




ELDER JUSTICE IN DC: NEW INTEREST, NEW SUPPORT

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Introduction

- Thank you
- Honor to return to participate in the USC Judith D. Tamkin Symposium on Elder Abuse.
- My sincere appreciation and awe of Judith Tamkin for her leadership and commitment to this pivotal event
- Thank you also to my friend and colleague Laura Mosqueda who I personally am excited to welcome her to Washington, DC as she serves as a Health and Aging Policy Fellow in the office of Senator Tim Kaine
- And it is also good to be among so many other leaders, luminaries, advocates, researchers, policy types and day to day practitioners all working on elder justice

Introduction

- I salute the theme of this conference—especially its focus on expanding the field through equity
- My title today is Elder Justice in DC: New Interest, New Support
- I come from the vantage point of being the National Coordinator of the Elder Justice Coalition for almost 20 years
- It has been an interesting ride—and since I am in California I will make the analogy about surfing—sometimes you catch the right wave—a lot of times you don't but you keep trying.
- Not going to do a history lesson here—want to focus on the present and immediate future and the good trajectory we are on

Recent Statistics

- In this august gathering, there is no need for me to perform anesthesia by statistics
- But there are a few more current ones worth presenting for proper context:
 - *In 2020, according to the FTC and the Senate Special Committee on Aging, older adults lost at least \$602 million to fraud, scams and financial exploitation schemes*
 - *The top five scams reported to the Senate Aging fraud hotline in 2020 were government impersonation scams, sweepstakes scams, illegal robocalls/unsolicited phone calls, computer scams and grandparent scams*
 - *According to the FBI Internet Crime Complaint Center people over age 60 made up the majority of US cybercrime victims in 2019 (105,000) and accounted for the most losses (\$967 million) – an average of nearly \$10,000 per victim*

Why Now?

- So how new is this new interest and support and what has motivated it?
- I will trace it back to two critical hearings: the first in July 2019 in the Senate Finance Committee the second in November 2019 before the House Ways and Means Committee.
- It was there that two topics were raised:
 - *The need to renew the Elder Justice Act*
 - *The need for nursing home reforms*

Pandemic Urgency

- Important to note—these hearings were held before the pandemic
- And we know what the pandemic did to raise the urgency of both these issues, especially on the nursing home front
 - *As of January 31, 2022, more than 200,000 long-term care facility residents and staff have died due to COVID*
 - *These deaths make up at least 23% of all COVID-19 deaths in the US*

December 2020

- The real game changer was the passage by Congress in December 2020 of the third of what were four emergency covid relief bills
- Contained in this bill was \$100 million for the Elder Justice Act—an amount almost twice as high as what had been appropriated in the previous 10+ years
 - *\$93 million for APS programs, \$4 million for LTC ombudsmen, \$3 million for APS TA*
- Rationale for this was a growing concern about increased isolation of older adults and proliferation of covid-related scams against older adults
 - *Older adults lost \$100 million to covid-19 related fraud alone in 2020*
 - *The FTC also estimated that in 2020, romance scams resulted in losses of \$139 million*



March 2021

- This victory was followed just three months later with the passage of the fourth and final covid relief bill, the American Rescue Plan Act, which built on the December funding
- Provided an additional \$276 million for FY21 and FY22 for elder justice programs, the majority designated for APS
- To its great credit—ACL under both the Trump and Biden Administrations moved expeditiously to get this money out of DC into the states and their APS programs



Innovation Encouraged!

- ACL provided important guidance saying the March APS funds could be used for normal expenses/salaries, but urged states to think big when it came to their planning
- Suggested use examples included:
 - *Establishing or enhancing the availability for elder shelters*
 - *Establishing, expanding, or enhancing state/local elder justice networks*
 - *Working with tribal adult protective services efforts*
 - *Improving data collection and reporting*
 - *Community outreach*
 - *Assisting APS clients with care transitions*



The Results So Far...

- One state is reviewing existing abuse statutes, conducting an Equity Analysis and developing an Equity Plan
- Another state is enhancing the availability of elder shelters/other emergency short-term housing and the provision of accompanying wrap-around services for APS clients
- Another is increasing oversight of county APS providers, increasing quality assurance practices, and disbursing funds for investments in technology
- Another is expanding their pilot program for MSW students
- Multiple states are establishing public awareness campaigns

Elder Justice Act Reauthorization

- Meanwhile, beyond the positive work on funding the existing Elder Justice Act, two key Congressional leaders have continued their focus on renewing and modernizing the EJA
- Chairmen Neal and Wyden introduced the Elder Justice Reauthorization and Modernization Act (EJRMA) in August 2021 in both the House and Senate
- Provisions included:
 - *\$1.7 billion for long-term care facility staffing incentives*
 - *\$1.5 billion for APS*
 - *\$183 million for long-term care ombudsman programs*
 - *\$530 million for medical-legal partnerships and legal hotlines*
 - *\$265 million for programs to combat social isolation*
- The House was able to include the full EJRMA in its version of the Build Back Better Act which was passed in November 2021

HOWEVER!

- BUT
- As positive as this development was, the goal of finishing and achieving a reauthorization and modernization of the EJA remains elusive
- BECAUSE
- The Senate must also pass a Build Back Better bill
- That process stopped cold in December when Senator Manchin announced his opposition to the pending version of the Build Back Better Act.
- And his vote is needed to have bill pass under the budget reconciliation requirements which call for 51 votes, including the VP

What Happens Next? What Can We Do?

- No one including me has a clear crystal ball on where Build Back Better ends up
- As advocates, our responsibility is to work to keep as much of the EJRMA as possible in the final bill that goes to the President
- To that end we have maintained close contact with Senate Finance Committee staff and soon we expect to be communicating with all Senate Democrats
- **Thank you to the advocacy organizations who have worked hard on this already!**
- **Especially want to cite NAPSA and NASOP and other key groups in our EJC leadership**
- And in the what can you do section of this speech—here is what you can do
- If either or both of your Senators are Democrats, urge them to pass the Build Back Better Act and maintain the Elder Justice Act provisions if the bill is modified from the House version
- Nothing more than that is needed for this important advocacy

Nursing Home Legislation

- Also worth mentioning: bills have been and will continue to be introduced to address the nursing home crisis in our nation exacerbated by COVID
- One example: Nursing Home Improvement and Accountability Act (introduced by Wyden/Casey, Neal/Pallone)
 - *Part of this made it into the House version of Build Back Better as well, including:*
 - Requiring skilled nursing facilities to have RNs on site 24/7
 - Studying the appropriateness of establishing minimum staff-to-resident ratios in facilities
 - Auditing nursing home quality data and cost reports
 - Improving the survey process

The Biden Administration

- Also worth noting is the important work being done in the Biden Administration
- Elder Justice Coordinating Council met to discuss pandemic efforts, plans for the new Administration
- Department of Justice appointed Andy Mao as new Elder Justice Coordinator and awarded Victims of Crime Act grants totaling more than \$1.6 billion, with \$86 million specifically marked for programs serving older crime victims
- FBI's Recovery Asset Team was able to work with financial institutions to freeze over \$13.5 million (a 75% success rate)
- FTC undertaking huge efforts on education, outreach, and enforcement
- Opportunity is before us to keep this positive momentum around elder justice

Equity and Intersectionality Issues

- An important perspective is how this too is an issue of equity and intersectionality
- We have extremely limited data on abuse prevalence in communities of color and in LGBTQ communities – and that makes it hard to show lawmakers that elder abuse is a real issue in minority communities
 - *The conundrum – data drives dollars, but it’s very hard to conduct research to get initial data without having dollars first*
 - *That is another reason why advocating for increased federal funding is so critical*
- Marginalized older persons may not have the knowledge or means to access traditional legal and social services
- Having intersectional minority identities can mean additional obstacles
- Plus, all older adults experience ageism...and for those who have endured disparities related to access to health, legal or social services, they have endured it longer

Ageist Society = Ageist Policy Priorities

- An example of ageism can be seen in funding and resources for Adult Protective Services, using the example of Texas APS vs. Texas CPS
- Number of overall TX APS staff: 786; number of overall TX CPS staff: 9,865
 - *There are more children (under 18) than older adults (over 65) in TX, but not 12 times more!*
- Starting TX APS caseworker annual salary: \$42,000
 - *BUT, only after additional state funding provided in 2019; formerly under \$30,000!*
- Starting TX CPS caseworker annual salary: \$46,000 (average salary: \$52,740)
- TX APS: must have a bachelors degree; TX CPS: can have an associates degree
- But ultimately, it shouldn't have to be a competition between two worthy programs!



Other Realities

- Inadequate funding until recently for a problem that has festered for decades and grew as older population has grown
- Lack of adequate education and training on aging issues, including dementia, for those working in prevention, including and especially law enforcement
- Lack of understanding and support (including financial support) for alternatives to policing, such as multidisciplinary teams, APS, mental health services and legal services
- Lack of understanding of other methods of resolution such as restorative justice

In Closing

- In closing, I want to return to what we all need to do now
- When you get home or even while you are here, communicate with your Democratic Senators with the message from earlier – pass the Build Back Better Act and maintain the Elder Justice Act provisions if the bill is modified from the House version
- It is an opportunity we don't want to see slip away because the downstream from this pandemic will impact elder justice
 - *Many more cases being reported post-pandemic –we need the resources to respond to them*
 - *Need to reform nursing home care in this nation, building on the recent step taken by the Administration to factor in nursing home staffing ratios into Care Compare*

In Closing

- Tamkin's relevance as a symposium grows each year.
- This year best captured in your theme
- As the elder justice movement grows in this nation it must recognize its role in today's society
- It must address equity in who provides services and who receives them
- It must recognize another element of intersectionality—how many other issues link to elder abuse that also must be addressed—from social isolation to mental health and more
- If they can be addressed more holistically we can emerge with better policy
- And let innovation in this field be funded so it can flourish so we can both serve victims but also prevent more victimization
- We must all leave here motivated to continue to make whatever difference we can

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QUESTIONS?