

Federal Legislation to Combat Elder Abuse Signed

President Obama signed the Elder Justice Act and the Patient Safety and Abuse Prevention Act this week as part of health care reform legislation.

The main provisions of the Elder Justice Act include:

- Adult Protective Services (APS) funding. Provides \$400 million (\$100 million each year) in first-time dedicated funding for adult protective services. Also provides \$100 million (\$25 million annually) for state demonstration grants to test a variety of methods to improve APS.
- Provides \$32.5 million (over 4 years) in grants to support the Long-Term Care (LTC) Ombudsman Program and an additional \$40 million (\$10 million annually) in training programs for national organizations and state LTC ombudsman programs.
- 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. Recommendations contained in a report are due in two years.

The Patient Safety and Abuse Prevention Act creates a national program of criminal background checks for persons seeking employment in nursing homes and other long-term care facilities. The Patient Safety legislation was added by Michigan Senator Debbie Stabenow on behalf of the bill's author, Senator Herb Kohl (D-Wisconsin).

The non partisan 622 member Elder Justice Coalition called the legislation "the most comprehensive federal legislation ever to combat elder abuse, neglect and exploitation."

ADVOCACY SPECIALIST JOINS AAA 1-B

Ann Langford has joined the Area Agency on Aging 1-B as its new Advocacy Specialist. Ann is responsible for managing the Senior Advocacy Network and working with advocates to bring to legislators the concerns and needs of older adults. With several years' experience in corporate and non-profit management, finance, and marketing, Ann has chosen to redirect her career toward serving older adults. She has a Bachelor of Arts degree in economics from the University of Michigan, and has recently earned a graduate certificate in gerontology from Eastern Michigan University. Prior to coming to the AAA 1-B, Ann spent three years serving as Resources Manager at an area adult literacy non-profit organization, including one year as an AmeriCorps service member.



The Area Agency on Aging 1-B (AAA 1-B) is a nonprofit agency serving the needs of older adults in Livingston, Macomb, Monroe, Oakland, St. Clair, and Washtenaw counties. For more information about the Senior Advocacy Network (SAN) or to receive future editions of The Advocate, contact Ann Langford at (248) 262-1282 or by email at alangford@aaa1b.com.

AAA 1-B, OMD Call for Legislators to Get Tough on Elder Abuse

Elder abuse is a serious issue in Michigan. The Michigan Department of Human Services estimates that more than 73,000 older adults are abused every year in our state alone. Having recognized the need to protect our vulnerable older adults, Governor Granholm created the Elder Abuse Task Force which issued a 2006 report calling for legislation to adopt numerous laws that would help to protect them from abuse. However, not one piece of legislation implementing the recommendations has been passed by the legislature.

The Area Agency on Aging 1-B and the Older Michiganian's Day (OMD) platform are calling for you to speak out on behalf of the thousands of older Michiganians who are victims of elder abuse. The introduced elder abuse bills must pass the legislature, as they play a crucial role in enhancing the safety and well being of older adults. You can help protect vulnerable older adults by contacting key legislators and informing them of your support and of the importance of these bills.

Consequences of Elder Abuse

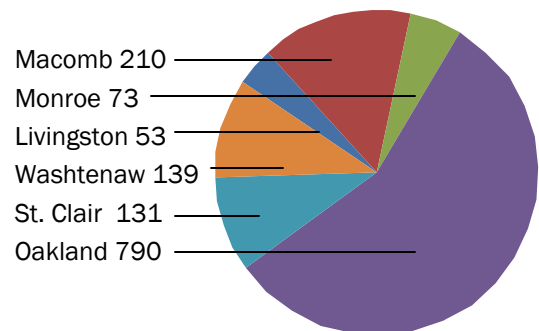
Elder abuse is a serious issue, and can have devastating consequences for victims. Physical abuse or neglect can lead to injuries, psychological and emotional damage, and even death. Financial abuse or exploitation also has severe consequences for victims.

Older adults who have been victims of financial abuse often experience a dramatic decline in both their physical and mental health, and become increasingly dependent on others for care.

In a study published in the Journal of the American Medical Association, **older adult victims of financial abuse have three times the mortality rate of non-victims.** Reported monetary losses of Michigan's older adult victims of financial abuse are up 72.3% from 2003.

We must act now and let our legislators know that we will not allow Michigan's older adults to continue to be victimized.

Region 1-B Average Monthly Adult Protective Services Cases, 2007



Total of 1396 Cases Each Month

What is Elder Abuse?

Physical abuse or neglect, in which a person is physically harmed

Psychological abuse, in which a person is manipulated, humiliated, or otherwise made to feel distress

Financial abuse or exploitation, in which a person's funds and property are misused or stolen from them

If you or someone you know is a victim of elder abuse, call the Michigan Adult Protective Services Hotline at 1-800 996 6229 to make a report.

Bills that have passed the House and are waiting in Senate committees

Vulnerable Adults can Testify via Electronic Means (HB 4621) Victims of elder abuse are often unable—because of physical barriers—to testify in court against their abusers. This bill would allow for vulnerable adults to submit testimony in court to a jury via closed-circuit television, video recording, or other similar means.

A Third Party Can File a Complaint on Behalf of a Vulnerable Adult (HB 5011) This bill lets a third party file a complaint alleging a crime has been committed on behalf of a vulnerable adult. Vulnerable adults are often unaware that they are being abused, and can also be unwilling or unable to report the abuse themselves.

“Mozelle Senior Medical Alert” Act (HB 5190) This bill establishes an alert system to notify the public in cases of missing endangered seniors who are believed to be unable to return home without assistance. It is named after Estella Mozelle Pierce, an older adult who died from exposure and lack of medication after wandering away from her home in southwest Detroit in 2005.

Bills still waiting in the House

Financial Institutions are Required to Provide Written Disclosure of Rights for Joint Accounts (HB 4622-4625) Many times, older adults do not fully understand their rights when opening a joint account, which leaves them vulnerable to financial abuse. This package of bills requires certain financial institutions (savings banks, credit unions, banks, and savings and loan associations) to provide a written disclosures of rights regarding joint accounts.

Employees of Financial Institutions are Required to Report Suspected Cases of Abuse (HB 5187) Employees of financial institutions are often the first to notice suspicious activity. This bill makes it a requirement that they report suspected cases of abuse.

Defines the Rights of the Incapacitated and Their Guardians (HB 5215) This bill specifically defines the powers that the guardian maintains over an incapacitated person, and what rights the incapacitated person still has. When a guardian is appointed for someone with diminishing capacities, whatever abilities the person still has to make decisions are preserved.

★ Call to Action ★

The AAA 1-B encourages you to contact key legislators and let them know that you care about protecting vulnerable adults. Write to the following committee chairs, and send a copy of your correspondence to your own legislator.

HB 4622-4625, HB 5187 and HB 5215: Representative Andy Neumann, Committee on Senior Health, Security and Retirement (877) 737-4106 (Toll Free), andyneumann@house.mi.gov. P.O. Box 30014, Lansing, MI 48909-7514

HB 4621, HB 5011, and HB 5195: Senator Wayne Kuipers, Committee on Judiciary (877) 584-7377 (Toll Free), senwkuipers@senate.michigan.gov, P.O. Box 30036, Lansing, Michigan 48909-7536

HB 5190: Senator Jason Allen, Committee on Senior Citizens and Veterans Affairs (866) 525-5637

For a more complete analysis of the elder abuse bills, please contact Ann Langford, AAA 1-B Advocacy Specialist at (248) 262-1282 or by email at alangford@aaa1b.com.

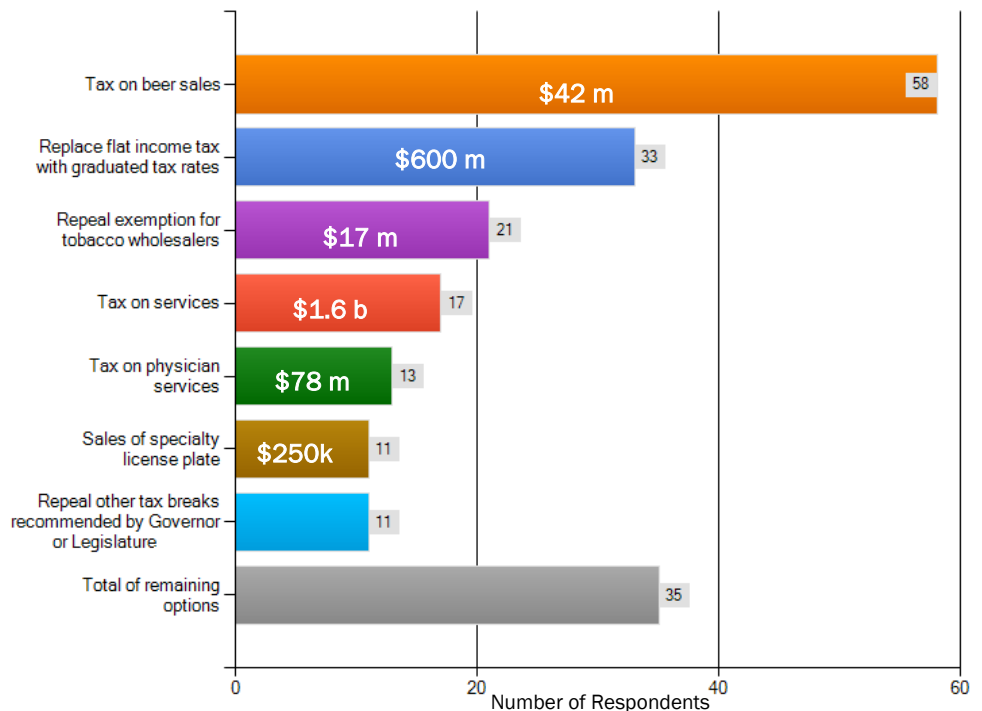
Revenue Enhancements Supported to Fund State Services

The AAA 1-B recently conducted an online survey asking older adults, service providers, and senior advocates their position on using revenue enhancements, including tax increases, to fund state services. Seventy-seven percent of the 200 survey respondents indicated that they would support revenue enhancements. The AAA 1-B Board of Directors has voted to recommend that the Michigan Legislature address the FY 2011 budget shortfall and future structural deficits through a combination of budget cuts, government reforms, and revenue enhancements.

Enhancements supported by AAA 1-B

- Increasing the beer tax
- Taxing tobacco sales by wholesalers
- Applying a sales tax to services
- Taxing food and beverages sold in vending machines
- Raising non-tax revenue for senior services through specialty license plates and an income tax check off
- Graduated income tax

Most Preferred: Which of the options do you prefer most?



Key Survey Findings

- Non-tax revenue sources garnered the most support: 80% support the sales of a specialty license plate, and 71% support a check-off donation box on the state income tax form.
- So-called “sin taxes” received much support: 79% support the doubling of the beer tax, and 73% support the repeal of the loose tobacco tax exemption. The beer tax was the most preferred of the fourteen options in the survey.
- Options which increase sales taxes were also favored by just over half of the respondents: 56% support a sales tax on services, and 59% support a sales tax on vending machine food and beverage sales.
- The options with the most opposition were the elimination of the second income tax deduction for older adults (33% opposed) and the tax on physician services (31% opposed).

Advocates Urged to Contact Legislators: Support OSA

As the state legislature continues to wrestle with the FY 2011 budget, programs and services to older adults funded through the Office of Services to the Aging (OSA) are at risk. The Senate has passed the FY 2011 Michigan Department of Community Health budget, (Senate Bill 1152) which provides funding for the MI Choice Medicaid Waiver and OSA programs. Fortunately, funding for MI Choice was increased \$20 million from FY 2010. Governor Jennifer Granholm recommended a \$14 million increase, and the Senate approved an additional \$6 million to be used for nursing facility transitions.

The Senate was not as kind to OSA, concurring with the Governor's recommended 8% cut in funding. This cut comes on top of the 18% cut implemented last year.

WE NEED YOUR HELP as the Community Health budget is debated in the House of Representatives.

If OSA funding cuts are approved by the House, OSA will have lost almost one-quarter of its state funding in just two years' time. In Region 1-B, OSA funding provides critical programs and services designed to meet seniors' basic needs at home and in the community. Without this support, many risk injury and illness. Nursing home placement is frequently the next step, with Medicaid often picking up most of the \$68,000 annual tab. In addition, OSA services are often used by consumers who are currently on the MI Choice wait list. Last year, in Michigan, \$4 million in OSA services for the most at-risk clients potentially saved Medicaid \$140 million.

Contact the members of the House Community Health Appropriations Subcommittee who will make a recommendation to the full House about OSA funding. Urge them to spare further cuts!

Chair: Rep. Gary McDowell (D-Rudyard)

garymcdowell@house.mi.gov

Rep. Alma Wheeler Smith (D-Ypsilanti)

almasmith@house.mi.gov

Rep. Vincent Gregory (D-Southfield)

VincentGregory@house.mi.gov

Rep. Kevin Green (R-Wyoming)

kevingreen@house.mi.gov

Rep. Hugh Crawford (R-Nov))

HughCrawford@house.mi.gov

Rep. Shanelle Jackson (D-Detroit)

shanellejackson@house.mi.gov

Rep. John Espinoza (D-Croswell)

johnespinoza@house.mi.gov

Rep. Fred Miller (D-Mount Clemens)

fredmiller@house.mi.gov

Rep. Matt Lori (R-Constantine)

MattLori@house.mi.gov

UPCOMING HEARINGS

2011 Medicaid Budget Overview presentation: April 14, 8 - 10:30 a.m.

Public Testimony: April 19, 9 a.m. - 5 p.m., lunch break from 12-1p.m.

OSA Budget Overview presentation: April 21, 8 - 10:30 a.m.

Public Testimony: April 26, 9 a.m. - 5 p.m., lunch break from 12-1p.m.

Please contact Ann Langford, Advocacy Specialist at (248) 262-1282 for hearing locations.

The Area Agency on Aging 1-B is pleased to partner with AARP to host a one-of-a-kind event for our Senior Advocacy Network

AARP Listens to... Senior Advocates from Southeast Michigan

AARP Listens to Michigan is a series of community conversations being held across Michigan. As part of AARP's ongoing effort to stay abreast of members' and the public's perspectives they want to know what issues are important to you. This is no focus group! It's a true conversation, and you and your colleagues are the "program".

The issues that are so critical to Michigan's future require its citizens to think for themselves more than ever before, not through the partisan prism of leftwing and rightwing shouters or pre-packaged summaries of the networks.

You will directly engage with other participants on issues in a new way, from the state budget, funding for senior services, and revenue enhancements to health care and beyond. Moderator Andy Farmer will facilitate three rounds of conversation in about two hours. Andy will bring factual information from a variety of sources and you are encouraged to bring along your own information. He will share a summary of this conversation with the AARP Michigan Office team and the AARP National Office in Washington, D.C. Your voices will be heard!

Friday, April 16, 2010 at 9:30 a.m.

Area Agency on Aging 1-B
29100 Northwestern Hwy, Suite 400
Southfield, MI 48034

Space is limited so please RSVP by April 13 to Ann Langford, Advocacy Specialist by phone at (248) 262-1282 or by email at alangford@aaa1b.com.

Andrew Farmer is Associate State Director, Health & Supportive Services for AARP Michigan. Prior to joining AARP, Andy handled casework relating to Medicare, Medicaid, Long Term Care, Social Security and Immigration in the office of U.S. Senator Debbie Stabenow. In 2007, Andy was appointed by Governor Granholm to chair the Michigan Long Term Care Supports and Services Advisory Commission. Andy also spent fourteen years with the State Long Term Care Ombudsman Program advocating for facility-based consumers.



Senior Advocacy Network

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