guardianship monitoring and assistance programs, recruiting and training volunteers, and compiling

community information that volunteers guardians need. It is an update of a 20-year-old manual by Legal Counsel for the Elderly, Inc. of AARP. To access the handbook, go to <http://tinyurl.com/3babodn>

National Guardianship Network's Standards of Excellence Website

On October 13-15, 2011, the National Guardianship Network convened the Third National Guardianship Summit at the University of Utah S.J. Quinney College of Law in Salt Lake City. With 92 delegates, observers, authors, funders, and facilitators participating, the Summit was a consensus conference on post-appointment guardian performance and decision-making for adults. Delegates adopted a far-reaching set of recommendations for Guardian Standards, as well as additional recommendations for action by courts, legislatures and other entities. To view papers commissioned for the event and discussions about them, go to <http://www.guardianshipsummit.org/>

AARP Report on Dual Eligibles

As states and the federal government seek new ways to provide services to dual eligibles—people eligible for both Medicare and Medicaid—missing from the discourse are the voices of dual eligibles themselves. This is despite the fact that changes to the way their care is organized and delivered could have profound effects on their health, quality of life, and satisfaction. The recently released AARP report *Experienced Voices: What Kind of Care Works Best for Dual Eligibles?* is intended to complement state and federal efforts to develop innovative approaches to serving dual eligibles by offering consumer perspectives on what duals want from their models of care. To download a copy of the report, go to <http://www.aarp.org/health/medicare-insurance/info-12-2011/dual-eligibles-focus-group.html>

Research Reports

An Ecological Synthesis of Research on Older Women's Experiences of Intimate Partner Violence. Weeks, L. and LeBlanc, K. (2011). *Journal of Women & Aging*. 23(4). 283-304

The authors identified 32 studies that include data collected from older women and synthesized the findings using the ecological model as an organizing framework. They conclude that signs of intimate partner violence in older women are often mistakenly attributed to conditions associated with aging. For more, go to <http://www.tandfonline.com/doi/full/10.1080/08952841.2011.611043>

90+ in the United States: 2006-2008

Past analyses of the elderly population have distinguished between older adults above and below the age of 85. This new report by the United States Census suggests age 90 may be a more meaningful marker for planning purposes. The findings include the discoveries that most 90+ older adults are high school graduates or beyond, that Social Security represents almost half of their total personal income, and that their poverty rate is higher than that of the 65-89 population. Go to: <http://www.census.gov/prod/2011pubs/acs-17.pdf>

Too Much Choice in “Consumer Choice”?

At its 2011 annual conference last year, ASA awarded its 2011 Graduate Student Research award to doctoral student Marian Liu for her unpublished paper “Do Older Adults prefer Less Choice? The Impact of Personal Importance, Adequacy of Options, and Emotional Regulation.” In a follow-up article by reporter Alison Biggar that appeared in the January-February 2012 edition of *Aging Today*, Liu explains her interest in choice. “In general, I’m interested in the decision-making process of older adults, and how cognitive and emotional factors come into play.

Liu and her graduate advisor Scripps Associate Professor of Psychology Dr. Stacey Wood’s research confirms what others before them have found, that older adults prefer to have fewer options from which to choose than their younger counterparts. “Just give us fewer choices,’ is what they’re saying,” says Liu. Their work, part of a larger research project that is as yet unfinished, has already been cited in a Congressional report on health care reform. Liu and Wood’s next step is to extrapolate their findings to elder financial abuse, noting that Medicare options have been implicated in scams and fraud. They will be exploring both risk factors for abuse and protective factors.