



# WEAAD 2022: STATE OF ELDER JUSTICE

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# Introduction

- I am very honored to be invited to speak at this outstanding conference hosted by Vera House for the past 25 years
- Vera House itself has earned an outstanding national reputation over the years for its work in its Abuse in Later Life program
- It is one of the nation's pioneer organizations in addressing elder justice by the prevention of elder abuse
- Let me pay special tribute to Loren Ulrich, your Abuse in Later Life Prevention and Outreach Coordinator
- I am also delighted to be working with one of your partners, the Health Foundation of Western and Central New York

# Master Plan on Aging

- That work involves me serving as National Coordinator and spokesperson for the We Stand With Seniors coalition which is advocating for NY to become the second state in the US to formally adopt a Master Plan on Aging
- We are halfway to our goal
  - *Governor Hochul included language about a MPA in her state of the state and included money in her budget and \$500,000 was approved for the first year of implementation of the MPA*
- But first the Governor needs to issue an Executive Order which sets out the process for the MPA

# Master Plan on Aging (cont.)

- I hope you are involved in this effort and will continue to be
- It is worth noting that in her state of the state the Governor in talking about the proposed MPA referenced three elder justice areas:
  - *Improve the Quality of Care in Nursing Homes/Invest in Innovative Nursing Home Models*
  - *Combat Social Isolation and Abuse of Older Residents*
  - *Strengthen the Long Term Care Ombudsman Program*

# Elder Justice Coalition

- I am pleased to be the National Coordinator of the bipartisan Elder Justice Coalition in Washington
- Our members from NY include the Center for Elder Law and Justice, Lifespan of Greater Rochester, and of course Vera House
- We benefit from a growing network of state and local elder justice coalitions such as your Elder Justice Coalition
- Your work focusing on improving collaborations between professionals serving older adults, engaging in professional and community outreach and education and exploring innovative prevention and intervention strategies to share with this community is so essential and commendable
- I am glad to see that you are looking at further engaging in advocacy and later I will offer some suggestions

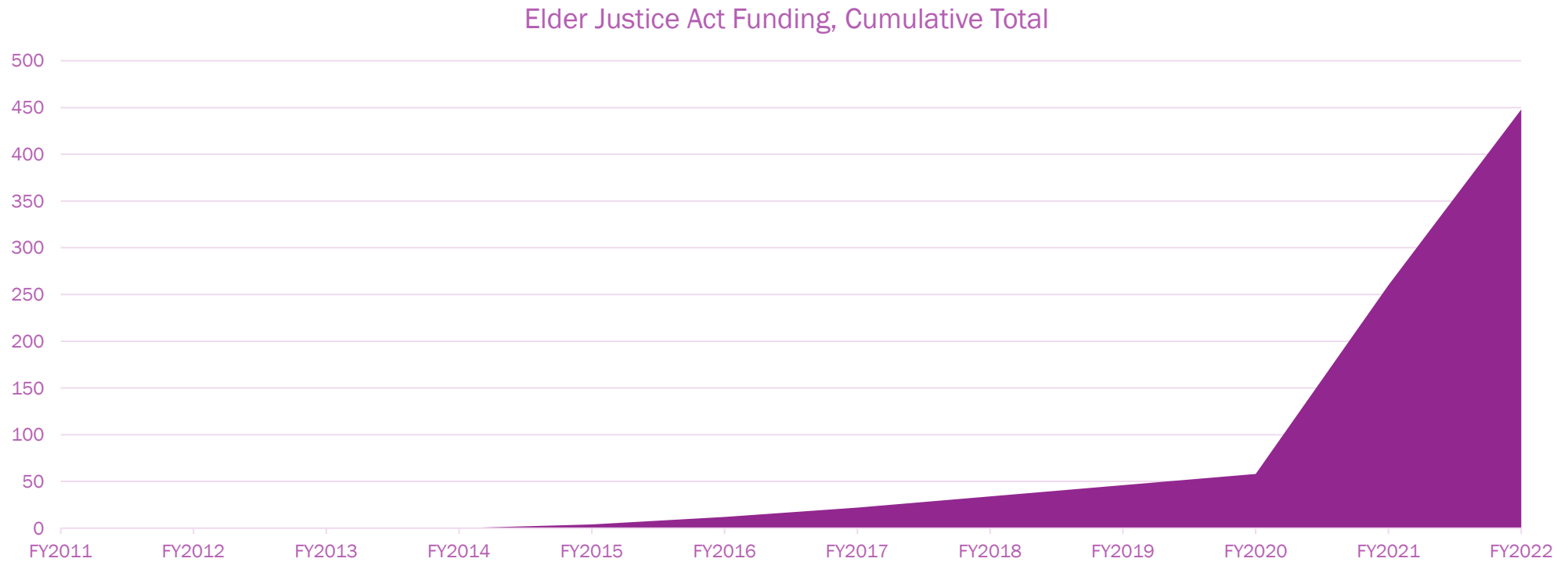
# Elder Abuse: The Numbers

- According to the latest FBI Internet Crime Complaint Center (IC3) report, residents over the age of 60 made up the majority of New York cyber crime victims in 2021
- 6,223 people lost over \$188 million total
- In CY 2020, New York APS agencies received 38,523 new reports of neglect, abuse and/or exploitation

# Elder Justice in Washington

- On this WEAAD, we are at a critical juncture on elder justice at the national level
- As we talked about last year, we made strong and meaningful progress in the critical area of funding for the landmark Elder Justice Act
- After enduring a decade of very very modest funding totaling under \$60 million...
- In the 4 months between December 2020 and March 2021, \$376 million in funding found its way into the Elder Justice Act– most of it for adult protective services, giving it its first dedicated funding in history
- It was accomplished in part because of two covid related factors: COVID-19 scams and the tragedies that occurred in nursing homes during the pandemic
- The graph that follows shows the funding history

# EJA Funding Increases Over the Years





# Distribution of Funding

- The job going forward is to get the money into the states for both APS and ombudsmen, beginning with the December funding which has reached all states
- In the Federal Register notice, ACL outlined uses of the funding by APS, such as:
  - *Improving and supporting remote work*
  - *Costs associated with establishing new or improving existing processes for responding to alleged scams and frauds, especially related to COVID-19 vaccine or cure scams*
  - *Acquiring personal protection equipment and supplies*
  - *Training costs related to COVID-19*
  - *Funds for travel related to or required by COVID-19*

# National Elder Justice Movement Today: 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

# National Elder Justice Movement Today: 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

# New York Spending: APS

- COVID-19 funding
  - *Statewide technological improvements to electronic data reporting and monitoring systems*
  - *Hiring temp staff*
  - *PPE*
  - *Tele-health services and tangible client services including rental assistance, transportation, food and meal delivery*

# New York Spending: APS (cont.)

- American Rescue Plan Funding

- *Enhance collaboration with existing elder justice networks to expand range of clients served by E-MDTs*
- *Improving oversight processes to review/conduct QA of APS practices statewide*
- *Public awareness campaign*
- *Hiring a project manager*
- *Additional funds to local departments of social services, St. Regis Mohawk Tribe, and the five boroughs*

# NY Spending: LTC Ombudsmen

- 2-day conference for all paid staff ombudsmen that is focused on abuse, neglect and exploitation (ANE) prevention and strategies to manage these cases in facilities
- Contracted with a consultant to help with analyzing of data related to ANE to look at ownership groups and systems advocacy strategies related to ANE
- Disseminated funds to the regions to use for things like PPE, technology, and recruitment materials, etc.

# Avoiding The Cliff: FY 23 Funding

- One of our top priorities relates to funding for FY 23 which begins on October 1
- I was invited to testify before the funding Subcommittee in the House last month as National Coordinator of the EJC
- Our ask is to maintain the pandemic funding for the Elder Justice Act: \$188 million for APS formula grants as well as ongoing work for NAMRS and the APS resource center
- Also support the President's request for \$36 million for the LTCOP which would be a doubling but also an additional appropriation of \$52 million to allow them to expand into assisted living

# Avoiding The Cliff: FY 23 Funding (cont.)

- As I stated in my testimony, “What critical services or programs established with these emergency funds end if the funding is not maintained?”
- You hit and fall over a severe service cliff
- I also noted that as the pandemic eases people in the elder abuse prevention field tell me there will be an increase in reports of elder abuse and the cases will be more complex. Staff capacity to respond is critical
  - *In NY state, APS reports fell by almost half in 2020 compared to 2019*
- And additional funding for ombudsman also important: as they regain access to facilities, their workload of increasing quality of life issues will also increase



# FY 23 Funding

- In my testimony the EJC also recommends:
- More funding for Title VII of the Older Americans Act for public awareness programs, multidisciplinary teams and elder abuse hotlines
- Additional funding to ACL to expand elder abuse training for all staff and volunteers
- Funding grants to area agencies on aging to combat social isolation
- And very important, increased funding for the Social Services Block Grant: the existing main funder of APS and also CPS

# What's Also Next: EJA Reauthorization

- Also ahead is the need to reauthorize the Elder Justice Act
- It continues organically because it has received funding, but for more permanence we need to see it reauthorized
- We feel optimistic that the uses of the covid-19 elder justice funding will make a powerful case for renewing the EJA, including and especially having first time dedicated funding for APS
- We know the importance of the ombudsmen as well, and we also anticipate seeing nursing home reform legislation

# House Has Acted

- Back in November 2021, the House did pass its version of the Build Back Better bill
- It contained more than \$4 billion to renew and modernize the Elder Justice Act:
  - *\$1.7 billion for post-acute and long-term care worker recruitment and retention*
  - *\$1.5 billion for Adult Protective Services functions and grant programs*
  - *\$183 million for long-term care ombudsman program grants and training*
  - *\$530 million for supporting linkages to legal services and medical-legal partnerships (MLPs)*
  - *\$265 million to address social isolation and loneliness*

# Senate Has Not Acted

- Since the House passage of Build Back Better, the Senate has not responded
- The objections of Sen. Manchin to the House bill has stopped the process cold in its tracks
- Time is running out

# What You Should Do

- Contact the NY congressional delegation!
- Sen. Schumer is the Majority Leader with great influence; communicate to him about getting the EJA reauthorization done period, however it can get done
- Sen. Gillibrand is an active member of the Senate Aging Committee and at a recent hearing on mental health and aging, she referenced elder justice programs as being important in addressing mental health; contact her on FY 2023 and EJA reauthorization
- Rep. Katko is a big supporter of aging programs; his office should be contacted about FY 2023 and EJA reauthorization
- Rep. Stefanik also has a history of supporting OAA programs and is on Education and Labor

# Also of Note: President's Nursing Home Reform Package

- Discussed during Biden's State of the Union address
- Plan includes four new initiatives for CMS:
  - *Propose a minimum staffing requirement for nursing homes*
  - *Explore ways to reduce room overcrowding for nursing home residents to reduce the spread of infectious diseases like COVID-19 among residents*
  - *Strengthen the Skilled Nursing Facility (SNF) Value-Based Purchasing Program*
  - *Launch a new effort to reinforce safeguards against unnecessary medications and treatments, including anti-psychotics*

# Also of Note: President's Nursing Home Reform Package (cont.)

- Also plans to enhance accountability and oversight for nursing homes:
  - *Additional funds for inspections*
  - *Expanded financial penalties and other enforcement tools*
  - *Increased transparency of facility ownership*

# The Realities

- Beyond securing FY 23 funding and renewing the Elder Justice Act, we must also work on
- 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



# Elder Justice: An Equity Issue

- Like all issues, elder justice needs to be examined with that lens
- Elder justice being achieved through elder abuse prevention for all
- Broad stats tell one story: 1 in 10 over 60 are abused; people who are exploited lose at least \$4 billion/year
- But drilling down—are persons of color, including those who are indigenous, more impacted? Are those who are LGBT?
- We have in place a data collection system called NAMRS
- In my testimony I urged Congress to instruct ACL to do more to ascertain elder abuse prevalence in communities of color and LGBTQ communities

# Advocacy

- I want to return to your elder justice coalition's interest in more engagement in public advocacy.
- Let me start by saying, in the field of elder justice, advocacy is essential to making progress.
- Advocacy involves...

# Basics of Advocacy

- Being active
- Being informed
- Being aware of how to educate and inform vs lobbying
- Being political as no good policy without politics
- Being adaptable
- Being aware of friends and foes
- Being constant
- Being honest—value of word
- Being able to work with others

# Success in Advocacy Comes With

- Being able to prioritize
- Being able to articulate mission and message
- Being creative in approaches
- Being able to do local, state, and national advocacy as needed
- Being able to thank those who help
- Being able to hold those who don't accountable

# What You Should Not Be

- Sporadic in approach
- Unduly partisan
- Unyielding
- Uninformed
- Uninterested to any degree

# Proactive Advocacy is Preferred

- Being supportive of given bill or policy
- Yet sometimes threats motivate some of the best advocacy
- Threats exist everywhere
- Most recent: leaked memo on Roe and what it has generated on both sides
- Gun control, especially after Buffalo
- Immigration
- Police reform
- List goes on
- Point is you must know how to do both

# How Can Vera House Succeed in Advocacy?

- First, your reputation gives you great standing and credibility
- Next is the fact that you want to expand your advocacy reach
- Next is the fact that you already have people in your coalition who also are interested in advocacy
- Important place to start: building relationships at all levels with those who make policy decisions and proceed to educate them
- Another place to start: begin each year with an agreed upon agenda and then disseminate it widely and promote it, especially with the media
- Look for early wins, and then use as springboard for more
- Over my years of doing advocacy, one thing stands out—it is constant work in a contact sport

# Closing

- The strongest advocacy for elder justice comes from the local level, as elder abuse is an intensely local issue
- At the national level, it is about providing sufficient funding to allow those good local programs and services that prevent elder abuse and treat its victims to continue and grow
- As all of you know, the most vulnerable older adults including those with disabilities are often the most susceptible to elder abuse and they deserve priority attention



# Closing

- Your day to day work is vital, you do it well, and it is valued and rewarding
- You do it because you know a victim of elder abuse is never the same
- And if our advocacy and support for elder justice prevents more victimization and promotes more healthy aging, it is a most worthwhile investment

# Resources

- <http://elderjusticecoalition.com>
- Sign up for our news alerts: <http://bit.ly/EJC-signup>
- [bob@elderjusticecoalition.com](mailto:bob@elderjusticecoalition.com)