

TBG-Elder Justice Coordinating Council Meeting
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>> Allison: Good morning and welcome to the members of the elder justice coordinating council. I'm also pleased to welcome members of the public who are joining us via live stream. It's a pleasure to open this first meeting of the Elder Justice Coordinating Council for 2022 which marks ten years since the first EJCC meeting was convened. My name is Allison and I am the administrator for community living, active administrator and assistant secretary for aging. I serve as the delegated chair of the EJCC, standing in for the U.S. council. Before I begin discussing today's meeting format, I want to highlight why the EJCC meeting is always held in June.

This month contains a special day that is observed around the globe. On June 15th, we commemorated elder abuse day. They worked with us to plan our annual campaign for world elder abuse day. This year, we came to the nation purple, lifting up the almost 200 events from across the U.S. for example, Wisconsin hosted 21 events, Texas hosted 17 events and North Carolina hosted 17 events. Among the many creative events that were held, I want to highlight a few. The Alzheimer's foundation in Florida, posted a community expo and stroll down

the memory lane. In Georgia, the Cobb County government had a yarn storm project where they accepted donations of knitted or crocheted squares and displayed them to honor older adults and bring attention to the elder population. The Kickapoo, the human and health services in Wisconsin, ran a hygiene product drive and placed pin wheels around the community showing the number of APS referrals. The WWBL radio station in Indiana had a discussion with the Illinois department of aging director about financial exploitation and other common forms of abuse. And the Texas Department of family protective services housed its third annual elder abuse awareness day parade. This year was truly a nationwide and worldwide event and we shared with the public information about events in 12 other countries including Canada, Australia, the United Kingdom, New Zealand, Trinidad, India, Singapore, South Africa and South Korea. This is evidence of progress. Communities working together through Webinars and trainings to walks, resource fairs, proclamations, wearing purple pins in solidarity and via social media campaigning to end elder abuse by spreading the word about how to identify risk and by taking part in prevention activities, showcasing interventions and disseminating resources.

All of these actions left us with a hopeful feeling last week. This meeting and this month's commemoration reminds us all of our obligations to secure a just society in which older Americans live free from abuse, neglect and exploitation. We have a collective responsibility to ensure elder justice. To build greater awareness of the ways to prevent elder maltreatment and to identify and implement solutions to end abuse, neglect, and exploitation when it occurs and to recover from it when it does happen. By doing these things we are building a better society for all of us including older members of our communities. That is why we are here today to share some of the most pertinent updates from the field of elder justice. Today we'll be hearing from experts in government, academia, the non profit sector and from international partners.

They'll speak about two important subjects, nursing home reform enforcement and resident's rights and then what we know about effective messaging strategies to prevent scams and frauds that target older adults. Let me tell our members of the public a little bit about the elder justice coordinating council.

The EJCC is composed of members spanning 17 federal

departments, agencies and other entities with responsibilities for addressing elder abuse, neglect and exploitation. The EJCC's purpose is to ensure coordination across the federal government in elder justice and specifically to make recommendations to the health and human services secretary with the coordination of activities related to elder abuse, neglect, exploitation, and other crimes against older adults across the federal government. The council also provides Congress with a by annual report of opportunities, accomplishes and recommendations for further action.

Housing and urban development, justice, labor, treasury and veteran's affairs and from America Corp, the consumer protection bureau, the FCC and FTC, the Social Security, U.S. postal inspection services and EJCC's most recent addition, the legal services corporation. We are honored to welcome the Legal Services Corporation today as our newest member. I want to personally welcome Ronald, LSC President who is the appointed president of the LSC effective February 20th of 2020. LSC has played an instrumental role in promoting elder justice and elder rights by administering grants that provide vital, civil legal aid in every state. With LSC as a member, I am confident that EJCC will even more meaningful address the justice gap experience by lower income older Americans.

I also want to take a moment to thank the many members of our audience especially those who provide legal assistance and often provide life saving, legal support to America's older adults. At ACL, we know firsthand of the great work being done by legal assistants organizations funded through the older Americans act and the legal services corporation and I am sure that each member of this council can point to their experiences with a legal aid assistant organizations and communities across our nation. To each of you, thank you so much for your dedication and support. Many of you may notice that the format of today's meeting differs from the usual structure and the structure of our last meeting. We will not today be asking our council members to provide updates during our time together. Instead we are going to be hearing from renown experts who are invited to share presentations on elder justice priority issues. Member updates will be posted to our EJCC website soon after today's meeting. So let me turn to the heart of our presentation. We are gathered today to hear about key issues and priority areas of focus in the administration, and for all of us and we are so pleased to be sharing the space today with some of the nation's leading elder justice experts who will be addressing nursing home reform enforcement and residents rights

and then effective strategies for messaging to combat elder fraud and scams.

All member of the public are in listen only mode. If you have any questions, please send e-mails directly to EJ public comments, all one word, EJPUBLICCOMMENTS @ ACL.HHS.GOV. If you have any audio or visual problems today, we recommend exiting and reentering the live stream. Today, we're going to hear ten minutes of presentation of six experts grouped in these panels. Council members will have an opportunity to ask questions after each of the thirty minute panels.

Council members, you will be cued for the 15 minute question and answer segment and your microphones will be unmuted at the start of the QA segment. Please keep your questions brief and we suggest that you write them down as you think of them so we can efficiently get to every question. Now, I would like to introduce our first panel, nursing home enforcement and resident's rights. It's critically important to ensure that older adults no matter where they live are safe, receive quality care, and have their rights protected. With more than a third of deaths from COVID in nursing homes, a spotlight was shown on the many problems that exist in nursing homes and that's the nursing home initiative we'll hear about from the panel today.

At the same time, it's critical that we continue our work to help people in nursing homes who can and want to transition to homes in the community. We'll be hearing presentations by first, Will Harris, senior advisor from the centers of Medicare and medicaid services at the US department of health and human services. Next, we'll be hearing from Susan, senior trial council for elder justice in the civil fraud section at the United States department of justice. And then we'll be hearing from Will. He will provide remarks concerning CMS's work on the nursing home initiative and I'll just say, Will has been and continues to be a great ally, not only to ACL but to our entire community. Thank you so much, Will and I'll kick it to you.

>> Will: Thank you so much, Allison and thank you for the kind introduction. I do not deserve but I am happy to help in any way I can. I'm a senior advisor here at the center for Medicare and medicaid services. If you're not familiar with us, we're an agency of about 6,000 full time employees that handles what we affectionally called three Ms, Medicare, medicaid, marketplace health insurance. Among all of those, we

touch about 150 American live ins their healthcare. More importantly what I will talk to you about today is we set the safety and quality of care standards for our 17 different regulated provider types. One of which is skilled nursing facilities or nursing facilities. So that is the context in which I'm coming to you today.

If you're interested in this topic, I may have already talked to you and had this conversation with you already and if I haven't, I'm sure I would like to because much of our approach has been in hearing from the community, experts and I --

So thank you if I have talked to you already and if not, we'll be very happy to hear from you and answer questions during the Q & A session. I'll start off by talking about what we're working on at CMS. As the President made clear, in his first state of the union address, we know that the time is now to address the crisis in America's nursing homes. At CMS we feel like we have really a moral responsibility to improve conditions for nursing home residents and their staff and we're acting on that. Nursing homes like my colleague Allison said before, were disproportionately affected by the COVID pandemic. We know that too many residents and staff lost their lives to COVID across the country. And as I'm sure you all know too well, throughout the pandemic residents experienced severe isolation and disruptions in care as the pandemic exposed and exacerbated long standing problems in the nation's nursing homes. I think the main point I would bring out here is that obviously, not every problem facing the nation's nursing homes today were caused by the pandemic.

I think everyone would agree that many were long standing problems that were just highlighted and exacerbated by the experience that everyone had in the last couple of years. So that's why we have unveiled an ambitious set of reforms to improve staffing, strengthen accountability and increase transparency in nursing homes. The foundation is an establishment of a minimum nursing home staffing requirement which will be informed by a rigorous new study and I'll talk more about that in just a minute. We're also going to enhance facility oversight and accountability which will be an overhaul of the special focus facility program, updates on how to levy the financial penalties outside of the process and committing to work with Congress to make sure we can adequately fund our survey and certification efforts. We're also going to focus on improving the transparency of facility ownership and

finances including more robust ownership data, making that information easier to find on our web portals and examining the role of investment owners and the healthcare sector.

These reforms were developed through extensive consultation through experts, nursing home workers and most importantly conversations that we had with nursing home residents and their loved ones and the people who are working so hard to advocate for them. So as I'm sure you have seen in the White House fact sheet and if you haven't already, I encourage you to check it out. There's 21 initiative spread across five strategic goals. Those five strategic goals are ensuring that taxpayer dollars support homes for safe, adequate and dignified care, enhancing accountability and oversight, increasing transparency, creating pathways to good paying jobs with three and fair choice to join a union, especially for nursing and ensuring pandemic and emergency preparedness in nursing homes.

I want to note that the way I just described these and the way they're structured are in five distinct strategic goals but the plan in the entirety is really a holistic approach to improving conditions in nursing homes for both resident and staffs. These are complex issues which is why the approach we're taking is trying to be comprehensive and thoughtful. So as we look across these 21 initiative, one of the core ways, the core pieces of work we have already begun in earnest is about staffing. What we know, all of us, is that adequate staffing levels are tied to safety and quality of care for residents. It's the number one metric that is directly tied to staffing to quality of care and safety. So that's why you're seeing this focus on that. So in our proposed payment rules that we put out earlier this year, we put out several request for information which I know many of you probably have already engaged with us on but that includes on a request of information on setting staffing measures and a staffing turn over measure for the value based payment program.

The way that CMS is approaching this, I always say is that the RFI represents a really sincere R. It is very much a sincere request that we want to hear from others about and we are looking forward to being informed by the I that we received from you. And more than anything else, I want to highlight this. Our administrator Brooks make it one of our six strategic pillars of CMS's strategic plan to hear and incorporate feedback from stakeholders to make sure we're listening closely from people who have lived experience and integrate that into our policymaking. We value that input and

it's why we do so much work on engagement and why I hope everyone will see those requests being very serious and sincere from CMS. So I'll talk about the core of our plan and developing a minimum staffing requirement in long term care facilities.

Our goal with this initiative is to empower staff to provide better care by developing an evidence based and appropriate requirements that will be supported by a rigorous study that is going to permanently strengthen the quality of care to make sure there's enough well trained staff for the residents that rely on them. There's no doubt that we need to adopt a very carefully considered approach to implementing this initiative to make sure we find a meaningful balance among the many competing priorities that we have to consider and also to avoid any unintended consequences. That includes being cognizant of the needs of each facility's residents and that's why we want to make sure we hear from so many stakeholders during that work.

So undeniably we have a lot of work to get done and we're actively planning the approach to implementing all of these important initiatives. Our focus right now is on identifying the ones where we can take swift action in the short term while doing strategic planning on efforts that will require a longer term approach. A couple other areas that we are focusing on in the short term are, as I mentioned earlier, over hauling the special focus facility program on addressing the inappropriate use of antipsychotics in nursing homes which is a big priority for us, and one we're focusing on carefully. Approving the use and data on nursing homes about compare and care. Continuing to address COVID- 19 in nursing homes and transparency on nursing homeowners which I'm sure you already saw we took action on earlier this year. That was publicly for the first time, we released data on mergers, acquisitions, consolidations and changes of ownership for nursing homes and hospitals from 2016 to 2022 for those nursing homes and hospitals that are enrolled in Medicare. We think this is a powerful tool for researchers, state and federal enforcement agencies and be for the public to better understand the impacts of consolidation on healthcare prices and quality of care and again, I can save this is just a first step but it's an exciting one and it's one that we are going to keep updated on a quarterly basis going forward.

I would also be remised not to mention something that my friend Allison spoke to at the top of the call here and that's

I want to be sure this effort is running parallel to other work we have at CMS focused on making sure that people have the choice to get the care they need in their communities. We think all people should be able to access long term care in the appropriate setting of their choice. Including through home and community based services. The nursing home reforms I'm talking about today are really part of a both and approach. I'm talking about them because that's what we're here to talk about but I would hate for you to walk away thinking we don't have a lot of work happening on that part in parallel. We are working on improving the safety for residents who live there that rely on the care as well as the people who care for them. They're counting on us at CMS to raise that bar but in parallel, we're also wanting to work on efforts to strengthen and invest in home community based services to make sure that people with can disabilities and seniors and others who need that kind of care can have quality options when making these decisions about where to receive that care and ensuring they're not institutional biases that present hurdles for them.

To sum it up, at CMS, we're considering a wide range of methods to get this work done. We're looking to use all of our existing authorities and leverage to the fullest because the people who are living and working at the nation's nursing homes are counting on us to do so and we know that. I'll wrap it up there and will be very happy to take questions here after the panel talks but I wanted to say how honored I am to be able to talk to you about this hard work we're doing and hope to be able to partner with as many of you in the future as we can. Thank you!

>> Well, thank you so much for that great presentation and I'm really excited to be able to have folks ask you some questions. I just want to say how robust the stakeholder engagement has been. When we hear from Lori and others, but it's truly making sure this is not just hearing from industry but the people with who are the most impacted. The residents of the nursing homes and their families and other advocates so thank you, Will. Next up is Susan lynch who will be highlighting the department of justice's work to address abuse, neglect and fraud in our nation's nursing homes. So Susan, over to you.

>> Susan: Good morning members of the Elder Justice Coordinating Council. I'm Susan, senior council for elder justice at the United States department of justice where for the past 23 years, I have prosecuted nursing home chains, individual facilities and owners who provide grossly care to

their residents. I appreciate the opportunity to appear before you today to talk about the importance of nursing home enforcement and elder justice professional training at this critical time in our nation's history when many of the nursing home residents are not receiving the quality of care they desperately need and are not being treated with the basic human dignity we all deserve.

As a result, some of our mothers, fathers, sisters and brothers in our nation's nursing homes are getting sicker, being abused, neglected and are even slipping into premature death. In my role leading the department's nation nursing home initiative, I approached some tragic stories and have seen some gut wrenching facts in some of the nursing home cases I have prosecuted. I want to be clear, we're not painting the nursing home industry with a broad brush and many nursing homes work very hard to provide quality services to those entrusted in their care. But I want to be clear with all of you members of the council and the public, some nursing home do not have adequate numbers of trained staff to care for their residents. That is to say, not enough staff to feed the residents, to take that extra time with them, to turn and reposition them as needed. Some nursing homes don't have enough staff to have the appropriate nursing home supplies there for residents. Some nursing homes don't follow required infection control protocols and some nursing homes don't keep their physical plant clean and safe and further, some nursing homes over use antipsychotic medications in an effort to keep their residents compliant.

Some of these same nursing homes continue to admit residents to their full senseless capacity despite knowing they lack adequate staff and resources to care for these residents. With some of these some poor performing nursing homes, quite frankly, the nation watched in horror as the challenges of the COVID- 19 pandemic quickly exacerbated poor quality of care conditions with the devastating consequences for our nation's residents and later in this panel you will hear the voices of the residents themselves when they talk about problems with staffing, infection control, wait times during the COVID- 19 pandemic. During COVID- 19, there were devastating consequences for some nursing staff that persist today as they worked tirelessly and heroically through the pandemic, all the way navigating impossible working conditions brought on by staffing shortages and senseless choices. Choices made owners and operators.

Through the decades, we have brought civil and criminal

cases against the nation's largest nursing home chains, small chains, single facilities and against nursing homes CEOs and executives who provide grossly substandard care to their residents and commit financial fraud. The national home initiative brought these entities to justice through the work and that of the decade long work of the elder justice initiative in particular. The department's nursing home initiative coordinate and enhance civil and criminal efforts to pursue nursing homes that provide grossly substandard care and enhance criminal efforts when it's appropriate in a financial fraud situation. The initiative reflects the department's larger strategy and commitment to protecting our nation's seniors to the work of multiple departmental compartments and that includes the elder justice initiative, national nursing home initiative, civil division, consumer protection branch, criminal division, civil rights division, all in conjunction with the U.S. attorney's office around the country.

Members of the council, we at the department have done this important work with the help of and in partnership with many federal, state, local tribal and non governmental partners which include health and human services, CMS, some of the agencies at the council table today, the medicaid fraud control units, state and local prosecutor's offices, state protective services, state national consumer voice, law enforcement and emergency medical services nationwide to name a few.

Through the department's initiative and across the United States with the help of 94 elder justice coordinators across the country, the department has daily dedicated prosecutors in every district who are focused on elder justice work. I will share with this council a few of the cases which highlight the important nursing home enforcement work we are doing across the nation. Just last week, the department's elder justice initiative announced that it filed a civil federal false claims act case against American health foundation known as AHF. Its affiliates and three nursing homes in Ohio and Pennsylvania. In the complaint, the United States alleged that three nursing homes provided grossly sub standard services that failed to meet the required standards of care, specifically by not maintaining adequate staffing, a theme we have heard a lot about today on this panel and we'll hear more. Failing to follow infection control protocols and be by providing residents with unnecessary medications including antibiotic, antipsychotic, anti anxiety and hypnotic drugs.

The United States complaint provides specific allegations

on how this grossly sub standard care harmed these nursing home residents. For example, the complaint alleged that one facility resident was admit **WD** a history of self harm and hospitalized after slashing his wrist while in the facility's care yet, when the resident returned to the facility, nursing home staff allegedly again ignored the warning signs and failed to provide this gentleman with desperately needed phychiatric services. Mere weeks after being readmitted to this AHF facility, this resident committed suicide by hanging himself from a bed sheet in one of the facility's shower rooms.

Last May, the initiative announced it settled a civil claims with a Georgia based senior care and related entities for over 11.2 million dollars. Based on allegations that they billed the Medicare program for rehabilitation services that were not reasonable, not necessary, or even skilled. And to resolve allegations that they billed the Medicare and medicaid program for grossly sub standard nursing skill services. This settlement resolved allegations that for ten years between 2008 and 2018, SAVA claimed falsely to grossly sub standard nursing services including that SAVS failed to have sufficient staffing in certain facilities, failed to follow appropriate protocols and failed to appropriately administer medication to some of its residents.

Given the particularly egregious nature of some of these cases at issue in the potential resident harm, nursing home defendants frequently enter into what is known as quality, corporate integrity agreements with HHS office of inspector general. At the same time they settle a false claims act case with the department of justice. For example, as part of this SAVA civil settlement, they entered into a five year quality of care corporate integrity agreement with HHS OIG where they are required to have a comprehensive compliance with systems in place to address the quality of resident care and in particular, a provision regarding staffing. In the really most egregious cases the department has and will pursue criminal prosecutions of nursing homes and their owners and operators who commitment financial fraud and or provide grossly sub standard care to their residents. For example, in January of this year, the United States attorney's office with the district of New Jersey and the department's division charged Joseph -- 38 million dollars in payroll taxes owed to the IRS on behalf of his employees as required by law.

He owned and operated the New Jersey based skyline management group LLC and several related skyline companies

which in turn, owned and managed 95 healthcare and rehabilitation facilities operating in at least 11 states. If convicted, he faces a maximum penalty of five years in prison for each count of willful failure to collect and pay payment taxes, five years of prison for each tax evasion and if convicted, ten additional years for each count of failure to file a benefit report.

In February of this year, Pennsylvania indicted Susan Gilbert, the former administrator of a mount Lebanon. In this case, according to the indictment, between 2018 and 2020, Gilbert and co conspirators deprived seniors of needed resident care by using inflated nursing hours and other schemes they concealed with two separate sets of books. According to the indictment, Gilbert and or co conspirators directed, administrated other employees to clock in for shifts but not actually work these shifts and paid bonuses to staff if they clocked in as instructed.

This alleged conduct put facility residents at risk by only providing a dangerously low level of staffing, just before COVID came across the country. This resulted in paper compliance and left residents without sufficient staff to care for their basic needs. The department is committed in the work in nursing home enforcement and training elder justice professionals to prevent, identify, and report elder abuse in our nation's nursing homes. Through the department's programmatic efforts, we have trained federal and state prosecutors, law enforcement, emergency medical services, for issues of suspected abuse all around the country not only identifying abuse but where and how to report such abuse. In closing, the department is actively engaged in bringing to justice those who provide grossly sub standard services to the nation's vulnerable nursing home residents and remain committed to use pathways to investigate, prosecute and prevent the abuse of our nation's elderly in nursing homes. We remain committed to training elder justice professionals nationwide.

As one government, we all have an obligation to ensure the nation's most vulnerable receive the quality of care and enjoy quality of life during the nursing home stays which for many residents is at the end of their lives when they are most dependent on others for their most basic care. Ensuring that nursing homes meet quality regulatory and physical plant requirements, falls within the mission of many of us at the council table today. At the department, we look forward to working with each of you on the council and your agency

designation in service to combat the elder abuse when the time lessons of COVID- 19, the urging of the Biden administration and the work of the nation until academies are pointing to the fact that our collective action is urgently needed. Now we share with CMS this view is the time to work together. We have the opportunity and critically, we have the responsibility. Thank you!

>> Allison: Thank you so much, Susan and thank you for that call to action and for sharing all of the work that those department of justice is doing to ensure accountability for nursing homes. Our final speaker on this panel is Lori who will share resident centered perspective on the recent nursing home reform announcement and the needs for ongoing enforcement. Lori, let me turn it to you.

>> Lori: Thank you so much, chair woman. Thank you and good morning to members of the Justice coordinating council. As stated, I'm Lori, the executive director of the national consumer voice for quality long term care. We're a national non profit organization that works with and on behalf of individuals receiving long term care and services to achieve quality care, quality of life, and protection of rights. We are also proud to host and operate the national long term care ombudsmen resource center for community living where we provide training, technical assistance and to support to state and local long term care programs. Through their work, representatives provide critical advocacy, support, information, and resources to long term care facility residents and their families. Thank you for inviting me to speak today and for including this panel focused on nursing home issues.

For more than 25 years I have worked in the field where I had the opportunity to talk with many residents, families, facility staff and others about the experiences of residents in long term care facilities. A reoccurring theme which research and data also clearly show and support is that the single most important element for ensuring that residents receive the care and services they need is having the necessary staff in a facility. Adequacy of staff includes numbers of staff, skills mix and training when there are not enough staff to provide care. Residents may not get out of bed for hours or even days. They have long wait times to be held to the bathroom. Often resulting in the person urinating or defecating and then waiting longer for someone to help clean and change them. Antipsychotic drugs are inappropriately used to residents to control behavior or for the convenience of staff.

Teeth are not brushed and residents who need assistance moving and turning often develop pressure sores as they lie in the same position for countless hours. Residents tell us that showers are regularly skipped due to short staffing so instead of receiving two showers a week, for example, one person may receive one or sometimes none. At the end of her life, my grandmother who lived in a nursing home and needed health with eating would need specific assistance to finish her plate of feed. When I would visit and would help feed her, it would take twenty to thirty minutes or more for her to finish her plate. As a staff member caring for twenty residents, a common occurrence in today's nursing homes would be hard press to spend that amount of time helping one resident eat. We learned during the pandemic that many facilities are highly dependent on the informal care that families provide when they are on site.

Short staffing also puts great stress on the staff themselves who are at increase risk of injury and often have to make the difficult choice of deciding which residents to assist and what kinds of assistance they can provide. Shortcuts get taken and mistakes are more frequently made. Staff also don't have the opportunity to connect on a personal level with residents because they're rushing to get to the next task. This is occurring in a longer systemic problem as you have heard from other speakers. Low wages and benefits, poor working conditions and inadequate training and support are some of the factors that lead to high turn over and difficulty attracting new workers into this field. We cannot allow this broken system to continue. Immediate changes need to be made that include minimum staffing, requirements and increased accountability and transparency for facilities both to meet quality standards and to account for the use of public dollars. That's why we commend the Biden administration for the bold set of reforms proposed in late February that would begin to address these issues and we support the implementation and we thank the administration for including residents and family members in the conversations about what is needed to make quality care better in long term care facilities.

Despite well established research showing that higher number of nursing care have higher overall rates better health ratings and fewer instances of abuse, we continue to have weak federal policies around nursing home staffing. Facilities are required to have sufficient staff, a standard, vague, subjective and difficult to measure. As daily average staffing decreases, so do the facility's overall rating and performance

in health inspections and incidences of abuse rise. In the nursing home reforms proposed by the administration, a key element as you heard is the creation of a federal minimum staffing standard based on the findings of a new study that is being commissioned. Any staffing standard must include a baseline or a minimum below which a facility cannot go and have resident acuity to ensure higher staffing level when residents have higher care needs. Facilities must be held accountable for meeting minimum quality standards. Penalties for not complying must be meaningful and appropriate for deficiency cited and we cannot allow chronic bad actors to continue owning and operating facilities. There could and should be better agency, federal agency coordination around facility and corporate monitoring, data sharing and analysis and referrals of cases and complaints. Increase collaboration including the agencies on this council and the programs that over see would leverage the power and resources of the federal government to both systemically and individually address bad actors in the system and would improve conditions for residents. Additionally we must insist on greater transparency and accountability for the billions of dollar of public funds that nursing homes receive. The nursing home industry claims they do not receive enough money to hire the necessary staff and provide the high quality of care in which they are give B.

The truth is shell games, strategies such as the use of related party transactions have been employed to divert attention from how money is really spent and make financial accountability difficult. Information that is available shows a profitability industry. It's essential then for the administration's proposed forms around transparency to be implemented. CMS should implement sections of the affordable care act, passed more than ten years ago and not fully implemented which require transparency in nursing homeownership and finances. Additionally, they should submit audited, consolidated cost reports reviewed by CMS and we encourage TD administration to require that a minimum percentage of revenue be spent on the direct care.

One resident lived in a nursing home for more than a decade says she sees the changes that occur when her facility is bought and sold. Suddenly there's fewer staff on the floor. Fewer supplies available. Lower quality items especially in the food department. Billions of our tax dollars are given to nursing homes each year but little to no scrutiny is placed on how the dollars are spent. Essential to minimum staff standards, it needs to go to patient care. They view

implementation of a minimum staffing standard as an unfunded mandate. The law is clear, however, that the secretary of health and human services has full authority to set standard that ensure nursing homes provide each resident with high quality care that Medicare and medicaid patients are spent on resident care which is a setting of a minimum staffing standard.

Instead of the unfunded mandate, we have a long standing, unfulfilled mandate for residents, one that entitled each resident to maintain or retain his or her practical level of physical, mental, psychosocial well being. Nursing home operators voluntarily agree to meet the standard and return for federal funding while providers have received the funding, nursing home residents have largely not received the care and services to meet this promise. So I thank you for the opportunity to be here today and share the remarks and I commend the administration for prioritizing these issues and putting forth important reforms while implemented can make the critical difference for residents. Next, I think we'll see a short video where we would like you to hear directly from residents about their experiences when there's not enough staff available. These residents you will hear from, participated in a dialogue hosted by the consumer voice in late 2021.

Thank you and I'll turn it to you Allison.

>> Allison: Thank you so much, Lori for sharing your expertise and most importantly, sharing the voices of the people who are most impacted. Council members, we're going to segue into a fifteen minute question and answer segment. We'll keep track of time so we can stay on schedule and our technicians will now unmute you so you can raise your hands and ask questions for the panelist. This is an incredibly powerful panel covering a lot of really important strategies that we're using not only on the whole government approach but really in partnership with the whole range of stakeholders who are impacted by this and so let me see: Okay, great!

Welcome, Ron and welcome to the council and I'm really excited for you to jump in. Let's turn it to you to start with the first question.

>> Ron: Thank you, Allison and thank you to the council. It is an honor to join you all in this effort. I in that regard, ask the question, how can legal aid attorneys help in the work that you do?

>> Lori: I can start there. Certainly residents of long term care facilities need access to support on a regular basis. They are threatened with discharge and need help to assert their rights related to directing people to be their agents under power of attorney. They often have issues with guardianship and unfortunately, they don't have good and regular access to legal council so legal services programs play a very critical part in supporting resident's rights protections and helping residents achieve quality care and quality of life coordinating with long term programs is a great way that legal services can assist. And certainly having programs prioritize issues related to that existent long term care facilities would be greatly beneficial.

>> Will: I would just say really quickly for us. We really value hearing about what issues and trends that you see popping up. You're sometimes closer to the folks with lived experience and on the ground a little more than we are sometimes. We would like to get information from anywhere and everywhere we can about what trends you're seeing. If there's new issues coming up that CMS needs to be aware of and happy to get connected with you to make sure you have that information occurring.

>> Ron: Is there mechanisms in place to facilitate those reports?

>> Will: Yes, they are. We have a group that handles that thing but you can start with reaching out to me as well and make sure you get my contact info and we can get everywhere where they need to be.

>> Susan: As I mentioned in my remarks, we have justice coordinators in 94 districts and units of multi-disciplinary teams that work to identify problems in nursing homes. As Will pointed out, boots on the ground. To the extent there's a problem, referral and information sharing with the elder justice coordinator in the district or you can obviously reach out to me. The department is very committed to following up anything that may be problematic and actionable from our standpoint so we look forward to the partnership.

>> Allison: I will just add, from ACL, we fund legal services both on the disability and aging side as I mentioned. As Will talked about and I think, Lori touched on. Not only do people have a right and are we focused on making sure people are safe and getting quality care in nursing homes, but there are people

who are in nursing homes who can and want to live in the community. It's something that our ombudsman work on, the protection and advocacy networks. They are not just younger adults but -- work with those populations and that's another place where we would love to really make sure in local communities that the legal services is connected with our disability on aging networks on the ground. So we can follow up on that. And welcome! Really really glad that you're a part of this.

>> Will: Thank you so much.

>> Allison: Great! It looks like I see another hand. Let me kick it to you for your question.

>> Atalaya: Hi, thank you, Allison, to the committee and speakers. I'm very excited to hear about the work that you're doing. I represent AmeriCorps which is a national service. So as you were speaking, what came to mind for me is understanding how we continue to engage volunteers who do these supports for residents and how do we continue to help them know what they look for. How to raise flags and how they can also help people in their community family members understand this too. So is there any training that is provided for them?

>> Lori: Thank you, I know historically, there's a number of AmeriCorps volunteers who have been placed and successfully worked with these programs around advocacy, education, and community outreach. Through the work of the ombudsman resource center and consumer voice, we have training and resources available that AmeriCorps volunteers can access. We have Webinars we offer and resources that can be downloaded on the website and we can share that information with you. And we would be happy to do that. And ombudsman program are very involved in working with communities around out reach and training including with residents and family members and other members of the community about rights and quality issues and long term care facilities.

>> Susan: Atalaya, I would jump in and say, the department of elder justice.gov has training of the raising of the red flags of elder abuse exploitation and we have trained a number of other professionals and we would be happy to share that training with you and any of your team. Thank you for your engagement.

>> Atalaya: Thank you, I look forward to connecting with you.

>> Alison. Thank you! And we're taking notes and everything that we are saying, we can follow up and connect to. I promise you, we will do that. Let's see, I see Ben. Great to see you!

>> Ben: Thank you, Alison and all of our presenters. Excellent presentation and some hard to hear but necessary. First I have a comment. I just wanted to make sure that I express the Social Security Administration interest in being involve, especially with the long term care ombudsman program in the state. We have a presence all over the country via our network of regional offices, area offices, so we would like to make sure we're making relationships with the long term care ombudsman around the country so any collaborations that we can be involved in, please do count us in. I did have a question. That was about financial exploitation of residents in nursing homes.

I know we talked about abuse and things like the use of drugs, antipsychotic drugs but can anyone say a word or two or a couple of comments about the financial exploitation of our residents in facilities?

>> Will: I will start and hand it to others who may say more. Aside from many of those activities being crimes, we do have conditions of participation through the Medicare program that prohibit and guarantee that residents have certain rights over their financial freedom and the use of their own financial resources and also prohibit certain practices that would violate their ability to do so. This is definitely a focus to us. It is something that any time it occurs, we take it incredibly seriously and as a very high severity issue, any time we locate it. I think a lot of this will be over in my colleague Susan's department at DOJ. I want to make sure you can talk about it.

>> Susan: Yes, thank you, Will. Financial exploitation of elder adults occurs not only in the community but also retirement homes. Adults in nursing homes might be the victim of some type of financial exploitation scam you might hear about in the second hour. Anything from, you know, a text scam, et cetera. And we see in some of our grossly sub standard care is part of the financial component fraud which is part of the sub standard care is stealing from the residents. This is members from the care force, the caregivers but it can also be management and operators who are stealing from something like the resident trust fund. The resident trust

fund is something that each resident can have a couple of thousand dollars to buy special things for themselves, you know, in the nursing home. Sometimes that is taken and funneled into the funds that the owners take. We see this both in terms of residents being victims like the broader community and we also see it targeted within the cases itself and we obviously do everything in our power to stop that.

>> And I think this is an area of opportunity where different agencies and programs can work together to support residents. Certainly ombudsman become aware of financial exploitation, adult protected services in many states have a role in this area as well. Disability rights programs. I know they are engage indeed this area so there's a really good opportunity for sharing of information, referrals, back and forth between programs and including your representatives too as well, Ben, Social Security, and look at how they can work together to address these issues.

>> Alison: Great, thank you, everyone. Thank you, Ben. I think we have time for one more question. Are there any more questions from council members?

>> Suzanne: Good morning and thank you so much for this wonderful panel. On the subject of financial exploitation and nursing homes, I just wanted to add that there have been, we have talked that at a lot of nursing homes about keeping tabs on where your investment accounts are. If you're missing a statement or a statement goes missing or your password gets stolen or goes missing, those are very serious things to think about. Change and ask about because we have seen statements being stolen and accounts being, you know, taken. So I just wanted to bring that to the attention **WHOIL** it was brought up. Thank you.

>> Alison: Thank you so much, Suzanne. I think we probably should start moving to the second panel. I really want to thank all of our panelist for this really important discussion as Will said, we're kind of in the beginning of this initiative. We have a lot of work to do together. And it sounds like there's a lot of interest across the panel and the council members on really connecting on some next steps whether it's legal advocacy, how do we share information, how do we leverage resources out there. How do we deal with quality of care, how do we deal with making sure that people who can and want to live in the community are transitioned and how do we tie in and make sure the work that we're doing to prevent fraud

looks at people across the board. So thank you for this great conversation and thank you in advance. Lori, Will, and Susan for being a resource and for all of the follow up e-mails we'll send you later today.

Okay, thank you, everyone! So with that, we are going to turn to the second panel which is called effective messaging to prevent senior scams and fraud. On this panel, we will be hearing from Dr. Marti who is a research assistant professor from the University of Minnesota Twin Cities and then the strategic policy from ARP bank safe and then finally from Sarah who is the manager of custom education strategy from the UK finance, take five campaign. So we will start off now with Dr. Marti and let me turn it over to you.

>> Dr. Marti: Hi, everyone! Can you hear me and can you see my slides? Great! Well, thank you so much to members of the EJCC for inviting me to present on some of the work that I have done with the federal trade commission on government imposter scams. What I'm going to present today is a mixed methods analysis so we did a qualitative analysis of consumer complaints of the Social Security imposter scam and then a qualitative analysis comparing those who were reported and those who were targeted but did not pay money.

So I want to first thank the U.S. Social Security Administration for funding this research as part of their retirement and disability research consortium. And also the conclusions are solely my own and do not represent the thoughts of any other government agency. So this is a little chart that I pulled from the federal trade commission's public tableau dashboard. It maps the prevalence of different consumer reports of different imposter scams in 2018. You can see with the orange line there, there's two prominent peaks and that is really driven by the prevalence of these times of the Social Security imposter scam. It did take a big hit around COVID-19 lock downs but then quickly rebounded and now it's somewhat over taken by business imposter scams but really what I want to talk about in this presentation is how these criminals convinced many people including older adults that they were in trouble with the federal government due to crimes they supposedly committed.

So first was, I was interested in the persuasion tactics. What are the criminals saying or doing to appear they do really true are representative of the SSA or some other federal government agency? And the second question, what are the demographic and contextual correlates of victimization? So

what different who are victims and those who are not.

This comes from the consumer sentinel which is a tool that law enforcement can use to identify the individuals harmed by identity and fraud. The data is pulled together by the federal trade commission. Although there's contributors that include 50 plus federal agencies and non profit organizations and states. So it's a really great data resource in addition to being a tool for law enforcement.

For this study, we restricted only the complaints that went directly to the federal trade commission so this does not include all of the majority of complaints that went to the Social Security Administration itself. So when I was looking through and I was doing the qualitative analysis of the consumer complaint narratives where they wrote about what happened to them, describing it in their own words, I identified three of the six elements of persuasion, reciprocity, scarcity or urgency and authority. I also identified one more and that is secrecy. Secrecy is something that we see in many different types of scams in order to really control the victim.

I'm just going to briefly talk about how the fraud criminals used each of these persuasion techniques based on what I learned from the case narrative. So authority is probably the most prevalent. The consumer used number spoofing so if they Google the number that called them, it's a local SSA office or the federal SSA office number would come up. They also referenced multiple federal agencies. Like they said the DEA was involved, FBI was involved in the case. Really to illicit fear. The criminals were clever and they gave fake names. They said to the target I'm going to give you a badge number and case ID number. These are important and so write it down even though they were fabricated and meaningless. They told the consumer they were under surveillance and in some rare cases, they did have the consumer's actual Social Security number which to me indicates they might, some of them might have been working off of lists but all of that adds authenticity to the story the criminals were telling the targets.

So the reciprocity principle worked like this. The original agent on the phone would say to the person you're in big trouble. We have found drugs and cars in your name. You have committed crimes and of course the target says, no, that's not me. There's a mistake. And immediately the criminals

switched their tune and said, I believe you. I'm on your side. I'm going to help you clear your name and avoid arrest. If I'm going to help you, you need to help me. So they kind of pretend they're on the target side and they're going to work together. Another one is urgency and we say this in many different scam types. You need to act right away. The government is going to freeze your assets and you know, you have to follow our directions and the criminals are about to catch wind of this and will come after you and your family.

Again, using fear to provoke urgency and then secrecy. The participants or the targets of these scams were told to not tell anyone. They were told never put the call on speaker. Never put yourself on mute. They were coached, word by word what to say to bank tellers, to retailers on how to divert their attention or convince those people who are concerned that everything is okay. So in terms of the quantitative analysis, comparing the consumers who said they lost money to those who said they did not, we found that the majority, the vast majority of consumers were not victims so only 4.2 percent reported to be victims.

We find that younger adults are more likely -- sorry, younger adults are more likely to report victimization but it's older adults that reported greater losses on average and that trend is pretty consistent with the Sentinel data overall. We used census bureau neighborhood characteristics and brought it into this data set and we found that consumers who resided more in Black, Hispanic, and Indian communities were more likely to report victimization versus no loss. However, they did report lower losses on average so lower dollar amounts. And that we also played a sentiment analysis to the narratives to understand how consumer's emotions relate to whether they were a victim or not. So emotions were associated with greater trust, anticipation and anger were all associated with victimization and a loss amount.

What is interesting is all of these emotions were reported after the fraud occurred so we can't say those emotions were driving susceptibility or likelihood of pain but we do see they are related after the incident.

If you were to ask me what really is driving loss amount. Like, what variable is most significant? And I would have to say it's how the consumer paid. In fact, you can see the majority around 70 percent paid with a gift card. However, these other methods of payment cash, crypto currency and wire

transfer had the greatest median losses. So what does this mean for consumer education and intervention? So the first thing I want to point out was that number spoofing. So that really worked to immediately engender trust. The consumer saw a phone number on their phone, saw it was the SSA and were more likely to trust it.

We need to continue to remind and educate consumers that we cannot trust caller ID. That numbers, official phone numbers can be spoofed. I'm really grateful to the FCC for their work in the regulatory actions against voice over internet protocol call providers who were allowed, you know, who allow these calls to reach American consumers. I think we actually do the most, we have the most benefit when we stop the message from reaching the consumer in the first place. So the earlier interventions, that will go the furthest in terms of consumer protection. And also, there's a lot of discussion on warning signs. Can we help educate the majority in this scam who are paying using gift cards? My graduate students and I went to multiple retailers in the Twin Cities area and photographed some of the warning signs that we observed and you can see they really range in quality and in visibility. Some are vague. Others were ripped and others, the **PRIBT** was so small you had to practically use a magnifying glass to read it.

Other messaging was larger, was very clear, however, sometimes that messaging can even get lost in the sea of different gift cards on the gift cards kiosk. In case you're wondering where that sign is, it's right here, perpendicular to the consumer's eye gaze.

Other signs are a little bit better. Surprisingly, we thought the ones low budget, like a print out by a manager actually caught your attention. And then another retailer has a warning that comes on the credit card reader and the consumer has to do an action, click continue in order to proceed with the gift card transaction. Enhancing it, making it more visible and putting stops like this on the credit card reader, all of that can go a long way in stopping the consumer on the act, assuming they are in the emotional state to take in that information. And again, you know, this retailer had so many warning signs but unfortunately, these warning signs were only on the money services counter. They weren't in the majority of consumers were driven by products which is self-check out. So again, how do we integrate fraud warning signs in the self-check out areas or are we going to restrict consumers that they can't buy gift cards in self-check out?

So like I said, the bigger losses occurred from wiring funds to the criminals and in crypto currency ATMs. A lot of the consumers were told to go into the local gas station and put in the cash in a crypto currency ATM. From what I read, there's no warning signs related to the gift card fraud so that's an open playing field for consumer education. We also need to empower front line retailers to say something. They need to feel confident and have the authority to say no to consumers where they are suspicious this person is participating in a scam and that will require engagement from leadership, from these individuals or these companies. And then also, perhaps, another intervention is just lowering the limits so instead of being able to put whatever dollar amount you want on a particular card, limit the number of cards that can be purchased and how much can be loaded and that would just, even if someone is a victim, at least they lose your money. And then finally, I want to say, if we can encourage the gift card issuers, the payment processors who have insights into where the card is being loaded with value and then that value is being redeemed and if they can do more to identify and stop those fraudulent transactions, I think that will even go further than just signs in the retailers because it's really hard to reach everyone.

So with that, I want to thank everyone and I am happy to answer questions after the other panelist. Thank you!

>> Thank you so much for that great information! We really appreciate what you have just shared. Our next panelist is Jolene who will share ARP's work on combating gift card fraud, effective techniques to prevent and mitigate fraud. Turning it to you.

>> Great, thank you so much! And I think someone is loading my slides. Perfect. Thank you so much! I'm a director at ARP writing the bank safe program and thank you for the kind invitation to speak here today. I come from three generations of community bankers, I'm a social worker, attorney, and spent my entire work dedicated to improving the lives of older adults. One in five are defrauded over the course of their lives with the average victim losing 120 thousand dollars. It is a stark reality encouraging those to do more. I want to talk about AARP's bank safe initiative and the recent report on the prevalence and impact of gift card fraud and how we're leveraging the industry retail partnerships to address the issues. Next slide. ARP's commitment is to fearly defend

older adults and that's shown through the two prong approach. Our consumer efforts include fraud watch networks and the program where consumers can get report, guidance and resources and it also includes direct consumer materials like the fraud scam tracking map you can see here.

On the industry collaboration front, we know the industry is the last line of defense. People are likely to see the exploitation and fraud that is family members but the industry also sees that and that means cashiers, tellers, investment advisors, store management and more. This empowers or industry partners to be the critical line of defense and we do it in three different ways. We gather and then we test promising practices of intervention from across the globe. We also create tools and resources with the industry that makes it easier for customer facing employees to protect all of their customers as Marti previously mentioned. And promote most prominently is the award bank safety training. Next slide.

So bank safe is a powerful distribution channel: With that, it provides the business to business intervention. We partnered with more than 200 leaders in the industry to help us build data driven tools and then 2,000 individuals from regulators, financial institutions, front line employees, adult protective services and be more help us review this and these tools allow us to build the trusted relationships with industry players. Next slide.

I mentioned our training. When we first launched in 2018, we had two courses. One for banks and then one for credit unions and in 2020, we added a third course for financial advisors and understanding the importance of trust and relationships within the financial sector, we partnered with a number of trade associations as our initial distribution partners. These organizations help recruit these banks, credit unions and broker dealers to use our AARP training. And that industry insider, stamp of approval combined with AARP's strong reputation around the need for older adults proves to be a powerful combination.

So the industry impact we're achieving is notable. Industry leaders are changing their behavior as they push out the interventions that we know work. And this is because of how we position the interventions as a smart business practice or what they call an industry, a risk management strategy. And we also built a business case of why preventing fraud matters to their bottom line. What you see below is just a sampling of

some of the larger financial institutions that have begun adopting AARP's recommended practices. Collectively, these organizations alone serve 200 million consumers and let me share one example. You will see data analytics on the left hand side. As part of our work as one of the large mega banks, they're investing significant resources into machine learning and other smart technology to help spot fraud. Next slide.

So now what we have is thousands of front line employees who interact with consumers that are using our intervention tools that are proven by research to be effective. Next slide. And one of the tools they have embraced is taking our award winning training courses. And while our goal is really rooted in protecting the interest of older adults, I would be remised if I didn't mention and trouble with my team as well, that I didn't mention that our courses have been recognized with over a dozen awards, not only in industry categories but technology, training, adult education and even video production categories.

Next slide. But most importantly bank safe works. We asked Virginia Tech to perform a rigorous assessment to quantify the impact on training on preventing financial exploitation among financial industry staff. So their research team assessed the difference between the front line employees in industry who took AARP's training and those who didn't and took a different type of training and they found that employees who completed the bank safe training saved sixteen times the amount of money than those who took a different type of training.

People who also took our course were four times as more confident and successful in spotting it and reporting exploitation than their peers were. And additional insights from Virginia tech also discovered which of our interventions were most effective. Further improving our impact. And again, in our proven success with the financial industry, the FTC approached us about helping to fight gift card fraud and I have to tell you that Katie and Thomas Harris had been tremendous partners in our pursuit to help the retail sector stop gift card fraud which brings me back to the question, why am I here talking to you about gift card fraud? Next slide.

It's a problem. Gift card sales have soared and they're projected to reach 221 billion by 2024 and as sales continue to climb, so does gift card fraud. I think you should be on the next slide, thanks.

With that, and Marti talked about the FCC's consumer report. Gift cards now range in the top five frequently used payment methods in reported instances of scams. This is behind credit cards, debit cards, payment apps and wire transfers, many of which bank safe is actively combating through partnerships with financial institutions. And also with that is that older adults are more than half as likely to fall for gift card scam than their counter parts in their 20s. And when they do, they lose twice as much more money. So it's a problem. Next slide.

I co authored a report that AARP published early this year with our vice president, of the most effective things that retailers can do to combat gift card fraud and not just retailers but the entire retail sector. The findings our paper based on is an interview with over 30 industry representatives and a comprehensive review of research and data from the FTC industry, associations, AARP and other non profits. Reflected on this slide are just some of the organizations that were generous enough to share some of their time as well as their insights with us. Next slide. So let touch on two big things that are included in our report.

First is the fact there is no single silver bullet to this problem. It's our collective problem. Consumers play a role in being aware of potential scams. Retailers and gift card distributors play a role in helping to stop that suspicious transaction. Gift card associations and technology companies that create and develop retail systems also play a key role in advancing those tools as well as the education to stop that exploitation and then non profits like AARP play a role in arming retailers with the tools and resources to help them better work with consumers and really take the right steps to help them. And then ultimately industry regulators of law enforcement are the critical make and prosecuting those criminals and also studying the industry expectations and protection. Next slide.

So our paper identifies three trends that are key to solving this issue together. And they are technology advancements and point of sales systems. Better educating and empowering consumers and arming employees with a better knowledge, skills and tools to effectively spot and stop the scam. So I want to talk a little bit about each of these. Next slide. So enhancing point of sale technologies. You can see this is a quote from our paper. Point of sale enhancements help protect consumers but they also have an added employee

awareness benefit. You can see some of the examples of these enhancements of point of sale systems. The one I find more interesting is a retailer that shares with us, that if their point of sale flags a suspicious transaction, there's off site security that can focus on the in store security cameras on that register in question to address the situation. And they can instantly then alert store management to intervene but I also want at the same time, to flag an additional insight from a report and that is the concern that as major retailers enhance their point of sales system, criminals will then focus on downstream. The small and mid size retailers who are less likely to invest in such advance technology. Next slide.

I'm looking at the time, if you can wrap it up that would be great.

>> And of course, Marti talked about consumer education which is one of the ways that we have heavily invested in fraud watch network. We know it works. One of the two times, when a front line employee says something, it successfully stops the fraud. So employee training resources becomes critical. Key areas to focus on is what behavior signal is scanned and then how and what do we say is a scam versus, they're confident this is a scam. To do this, AARP did interviews with employees, AML and loss prevention officers and those who had boots on the ground. This brings us back to bank safe. So we created a collaborative approach that addresses the problem, seeing the impact that is achieved with banks, credit unions and financial advisors. They have a training -- in the retail sector. So today, our full suite of content includes the reuse and addition to two new trainings, one in wire transfers and gift card fraud and these all go live in May and are free to any retailers across the United States and with our partners at the FTC, are so wonderful in making introductions and opening doors to us, so ultimately Walgreens and best buy agree to be the retailers to train the new employees with these bank safe training.

And ultimately our success is defined by our ability to empower our -- next slide, next slide, next slide, next slide, you want to go to the one with the graph. Yep, there you go. Ultimately our success is defined by our ability to empower our partners to protect older adults from fraud. The social impact we are seeing out of the bank safe initiative is absolutely astounding. But still we're really acutely aware of the adaptable and evolving nature of fraud and we're eager to continue this work in new industries as members and tactics of

fraud continue to evolve. And with that, I'll turn it back to you, Alison.

>> Alison: Great, thank you so much, for that great information. And for all of the great work that AARP does. For our final panelist today, I'm going to turn it over to Sarah who will share her remarks on the UK's financial innovative take five campaign and what we can learn from this model on effective messaging to stop scams and fraud. Sarah, turning it to you.

>> Sarah: Thank you very much and inviting me to talk to you about what we have found here in the UK in terms of from a fraud scam perspective. My career in fraud and scams started over twenty years ago. It was really around the sort of unauthorized payments that people noticed on their bank statements when they came through with the post which makes me feel incredibly old to say that because nobody probably gets a statement in the post from our perspective. But moving through the years of us having to do this, all the way through sort of 2015, 2016 where we really started to see a complete shift in that. Away from the unauthorized but into the authorized push payment sphere. And that's basically where a customer is convinced by a criminal to process safe transactions by bank transfer which obviously is for us here, means instant transaction by faster payment so it goes straight away.

So take time to stop fraud is a national campaign that gives advise to help everyone to protect themselves from preventable financial fraud. From a consumer's perspective, but also we produced collateral for businesses as well. Really, the whole reason for launching this campaign and the reason it's called take five is because when we spoke to people who had fallen for scam and I say fallen because lots of people hate being called a victim. We know it from our research that they really don't like the idea they have been victimized. We had to give that sort of confidence and that confident challenge to people and where take five came from is that people said, you know, there's only a few minutes afterwards and I thought about it and then I thought, oh, no, something doesn't feel right. And that's really where take five is born.

We have every major bank, law enforcement agency and many other organizations that support take five across the board. We have a take five charter that sets out how signatories can provide consistent and concerted use of the campaign messaging and the logo throughout their customer communications. So

really, what that does is it starts to share a message because we can all talk about fraud a lot and fraud and scams a lot. We can talk about it from a lot of different agencies. Unless we get that messaging consistent and concerted, for consumers, it's incredibly confusing and that landscape is so very busy. We have an essential communications campaign that provides collateral and support for. We have a take five week every year. But also, PR and social media activities and a central take five messaging hub which sounds a posh way of saying a website. But literally that website is able to hone and give everybody the information that they need, not just from the advice perspective but also tools and collateral and things they can use. So co brandable, campaign material that you can get from a talk here.

Can we go to the next slide. And the next one because I have done that one. In terms of the consumer attitudes, this is a hot topic. Consumers are more interested in the gory details of how -- than how they can protect themselves. Most have misplaced confidence and they ability their ability is higher than it is and they would never fall for these sorts of scams and be when we talk about these types of scams, we're talking identity theft, investment fraud, invoice scams, payment in advance, so up front fees for loans and impromptu scams where you any you're buying something that essentially doesn't exist but also things like romance scams. The long burn of one of those scams. It shows the emotional impact of this fraud and how the loss of money can affect them is a driver to action. Next slide.

So one of the things that we need to do in order to get people to confront their misplaced confidence. We need to demonstrate it, make it personal, and provide a solution. That's really what take five is all about. It's about demonstrating how sophisticated their scanners are in their approach. The social engineering that has been discussed with the previous two speakers. How they get that information out of you. How they convince you to do things. They put the pressure on. They make you panic. But also making it personal, there's no shame in falling victim because you know, they really are advance these criminals and I call them criminals and I don't like to call them scammers or frauders, it makes them feel like cheeky types who are just trying to get away with it once or twice. These people are dedicated criminals. They're organized crime, that sits behind all of these scams. But also to show the emotional and financial consequences of you know, being a victim of fraud. For some

people, it's utterly utterly devastating and specifically for that older population. Can really have a detrimental effect on their life, well being, and how they move forward afterwards. And that solution is really about, you know, stop challenge, protect, is our main mantra of our sort of take five to stop fraud campaign. Next slide.

So while we know financial fraud is a problem, we're positive. We keep our tone of voice very informative, authoritative, clear and concise. You have twenty words or less to communicate a message to a consumer and probably even less if you're talking to businesses who are incredibly stretched for time. Therefore, by remaining personal and not patronizing, we're ensuring but not sensational about everything, we can actually talk people through and we can get them to understand the different nuances for all of these scams. Next slide. So as I mentioned, it's all about simple and consistent messaging. Be clear on the behaviors we want people to adopt. Remember consumers don't talk about fraud. They don't talking about fraud types so me says identity theft or invoice and mandate, invoice in advance means nothing to them.

Talking in a way, as I mentioned, it's not criminal, it's fraud. It's about, what consumers want to know is not what they want them to do but what they -- they have actually gone back to us, why don't you tell us what we should be doing. You always say, don't, never, shouldn't, couldn't, it's very negative. What we would like to look at is when we can say, let's just go over the positive side. Next slide.

As you will see, our primary messaging is incredibly short and to the point. You know, criminals or experts at impersonating people, organizations and they spend hours researching you for the scams and hoping you'll let your guard down and then there's the stop, challenge, protect. Stop and take a minute. Have a cup of tea. Go and talk to a friend. Talk to a family member. Just go somewhere else when you had either that call, that e-mail, that text message. That social media post that you see. Maybe the ad you see online that you are thinking about looking at and follow actions from.

Challenging is really important. Can it be fake? Is that a part of your brain? Do you need to engage it and think? I hate to say everybody, this is suspicious of everybody, and everyone. But someone who has worked in fraud and scams for over twenty years, I can't think of another way to say that is

just to show a really healthy skepticism of these things. Could it be fake? But building your confidence. It's okay to refuse, reject, or ignore requests. If someone is trying to sell you something over the phone or online and you didn't want it, then you would say no and you wouldn't have it. You wouldn't buy it. This is exactly the same when you come to things like people asking you of your personal or financial information, please say no. Only criminals will rush and panic you to do things genuine. Genuine organizations will not.

And then last but not least, protect. If you have fallen for something, contact your bank immediately. They can generally help you. They can stop any further transactions. But also by reporting it through to law endorsement at action fraud, that helps to share that message for a wider so that obviously, the more people that see and know and the more people that hear can actually protect themselves. Next slide. So here is just a few examples of the collateral we actually produce to help us to amplify this particular campaign. So we have leaflets, posters, lots of stuff and activity that we do across the board which is made available to people from our website. But we do work in a lot of partnerships so there's a lot of talk about gift card fraud. This is something that we see here. So we are working with the supermarkets on their gift card signage. We're keeping it very short and sweet. Has someone asked you to buy these vouchers in order to pay a debt or a fee or a loan? Because again, as I say it needs to be sharp and it needs to be clear and it needs to be short because people just won't take any notice of it otherwise. Next slide.

So we also have a number of things on our website in terms of we have the scam quiz that people can do. We have Facebook, Instagram, Twitter. We get all of our messaging out and across but it's not just about those. So as I have already mentioned, it's about working with supermarkets and partners, working with trade associations. Age groups in terms of age UK here that works with the older population. But also, we have ATM messaging across the board with our banking industry work, you can see the messaging on a more regular basis. One of the things we do, is a hell lot of research. One thing we know, the more people who say the take five campaign and the stop, challenge and protect messaging, the more likely they are to stop, challenge and protect which is the ultimate goal at the end of the day. Next slide.

I have popped a couple of links here because one of the key things that we do is we share all of our collateral and all of our information with everybody for use. I appreciate obviously

this is a UK driven campaign but we do have an international licensing agreement where we can actually license the use of take five for a wider internationally. So I mean, please do take a look and as I say, the information that we have is far and wide. It covers a multitude of different scams and the information we provide to protect people. As I always say, please take five, tell five, sharing is caring.

The more people we tell, the more people we share the stuff with, the less people will fall for them.

>> Sarah, thank you so much. I know we're running short on time so why don't we bring all of the panelist back. We probably have five minutes to open it up for questions. So let's open it up to council members. We heard some great strategies and some really great themes that cut across on the importance of education, the importance of messaging. And I know many folks who are part of the council play a role in enforcement and in education. Let's see. Elizabeth, do we have any?

>> Lois: Thank you. Wonderful to be here with my fellow colleagues on this. Needless to say, I'm the FTC is huge fans of this type of research and I thank each of the panelist. This work segues perfectly with the new federal law, stop the CDER scams task that task them to convene an advisory group with a focus on retailer educating consumers and training employees. They want to touch on point of sale signage. We talked about how this can be a point of sale and you know, it can perpendicular and I'm not sure you have really focused as much on your training on point of sale because the focus has been on trainers and retailers actually taking practice in steps and you also spoke about signage, point of sale materials. I'm wondering, has it really been quantified by anyone how effective that type of point of sale indication to stop, indication of how the gift cards are for gifts? Any actually research on that?

>> I know from our conversations retailers, one of the things they said, is internal research showing it's not effective and they want today have a point of sales sign to be collaborative. Whether it's, you know, whether that's really rigorous research or not, one of the things that we did hear and we focus on point of sale but it's really the technology that comes up and prompting the employees to say the right questions. Marti touched on this and we talked to operational officers as well. One of the issues they have with larger stores is getting the

material to be consistent and not having the tears or those rips and then some of the retailers talked about placing it. Some of them had challenges of the point of sale because there's a lot of products there. So I think there's a lot of challenges we need to look at and thinking about how to overcome this and how to we place the point of sales in an area that is most excited about Marti's research.

>> Sarah: I can say with regards to the signage. It's very early days to be fair for us to tell at the moment whether or not the take five signage at super markets is going to have an impact. This is something we have done in the last year or so working with the supermarkets. It's by design, the reason why take five is yellow and black is not for any reason, they're my favorite color but because they're warning colors this stand out. Some of the things we're thinking about is to have the stuff that stands out and to keep it very very clear. I am hoping that we'll be able to tell when the next six months or so, whether or not that's had an impact but we'll know from the next batch of research, I guess.

>> Great. I think we have time for one more question if there's any questions. Elizabeth, can you let me know if we have any others?

>> I don't see any in the chat. It looks like Ben from SSA they have it.

>> Ben: Thank you! I wasn't quick enough to raise my hand. One quick question for all of the panelist or any of the panelist. Are there any particular considerations for people who have cognitive decline that can out there, messages or at least things, or interventions that are put in place to support people with cognitive decline?

>> Sarah: I can pick up on this. A lot of our efforts to be fair in the last couple of years have been concentrated on the online, social media, those types of scams. One of the things I want to concentrate on in the next year ahead is looking at how we can work with the digitally excluded. One of the things we are actually doing is looking to work with more care homes. There's a couple that are going across the communication channel but it's actually, for them, in terms of training their staff and what to look out for, but we do accessibility toolkits, et cetera.

I think in terms of, there's more we can do to be able to

communicate with a far wider audience. Although I have to say, all of our messaging is actually tested and fully goes through a process to say, look, would it work for different types of groups? So would it work for the young, you know, the middle aged, elderly or anyone with any learning disabilities or functionality problems and so far.

>> Any last thoughts before we wrap up this topic? Thank you! Thank you everybody! Thank you to this panel. This really has been an incredible meaning and I'm sure the council members and public really learned a lot of important things. I want to say thank you to our panelist for providing such informative and impactful information about elder justice and the need for reforms and for sharing your effective messaging techniques. I want to end by just kind of highlighting a few themes that really I heard throughout the panels. There is a lot to follow up on from the first panel. I think one thing we heard consistently throughout is really the fall out from the issues of under staffing in nursing homes, the impact it is having on people being able to access everything from, you know, basic care that they need and that it's leading to the increase use and abuse of psychotropic medications. So I know that's something that seems like a cut across the board. While very interested in a number of folks who are continuing to work with you and is well committed to CMS, very engaged in working with a range of stakeholders as you're moving forward with this initiative, also highlighting how this compliments other efforts in transitioning nursing homes back to the community including money that follows the person. S informs from Susan and the department of justice aligned well and not only talked about the enforcement efforts but the important work to coordinate with federal state and local tribal partners with CMS and of course, with us at the administration for community living and long term care ombudsman program. That's one place where I think the legal service corporation can easily plug in and then finally, just wanted to say again, how powerful the resident video was. Really, bringing home the impact that the lack of adequate standard from the second panel. Really, hearing very much some strategies for getting information out. Not just consumer education, but involving retailers, financial institutions and how we need to talk about targeted messaging and I think across all three panelist really some important strategies that we all can put in place in the work that we are doing to prevent scams. So it's evident to me that the EJCC and all of the stakeholders who joined today are deeply committed to the many facets of elder rights and justice. All of us are committed to the rights of older people to live free

from abuse, neglect, and exploitation. At ACL, our office of elder justice and adult protective services and our long term care ombudsman care program will continue to prioritize action in many of the areas that were highlighted for today's meeting. And while we have more work to do and I know my fellow council members feel the same way, I hope that everyone feels energized by today's presentations and will recommit to our partnerships. Something we heard today and know from other research is that it's important to identify both universal messages and specific interventions when appropriate for specific communities. So we need to make sure our approaches, our trauma informed and culturally appropriate.

ACL and HHS across the board remain deeply committed to advancing equity and racial justice, promoting self-determination, and reforms to guardianship, upholding the rights of residents and supports older adults and be people with disabilities to live in their communities and enhance the response by adult protective services and preserve economic security and -- informing connections to legal assistance providers. We really appreciate the many ways our federal partners help our nation achieve these goals and the many many partners outside of federal government.

It has been a privilege to host today's meeting and I want to thank you again to each and every one of our expert panelist and to each of my fellow EJCC members for your insightful questions. The work of EJCC is ever evolving as an all of government approach to elder justice. With our new member joining, our existing members, I hope we all can renew our commitment to identify areas of collaboration and explore ways we can amplify each other's work to move us to a society in which Americans truly experience life free from abuse, neglect, and exploitation. I want to give a huge thank you to the ACL staff, the office of elder justice and adult protective services staff who made today possible and I want to specifically call out Elizabeth, and many others who worked behind the scenes to make today's event possible. For more information about the EJCC, please visit our website at EJCC.ACL.gov. Finally, I really want to thank each of today's attendees for joining us. We always appreciate the issues you bring to our attention for action. Thank you for your commitment. We are all partners in this critical endeavor of striving towards elder justice.

Today's EJCC meeting is now closed. Council members, we will convene again at the fall of 2022 meeting to continue our

work together to address elder abuse, neglect, exploitation,
and other kinds of maltreatment of older adults. Thank you,
everyone!

Good bye!