

# **HEALTH POLICY AND PROMOTING AWARENESS: THE ELDER JUSTICE ACT**

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# HISTORY

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- ✘ Elder abuse prevention has been on Congress's agenda since the late 1970s.
- ✘ Small steps were taken including:
  - + Providing funds for Adult Protective Services under Title XX of the Social Security Act
  - + Establishing a new title in the Older Americans Act in 1992 for elder abuse prevention
  - + Long-Term Care Ombudsman Program
- ✘ Priority issue in both the 1995 and 2005 WHCOA.
- ✘ Additional elder justice language included in the 2006 OAA reauthorization.

# HISTORY (CONT.)

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- ✘ New direction in 2002-2003 with the introduction of the Elder Justice Act and the founding of the Elder Justice Coalition.
- ✘ Bill grew out of hearings and related work of Senate Special Committee on Aging.
- ✘ Motivated by two things:
  - + Less than two percent of federal funds for abuse prevention spent on elder abuse.
  - + No single person in the entire federal government worked on elder abuse.

# ELDER JUSTICE ACT PASSES

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- ✘ EJA subject of numerous hearings in Senate and House. Passed in Senate Finance Committee on 3 different occasions.
- ✘ Finally in 2010 as an amendment to the Affordable Care Act it became law.
- ✘ Since then process has involved securing funding for the 13 authorizations in bill; implementing the law and working to pass parts of the original bill not included such as the Elder Abuse Victims Act.

# ELDER JUSTICE ACT FEATURES

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- ✘ Authorizes \$777 million over 4 years for the EJA.
- ✘ Establishes an Elder Justice Coordinating Council to make recommendations to the Secretary of HHS on the coordination of activities of federal, state, local and private agencies and entities relating to elder abuse, neglect and exploitation. Convened in 2012.
- ✘ Establishes a 27-member Advisory Board on Elder Abuse, Neglect and Exploitation. Not yet named or convened.

## EJA FEATURES (CONT.)

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- ✘ APS funding. Provides \$400 million over 4 years in first-time dedicated funding for APS. Provides \$100 million over 4 years for state demonstration grants.
- ✘ Provides \$32.5 million over 4 years in grants to support the Long-Term Care Ombudsman Program and an additional \$40 million over 4 years in training programs for national organizations and state LTC ombudsman programs.

## EJA FEATURES (CONT.)

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- ✘ Authorizes \$67.5 million over 4 years in grants to enhance long-term care staffing.
- ✘ Authorizes \$15 million over 4 years for HHS to improve data collection and dissemination, develop and disseminate information related to best practices related to APS and to conduct research related to APS.

# 2012: YEAR OF PROGRESS

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- ✘ World Elder Abuse Awareness Day.
- ✘ New grants from ACL/AoA: total of \$5 million:
  - + Alaska Department of Health and Social Services
  - + University of California, Irvine
  - + New York State Office for the Aging
  - + Texas Department of Family and Protective Services
  - + University of Texas Health Science Center at Houston
- ✘ \$700,000 awarded to tribal organizations as well.
- ✘ Funds provided through the Affordable Care Act Prevention Fund.



# 2012 (CONT.)

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- ✘ Convening of the Elder Justice Coordinating Council.
- ✘ Obama's FY 13 budget request included the EJA for the second year in a row.
- ✘ Senate H.E.L.P. HHS appropriations bill included \$8 million for elder justice as requested in the President's budget.
- ✘ Ongoing work of the Office of Older Americans in the Consumer Financial Protection Bureau.
- ✘ Department of Justice: ongoing work on Roadmap project.
- ✘ Re-election of President Obama ensures continuation of work on EJA as it is a priority of his HHS and the CFPB.

# BILLS INTRODUCED IN LAST CONGRESS

- ✘ Elder Abuse Victims Act (S. 462) (Sen. Kohl)
- ✘ Senior Financial Empowerment Act (S. 465) (Sen. Gillibrand)
- ✘ National Silver Alert Act (H.R. 112, S. 1263) (Rep. Doggett, Sen. Kohl)
- ✘ Elder Protection and Abuse Prevention Act (S. 2077) (Sen. Blumenthal)
- ✘ Older Americans Act Reauthorization 2012 (S. 3562) (second attempt in 2012) (Sen. Sanders)
- ✘ LGBT Elder Americans Act of 2012 (S. 3575), amendment to OAA (Sen. Bennet)
- ✘ Robert Matava Exploitation Protection for Elder Adults Act of 2012 (S. 3598) (Sen. Blumenthal)
- ✘ Improving Dementia Care Treatment in Older Adults Act (S. 3604) (Sen. Kohl)

# REPORTS AND PUBLICATIONS

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- ✘ GAO Report: “Stronger Federal Leadership Could Enhance National Response to Elder Abuse” (<http://www.gao.gov/products/GAO-11-208>).
- ✘ Generations (publication of the ASA): Elder abuse issue.
- ✘ Broken Trust II: report of MetLife Mature Market Institute and NCPEA with key finding that victims of elder financial abuse lose \$2.9 billion a year. Other important studies done in New York and Utah focused on under-reporting of elder abuse.

# 2013: ACCOMPLISHMENTS

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- ✘ Violence Against Women Reauthorization Act of 2013 passed with elder abuse funding.
- ✘ Elder Abuse Victims Act of 2013 introduced (H.R. 861, Rep. King, 6 co-sponsors).
- ✘ First elder abuse hearing of this Congress's Senate Aging Committee was held on March 13; second held April 10.
- ✘ Senate Budget Resolution passed with Amendment No. 594 (Sen. Sanders) supporting the Older Americans Act, including Title VII.

# 2013: TO BE DONE

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- ✘ Funding the Elder Justice Act.
- ✘ Implement the rest of the Elder Justice Act:
  - + Elder Justice Advisory Council
  - + Designated home for Adult Protective Services in HHS
  - + Data collection
  - + Enforce CMS guidelines on reporting crimes in nursing homes
  - + More states apply for grants for criminal background checks (related bill passed as part of the Affordable Care Act)
- ✘ Reintroduce 2012 bills in the 113<sup>th</sup> Congress and get new movement.
- ✘ Pass the Older Americans Act.

# SEQUESTRATION

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- ✘ Sequestration cuts are affecting elder abuse detection and prevention programs across the country. This especially includes the Social Services Block Grant, the main federal program supporting APS.
- ✘ Cuts to Title VII programs are in the double digits in some states.
- ✘ Now, even less money from an amount that was inadequate at best to start with, less than \$200 million.
- ✘ Sequestration could be stopped starting in fiscal year 2014 or could, in the worst case, continue for another nine years.

# BUDGET PROPOSALS AND ELDER JUSTICE

- ✘ House: proposed to repeal the Affordable Care Act which would repeal the Elder Justice Act.
- ✘ Senate: amended their budget to support the Older Americans Act, which makes it possible that legislation to renew the OAA (and thus provide potentially more funding for Title VII programs) could be passed this year.
- ✘ President: allocated \$8 million for Adult Protective Services and level funding for Title VII programs.

# PRESIDENT'S FY2014 BUDGET IN DEPTH

- ✘ \$8 million for Adult Protective Services
  - + \$5.9 million for competitive state grants, \$1 million for tribal organizations, \$1.1 million for data collection
- ✘ Title VII Elder Justice Funding level with Fiscal Year 2012 funding
  - + \$16.7 million for Long-Term Care Ombudsman Program
  - + \$5 million for Elder Abuse and Neglect Prevention
  - + \$4 million for Elder Rights Support Activities



# ELDER JUSTICE FUNDING THROUGH ACA

- ✘ In fiscal year 2012, the Administration released \$6 million for Adult Protective Services from the ACA's Prevention and Public Health Fund.
- ✘ HHS just announced that they will be releasing \$2 million for elder justice this year, hopefully for data collection activities.

# HOW HAS PROGRESS BEEN MADE?

- ✘ Progress made to date due to leadership in the Administration and bipartisan leadership in Congress.
- ✘ Also due to sustained national state and local advocacy.
- ✘ Elder Justice Coalition founded 10 years ago; served to coordinate advocacy at the national level. 5 founding organizations:
  - ✘ National Adult Protective Services Association
  - ✘ National Association of State Units on Aging and Disabilities
  - ✘ National Committee for the Prevention of Elder Abuse
  - ✘ National Association of State Long-Term Care Ombudsman Programs
  - ✘ National Academy of Elder Law Attorneys
- ✘ Now grown to 3000 members.
- ✘ Media coverage aided in the effort, especially of celebrated cases such as Brooke Astor and Mickey Rooney.

# ADVOCACY EFFORTS

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- ✘ Going forward advocacy must be more aggressive and state of the art.
- ✘ EJC beginning a collaboration with Ageless Alliance to increase visibility of elder justice on social media.
- ✘ Advocacy in a time of sequestration and deficit reduction.
- ✘ Advocacy must stress the preventive aspect of elder justice.

# HOW DO WE STOP ELDER ABUSE?

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- ✘ Investing in programs to prevent abuse will save funding in other federal programs such as Medicaid and Medicare.
- ✘ We cannot stop what is not reported.
- ✘ We must invest in better detection, more reporting and more resources to the entities where elder abuse is reported.

# GROWING ISSUES

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- ✘ It is called elder abuse, but it is a growing women's and boomers' issue.
- ✘ Average victim is an older woman living alone. Nearly half of all women 75+ live alone.
- ✘ Boomers control 70% of disposable income in our nation and first-wave boomers are now 67.
- ✘ Advocacy about localizing and humanizing the issue. Also about realizing that we are 40 years behind child abuse advocacy.

# CONCLUSION

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- ✘ The Elder Justice Act expires in 2014.
- ✘ 2013 is a pivotal year to show its value.
- ✘ Let's finish the work in Congress and in the Administration. Let us communicate, advocate, tell the story.
- ✘ Because a victim of elder abuse, neglect or exploitation is never the same.