

Pennsylvania House Aging and Older Adult Services Committee

Hearing Testimony

February 21, 2020

Hearing on Elder Abuse and the following legislation:

HB 397, HB 398, HB 399 and HB 400

Provided by

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Chair of Pennsylvania Association of Area Agencies on Aging, Inc. (P4A)

Protective Service and Guardianship Committee

Chair Day, Chair Samuelson and Aging and Older Adult Services
Committee, Committee Staff Members and Guests:

I am JR Reed, Executive Director of Lehigh County Office of Aging and Adult Services. I also serve as the Chair of the PA Association of Area Agencies on Aging (P4A) Protective Services and Guardianship Committee.

Thank you for this opportunity to come today and provide comments and answer questions on Elder Abuse and the pending legislation. The Older Adult Protective Service act (OAPSA) was implemented in 1988 and AAA's have had the responsibility to receive reports and investigate potential acts of abuse, neglect, financial exploitation and abandonment of individuals age 60 and older since its inception.

The intent of the act has always been a last resort when providing services to Older Adults in the commonwealth. It has been the role of AAA's to take reports, conduct investigations and provide services to older adults in the least restrictive means. The older adult's right to self-determination and maintaining their dignity has been a core value when providing protective services.

With respect to HB 397 allowing families to have electronic monitoring in Long Term Care Facilities. A concept that is utilized by the Long Term Care Ombudsman program is to have a highly visible presence in facilities. This is another program that is operated by AAA's. It is important that families make sure to visit and advocate for their loved ones and this would be another means for them to do so. I would suggest that the language be very concrete around who can make decisions for older adults incapable of making them. I will defer to facilities, The Department of Health and Department of Human Services to provide comment on the impact of managing this type of legislation.

Over the past several decades things have changed in respect to financial exploitation towards older adults. With on-line transactions and much more accessibility to individual's assets. It has brought an enormous increase in the amount of funds that are being taken through SCAMS, Powers of Attorney's and other deceitful ways. In looking into the impact that financial exploitation has had on our society. National studies estimate anywhere from 2.9 billion on the low end to 36.5 billion on the high end is exploited out of older adults every year. A 2016 study was conducted by New York Office of Children and Family Studies. The study concluded that between 352 million to 1.5 billion was exploited in each New York State district. This indicates the impact of financial exploitation maybe much more devastating than thought before. It is vital that legislation be updated to assist with protecting, recovering and prosecuting individuals that commit these types of acts. We need to have the tools and resources to combat financial exploitation.

House Bill 398 adds a chapter to OAPSA and gives immunity to financial institutions or advisors when reporting financial exploitation. This will encourage more reporting of exploitation which will result in protecting more older adults. I would also suggest wording that would require these reporters to provide records as quickly as possible. This will expedite investigations and provide timely protection of older adults resources. The addition of civil remedies to recover funds for the older adult or their family is important. Another road block is when an older adult no longer has any

assets or funds to be represented civilly before the commonwealth courts to gain restitution. I am hopeful that the Older Adult Financial Exploitation Trust Fund will assist some with this road block. The details to the trust fund will be vital in who it serves and how it will be administrated. I would suggest that maybe a scaled fee be applied according to the amount of assets are taken similar to HB 399 with starting at \$100 for the lowest level.

House Bill 399 provides concurrent jurisdiction to the Attorney General to assist with financial exploitation cases. This will assist with resources to investigate these types of crimes. Two difficult challenges with processing these cases are the costs to local law enforcement for forensic accounting and the older adult having a cognitive impairment preventing them from being a good witness. Adding the Attorney General as an option may assist local entities with combining resources. I also support the idea of stricter criminal charge classifications for this type of crime.

House Bill 400 addresses unauthorized derogatory postings on social media by staff of facilities against neglect of care dependent individuals. I strongly support making this type of crime a misdemeanor. One of the core values of the AAA network is the dignity of the older adult. This is part of the Older Americans Act. This behavior by staff goes against our core values by publicly stripping older adults who cannot defend themselves of their dignity. We had a recent case in Lehigh County where an individual posted a video showing demeaning behaviors towards residents at a personal care home. This individual was charged with crimes that were less than misdemeanors for these actions. In my opinion, someone that demeans older adults in this way shouldn't be allowed to work in this industry. This bill will aid with the prevention of these types of crimes because the criminal background checks currently in OAPSA help to identify perpetrators of certain types of crimes, and to ensure they won't be able to work in long term care settings any longer.

There have been dramatic increases in the number of reports of elder abuse and investigations over the past several years. This is due to the overwhelming number of Pennsylvanians reaching age 60 and having longer life spans. One of the fastest growing populations is 85 and older

and statistically 50% of this population have some type of dementia. I was watching a local news station in the Lehigh Valley where I live and one story reported just the other week that someone is diagnosed with dementia worldwide every 3 seconds.

PA Department of Aging Annual Report on Protective Services for Fiscal Year 17/18 shows over a 12% increase in elder abuse reports received by AAA's. The previous fiscal year on the same annual report showed a 17% growth of elder abuse reports. In Lehigh County we had a 20% growth from calendar year 2018 to 2019 in received reports of elder abuse. These increases can primarily be attributed to the population increase that is occurring with those 60 and older in the commonwealth. It also points out the necessity to have enough funding to address this growing populations needs. Especially to the most vulnerable of them that are served through Protective Services and by other systems when they are abused, neglected and exploited.

I want to thank you for taking on the challenge of updating legislation addressing some of the issues with older adults. I support all these smaller pieces of legislation. I also want to encourage that the full OAPSA legislation continues to need updated. These pieces are a start but they don't address the comprehensive changes included in the full legislation. So much work has been done over the past several years and it needs to be completed. Passage of these smaller pieces of legislation cannot delay passage of the comprehensive OAPSA changes identified in HB 1930 or SB 819. This will benefit many older adults that live in the commonwealth.

I want to thank everyone again for the opportunity to come and express the importance of the OAPSA and elder abuse legislation.