

## 11. National Needs

Many of the challenges and needs identified by advocates in California call for action at the national level. This section explains these needs and proposes a role for the federal government in coordinating services, enhancing protections, providing guidance to state and local programs, heightening understanding about the problem and solutions, and ensuring a more comprehensive, coordinated, and uniform response nationally. It further calls for the development of a national plan for abuse prevention. The historic passage of the Elder Justice Act may provide opportunities to implement the plan.

### Challenges and Needs

Participants in the Blueprint development process identified the following challenges and needs that require federal action:

#### **Ensure coordination among federal agencies.**

Myriad federal programs play a role in elder abuse prevention. Some provide direct services to victims and their families, some offer guidance and resources to professionals, some enforce laws and regulations, and others support research. They include the Social Security Administration, Administration on Aging, Office for Victims of Crime, National Institutes of Aging and Justice, Office of Violence Against Women, Office for Victims of Crimes, Centers for Medicare & Medicaid Services, Federal Bureau of Investigation, Federal Trade Commission, United States Attorneys, Postal Service, Immigration and Customs Enforcement, consumer protection agencies, Veterans Administration, Bureau of Indian Affairs, Indian Health Service, Centers for Disease Control and Prevention, and many others. No federal entity coordinates the abuse prevention activities of these agencies.

Coordination among federal agencies involved in abuse prevention is needed to:

- Ensure that federal programs are comprehensive and coordinated, and that they reflect current knowledge of abuse and national priorities;
- Promote consistency across the country in how abuse is responded to;
- Support research and demonstration projects;
- Provide model state laws and policies;
- Enhance coordination at the state and local levels by providing guidance and leadership;

#### **Ensure protection against abuse**

Federal laws, regulation, and oversight are needed to provide adequate protection to abused and vulnerable seniors. Participants in the Blueprint development process identified multiple areas of need for new federal laws or stricter enforcement of existing laws. Examples include:

- Regulate residential care facilities. Whereas the federal government regulates skilled nursing facilities, oversight of residential care facilities is left to states. This has resulted in inconsistencies and variations in quality of care. Federal law is needed to ensure that residents everywhere receive adequate care and have recourse when standards are not met
- Mandate federal employees to report abuse. Many federal employees are likely to encounter elder abuse. These include federal regulatory and law enforcement officials and victim advocates, postal workers, Social Security employees, employees of federally funded

housing, and employees of Veterans Administration Programs. Federal law is needed to require federal employees to report;

- Direct federal agencies to develop policies, priorities, regulations, and procedures that enhance protections; and
- Explore and respond to the need for policy reform or enhancements in the following areas:
  - Consumer protection;
  - Victim rights;
  - Anti-discrimination laws;
  - Workers' rights; and
  - Criminal background checks for workers.

### **Provide guidance, training and technical assistance to local, state, and tribal programs**

Multiple federal programs provide training and technical assistance in abuse prevention or related areas. Past programs have focused on multidisciplinary team development, coalition building, improving the criminal justice system's response to abuse, testing methods for conducting background checks, public awareness campaigns, and specialized training for various groups of professionals.

As the field evolves new areas of need have arisen. These include:

- Guidance and assistance to states to help them respond to new opportunities and challenges presented by the passage of the Elder Justice Act, such as developing state level elder justice programs; and
- Guidance to state and local service providers to help them fulfill federal mandates and balance federal and state responsibilities.

### **Support and coordinate research**

Addressing the critical practice-focused research needs described in Section 9 is beyond the capacity of state and local programs. Federal agencies that have played a leading role in research on elder abuse include the Administration on Aging; Department of Justice; Center for Disease Control and Prevention; the Centers for Medicare & Medicaid Services; the Office for Victims of Crime, the Office of Violence Against Women, the and the National Institutes of Aging, Health, and Justice. Federal leadership is needed to promote coordination and collaboration among these groups, set priorities, identify and respond to new research needs, and address barriers.

### **Support services and practice**

Federal agencies and can policy makers can play an important role in ensuring that victims, families, and abusers have services to prevent abuse, treat or mitigate its effects, and rehabilitate offenders through the following:

- Assess existing APS, Ombudsman, legal assistance, victim assistance, mental health, and other services;
- Identify gaps;
- Establish goals and benchmarks; and recommends strategies; and
- Provide support for key services;
- Support the development of promising services; and
- Increase access to federally funded services by abused elders;

## **Recommendation 11: Develop a national plan for elder abuse prevention**

- Develop a national plan for elder abuse prevention to elevate elder abuse to national prominence, establish priorities for multiple federal programs; strengthen protections; promote consistency and coordination nationwide; provide for the coordination of research, technical assistance, and training across departments; and provide leadership and guidance to state and local programs. Specifically, it should:
  - Establish mechanisms to promote coordination at the national level, including interdepartmental panels, workforces, or advisory groups;
  - Promote coordination at the state level through the following:
    - Federal program officials can urge the state and local programs they administer to collaborate and coordinate activities;
    - Require states to develop elder justice oversight advisory groups;
    - Require state and local program developers to consult with elder justice oversight advisory groups in developing proposals for elder justice and abuse prevention projects; and
    - Provide model memoranda of understanding and protocols.
  - Strengthen federal protections for vulnerable elders. Examples include:
    - Regulate residential care facilities;
    - Require federal employees, including federal regulatory and law enforcement officials, victim advocates, postal workers, Social Security employees, employees of federally funded housing, and employees of Veterans Administration Programs, to report elder abuse;
    - Strengthen protections against fraudulent and predatory lending practices and provide safe alternatives. Examples include:
      - Restrict tax preparers from selling annuities and mortgages;
      - Ensure that reasonably priced and fairly structured reverse mortgages and loans are available;
      - Hold financial institutions accountable for complying with anti-discrimination consumer laws including the Community Reinvestment Act, the Fair Housing Act, and the Equal Credit Opportunity Act.
    - Encourage the Department of Housing and Urban Development to:
      - Develop policy to ensure that elder abuse victims are not evicted and lose Section 8 vouchers as a result of abuse;
      - Encourage or require HUD-subsidized programs to prioritize seniors who need housing as a result of abuse; and
      - Create more stringent standards for training to seniors in reverse mortgages.
    - Direct the Federal Communications Commission to take steps to stop cross-border fraud such as authorizing phone and Internet carriers to block calls from international area code areas to vulnerable people at their request;
  - Strengthen and safeguard the community-based long-term care network, including policies to:
    - Ensure a living wage to direct care workers, protect workers' rights, and offer opportunities for job advancement (e.g., the Direct Care Workforce Empowerment Act); and

- Ensure that as the Affordable Care Act is implemented, it contains safeguards such as screening and monitoring health care workers.
- Ensure that elder abuse victims' rights are enforced and their needs are addressed. Policy is needed to:
  - Increase funds for victim assistance and compensation programs through strict enforcement of fines and penalties for federal crimes;
  - Ensure parity for elder abuse victims, including victims of financial crimes;
  - Extend victims' rights, benefits, and services to elder abuse victims who report crimes to police or APS (as opposed to only providing them to victims whose cases are successfully prosecuted); and
  - Provide US Attorney's Offices, federal courts, and probation and investigative agencies with the resources and authority they need to enforce restitution orders both during the pre-sentencing period and at offenders' release from prison (federal restitution orders are enforceable for 20 years following incarceration), and explore the potential role of the IRS in restitution recover.
- Clarify federal policy and address conflicts. Examples include:
  - Multidisciplinary teams and others need guidance in interpreting Health Insurance Portability and Accountability Act (HIPAA) provisions as they pertain to information sharing;
  - Ombudsmen need guidance in the following areas:
    - The role of Ombudsmen vis-à-vis local, state, and federal law enforcement and regulatory entities in responding to abuse in long-term care facilities to ensure that crimes against residents are reported and investigated regardless of whether victims are able or willing to give consent;
    - Organizational conflicts of interest. Many state Ombudsman Programs are located in agencies that have responsibility for regulating facilities and/or providing adult protective services, raising potential conflicts of interest. These conflicts need to be resolved and communication channels clearly defined; and
    - How to advocate on behalf of "unbefriended" or "unrepresented" residents (see Section 5).
- Expand the role of federally-funded programs in preventing abuse prevention through such means as:
  - Directing Older American Act, mental health and substance abuse, Medicaid waiver, domestic violence, and victim assistance, and other federal programs to adopt measure to prevent abuse. They can, for example:
    - Incorporate "red flags" into existing assessment tools and operations manuals to identify clients at risk. "Universal screening" (all clients are screened) is recommended to avoid stigmatizing clients or reflecting biases;
    - Include abuse, neglect, or imminent risk among their criteria for eligibility; remove restrictions that prevent abused and vulnerable elders from accessing services, and prioritize those in greatest (e.g., include abuse, neglect, or self-neglect to eligibility criteria for Medicaid waiver programs and encourage state Victim of Crime Act programs to serve older adult victims of financial and other crimes;

- Develop mechanisms (e.g., memoranda of understanding) for coordinating services and sharing information; and
  - Provide information on abuse to clients, including alerts about scams.
- Provide direction to programs in how to block perpetrators' access to their clients by adequately screening employees, volunteers, and speakers.
- Fill critical service gaps through the following actions:
  - Provide support for new and expanded services. Priority should be placed on restoring funding to effective programs that have been downsized or retrenched as a result of the recession, and on services to prevent abuse as well as those that treat its effects;
  - Fully implement and strengthen abuse prevention provisions and programs authorized by the Older Americans Act and restore funds to programs that have sustained damaging cuts. Critical areas of need include:
    - Legal assistance, legal developer, and state legal senior hotline programs;
    - Title VII, Subtitle B, which provides for programming for Native Americans; and
    - Ensure that adequate legal counsel is provided for ombudsman programs; and
    - Convene forums to set priorities and develop strategies for meeting service needs.
- Provide guidance, training and technical assistance. The federal government can:
  - Sponsor demonstration projects to explore promising approaches to training, policy, and program development;
  - Showcase promising practices in training, interventions, and programs;
  - Disseminate information on new research findings, federal policy, and other developments and their implications for service development and training;
  - Provide and coordinate training and technical assistance, including replication manuals, model policies, and sample training curricula. Specific areas of need include:
    - Model state elder abuse reporting laws, policies, regulations, and programs;
    - Models for administering and/or coordinating services;
    - Assistance in establishing state-level elder justice programs;
    - Best practice standards for conducting investigations and substantiating abuse;
    - Risk assessment tools;
    - Assistance and best practice models for data collection and analysis;
    - Protocols for interagency responses, including interstate compacts to address abuse across state lines; and
    - Information systems;
    - Training needs for specific groups are described in Section 8.
    - Technical assistance needs for APS, justice system professionals, and employees in long term care facilities are described (respectively) in Sections 1,2, and 5.
- Develop a national research agenda that responds to national needs for information. Critical areas of need include evidence-based practice models. Research needs are described in greater detail in Section 9.