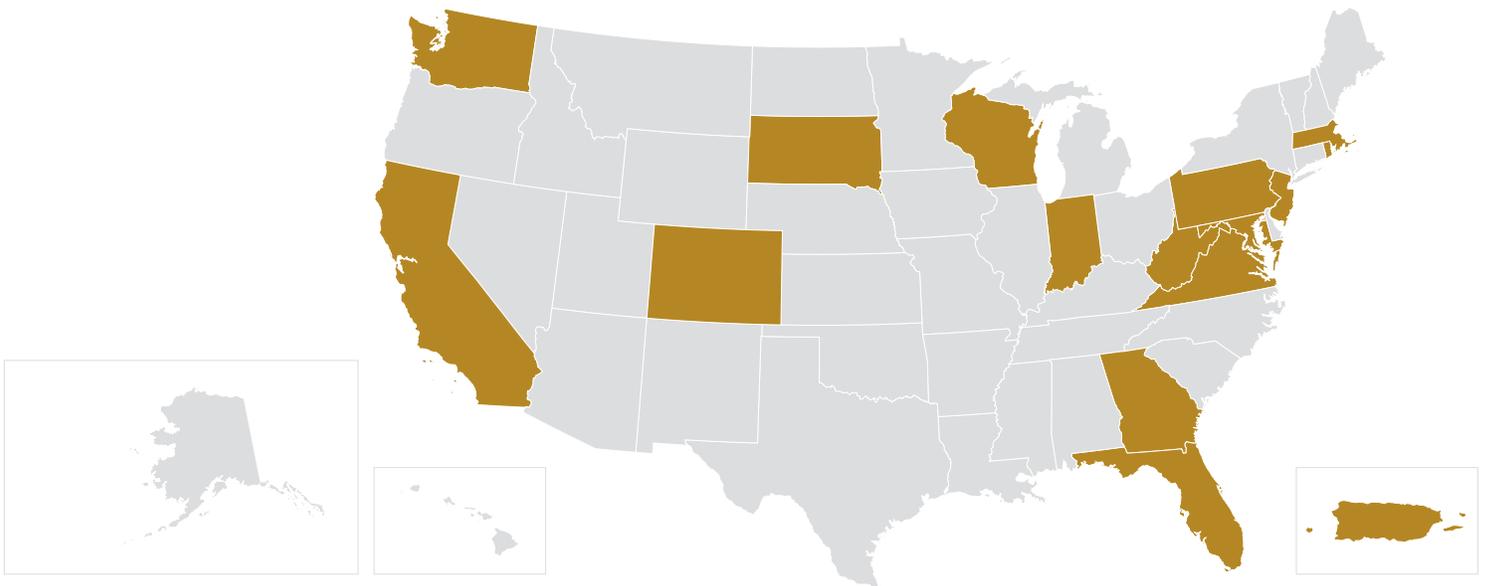


Elder Justice Policy Highlights

MARCH 2020 – AUGUST 2020

The elder justice legislation found in this document was elicited and finalized from the National Center on Elder Abuse (NCEA) Listserv and independent websites in August 2020. The compilation is intended to reflect highlights across the nation and territories and does not include all legislation related to elder justice. However, updates will be sent biannually and states are encouraged to send updates on significant legislative action to [Ageless Alliance](#). This document reflects activity in 15 states and 1 territory, and highlights at the federal level.



NATIONAL

H.R.4334

[VIEW ONLINE](#)

Approved on March 25, 2020, the Supporting Older Americans Act of 2020 amends the Older Americans Act of 1965 to authorize appropriations for fiscal years 2020 through 2024, and for other purposes. It establishes, reauthorizes, and revises several programs administered by the Department of Health and Human Services and the Department of Labor relating to care for the elderly. The law reauthorizes through FY2024 and revises programs that support caregivers of the elderly; informational services, such as pension counseling; nutritional services, such as meal delivery; disease prevention and health promotion services; community and workforce training regarding elder care; and abuse and neglect prevention services. The measure also establishes several entities and programs to further support elder care, including initiatives that aim to promote independent living and reduce social isolation for the elderly.

Have questions or want to share some news or legislation with us?



ONLINE: agelessalliance.org



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STATES & TERRITORIES

Colorado

COLORADO HB20-1302 [VIEW ONLINE](#)

Signed by the Governor on July 10, 2020, the CAPS Check Program Changes measure authorizes changes to the Adult Protective Services statutes related to the CAPS Check program, a check of the system that contains substantiated claims of mistreatment against an at-risk adult. The act states that if an employer receives a CAPS check on a person and does not hire the person at the time of receiving the check but wants to hire the person at a subsequent time, the employer shall request a new CAPS check prior to hiring the person. The act requires that if the employer is also an employee, the employer and employer's parent or oversight agency would get the results if the employer was a substantiated perpetrator. The act prohibits using a CAPS check request for a person who is not going to be an employee. The act prohibits an employee or volunteers from knowingly providing inaccurate information for a CAPS check or an employer or other person or entity conducting an employee screening on behalf of the employer from knowingly providing inaccurate information in the request for a CAPS check. The act also requires entities that care for at-risk adults to cooperate with a county or district department of human or social services in investigations into allegations of mistreatment at the entities' facilities pursuant to department rule. These changes will be effective September 13, 2020.

Florida

FLORIDA SB 400 [VIEW ONLINE](#)

Approved on June 9, 2020, this legislation authorizes, but does not require, a state attorney in each judicial circuit, or his or her designee, to initiate the establishment of an elder abuse fatality review team, composed of volunteers from numerous state and local agencies as well as community partners. The teams are to review closed cases of fatal incidents of elder abuse or neglect and make policy and other recommendations to help prevent future incidents of elder abuse-related fatalities. The review teams are housed within the Department of Elder Affairs (DOEA) for administrative purposes only. The DOEA must submit a report, annually by November 1, that summarizes the findings and recommendations of the review teams to the Governor, the President of the Senate, the Speaker of the House of Representatives,

and the Department of Children and Families. This act takes effect on July 1, 2020.

FLORIDA CS/CS/HB 813 [VIEW ONLINE](#)

Approved by the Governor on June 30, 2020, this law requires securities dealers, investment advisers, and associated persons to immediately report knowledge or suspicion of abuse, neglect, or exploitation of vulnerable adults to the Department of Children and Families' central abuse hotline. It also authorizes dealers and investment advisers to delay certain disbursements or transactions based on reasonable belief of financial exploitation of a specified adult. The measure requires the dealer or investment adviser to notify certain persons and the Office of Financial Regulation of such delays within a specified timeframe. The bill also authorizes the dealer or investment adviser to extend delay and provides that the length of such delays may be shortened or extended by the court of competent jurisdiction. It also provides immunity from administrative and civil liability for dealers, investment advisers, and associated persons. It requires dealers and investment advisers to develop certain training policies or programs and maintain written records of compliance.

Georgia

GEORGIA HB 987 [VIEW ONLINE](#)

Signed into law on June 30, 2020, this law amends Chapter 5 of Title 30 and Title 31 of the Official Code of Georgia Annotated, relating to the "Disabled Adults and Elder Persons Protection Act" and health, respectively, so as to provide additional measures for the protection of elderly persons. It increases the maximum fines for violation by health care facilities; provides for staffing, training, and financial stability requirements for certain personal care homes and assisted living communities; provides for limited nursing services in assisted living communities; and provides for certification of memory care centers. The measure also amends Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for definitions; to rename the State Board of Nursing Home Administrators the State Board of Long-Term Care Facility Administrators; to require licensure of assisted living community administrators and certain personal care home administrators; to revise the composition of the board; to provide for the establishment of additional licensure criteria; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Indiana

INDIANA SB 249

[▶ VIEW ONLINE](#)

Signed by the Governor on March 18, 2020, this law amends Indiana Code concerning criminal law and procedure by defining a “person in a position of trust” and “self-dealing.” It states that a person commits exploitation of a dependent or an endangered adult if the person recklessly uses or exerts control over the personal services or property of an endangered adult or dependent. It also states that a person in a position of trust commits exploitation of a dependent or an endangered adult if the person recklessly engages in self-dealing with the property of the dependent or endangered adult. It increases the penalty if the person has a prior unrelated conviction. The bill removes provisions relating to the Social Security Act, a sentencing enhancement that applies if the victim is at least 60 years of age, and a sentencing enhancement based on the value of the property.

Maryland

MARYLAND HB 33

[▶ VIEW ONLINE](#)

Enacted on May 8, 2020, this measure expands the crime of abuse or neglect of a vulnerable adult in the second degree by prohibiting a caregiver, a parent, a household member, a family member, or other person who has permanent or temporary care or responsibility for the supervision of a vulnerable adult from intentionally and maliciously inflicting severe emotional distress on the vulnerable adult. A person who violates this section is guilty of the misdemeanor of abuse or neglect of a vulnerable adult in the second degree and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both. This Act shall take effect on October 1, 2020.

MARYLAND HB 304

[▶ VIEW ONLINE](#)

Enacted on May 8, 2020, this legislation establishes that a violation of § 8-801 of the Criminal Law Article (exploitation of a vulnerable adult) is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA’s civil and criminal penalty provisions.

Puerto Rico

PUERTO RICO PS 1023

[▶ VIEW ONLINE](#)

Enacted on July 31, 2020, this legislation adds Article 18.1 to Law 121-2019, known as the “Bill of Rights

and Public Policy in favor of the Elderly”, in order to authorize a financial institution to withhold the disbursement of funds from an account that belongs to an older adult when he has knowledge or suspects that said person is a victim of financial exploitation. It requires that the retention shall be reported due to knowledge or suspicion of said case; and order the Office of the Commissioner of Financial Institutions, the Public Corporation for the Supervision and Insurance of Cooperatives of Puerto Rico and the Office of the Commissioner of Insurance to temper the regulations under the aforementioned statute in accordance with the provisions of this Act.

South Dakota

SOUTH DAKOTA HB 1056

[▶ VIEW ONLINE](#)

Signed by the Governor on March 04, 2020, this legislation authorizes video monitoring of residents in assisted living centers and nursing facilities. Before initiating video monitoring, a resident shall complete and submit to the facility a notice and consent form that meets the requirements of § 34-121-4. If the resident lacks decision-making capacity, as determined by a physician, the form may be completed and submitted by an authorized representative of the resident.

Virginia

VIRGINIA SB 695

[▶ VIEW ONLINE](#)

Signed by the Governor on April 9, 2020, this measure directs the Attorney General to establish ongoing communication with the Department for Aging and Rehabilitative Services to ensure that adults 60 years of age or older or 18 years of age or older and incapacitated have access to information regarding the prevention of potential patterns of financial exploitation. The Attorney General shall coordinate with the Commissioner of the Department for Aging and Rehabilitative Services to determine an effective and efficient manner of communicating such information, while also ensuring that confidential or privileged information is not exchanged.

Washington

WASHINGTON SB 6074

[▶ VIEW ONLINE](#)

Signed by the Governor on March 18, 2020, this measure reauthorizes and expands the Financial Fraud and Identity Theft (FFIT) Crimes Investigation and Prosecution Program which provides an annual

progress report to the Legislature that includes, among other information, statistics on investigations conducted, crimes charged, convictions obtained for FFIT crimes, recommendations for operational improvements, and recommendations for improved response to FFIT crimes from the two program task forces. The program is extended until July 1, 2030. The legislation is effective on June 11, 2020.

West Virginia

WEST VIRGINIA HB 4362 [▶ VIEW ONLINE](#)

Approved by the Governor on March 25, 2020, this law establishes penalties for emotional abuse of an incapacitated adult, penalties for abuse, neglect or emotional abuse of a nonverbal special needs child, and penalties for causing death of a nonverbal special needs child.

WEST VIRGINIA HB 4377 [▶ VIEW ONLINE](#)

Approved by the Governor on March 25, 2020, this measure creates the "Protection of Vulnerable Adults from Financial Exploitation Act." The law defines "financial exploitation" and "eligible adult" and

details the obligations and duties of broker-dealers or investment advisers to notify certain agencies of potential financial exploitation of eligible adults. The measure establishes the rights of broker-dealers and investment advisers to notify certain associated individuals regarding potential financial exploitation and permits broker-dealers and investment advisers to delay a transaction or disbursement when financial exploitation is suspected. It also requires the retention of records and provides limited immunity from administrative and civil liability.

Wisconsin

WISCONSIN AB 734 [▶ VIEW ONLINE](#)

Approved by the Governor on March 3, 2020, this legislation creates the crime of theft of mail, which is taking a letter, postcard, or package from a residence or other building. A person is guilty of a Class A misdemeanor if he or she takes fewer than ten pieces of mail, a Class I felony if he or she takes at least ten but fewer than 30 pieces of mail, and a Class H felony if he or she takes 30 or more pieces of mail or if the mail belongs to an adult at risk or an elder adult at risk.

Keep on the Watch

NATIONAL

H.R.7699 [▶ VIEW ONLINE](#)

Introduced on July 21, 2020, the Protecting Seniors from Emergency Scams Act would require the Federal Trade Commission to submit a report to Congress on scams targeting seniors, including a description of the number and types of scams identified by the Commission as being targeted at senior citizens as well as policy recommendations to prevent such scams, especially those related to future national emergencies. The Commission would also be required to update its web portal to include the latest information on scams targeting seniors, including contacts for relevant law enforcement and adult protective service agencies. The Commission would work with media outlets and law enforcement to distribute information from the web portal to senior citizens as well as their families and caregivers.

S.149 [▶ VIEW ONLINE](#)

The Stop Senior Scams Act would establish a Senior Scams Prevention Advisory Group, which would create model educational materials to educate employees of retailers, financial-services companies, and wire-transfer companies on how to identify and prevent scams that affect seniors. The measure passed the Senate with an amendment on June 10, 2020.

S.3487 [▶ VIEW ONLINE](#)

Introduced on March 12, 2020, the Edith Shorougian Senior Victims of Fraud Compensation Act would amend the Victims of Crime Act of 1984 to include victims of senior fraud as eligible for reimbursement by the Crime Victims Fund for states that provide compensation to victims. The bill is named in honor of Edith Shorougian, who lost over \$80,000 in retirement savings after being scammed by a financial planner.

S.3703[▶ VIEW ONLINE](#)

Introduced on May 12, 2020, the Promoting Alzheimer's Awareness to Prevent Elder Abuse Act would amend the Elder Abuse Prevention and Prosecution Act to improve the prevention of elder abuse and exploitation of individuals with Alzheimer's disease and related dementias. The measure unanimously passed the Senate on August 6, 2020.

COVID-19 RESPONSE**S.3740**[▶ VIEW ONLINE](#)

Introduced on May 14, 2020, the COVID-19 Recovery for Seniors and People with Disabilities Act of 2020 would assist older Americans and people with disabilities affected by COVID-19. It would require the Social Security Administration to temporarily halt unnecessary activities like continuing disability reviews and collection of overpayments for seniors and people with disabilities; remove administrative barriers to accessing disability benefits and health care, and expand eligibility for Social Security Disability Insurance and Supplemental Security Income; open a Medicare Part B Special Enrollment Period to easily and quickly enroll more people during the public health emergency; increase funding for the Federal Trade Commission and the Federal Communications Commission to educate seniors about coronavirus-related scams; and provide flexibility for the senior food box program to limit the number of times a senior must leave their home in order to access proper nutrition.

H.R.6419[▶ VIEW ONLINE](#)

Introduced on March 31, 2020, the Senior Legal Hotline Act of 2020 would amend the Older Americans Act of 1965 to authorize a national network of statewide senior legal hotlines, and for other purposes. The measure would authorize the U.S. Department of Health and Human Services Administration for Community Living to create a competitive grant program to support organizations that operate Statewide legal hotlines for older adults.

H.R.6750[▶ VIEW ONLINE](#)

Introduced on May 8, 2020, the Senior abuse Training and Offense Prevention Act (STOP Act) would direct the Department of Justice to award competitive grants to state or local governments, Indian tribes, or other entities to support law enforcement personnel, corrections personnel, and other first responders in elder justice matters.

STATES & TERRITORIES

California

CALIFORNIA AB-2302[▶ VIEW ONLINE](#)

This bill aims to expand and enhance services for older and dependent adults by increasing counties' capacity to provide case management and services, and building upon the successful Home Safe program to help Adult Protective Services (APS) clients who need help with housing issues. The measure would expand APS staffing to provide long-term case management, including for those who are homeless and have cognitive impairments. It would expand the Home Safe program to additional counties, authorize long-term subsidies and provide greater flexibility in the use of funds to support the transition back to a home or community-based setting. The legislation would also allow APS to serve vulnerable adults aged 60 or older (APS currently serves adults 65 years of age and older or dependent adults). Lastly, the measure would establish the Adult Protective Services FAST (Financial Abuse Specialist Teams)/ Forensic Center Grant Program, which would award grants to counties to create, enhance, and maintain a FAST or forensic center. The bill was referred to the Assembly Committee on Aging and Long-Term Care on March 12, 2020.

CALIFORNIA AB 2471[▶ VIEW ONLINE](#)

This measure would extend the period of time to cancel contracts or offers from three to five business days if the buyer or property owner is a senior citizen (65 years or older) for contracts entered into, or offers to purchase conveyed, on or after January 1, 2021. Specifically, the measure grants senior citizens an extended right to cancel: 1) home solicitation contracts; 2) home improvement contracts; 3) Property Assessed Clean Energy ("PACE") assessment contracts; 4) service or repair contracts; and 5) seminar sales contracts. The purpose of the measure is to prevent elder financial exploitation of elderly consumers who have entered into contracts which they did not fully understand, were the result of high-pressure sales tactics or where there are material differences between what was communicated during the verbal sales presentation and the terms of the written contract. This measure passed the Assembly on June 10, 2020 and passed the Senate on August 30, 2020. It is currently In the Assembly pending concurrence in Senate amendments.

CALIFORNIA SB 1123[▶ VIEW ONLINE](#)

This bill would clarify the definition for elder and dependent adult abuse in Penal Code Section 368.5 by using cross-references to Welfare and Institutions Code definitions. It would also require law enforcement to update their policy manuals with the new definition. This would allow for clarity and consistency of the definition across codes and for government agencies. The measure passed the Assembly and Senate on August 30, 2020.

Massachusetts

MASSACHUSETTS H.4281[▶ VIEW ONLINE](#)

This measure would permit agents, investment adviser representatives or persons who serve in a supervisory, compliance or legal capacity for a broker-dealer or investment adviser to notify the secretary of the commonwealth and the disabled persons protection commission (if the adult is under age of 60) or the executive office of elder affairs (if the adult is 60 years or older) if the qualified individual reasonably believes that financial exploitation may have occurred, been attempted, or is being attempted. It would also permit the qualified individual to notify any third party previously designated by the eligible adult. The bill would additionally permit broker-dealers and investment advisers to delay a disbursement from an account of an eligible adult if the individual reasonably suspects financial exploitation. The measure would provide immunity from administrative or civil liability that might otherwise arise from such disclosures or for any failure to notify the customer of the disclosure, or delay in disbursement, if the qualified individual was acting in good faith and exercising reasonable care. The bill was referred to the House Committee on Ways and Means on April 15, 2020.

New Jersey

NEW JERSEY A655 ACA (1R)[▶ VIEW ONLINE](#)

This measure would provide for the preparation and distribution of a written notice to senior citizens concerning risks and prevention of fraud and identity theft. The bill was reported favorably by the

Assembly Aging and Senior Services Committee and referred to the Assembly Appropriations Committee on March 5, 2020.

Pennsylvania

PENNSYLVANIA HB 1930[▶ VIEW ONLINE](#)

This measure would make extensive amendments to the State's Older Adults Protective Services Act and add provisions relating to preliminary provisions, administration, criminal history for employees, reporting suspected abuse by employees and miscellaneous provisions. Amendments would include an additional section defining mandatory reporters, providing that a mandatory reporter who has reasonable cause to suspect that an older adult may be a victim of abuse, neglect, exploitation or abandonment shall immediately make an oral report to the area agency on aging and contact law enforcement officials. It would also provide penalties if a mandatory reporter under this act intentionally fails to report suspected abuse, neglect, exploitation or abandonment. The bill was re-committed to the House Rules Committee on June 23, 2020.

Rhode Island

RHODE ISLAND S 2519[▶ VIEW ONLINE](#)

The Nursing Home Staffing and Quality Care Act would mandate minimum staffing levels and standards for quality care for nursing homes and their residents with violations subject to monetary penalties. It would also appropriate \$600,000 for enhanced training to provide care for residents with increased cognitive impairments and provide wage increases subject to the rate of inflation. The measure passed the Senate on July 16, 2020 and was referred to the House Committee on Finance on July 16, 2020.

RHODE ISLAND S 2744[▶ VIEW ONLINE](#)

Introduced on March 4, 2020, this measure would require informed consent of the elderly for referral of investigations to be made by other state agencies by the long-term care ombudsperson (LTCO). This act would also prohibit disclosure of identifying information of any resident of whom the LTCO maintains a record or file.

Legislation Tracked in Specific Topic Areas

Guardianship: [American Bar Association, Commission on Law and Aging](#)

Independent Financial Advisors and Firms: [The Financial Services Institute \(FSI\)](#) tracks and supports legislation in each state that provides protection and mandated reporting for independent financial advisors and firms when they suspect financial exploitation, as well as the ability to temporarily hold account transactions and support investigation efforts.

Financial Exploitation: [National Conference of State Legislatures](#)



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