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States Target Elder Abuse

By Kathleen Murphy, Staff Writer

Money disappeared from the bank account of Christine Christopher's mother, and credit cards suddenly became maxed out. Christopher's brother eventually was charged with stealing from their 72-year-old mother to feed a drug addiction.

"I was my mother's chief support. I helped her get in touch with the police," said Christopher, a Democratic political consultant in Rochester, N.Y., who grudgingly has become well-informed about state laws on elder abuse as a result of her mother's victimization. "It's really a sad day to see your little mother standing up in front of the judge with her son."

Elder-abuse cases often involve monetary exploitation, sometimes at the hands of a family member or paid caregiver. An estimated 5 million U.S. seniors are victims of financial exploitation, physical abuse or neglect each year, and about 84 percent of elder abuse cases go unreported, according to the U.S. Senate Special Committee on Aging. With a ratio of 1-in-5 people expected to be more than 65 years old by 2030, the problem of elder abuse is expected to grow.

The way states address victimization of the elderly varies. Christine Christopher found out New York's elder abuse laws are not the strongest in the nation because it's one of six states – besides Colorado, New Jersey, North Dakota, South Dakota and Wisconsin – that don't require mandatory reporting of suspected abuse.

"If a bank teller had a suspicion, she would have had no obligation to report it to any authority," Christopher said.

Even the definition of elder abuse varies by state. For example, domestic elder abuse is exploitation of adults age 65 and older in California, Maryland and Nebraska – but 55 and older in Alabama.

Several states require certain groups, such as bankers, to report suspected financial exploitation. Some, such as Virginia, have added medical professionals to the list of those required to report suspicions of physical abuse.

Preventing violent acts against the elderly is the aim of so-called "Granny Cam" legislation that New Mexico Gov. Bill Richardson (D) signed into law last year that lets residents and families install surveillance cameras in nursing home rooms. Texas also allows the cameras, and

legislatures have debated “granny cams” in several other states including Florida, Maryland and Massachusetts.

Some states also have begun investigating elderly deaths in the same way children’s deaths are scrutinized. In California, the state’s first Elder Death Review Team evaluated more than 100 deaths last year looking for possible abuse, but no cases were referred for prosecution, The Sacramento Bee reported. In Maine, where the number of seniors more than 60 years old is expected to double within 25 years, an Elder Death Review Team has assessed about a dozen cases in the past year.

The newest example of state efforts to prevent mistreatment of older citizens is in Oregon, where Gov. Ted Kulongoski (D) is pushing an aggressive agenda aimed at preventing elder abuse this year.

“We need to make sure caregivers know the signs of abuse and how to report it. Proper reporting to law enforcement could literally be the difference between life and death,” Kulongoski said in a statement.

The governor has proposed the Oregon Elder Justice Act of 2005 to require background checks on paid caregivers and to provide suggestions on how to train caregivers and how to recognize signs of abuse. Kulongoski’s initiative also calls for training bankers to spot exploitation, something that Utah and Massachusetts do through their Bank Reporting Projects. Utah’s Sentinel Project also trains volunteers to visit seniors in their homes with an eye toward preventing abuse.

A University of Iowa <http://www.uihealthcare.com/about/whatisuihc.html> Health Care study last year found that states that require mandatory reporting and tracking of domestic elder abuse have higher investigation rates than states without the requirements. This year the Iowa researchers will study elder abuse in nursing homes and how state laws affect abuse rates and incident data collection, said Jeanette Daly, a geriatric nurse researcher at the University of Iowa Health Care.

New Mexico and Alaska are part of a pilot program by the Centers for Medicare and Medicaid Services, <http://www.cms.hhs.gov/default.asp?> a federal agency within the U.S. Department of Health and Human Services, to show how states can perform affordable background checks of caregivers in long-term care facilities and then evaluate effectiveness of the checks.

Other innovative state efforts seek to revamp the agencies that cope with ill-treatment of senior citizens. In Alabama, officials are considering the creation of an umbrella agency to coordinate government units that handle elder abuse cases, said Irene Collins, director of the Alabama Department of Senior Services.

Coordinating agencies within a state’s government is important because “these cases are so complex and have so many threads that relate to different legal interventions, different services that can apply, different people that need to be involved to help restore the person’s equilibrium,” said Sara Aravanis, director of the National Center on Elder Abuse

<http://www.elderabusecenter.org/default.cfm>), which is funded by the U.S. Administration on Aging.

Last year, Texas Gov. Rick Perry (R) ordered an investigation of Adult Protective Services when he learned that senior citizens in El Paso whose cases had been repeatedly referred to the agency had been lost in the system. The investigation – after troubling reports of elderly people living in homes without water, electricity and gas and littered with garbage and feces – found the state agency will need \$34 million over the next three years to hire employees and improve training.

In New York, a private-public partnership is aiming to change the state's response to elder abuse. A coalition of experts from government, academia, law and health plans to educate the public about elder abuse and study the prevalence of abuse in the state, said Ann Marie Cook of LifeSpan <http://www.lifespan-roch.org>), a Rochester nonprofit agency that convened a summit on elder abuse last year. New York's Statewide Coalition on Elder Abuse also plans to work for, among other things, a law requiring mandatory reporting of suspected abuse, Cook said.

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