Elder Justice Coordinating Council: Combatting Elder Abuse in Community Settings

# Testimony of Robert Blancato, National Coordinator, Elder Justice Coalition

**December 3, 2019**

Administrator Robertson,

Thank you for the invitation to testify this morning. I note this is your tenth meeting as we approach the tenth anniversary of the authorizing statute that created the Elder Justice Coordinating Council (EJCC), the Elder Justice Act. This is my third time testifying as the National Coordinator of the non-partisan Elder Justice Coalition. I applaud you for the emphasis you have put on combatting elder abuse and neglect in the work of the Administration for Community Living (ACL) and for the work you have done to increase the stature and reach of the EJCC.

## The Role of the Elder Justice Coordinating Council

As we look back over the almost ten-year history of the Elder Justice Act, clearly one of the success stories has been the EJCC. It was developed in the legislation to help coordinate the federal response to the crisis of elder abuse, neglect and exploitation in our nation. It was based on the premise that there were considerable amounts of federal funds being expended by a variety of agencies, but no real effort to achieve coordination.

The commitment of the previous and current Administrations to seeing the EJCC work is why we are here today. We note that today we have 14 different federal agencies participating in the EJCC, each of them sharing information, data and examples of the work they are doing to address elder abuse. It might be interesting at a future point to show what the aggregate federal commitment is from these agencies in working to prevent elder abuse. Whatever the number, it represents a good use of taxpayer dollars to get the most out of existing resources.

I would be remiss if I did not mention our steadfast commitment to the establishment of the “Advisory Board on Elder Abuse, Neglect, and Exploitation,” which was also authorized in the EJA. It has not happened; yet it would not be very expensive to implement and would add an ongoing avenue for public input into the multidisciplinary strategic plan that is needed to address this shameful crisis. We hope this Board is ultimately implemented in a future reauthorization of the Elder Justice Act.

Finally, on the EJCC, let me note that your good work is helping drive the current momentum in Congress to reauthorize the Elder Justice Act.

## Elder Abuse in Our Communities

I was asked to focus some of my testimony on the issue of elder abuse in the community setting. It is important to note that in our nation today, less than five percent of older adults live in nursing homes or long-term care facilities. This means 95 percent of older adults are living in home and community settings. As a result, higher numbers of older adults are being abused in community settings; the World Health Organization estimates that around 1 in 6 people 60 years and older experienced some form of abuse in community settings during the past year.[[1]](#footnote-1)

Adult Protective Services (APS) administrators nationwide report massive increases in the number of elder abuse reports received. Massachusetts saw an 85 percent increase in abuse reports from 2011 to 2019. From 2011 to 2018, California had a 49 percent increase in reports, Minnesota had a 168 percent increase and Virginia had a 75 percent increase.

As we look at our response capacity to elder abuse in community settings, we find it is still lacking but that some progress is being made. One area in particular to celebrate is ACL’s support for the National Adult Maltreatment Reporting System’s (NAMRS) data collection work. As many of us involved in elder abuse prevention work over the years know, the lack of reliable data has held this field back severely. As I have stated before—data drives dollars—if you have good data, you can compete for additional funds. If you do not, good luck.

While NAMRS is an important tool to help APS programs in their work, funding is also vitally important. While the Elder Justice Act had as one of its main goals the achievement of a dedicated funding stream for APS programs, that simply has not happened. This should not only be Congress’s responsibility. This Administration could, in their next budget for FY 2021, call for such a dedicated funding stream, sending the right message to Congress. This would contrast with the first three Administration budgets which called for the elimination of the Social Services Block Grant, the main funding source for APS.

We also recognize the importance of ACL’s work and funding for addressing abuse in Indian country—a unique and important community in our nation. These grants have included mini-grants to American Indian Tribes, Alaskan Villages, and Hawaiian Homesteads to support increased awareness, elder abuse policy development, and infrastructure building, as well as a project which aims to reduce harm and maltreatment among Yup'ik Eskimo elders.[[2]](#footnote-2)

We also recognize the work being done to stop some of the abuse in the guardianship space, including the Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) programs supported by Elder Justice Innovation Grants from ACL. Guardian abuse is a prime and growing example of abuse which occurs almost exclusively in the community setting.

As Administrator Robertson knows from the work we have done together, there is an emerging link between the misuse of opioids and elder abuse. Work our Elder Justice Coalition did with Virginia Tech and a separate survey done by ACL has confirmed this new issue in the elder abuse space. In fact, our focus groups with Adult Protective Services staff and other community services providers in four states (Virginia, West Virginia, Ohio, and Kentucky) revealed a double digit increase in cases elder abuse cases tied to family members and caregiver with opioid-related problems.

The EJCC should advocate within the Administration to ensure that some of the new funding being provided to agencies to deal with opioid misuse goes to community-based programs, especially APS, that are dealing with this special element of this crisis. Resources are needed for coordination, training, data sharing, and public education. It should be noted that our Coalition in a meeting attended by Administrator Robertson made this point to Adm. Brett Giroir, Assistant Secretary for Health and coordinator of the Administration’s opioid epidemic response.

The Corporation for National and Community Service (CNCS)’s Senior Corps has also played an important role in combatting the opioid crisis and its impact on older adults. CNCS has invested more than $27 million in opioid- and substance abuse-related AmeriCorps and Senior Corps projects over the past two years, including almost $500,000 in RSVP Expansion grants with a focus on drug take-back programs. Last October, 52 Senior Corps projects in 25 states participated in drug take back activities, and in Tennessee, RSVP volunteers delivered drug education materials to military veterans.

We must also not forget the work being done by the HHS/ACL aging network, which operates programs and services offered under the Older Americans Act (OAA). The current OAA mandates that training to help detect and report elder abuse should be provided to all people working with older adults, both volunteers and staff. That work must continue and be expanded. This training should include a special emphasis on older adults who are homebound and often living alone. The home-delivered meal should be provided by someone who is trained to do a proper safety and well-being check of the person receiving the meal. Further, education programs can be offered in settings like congregate nutrition sites and senior centers.

We must make the necessary link between social isolation and a higher risk of becoming a victim of elder abuse. Today in our nation more than 46 percent of women over age 75 live alone. Statistics show that average victim of elder abuse is an older woman living alone between the ages of 75 and 80. Programs such as the Senior Corps and the Older Americans Act nutrition and supportive services programs can combat this crisis.

A new and growing threat to community-residing older adults is financial exploitation facilitated by robocalls. We are extremely pleased that as a result of the Elder Abuse Prevention and Prosecution Act, we now have an Elder Justice Coordinator in the Federal Trade Commission (FTC), another important agency within the EJCC. We have been working with the FTC on this issue. We commend the FTC for filing more than 100 lawsuits against 600 companies and individuals responsible for billions of illegal calls.

We also salute the work of the Federal Communications Commission (FCC) and their work to force major telecommunications companies to move to protect consumers from robocalls. I call on the EJCC to give this issue additional and more focused attention as it relates to older adults and their vulnerability to lose their life savings by picking up the wrong phone call.

We salute the ongoing work of the Department of Justice in the effort to prevent more older adults from being victimized by scams and frauds. We thank National Elder Justice Coordinator Toni Bacon for her work and look forward to learning more about the work of the elder justice coordinators in the 94 federal judicial districts. This is an extremely important tool in focusing on reducing elder abuse in community settings. These coordinators can work with local community groups to form a new kind of multidisciplinary team armed with the resources of the Department of Justice when needed to round up and prosecute perpetrators.

## Elder Abuse in Institutional Settings

As the EJCC most certainly understands, we must also address the issue of elder abuse that occurs in institutional settings. I have had the opportunity to testify before the Senate Finance Committee and most recently the House Ways and Means Committee on this topic. Achieving quality care in all long-term care settings is critical to ensuring the ability of residents to live free from abuse and neglect.

The Department of Health and Human Services’ (HHS) Office of the Inspector General has issued reports in recent months that focus on quality issues in nursing homes. Some of their disturbing findings include:

* 20 percent of high-risk emergency room admissions of patients from skilled nursing facilities were the results of potential abuse and neglect;[[3]](#footnote-3)
* 85 percent of these potential abuse incidents were not reported to state survey agencies;[[4]](#footnote-4)
* 67 of 69 substantiated cases of potential elder abuse were not reported by state survey agencies to local law enforcement.[[5]](#footnote-5)

The work done in the Administration to combat elder abuse should not be separate from the work of the EJCC since almost all the agencies involved are members of the EJCC. In fact, the EJCC has a unique role and voice to advocate for reforms to be made to prevent elder abuse in nursing homes and long-term care facilities.

For example, the Center for Medicare and Medicaid Services (CMS) recently announced a five-point program to address nursing home abuse. One of the elements recently announced was the addition in Nursing Home Compare of an icon that would be placed next to a nursing home that has been cited for poor quality of care, including reports of abuse and neglect. This is an important first step but is not the only step. Data submitted to CMS by a facility determining its star rating should be audited at least twice a year. I would like to see the EJCC support this recommendation.

There are other reforms that have been proposed and which I included in my testimonies. I will touch on one. There needs to be better coordination between federal agencies in emergency preparedness plans in nursing times when natural disasters strike. We would ask the EJCC working group to focus on this issue in the months ahead and if FEMA is not part of the EJCC, we recommend they be included.

In my Ways and Means testimony, I also focused on the unique challenges confronting our LGBTQ older population in placement into and treatment at long term care facilities. We urge the EJCC to acknowledge an important new resource developed by the Human Rights Campaign and SAGE (Advocacy and Services for LGBT Elders) called the Long-Term Care Equality index “to promote equitable and inclusive care for LGBT older people in residential long-term care communities.” [[6]](#footnote-6)

Finally, with respect to LGBTQ older adults, we urge the EJCC to advocate in favor of having HHS designate LGBTQ older adults as an underserved population for purposes of gathering accurate data to the extent to which elder abuse is an issue for this community.

## Moving Forward to End Abuse

We hope the EJCC will join the Elder Justice Coalition in working to achieve more dedicated funding from the Victims of Crime Act to help elder abuse victims, as elder abuse is in fact a crime. This work began near the end of the previous Administration and has been continued. We are hopeful that we will get some legislative language on this included in a new Elder Justice Act.

We also urge the EJCC to provide as part of their next report to Congress provide a status report on their eight recommendations for increased federal involvement in addressing elder abuse, neglect and exploitation which were released in May 2014—information on those that have been implemented and those that have not and suggestions on how to refresh any that are outdated.

From an EJCC fact sheet: “On June 14, 2012 at a White House event commemorating the 7th annual World Elder Abuse Awareness Day, the Secretary of Health and Human Services announced that in accordance with the Elder Justice Act of 2009 she was convening the Elder Justice Coordinating Council.”

I was proud to testify at its first meeting. However, now after more than seven years, there are several recommendations I would make to this Council.

I would ask that the EJCC make sure all federal agencies “identified as having responsibilities or administering programs related to elder abuse, neglect and exploitation” are included as council members, even those that might be “outside the box” such as FEMA.

I also ask that you ensure that recommendations made by the EJCC include calling on agencies within HHS to improve their work around enforcement of existing laws protecting nursing home residents from the reality of abuse and neglect.

The EJCC as an entity should communicate with the Office of Management and Budget with recommendations for funding levels for key programs to combat elder abuse, including a line item for the Long-Term Care Ombudsman Program (LTCOP) to get ombudsmen out into the community to identify problem assisted living facilities and protect those residents from abuse.

And finally, a repeat recommendation: convene a meeting of the EJCC somewhere other than the Washington, D.C. metro area.

1. World Health Organization, “Elder abuse,” June 8, 2018. <https://www.who.int/news-room/fact-sheets/detail/elder-abuse> [↑](#footnote-ref-1)
2. Administration for Community Living, “Elder Justice Grants,” 2019. <https://elderjustice.acl.gov/Elder-Justice-Grants> [↑](#footnote-ref-2)
3. HHS Office of Inspector General, *Incidents of Potential Abuse and Neglect at Skilled Nursing Facilities Were Not Always Reported and Investigated* (A-01-16-00509), June 2019. [↑](#footnote-ref-3)
4. Ibid. [↑](#footnote-ref-4)
5. Ibid. [↑](#footnote-ref-5)
6. Human Rights Campaign Foundation, “Why the Long-Term Care Quality Index?” <https://assets2.hrc.org/thelei/documents/Why_the_LEI.pdf> [↑](#footnote-ref-6)