

## Statement of the National Adult Protective Services Association (NAPSA)

### For Briefing on Elder Abuse in America And the Elder Justice Act October 19, 2009

NAPSA commends Representatives Peter King, Jan Schakowsky and Tammy Baldwin for sponsoring H.R. 2006, *The Elder Justice Act*.

NAPSA also commends the National Council on Aging and WITNESS for their outstanding contribution to increasing awareness of the terrible shame of elder abuse by their production of the documentary, "An Age for Justice; Elder Abuse in America." They are right to identify this as a human rights issue; one that should compel Congress to move quickly to enact The Elder Justice Act.

Before discussing specific provisions of the Elder Justice Act that are crucial to Adult Protective Services, here is a brief background about APS and NAPSA.

#### **Adult Protective Services (APS)**

Adult protective services (APS) are state and local agencies authorized under state law to receive and investigate reports of abuse, neglect and financial exploitation of older persons and adults with disabilities who are unable to protect themselves. APS is the only non-law enforcement service charged with investigating elder and adult abuse in every state. APS is the nation's first responder to most allegations of abuse, neglect and exploitation in our communities.

Two-thirds of APS caseloads involve seniors. With the demographic explosion that we face with the aging of our population, elder abuse cases in particular will increase dramatically, especially since Baby Boomers have a lot of wealth to exploit (the current economic circumstances notwithstanding). Increasingly, we hear about cases of financial exploitation of the elderly through one scheme or scam or another. **But one central fact often goes unreported or ignored: most elder abuse is committed by family members.**

## **The National Adult Protective Services Association (NAPSA)**

NAPSA is the only national organization representing the interests of Adult Protective Services (APS) programs, staff and victims. NAPSA was founded in 1989 to provide state Adult Protective Services (APS) program administrators and staff with a forum for sharing information and solving problems.

With more than 700 members, NAPSA is a national non-profit organization with members in all fifty states, as well as the District of Columbia, the U.S. Virgin Islands, and Guam. The mission of NAPSA is to improve the quality and availability of protective services for adults with disabilities and elderly persons who are abused, neglected, or exploited and are unable to protect their own interests.

NAPSA is one of three partner organizations that make up the Administration on Aging's National Center on Elder Abuse.

## **The Elder Justice Act Provisions**

**Unlike child protective services, there are no federal funds dedicated to the investigation of, and intervention in, cases of elder abuse, neglect and exploitation. If enacted into law, the EJA would go a long way toward remedying that. It would provide the first-ever authorization for federal funds dedicated to adult protective services.**

The EJA is a desperately needed federal response to the horror and shame of elder abuse. The EJA would create new and badly needed forensic expertise. It would help to increase prosecution of the perpetrators of elder abuse. It would enhance the Long-Term Care Ombudsman Program that is vital to those who reside in long-term care facilities.

For NAPSA, however, it is especially important to focus on crucial provisions that pertain to adult protective services.

Funding of APS has been and remains the sole burden of state and local governments. States have been helped in their efforts by the fact that since the creation of the Social Services Block Grant in 1981 they have had the option of using SSBG funds for APS, as well as for child protective services, foster care and day care for children, services for people with disabilities and

a huge array of other social services. The competition for those dollars has always been fierce. And the fact is: SSBG funding is over \$1 billion less today than it was in 1996, holding today at \$1.7 billion. Fortunately, over the past several years Congress rebuffed the Bush Administration's attempts to cut another \$500 billion from SSBG.

Competition for those dollars is even fiercer today as states face immense budget shortfalls and greatly increased demand for the types of services provided through SSBG. For the APS programs in the 34 states that currently choose to use SSBG, it is an unsteady funding source. Mercifully, Child Protective Services do not operate under the same conditions.

In late 2008 NAPSA surveyed states' APS Administrators to ask about the impact of the current economy on APS. Here are several key findings from NAPSA's survey:

- Almost **half of states responding to a NAPSA survey report APS budget cuts** of up to 15% during the current fiscal year.
- **One-third of states reported staff reductions** through hiring freezes/ layoffs, and/or reduced hours.
- **One-quarter of states report reducing services to victims** through screening out reports; conducting fewer investigations and/or reducing the time spent on investigations; not addressing self neglect; conducting fewer face to face/home visits with clients; and reducing in-home services [which may lead to more clients being moved to much more expensive nursing home care].
- Because **APS has no federal mandates** [as does child protective services], and because APS clients often cannot speak up on their own behalf, APS is often regarded as “low hanging fruit” by state budget cutters.

Earlier this year, NPR featured a 5-minute “Morning Edition” story on APS and elder abuse in a California county and focused on devastating cuts to APS

due to the state's economy and the impact of those cuts upon very at-risk adults. That story could have come from communities throughout America.

The Elder Justice Act would help state and local governments to stabilize and improve their adult protective services programs in three ways.

First, H.R. 2006 – and its Senate counterpart, S. 795, which was approved last week by the Senate Finance Committee, would authorize a modest \$100 million per year for states' APS programs. This money is desperately needed by states. It would help to stabilize struggling state budgets, and would preserve or create an estimated 1,700 FTE positions in APS. California, for example, which represents just under 11% of the nation's elderly population, would receive funds from the EJA equivalent to 185 FTEs. For purposes of illustration, if these FTE's were divided equally among California's 58 counties, each county would receive the equivalent of three (3.12) APS staff.

- In New York, if the 112 investigators were divided among the state's 62 counties it would represent almost two (1.8) FTEs per county;
- For Wisconsin's 72 counties, it would be just less than half – or .45 – FTE per county;
- In Illinois, it would be two-thirds FTE per its 102 counties;
- In Connecticut, it would represent almost three (2.7) FTEs per its eight regions; and
- In Nevada, the authorized amount in the EJA would represent almost one (.8) FTE for each of the state's 17 counties.

The 1,700 FTE figure is based upon a calculation of \$60,000 per FTE. **That includes the combined costs of salary, benefits, administration and other support.** That gives you some sense of what many APS workers earn for the work they do – positively put, it is an immense benefit to the taxpayer.

Maintaining or adding a half-time FTE in a county for elder abuse investigations would be significant. That is what the EJA would do for states and localities. These funds would be new funds. States could not use them to supplant other funds used for elder abuse investigations. They could not use them for other purposes; they must go “to the agency or unit of State government having legal responsibility for providing adult protective services within the State.”

The EJA would make two other significant contributions to APS and the vulnerable clients they serve.

It would provide a focus for APS within the U.S. Department of Health and Human Services. APS has never had that. The EJA would require the Secretary of DHHS to ensure that the Department:

- collects and disseminates data annually relating to the abuse, exploitation, and neglect of elders and does so in coordination with the Department of Justice;
- develops and disseminates information on best practices regarding, and provides training on, carrying out APS;
- conducts research related to the provision of APS; and
- provides technical assistance to States and other entities that provide or fund the provision of adult protective services.

And, the EJA would establish a \$25 million per annum program of State Demonstrations to enhance the provision of APS and improve the investigation and response to elder abuse. Funds would be available to states and local units of government to test such things as:

- methods to detect or prevent financial exploitation of elders;
- methods to detect elder abuse;
- whether training on elder abuse forensics enhances the detection of elder abuse by employees of the State or local unit of government;

Those three provisions – annual funding for APS, a focus in the federal government on APS, and the testing of innovations in the delivery of APS – would give a major – a badly needed – boost to state and local governments, as they struggle to maintain their existing APS services, much less deal with the need that lies right before them in an aging society.

NAPSA joins the bill's sponsors, the AARP and our other colleagues in the Elder Justice Coalition, in saying we must pass the Elder Justice Act this year.

We've waited too many Congresses for Congress to do what is right and moral: to make a stand against elder abuse backed up by law and resources.

NAPSA also joins our colleagues in the belief that the enactment of the Elder Justice Act should be a major priority of Congress and that health care reform provides the opportunity to do so. It would be tragic to miss that opportunity.

As noted by Marie Theresa Connolly, formerly of the Department of Justice, research shows that on average, older people have more chronic diseases and access the health care system at higher rates than other age groups. Research demonstrates that older adults who are victims of violence have additional health care problems than those who are not victims. Thus, older women victims of violence will access the health care system more, and incur higher health care expenditures than non-victims. The higher costs for health care for elder abuse victims adversely affect Medicare and Medicaid costs. Research shows elder abuse victims are three times more likely to die than their counterparts.

Moreover, victims of elder abuse, especially those whose assets have been stolen, are likely to end up homeless, helpless and in a nursing home paid for by Medicaid.

NAPSA has been doing data collection on the perceptions of various professions about elder abuse. Across the board, professionals in a variety of sectors including health care, financial services, law enforcement and aging services, agree that the top priority is to educate health care providers about elder abuse.

**APS saves taxpayers' money**, because it intervenes to preserve older persons' assets in cases of financial exploitation and to prevent or minimize harm leading to greater health care expenditures.

Elder abuse is a health issue. It is also a legal issue. A criminal justice issue. A human services issue. A financial services issue. It is a moral issue. Further failure to act is in itself neglectful if not abusive.

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