IowaAging.gov
The Link to Resources for Older Iowans

December 31, 2013

The Honorable Terry E. Branstad

Members of the General Assembly

Dear Governor Branstad and Members of the General Assembly:

Please accept the following report submitted by the Iowa Department on Aging on behalf of the Elder Abuse Task Force. The report was drafted and the Task Force was convened pursuant to Senate File 446, which states that the Iowa Department on Aging shall submit a final report of its recommendations and proposed legislation following approval by the legislative interim committee.

Senate File 446 further states that the report shall be submitted to the Governor and the General Assembly.

Please consider the submittal of this report as compliance with the mandates established in Senate File 446.

Sincerely,

Donna K. Harvey, Director
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IowaAging.gov
The Link to Resources for Older Iowans

2013 Elder Abuse Task Force Final Report (Senate File 446, Section 50)

Iowa Department on Aging
December 16, 2013

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Executive Summary

Per the guidance of the Legislative Elder Abuse Prevention and Intervention Interim Committee, a prioritization of the implementation recommendations and proposed legislation are below listed in the order determined in the 2012 Elder Abuse Task Force Report.

Elder Abuse Definition and Law Recommendation (2012 Recommendation 1)

- Add the Older American's Act (OAA) elder abuse definition to Iowa Code Chapter 231, Iowa Department on Aging using the language proposed in the OAA reauthorization.
- Move 235B.20 dependent adult abuse – initiation of charges – penalty, to the general criminal law provisions of the Iowa Code as well as include penalties for elder abuse from Iowa Code Chapter 231.
- Create legislation similar to Iowa Code Chapter 236 (domestic violence) which allows victims of elder abuse, family members, and interested parties to obtain a civil order of protection.

Safeguards from Financial Exploitation Recommendation (2012 Recommendation 2)

- Broaden the definition of financial exploitation for the purpose of reporting abuse by mandatory and permissive reporters in long-term care facilities and assisted living programs.
- Create an elder abuse petition for relief to obtain a protective order (like domestic abuse civil orders for protection) and/or authorize court issuance of protective / restraining orders in cases of elder financial exploitation and the freezing of assets in cases of elder financial exploitation.
- Authorize recovery of actual damages, punitive damages, attorney's fees and court costs in a civil action for financial exploitation and allows a cause of action to survive the death of the victim/plaintiff.
- Amend Iowa Code Section 633.535 to deny an inheritance to financial exploiters.
- Amend Iowa Code Section 714.1 (theft) to include a new offense of financial exploitation of a senior or vulnerable adult.
- Amend Iowa Code Section 714.2 (degrees of theft) to impose enhanced penalties to financial exploitation of a senior.
- Amend definitions of financial exploitation so they do not include the requirement that the perpetrator must have acted for their own profit.
- Add definitions to financial exploitation for "implied consent", "undue influence" and "duress".
- Enact legislation reducing the barriers to the prosecution of elder financial exploitation, including an extended statute of limitations for financial exploitation.

Specialized Education and Training Recommendation (2012 Recommendation 5)

- Modify Iowa Code 135.11(24) to identify the Iowa Department on Aging's curriculum, developed in concert with the Departments of Human Services, Inspections and Appeals, and Public Health, as the standard core curriculum for mandatory reporters of dependent adult abuse with additional profession specific tracks.
- Add language to Iowa Code 231 requiring trainers to be certified through the Iowa Department on Aging's process as outlined in 17 Iowa Administrative Code, Chapter 15.

Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker Recommendation (2012 Recommendation 6)

- Support the adoption the Uniform Power of Attorney Act as modified by the Iowa State Bar Association and endorsed by the Iowa Trust Officers Association.
- Create a registry of power of attorney (POA) documents, including required registration of the POA when the principal becomes incapacitated and an appropriation allocation.
- Amend Iowa Code chapter 633 to require background checks for prospective conservators.
- Amend Iowa Code chapter 915 and 815.10 to allow a guardian ad litem to be appointed as an advocate for a victim of elder abuse, neglect or financial exploitation.
- Fund the second and third years of the Guardianship/Conservatorship Monitoring and Assistance Pilot Project.
- Re-establish and fund the Office of Substitute Decision Maker, Iowa Code 231E, by phasing it in and determining whether to keep it in the Department on Aging or relocate it to another state entity such as the Attorney General's Office or Supreme Court using existing 231E or amending 231E.

Single Entry Point Recommendation (2012 Recommendation 8)

- Utilize the LifeLong Links Aging and Disability Resource Centers (ADRC) network to function as the primary point of entry to provide a system for individuals, family members, and concerned others to connect those in need with support services and intervention options. Situations of suspected dependent adult abuse or elder abuse will be referred on to the appropriate entity. This will replicate the previously funded elder abuse initiative and will focus on the supportive services and work collaboratively with other state departments and local stakeholders. Implementation of this recommendation will not change the dependent adult abuse systems under the Departments of Human Services and Inspections and Appeals.
- Review the confidentiality statutes and what would be needed to allow state and local governmental entities working on adult abuse issues to collaborate and share essential confidential information that is necessary for each entity to provide intervention and protection. Determine what information could be shared, for what purpose, and to whom as it relates to referrals and cases that are founded, unfounded or confirmed but not registered. Provide proposed legislation recommendations to the Legislature by January 1, 2015.

It is the intent of these priorities to provide for the prevention, detection, intervention, and correction of abuse, neglect, and financial exploitation, through the creation of an elder abuse law and intervention services that work in partnership with the current laws such as dependent adult abuse, domestic violence, and criminal investigations.

Mandate

During its 2013 session, Iowa's 85th General Assembly passed Senate File 446 which was signed into law by Governor Branstad. Section 50 of Senate File 446 mandated the Department on Aging to continue a task force on elder abuse prevention and intervention and to continue the work of the 2012 Elder Abuse Task Force established through House File 2387. The 2012 report may be accessed at www.iowaaging.gov/hf2387-iowa-elder-abuse-report-2012. The mandates of Senate File 446 include the review of the 2012 Task Force Report, developing an implementation plan for those recommendations, and making any additional recommendations as necessary.

The implementation plan and additional recommendations shall address all of the following:

a. The design of the comprehensive approach to elder abuse prevention and intervention in the state utilizing the prevention of elder abuse program pursuant to section 231.56A and the office of substitute decision maker pursuant to chapter 231E.

   The design shall also address all of the following:

   (1) Harmonization of the approach design with the existing dependent adult abuse system pursuant to chapter 235B, including but not limited to standardized training, collaboration between the elder abuse approach and the department of human services when a report of dependent adult abuse involves an older individual, and the membership of multidisciplinary teams.

   (2) Incorporation of the approach design into other existing and developing components of the system including the area agencies on aging, the mental health and disability services regions, local public health departments, the local offices of the department on human services, the courts, and other appropriate entities, to most effectively and efficiently address the needs of older individuals.

b. The definition of elder abuse to be used in the approach to elder abuse. The task force shall address continued use of the definition of "elder abuse" as specified under the federal Older Americans Act and utilized by the prevention of elder abuse program under section 231.56A, or shall provide a specific alternative definition.

c. The designation of a single point of contact to report elder abuse. The task force shall specifically address utilizing the aging and disability resource center network as the single point of contact.

d. The means of addressing financial exploitation of older individuals, including those relating to powers of attorney and conservatorships as described in the 2012 task force report.

e. Promotion of public awareness of elder abuse and the services and support available to older individuals at risk of or experiencing elder abuse.

f. Any specific changes in statute and rules necessary to achieve the recommendations of the task force.

Background

Over the last twenty-three years, the Iowa Department on Aging, in collaboration with other state departments, local providers and stakeholders have been conducting national research, analyzing best practices, identifying champions, and advocating for changes to Iowa's adult protection system. These partners have identified and implemented system enhancements through administrative processes with existing resources. Two of the most prominent solutions included:

A) The initial Substitute Decision Making Task Force began in 1990 to develop a mechanism to serve people who have difficulty making decisions and who have no one authorized, empowered, available or willing to make decisions for them. This substitute decision making network would be an option of last resort where no other resource is available or appropriate. It is targeted for consumers whose decision making capacity is impaired including but not limited to, the infirmities of aging, intellectual disabilities, chronically mentally ill, developmentally disabled, brain injured, or chemically dependent. The concept became law in 2005 as Iowa Code 231E, Iowa Substitute Decision Maker Act, and created the Office of Substitute Decision Maker network. Due to limited state resources, the Office did not receive funding until 2007. It operated from fiscal year 2007 through 2009 when it was disbanded due to budget reductions.

B) In 1993, the Elder Abuse Prevention and Awareness Committee was formed with the goal of protecting older Iowans by advocating and increasing public awareness of elder abuse, neglect and financial exploitation and working to develop systematic approaches to rectify inefficiencies. Activities included gathering input from professionals, stakeholders, and consumers by holding statewide public forums in 1998, followed up by a survey in 2003 and additional forums in 2006. This resulted in Iowa specific reports outlining gaps and concerns in the adult abuse system and the creation of the Elder Abuse Initiative Demonstration projects established by the Iowa Legislature in 2001. These demonstration projects created a system to respond to concerns of potential elder abuse for at-risk older populations. It focused on the prevention, intervention, detection, and reporting of abuse, neglect and financial exploitation once suspected. With the Elder Abuse Initiative, many concerns for older Iowans were able to be resolved with supports and services, rather than needing an abuse investigation. Through this program, the Department on Aging gathered data, developed protocols for the prevention and intervention of elder abuse, neglect and financial exploitation situations; and assisted older Iowans, who otherwise would not have received assistance.

More background information and research results can be found in the HF2387 2012 Elder Abuse Task Force Report at https://www.iowaaging.gov/hf2387-iowa-elder-abuse-report-2012

LEAN Process

LEAN Process

Prior and subsequent to the passage of SF446, Director Harvey, Department on Aging, had a variety of conversations with key state department directors. From these conversations, it was determined that it would be beneficial to move the concept of an elder abuse system forward by having the Departments of Human Services, Inspections and Appeals, and the Attorney General's Office meet and outline current roles in the dependent adult abuse and elder abuse system. An agreement was reached to engage in a LEAN Value Stream Mapping Process knowing the outcomes would be critical to the efforts of the 2013 Task Force (SF446) members. Results from LEAN may be seen in Appendix B - 2013 Progress Report.

2013 Task Force Meetings & Workgroups

Meetings & Workgroups

The Task Force met on September 16, October 2, October 23, and November 14. The Task Force was divided into three workgroups: Centralization, Elder Abuse Law and Definition, and Office of Substitute Decision Maker / Referrals / Services. Each was provided with the 2012 Task Force Recommendations and the relevant portions of Senate File 446, Section 50. (See 2013 Progress Report - Appendix B) Meeting summaries for the 2013 Task Force and workgroup may be viewed online at: www.iowaaging.gov/2013-elder-abuse-task-force.

2013 Progress Report

Progress Report

On November 14, 2013, the Task Force met with the Legislative Elder Abuse Prevention and Intervention Study Committee to present and discuss the SF446, Section 50 Progress Report which can be viewed along with the supporting documentations at: www.legis.iowa.gov/Schedules/committee.aspx?GA=85&CID=923

The guidance provided has been incorporated into the final report and the top priorities identified.

Top Priorities

Top Priorities

The prioritization of the top recommendations listed below are based upon requirements of the federal Older American's Act, identified mission critical work to deliver an effective response to consumers with the greatest impact for protection, addressing the top issues consistently identified through public forums, and data gathered through Elder Abuse Initiative demonstration projects. The implementation recommendations listed below are in the order determined in the 2012 Elder Abuse Task Force Report

Note: All case examples are actual Iowa situations and the names have been changed.

Elder Abuse Definition and Law Recommendation
(2012 Recommendation 1)

The Task Force is in concurrence that an elder abuse law is needed and agrees it is important that any definition for elder abuse balance the need for protection with a respect for personal autonomy, individual civil rights and dignity. These are initial steps in building an elder abuse law.

Proposed Legislative Action

- Add the Older American's Act (OAA) elder abuse definition to Iowa Code Chapter 231, Iowa Department on Aging using the language proposed in the OAA reauthorization.
- Move 235B.20 dependent adult abuse – initiation of charges – penalty, to the general criminal law provisions of the Iowa Code as well as include penalties for elder abuse from Iowa Code Chapter 231.
    - Create legislation similar to Iowa Code Chapter 236 (domestic violence) which allows victims of elder abuse, family members, and interested parties to obtain a civil order of protection.

Financial Impact

- Minimal financial impact is anticipated and would need to be determined by the departments involved.
- Potential costs would be offset by savings from:
    - Medicaid consumers being able to remain in their home longer prior to moving to a long-term care setting; or
    - Individuals whose financial resources are protected from exploitation resulting in delayed or no use of Medicaid.

Case Examples

Mary had accumulated a sizeable estate involving numerous properties and land. Mary went to her local attorney, Matt, to a healthcare power of attorney and a financial power of attorney. Matt was nominated as her decision-maker pursuant to the financial power of attorney. Mary's neighbor was nominated as her decision-maker for the healthcare power of attorney. Matt added a clause to the healthcare power of attorney document stating that he must approve all healthcare decisions. A few years later, Mary has an incident and appears confused. Matt admits Mary to a long-term care wing in a county hospital without consulting Mary's healthcare decision-maker. Matt takes over Mary's finances. Matt files a guardianship and conservatorship petition and requests that his legal secretary be appointed as guardian and conservator. The legal secretary is appointed and sells all Mary's real estate, property, and personal belongings, including heirloom quilts that have been in Mary's family for many generations. It is later determined that Mary's initial confusion was likely due to an infection that was addressed by antibiotics. Without an elder abuse definition and law, situations like Mary's make it very difficult, if not impossible for legal intervention and remedies to occur.

Ninety-seven year old Elsie lives independently in a trailer. Her only family is her granddaughter, Tiffany, and Tiffany's husband, Travis. Over nearly two years, Tiffany and

Travis have pressured Elsie into writing them eighty-two checks, totaling nearly $100,000, so that they can have extra luxuries in life they could not afford on their own. Elsie feels that she can't turn down Tiffany and Travis as they are family. Elsie has gone to the bank and asked the tellers not to cash her checks. Because Elsie does not qualify as a "dependent adult" and neither Tiffany nor Travis are her "caretakers", DHS cannot intervene and advocate for her and she has no one else to help her.

Overview

The Older Americans Act (federal law) broadly defines "elder abuse", as abuse, neglect, and financial exploitation of individuals age 60 or older. Iowa needs to have a clear and useable definition of elder abuse consistent with the federal definition. Iowa does not currently have an elder abuse law, but does have a dependent adult abuse law. The current abuse laws do not protect older individuals who are not dependent and do not protect older Iowans who are abused, neglected or exploited by someone other than a caretaker. For the system to work to protect older individuals, Iowa needs an elder abuse law and definition which will supplement the current laws in place to protect victims of abuse, neglect and financial exploitation.

Data

In 2001, the Iowa Legislature approved approximately $475,000 to fund strategies for elder abuse detection, training and services in an effort to evaluate Iowa's adult abuse system. This endeavor became known as Iowa's Elder Abuse Initiative (EAI) demonstration projects. These projects were located in 4 of the 13 Area Agencies on Aging and available in 22 of Iowa's 99 counties. The EAI focused on the prevention, intervention, detection, and reporting of elder abuse, neglect and financial exploitation by presenting elders with options to enhance their lifestyle choices.

State Fiscal Year 2007 through State Fiscal Year 2011, provided consistent comparable data establishing a solid outcome measures foundation. During this time span, the Elder Abuse Initiative, in 22 of Iowa's 99 counties, generated the following data:

- 11,903 total referrals
- 66% had mental health Issues
- 44.4% experienced financial exploitation
- Only an estimated 16% of EAI clients fell into the category of dependent adult abuse, meaning 84% did not meet the criteria of dependent adult abuse and therefore would have fallen between the cracks had EAI not been in those counties.
- An estimated 1,291 clients utilizing Medicaid prior to EAI intervention were able to remain in their own homes. If EAI had been statewide, it is projected that 5,841 individuals would have been able to remain in their own home rather than be moved to a long term care setting.

Safeguards from Financial Exploitation Recommendation
(2012 Recommendation 2)

Proposed Legislative Action

- Broaden the definition of financial exploitation for the purpose of reporting abuse by mandatory and permissive reporters in long-term care facilities and assisted living programs.
- Create an elder abuse petition for relief to obtain a protective order (like domestic abuse civil orders for protection) and/or authorize court issuance of protective / restraining orders in cases of elder financial exploitation and the freezing of assets in cases of elder financial exploitation.
- Authorize recovery of actual damages, punitive damages, attorney's fees and court costs in a civil action for financial exploitation and allows a cause of action to survive the death of the victim/plaintiff.
- Amend Iowa Code Section 633.535 to deny an inheritance to financial exploiters.
- Amend Iowa Code Section 714.1 (theft) to include a new offense of financial exploitation of a senior or vulnerable adult.
    - Amend Iowa Code Section 714.2 (degrees of theft) to impose enhanced penalties to financial exploitation of a senior.
    - Amend definitions of financial exploitation so they do not include the requirement that the perpetrator must have acted for their own profit.
    - Add definitions to financial exploitation for "implied consent", "undue influence" and "duress".
- Enact legislation reducing the barriers to the prosecution of elder financial exploitation, including an extended statute of limitations for financial exploitation.

Financial Impact

- Minimal financial impact is anticipated and would need to be determined by the departments involved.

Overview

Implement safeguards as outlined in the full report to ensure financial security against exploitation for older Iowans. Current financial power of attorney and conservatorship laws do not adequately protect older Iowans and their assets from perpetrators or from persons in a position of trust.

Specialized Education and Training Recommendation
(2012 Recommendation 5)

Proposed Legislative Action

Modify Iowa Code 135.11(24) to identify the Iowa Department on Aging's curriculum, developed in concert with the Departments of Human Services, Inspections and Appeals, and Public Health, as the standard core curriculum for mandatory reporters of dependent adult abuse with additional profession specific tracks.

- Add language to Iowa Code 231 requiring trainers to be certified through the Iowa Department on Aging's process as outlined in 17 Iowa Administrative Code, Chapter 15.

Implementation Action

- Review Department on Aging's Trainer's Guide for Mandatory Reporters of Dependent Adult Abuse developed by the Departments of Human Services, Inspections and Appeals, Public Health, and Aging.
- Conduct research to find current information including material on dementia, cognitive impairment, and diminished capacity.
- Explore and determine methods of delivering training to provide consistency and maintain integrity.

Financial Impact

- No financial impact is anticipated.

Overview

Currently, hundreds of training manuals exist within this state. Each training curriculum approaches the issue differently and therefore has different requirements for what is presented. This makes for inconsistency and confusion for mandatory reporters. A single, comprehensive training module would standardize knowledge across disciplines and reduce inconsistencies and subjective interpretations of what constitutes elder abuse and dependent adult abuse.

Additionally, sub-courses specific to each discipline (medical professionals, financial institution staff, law enforcement, etc.) would serve to further clarify roles and promote more appropriate and timely response strategies, thereby decreasing variability among responders. While a doctor needs to know how to evaluate a suspicious bruise, a financial advisor would need information on evaluating transactions for signs of financial exploitation. Providing the doctor and the financial advisor specialized training would improve the accuracy of reports and be a better use of resources. Certification of those providing instruction in these courses would further ensure consistency and establish an educational standard.

It is recommended that the Department on Aging take the lead on the required training and certification of trainers. The Department on Aging collaborated with the Departments of Human Services, Inspections and Appeals, and Public Health to develop the curriculum "Trainer's Guide for Mandatory Reporters of Dependent Adult Abuse" in compliance with Iowa Code 235B.16 (1). In addition, the Department on Aging, under 17 Iowa Administrative Code, Chapter 15, requires entities and individuals who utilize this curriculum to be certified.

Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker Recommendation

(2012 Recommendation 6)

Proposed Legislative Action

- Support the adoption the Uniform Power of Attorney Act as modified by the Iowa State Bar Association and endorsed by the Iowa Trust Officers Association.
- Create a registry of power of attorney (POA) documents, including required registration of the POA when the principal becomes incapacitated and an appropriation allocation.
- Amend Iowa Code chapter 633 to require background checks for prospective conservators.
- Amend Iowa Code chapter 915 and 815.10 to allow a guardian ad litem to be appointed as an advocate for a victim of elder abuse, neglect or financial exploitation.
- Fund the second and third years of the Guardianship/Conservatorship Monitoring and Assistance Pilot Project.
- Re-establish and fund the Office of Substitute Decision Maker, Iowa Code 231E, by phasing it in and determining whether to keep it in the Department on Aging or relocate it to another state entity such as the Attorney General's Office or Supreme Court using existing 231E or amending 231E.

Three possible options for phase-in are as follows (see Appendix C):

- **3 Year Implementation: Phase-In SDMs:** The state and six regional offices are established in the first year. The State Office would be fully staffed with an Administrator, Substitute Decision Maker (SDM), and an Investigator. Each of the six regional offices would start with only one local SDM. In each subsequent year (2 and 3), an additional SDM would be added to each office. By the third year, each local office would be fully staffed with three SDMs.
- **3 Year Implementation: Phase-In Regional Offices**: The state and two regional offices are established in the first year. The State Office would be fully staffed with an Administrator, Substitute Decision Maker (SDM), and an Investigator. Each of the two regional offices would be fully staffed with three local SDMs. In each subsequent year an additional two regional offices would be established. By the third year, the state and all six regional offices will be established and fully staffed.
- **5 Year Implementation: Phase-In Regional Offices**: The state and one regional office are established in the first year. The state office would be fully staffed with an Administrator, Substitute Decision Maker (SDM), and an investigator. The regional office would be fully staffed with three local SDMs. In each subsequent year an additional regional office would be established. By the fifth year, the state and all six regional offices will be established and fully staffed.

Financial Impact

- For implementation options and financial impact see Appendix C

Case Examples

June is a widowed farmer. She has many acres of crops and cattle. June's neighbor, George, has been stopping by lately to help June with feeding and watering the cattle. George's visits become more frequent and he eventually convinces June that she will have to sell her farm. George tells June that if she conveys all her property to him, he will ensure that nothing is sold and that she never has to live in a nursing home. George drives June to a law firm in a city located many miles away. June signs over her farm, the farm land, her home, her vehicle, her cattle, and all her farming machinery. George takes ownership of everything, puts up no trespassing signs all over the property to prevent outside contact with June, and leaves June to live on nothing but a small amount of social security. If the Office of Substitute Decision Maker was in existence, there would have been a suitable alternative for assistance and oversight of June's assets and resources.

Two adult children were named guardian and conservator over their mother. As guardian and conservator, the children owed their mother the duty to act in her best interests. Unfortunately, that did not happen. The adult children took advantage of their elderly and disabled mother by living in her home and using her social security funds to supplement their own income. The guardians refused to provide needed home care services because they used their mother's money for themselves. False annual reports were filed with the court and simply placed in the court file. Other family members were concerned but unsure how to proceed since the court did not pursue the situation. The Office of Substitute Decision Maker, had it been in existence, would have been able to intervene and become a voice for the older Iowan.

Overview

A substitute decision maker is a guardian, conservator, attorney-in-fact under a power of attorney document, or a representative payee who assists those with limited or no decision making capabilities make personal care and financial management decisions. The Office of Substitute Decision Maker would serve as the public substitute decision maker of last resort acting only when there is no willing and responsible person available to serve as a private substitute decision maker or the adult is without adequate resources to compensate a private substitute decision maker. This Office does not interfere with health situations where a family member or trusted other serves in this capacity unless there is alleged abuse, neglect or financial exploitation.

Single Entry Point Recommendation
(2012 Recommendation 8)

Proposed Legislative Action

- Utilize the LifeLong Links Aging and Disability Resource Centers (ADRC) network to function as the primary point of entry to provide a system for individuals, family members, and concerned others to connect those in need with support services and intervention options. Situations of suspected dependent adult abuse or elder abuse will be referred on to the appropriate entity. This will replicate the previously funded elder abuse initiative and will focus on the supportive services and work collaboratively with other state departments and local stakeholders. Implementation of this recommendation will not change the dependent adult abuse systems under the Departments of Human Services and Inspections and Appeals.
- Review the confidentiality statutes and what would be needed to allow state and local governmental entities working on adult abuse issues to collaborate and share essential confidential information that is necessary for each entity to provide intervention and protection. Determine what information could be shared, for what purpose, and to whom as it relates to referrals and cases that are founded, unfounded or confirmed but not registered. Provide proposed legislation recommendations to the Legislature by January 1, 2015.

Implementation Action

- Add the LifeLong Links number to the Department of Human Service Notice that is sent out indicating if the report has been accepted or rejected;

Financial Impact

- A financial impact is anticipated to address the cost associated with accessing community based services through the LifeLong Links Aging and Disability Resource network.

Case Example

Single Entry Point Recommendation

A 75-year-old female, Jane, with severe Alzheimer's disease lives alone, has several medical needs and is not safe to be left alone. She has an in-home emergency response system and the ability to activate it. A neighbor and her family openly use Jane's funds to pay for vacations, electronics, and vehicles and state the monies provided are loans. Jane has no knowledge of these transactions and does not have the ability to consent according to her physician. The Department of Human Services was unable to intervene because Jane did not meet the definition of a dependent adult since she could access services via the emergency response system and because the neighbors were not Jane's caretakers. Had a primary point of entry been in place, Jane's situation could have been addressed in the least restrictive manner by providing support service options and navigation assistance as illustrated in Appendix C.

Overview

One statewide telephone number to request assistance and report suspicions of elder abuse, neglect, and financial exploitation should be developed in coordination with other state health and human service type initiatives. This number would connect callers to trained professionals for referral to the appropriate resources (see Appendix D). Currently, Iowans are transferred numerous times before reaching the appropriate agency. Several states are utilizing the primary point of entry concept through the Aging and Disability Resource Center (ADRC) network. During the 2013 Legislative Session, the Legislature designated the six Area Agencies on Aging as the single entry point for the Aging and Disability Resource Center (ADRC). In addition, the review of confidentiality statutes is essential in building a cohesive system. Researching what changes would be needed to allow state and local governmental entities working on adult abuse issues to collaborate and share essential confidential information is necessary for each entity to provide intervention and protection.

Appendix A:
SF446 Elder Abuse Task Force Members

Appendix A:

SF446 Elder Abuse Task Force Members

Facilitated by: **Donna Harvey**, Director, Iowa Department on Aging

AARP	**Anthony Carroll,** Associate State Director for Advocacy
Alzheimer's Association	**Polly Johnston**, Program Specialist
Area Agencies on Aging	**Aubury Krueger,** Elder Rights Specialist **Cecelia Johnson,** ADRC Project Coordinator
Attorney General's Office	**Chantelle Smith,** Assistant Attorney General
Commission on Aging	**Betty Grandquist,** Chairperson
Consumer Representative	**Lori DeVries,** Program Coordinator, Permanent Planning, Inc.
Department of Human Services	**Jone Staley,** Dependent Adult Abuse Program Manager
Department of Inspections & Appeals	**Wendy Dishman,** Division Administrator, Investigations Division
Department of Public Health Abuse Education Review Panel	**Diana Nicholls Blomme,** Executive Officer
Department of Public Safety	**Darrell Simmons**, Special Agent
Department of Veterans Affairs	**Robert King,** Executive Director
Department on Aging	**Linda Hildreth,** Elder Abuse Program Director **Paige Thorson,** Legal Assistance Developer
Insurance Division, Securities Bureau	**Craig Goettsch,** Director of Investor Education & Consumer Outreach / Securities Counsel
Iowa Bankers Association	**Sharon Presnall,** Senior Vice President of Government Relations / Compliance
Iowa Bar Association	**Larry Kudej,** Elder Law Section
Iowa Courts	**Craig Block,** Associate Probate Judge
Iowa Division of Banking	**Janet O'Brien,** Bank Analyst
Iowa Healthcare Association	**Ken Watkins,** Legal Counsel
LeadingAge Iowa	**Bill Nutty,** Government Relations & Member Services Director
Long-Term Care Ombudsman's Office	**Deanna Clingan-Fischer,** State Long-Term Care Ombudsman
Department of Human Services Division of Mental Health & Disability Services	**Laura Larkin,** Program Planner III
National Health Law & Policy Resource Center University of Iowa	**Josy Gittler,** Director
Older Iowan's Legislature	**Bob Welsh,** Consumer Representative
Polk County Attorney's Office	**Celene Gogerty,** Assistant Polk County Attorney
University of Iowa School of Social Work	**Sara Sanders,** Professor

Appendix B: 2013 Elder Abuse Progress Report

2013 Elder Abuse Task Force Progress Report (Senate File 446, Section 50)

Iowa Department on Aging
October 31, 2013

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SF446 Elder Abuse Task Force Members

Facilitated by: **Donna Harvey**, Director, Iowa Department on Aging

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Alzheimer's Association	**Polly Johnston**, Program Specialist
Area Agencies on Aging	**Aubury Krueger,** Elder Rights Specialist **Cecelia Johnson,** ADRC Project Coordinator
Attorney General's Office	**Chantelle Smith,** Assistant Attorney General
Commission on Aging	**Betty Grandquist,** Chairperson
Consumer Representative	**Lori DeVries,** Program Coordinator, Permanent Planning, Inc.
Department of Human Services	**Jone Staley,** Dependent Adult Abuse Program Manager
Department of Inspections & Appeals	**Wendy Dishman,** Division Administrator, Investigations Division
Department of Public Health **Abuse Education Review Panel**	**Diana Nicholls Blomme,** Executive Officer
Department of Public Safety	**Darrell Simmons**, Special Agent
Department of Veterans Affairs	**Robert King,** Executive Director
Department on Aging	**Linda Hildreth,** Elder Abuse Program Director
Insurance Division, Securities Bureau	**Craig Goettsch,** Director of Investor Education & Consumer Outreach / Securities Counsel
Iowa Bankers Association	**Sharon Presnall,** Senior Vice President of Government Relations / Compliance
Iowa Bar Association	**Larry Kudej,** Elder Law Section
Iowa Courts	**Craig Block,** Associate Probate Judge
Iowa Division of Banking	**Janet O'Brien,** Bank Analyst
Iowa Healthcare Association	**Ken Watkins,** Legal Counsel
LeadingAge Iowa	**Bill Nutty,** Government Relations & Member Services Director
Long-Term Care Ombudsman's Office	**Deanna Clingan-Fischer,** State Long-Term Care Ombudsman
Department of Human Services **Division of Mental Health & Disability Services**	**Laura Larkin,** Program Planner III
National Health Law & Policy Resource Center **University of Iowa**	**Josy Gittler,** Director
Older Iowan's Legislature	**Bob Welsh,** Consumer Representative
Polk County Attorney's Office	**Celene Gogerty,** Assistant Polk County Attorney
University of Iowa **School of Social Work**	**Sara Sanders,** Professor

MANDATE

During its 2013 session, Iowa's 85th General Assembly passed Senate File 446 which was signed into law by Governor Branstad. Section 50 of Senate File 446 mandated the Department on Aging to continue a task force on elder abuse prevention and intervention and to continue the work of the 2012 Elder Abuse Task Force established through House File 2387. The report may be accessed at www.iowaaging.gov/hf2387-iowa-elder-abuse-report-2012. The mandates include the review of the 2012 Task Force Report, developing an implementation plan for the recommendations, and making any additional recommendations as necessary.

The implementation plan and additional recommendations shall address all of the following:

a. The design of the comprehensive approach to elder abuse prevention and intervention in the state utilizing the prevention of elder abuse program pursuant to section 231.56A and the office of substitute decision maker pursuant to chapter 231E.
   The design shall also address all of the following:

   (1) Harmonization of the approach design with the existing dependent adult abuse system pursuant to chapter 235B, including but not limited to standardized training, collaboration between the elder abuse approach and the department of human services when a report of dependent adult abuse involves an older individual, and the membership of multidisciplinary teams.

   (2) Incorporation of the approach design into other existing and developing components of the system including the area agencies on aging, the mental health and disability services regions, local public health departments, the local offices of the department on human services, the courts, and other appropriate entities, to most effectively and efficiently address the needs of older individuals.

b. The definition of elder abuse to be used in the approach to elder abuse. The task force shall address continued use of the definition of "elder abuse" as specified under the federal Older Americans Act and utilized by the prevention of elder abuse program under section 231.56A, or shall provide a specific alternative definition.

c. The designation of a single point of contact to report elder abuse. The task force shall specifically address utilizing the aging and disability resource center network as the single point of contact.

d. The means of addressing financial exploitation of older individuals, including those relating to powers of attorney and conservatorships as described in the 2012 task force report.

e. Promotion of public awareness of elder abuse and the services and support available to older individuals at risk of or experiencing elder abuse.

f. Any specific changes in statute and rules necessary to achieve the recommendations of the task force.

LEAN

Prior and subsequent to the passage of SF446, Director Harvey, Department on Aging, had a variety of conversations with key state department directors. From these conversations, it was determined that it would be beneficial in moving the concept of an elder abuse system forward by having the Departments of Human Services, Inspections and Appeals, and the Attorney General's Office meet and outline current roles in the adult abuse/elder abuse system. An agreement was reached to engage in a LEAN Value Stream Mapping Process knowing the outcomes would be critical to the efforts of the 2013 Task Force (SF446) members. Information generated through this process was categorized "Homework" or "Recommendations to Task Force". (See Appendix A) "Homework" consists of items that team members will be researching and addressing over the next year. These items are areas that can be changed without legislative action or portions of the task can be completed prior to legislative changes. "Task Force Recommendations" are items that need deeper consideration and system planning because legislative changes would need to occur.

2013 Task Force Meetings & Work Groups

The Task Force met on September 16, October 2, and October 23. The Task Force was divided into three work groups: Centralization, Elder Abuse Law and Definition, and Office of Substitute Decision Maker / Referrals / Services. Each was provided with the 2012 Task Force Recommendations and the relevant portions of Senate File 446, Section 50. (See appendix B) Meeting summaries for the 2013 Task Force and work group may be viewed online at: www.iowaaging.gov/2013-elder-abuse-task-force.

Each work group developed a list of issues for consideration in line with the recommendations of the 2012 Task Force Report. Each work group's recommendations and issues for further discussions were presented at the October 23 Task Force meeting and are as follows:

2012 Recommendation 1 - Elder Abuse Definition and Law. Develop an elder abuse law which focuses on the unique needs of older Iowans and creates definitions which protect older Iowans who do not meet the dependent adult abuse criteria.

The 2013 Task Force is in concurrence that an elder abuse law to address elder abuse is needed and has identified and is considering the following alternatives:

Elder Abuse Definition

- Include a person 60+ as an alternate definition of a "dependent adult" without regard to dependency or vulnerability;
- Expand definitions of a "dependent adult" to include other situations where adult may be vulnerable; or
- Expand the definition of "dependent adult" to include the abuse of any adult over the age of ___, regardless of dependency or vulnerability.

- The Task Force agrees it is important that any definition for elder abuse balance the need for protection with a respect for personal autonomy, individual civil rights and dignity. Definitions utilized by other states can be reviewed by visiting http://www.americanbar.org/content/dam/aba/migrated/aging/about/pdfs/Statutory_Provisions_for_Threshold_Eligibility_Criteria_for_APS.authcheckdam.pdf.

Elder Abuse Law

- Change 235B to eliminate a caretaker as a prerequisite for physical abuse, sexual abuse, and financial exploitation.
- Move 235B.20 (criminal penalties); amend, move or remove 726.7 (wanton neglect of a resident of a health care facility); amend, move or remove 726.8 (wanton neglect or nonsupport of a dependent adult); amend, move or remove 726.3 (neglect or abandonment of a dependent person); move 235B.12 (failure to report; should also include 235E.2(9)) to new criminal chapter that deals exclusively with adult abuse. Issue: some of these code sections are somewhat duplicative and range of level of offenses seem almost random.
- Amend 235E.2(6) to require DIA to inform both the appropriate county attorneys and the AG's office of any reports of dependent adult abuse.
- Consider amending 235B.2(5) definition of "abuse" to include emotional/psychological abuse. Review 42 USC 3002 or 235E for guidance.
- Create legislation similar to Iowa Code chapter 236 (domestic violence) which allows victims of elder abuse and/or family members or interested parties to obtain protective orders outside of an abuse or criminal case. (similar to second bullet under Recommendation 2 – Safeguards from Financial Exploitation)

2012 Recommendation 2 - Safeguards from Financial Exploitation. Implement safeguards as outlined in the full report to ensure financial security against exploitation for older Iowans. Current financial power of attorney and conservatorship laws do not adequately protect older Iowans and their assets from perpetrators or from persons in a position of trust.

The 2013 Task Force Reviewed and is Considering the Following:

- Broaden the definition of financial exploitation for the purpose of reporting abuse by mandatory and permissive reporters in long term care facilities and assisted living programs.
- Create an Elder Abuse petition for relief to obtain a protective order (like domestic abuse civil orders for protection) and/or authorize court issuance of protective / restraining orders in cases of elder financial exploitation and the freezing of assets in cases of elder financial exploitation. (similar to last bullet under Recommendation 1 – Elder Abuse Definition 7 Law)
- Authorize recovery of actual damages, punitive damages, attorney's fees and court costs in a civil action for financial exploitation and that allows a cause of action to survive the death of the victim/plaintiff.
- Consider amending Iowa Code Section 633.535 to deny an inheritance to financial exploiters.

- Amend Iowa Code Section 714.1 (theft) to include new offense of financial exploitation of a senior or vulnerable adult.
- Amend Iowa Code Section 714.2 (degrees of theft) to impose enhanced penalties to financial exploitation of a senior.
- Any definition of "financial exploitation" should not have the requirement that the perpetrator must have acted for their own profit.
- Consider adding definitions to financial exploitation for "implied consent", "undue influence" and "duress".
- Enact legislation reducing the barriers to the prosecution of elder financial exploitation, including an extended statute of limitations for financial exploitation, etc.
- Amend Chapter 235B to provide that mandatory and permissive reporters shall make reports of suspected elder abuse/dependent adult abuse to law enforcement as well as DHS if they have reason to believe that immediate protection for the older person/dependent adult is advisable.
- Require financial institutions to serve as mandatory reporters once an elder abuse system is in place.
- Define "financial institution" for 235B.

2012 Recommendation 3 - Elder Abuse Intervention System. Implement a system focused on prevention, intervention, detection, and provision of services to maintain the health, welfare, safety, and resources of the older Iowan. The recommended system to implement and fund statewide is based upon the Elder Abuse Initiative demonstration projects previously funded through the Senior Living Trust Funds and piloted in 22 counties.

The 2013 Task Force Recommends:

- Establish a statewide elder abuse intervention system.
- Review and customize the language utilized with the EAI demonstration projects.
- Requires legislative creation of a crime of "elder abuse" or similar.

2012 Recommendation 4 - Allocation of Service Dollars. To fully implement an elder abuse intervention system, funding for services is needed to ensure protection and safety.

The 2013 Task Force Recommends:

- Establish a fund for emergency services.
- Provide additional funding to the Area Agencies on Aging for the purpose of providing emergency services to older Iowans or dependent individuals in need.
- Create a surcharge on specified criminal prosecutions or a special fund which may be used to enhance funding.

2012 Recommendation 5 - Specialized Education and Training. Achieve consistency and effectiveness in addressing and preventing elder abuse through the development of a single training module to increase knowledge and distinguish between elder abuse and dependent adult abuse.

The 2013 Task Force Recommends:

Administrative

- Review Department on Aging's Trainer's Guide for Mandatory Reporters of Dependent Adult Abuse developed by the Departments of Human Services, Inspections and Appeal, Public Health, and Aging.
- Review already approved curricula and conduct research to find current information including material on dementia, cognitive impairment, and diminished capacity.
- Explore and determine methods of delivering training to provide consistency and maintain integrity.

Legislative Changes Required

- Develop one standardized core curriculum for adult abuse and eliminate the combination mandatory reporter training for child and dependent adult abuse.
- Develop discipline specific tracks.
- Determine oversight for the curriculum.
- Require all trainers be certified and establish staffing core requirements.

LEAN Tasks

- Increase public awareness through outreach, training and education for professionals and the general public.
- Balance public awareness efforts with the capabilities of the current adult abuse system. Caution against raising awareness which results in increased calls to a very limited system to address the issues.
- Convene a financial institutions consultation committee to develop consistent protocols and training for financial institutions.

2012 Recommendation 6 - Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker. Strengthen the laws pertaining to financial powers of attorney, and conservatorship. Power of attorney documents and conservatorships often serve as powerful tools for exploiters.

Laws Related to Powers of Attorney (POA) and Conservatorship Abuse

The 2013 Task Force Recommends:

- Create a registry of power of attorney (POA) documents, including required registration of POA when the principal becomes incapacitated and appropriate be allocated.
- Support the adoption the Uniform Power of Attorney Act as modified by the Iowa State Bar Association and endorsed by the Iowa Trust Officers Association.
- Amend Iowa Code chapter 633 to require background checks for prospective conservators.

- Amend Iowa Code chapter 915 and 815.10 to allow a guardian ad litem to be appointed on behalf of a senior who is a prosecuting witness or victim of an indictable criminal offense to advocate on the senior's behalf and appropriate resources allocated.
- Fund the second and third years of the Guardianship/Conservator Monitoring and Assistance Pilot Project.

The 2013 Task Force acknowledge that financial exploitation cannot be addressed simply with the above recommended POA changes. There are situations where financial exploitation occurs and a POA is not in place.

Office of Substitute Decision Maker

The 2013 Task Force Reviewed and is Considering the Following Alternatives:

- Implement 231E at full funding level.
- Phase-in implementation of 231E over a number of years through one of the following methods:
  - One SDM in each service and planning area with additional staff to be added as determined necessary; or
  - Limit services during initial phase-in and add services in each period
- State level centralization through one of the following methods:
  - Use the LTCO model with each SDM "housed" at the state office but serving different regions of the state; or
  - State SDM with utilization of contractors in different regions of the state.
- Relocate the SDM program to AG or Supreme Court using existing 231E or amended 231E.
- Eliminate 231E and subsidize the provision of last-resort SDM services.

2012 Recommendation 7 - Multi-Disciplinary Teams (MDT). Review the MDT process and evaluate to ensure teams meet and that collaboration occurs to better serve older Iowans who are victims of or are vulnerable to elder abuse. Currently, MDT's are allowed to exist under the Dependent Adult Abuse Law but are not statewide.

The 2013 Task Force Recommends:

Administrative

- Conduct a review of existing MDTs to determine if there should be one in every county or a group of contiguous counties.
- Research the feasibility of establishing a state MDT to serve as a resource for the local MDTs, to address issues in counties not covered by an MDT and to receive and review reports from local MDTs.

Legislative Changes Required

- Expand 235B.1 MDT powers and functions to address abuse issues that cannot be effectively resolved by a single discipline. This includes identifying required participants, resolving complex cases, identifying systemic problems, expediting cases, aiding in the development of prosecutions, advocating for improved services or public policy, and

enhancing members' skills and knowledge. Other purposes include raising awareness about the problem among professionals and the community, providing support to workers, and contributing to the collected knowledge about abuse.

- Confidentiality statutes need to be addressed to allow state and local governmental entities (state departments, law enforcement, county attorneys, county mental health, MDTs, etc.) to collaborate and share essential confidential information that is necessary for each entity to provide intervention and protection. Include Area Agencies on Aging and Aging and Disability Resource Centers as instrumentalities of the State. (same as second bullet under 2012 Recommendation – Multi-disciplinary Teams [MDTs])

2012 Recommendation 8 - Single Entry Point of Contact. Establish a single point of contact to discuss concerns of or report elder abuse, neglect and financial exploitation. The current system and laws for protecting older Iowans are fragmented and do not meet older Iowan's needs.

The 2013 Task Force Recommends:

Administrative

- Research a single point of contact system including local information and assistance.
- Add single point of contact number to the DHS Notice that is sent out indicating if the report has been accepted or rejected.
- Take a structured look at a centralized intake system for adult protective services, including elder abuse, utilizing:
  - Results of LEAN Event – potentially additional LEAN events for process improvement evaluation;
  - Research; and
  - Focus Groups.

Legislative Changes Required

- Confidentiality statutes need to be addressed to allow state and local governmental entities (state departments, law enforcement, county attorneys, county mental health, MDTs, etc.) to collaborate and share essential confidential information that is necessary for each entity to provide intervention and protection. Include Area Agencies on Aging and Aging and Disability Resource Centers as instrumentalities of the State. (similar to second bullet under 2012 Recommendation – Multi-disciplinary Teams [MDTs])
- Determine what information can be shared, for what purpose, and to whom
  - Referrals
  - Founded
  - Unfounded
  - Confirmed but not Registered
- Needs to be researched by key organizations that have statutes involved.

LEAN Tasks

- Explore mechanisms for the collection and analysis of data on adult abuse. Collecting data is vital for mid to long term ongoing success in combating the problem of adult abuse.

2012 Recommendation 9 - Safe Havens. Create specific locations to house a victim of elder abuse. A victim of elder abuse is generally removed from their home in an attempt to keep them safe from a perpetrator. If an older Iowan needs a safe place to stay there are no specific locations that can meet the unique needs of an older person.

The 2013 Task Force Recommends:

- Review and explore existing "Family Life Homes" program within the Department of Human Services and the Veteran's Administration program to determine if the program is viable and can be better utilized or expanded upon to meet short or long-term housing needs.
- Consider the utilization of group-home settings or other licensed facilities for emergency-based residential needs whether through an expanded "Family Life Homes" program or other program.

2012 Recommendation 10 - Ongoing Collaboration. Continue the dialogue in an effort to protect older Iowans. As the population of Iowa grows older, the work and issues surrounding elder abuse needs to continue through a task force which is geared to discussing the issues and researching best practices.

The 2013 Task Force Recommends:

- Explore adding language to 235B.1(4) to codify the Dependent Adult Protection Advisory Council to include elder abuse, neglect and exploitation.

Appendix

Appendix A

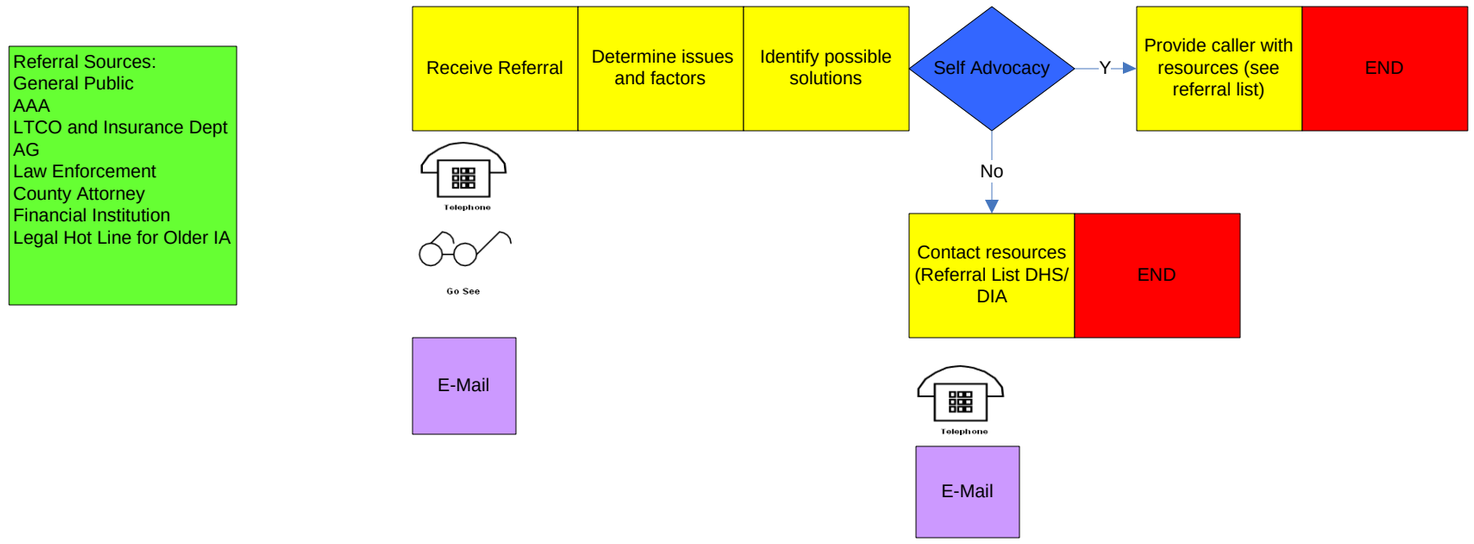
The LEAN process is a methodology recognized and utilized in Iowa State Government to streamline the workflow and find permanent solutions to chronic problems and is a five day intense event. The four department sponsored event occurred in August with the team comprised of representatives from the Departments of Human Services, Aging, Inspections and Appeals, Attorney General's Office, Long-Term Care Ombudsman's Office, Area Agencies on Aging, Polk County Attorney's Office and two consumers.

The purpose of the event, as defined by the team, was to map the current dependent adult and elder abuse processes for the four departments from the point contact is made about abuse to an agency to the point of resolution and/or services. The outcome is to identify opportunities for how the current system can better meet the needs of an elder abuse system. Below are the objectives of the LEAN Event:

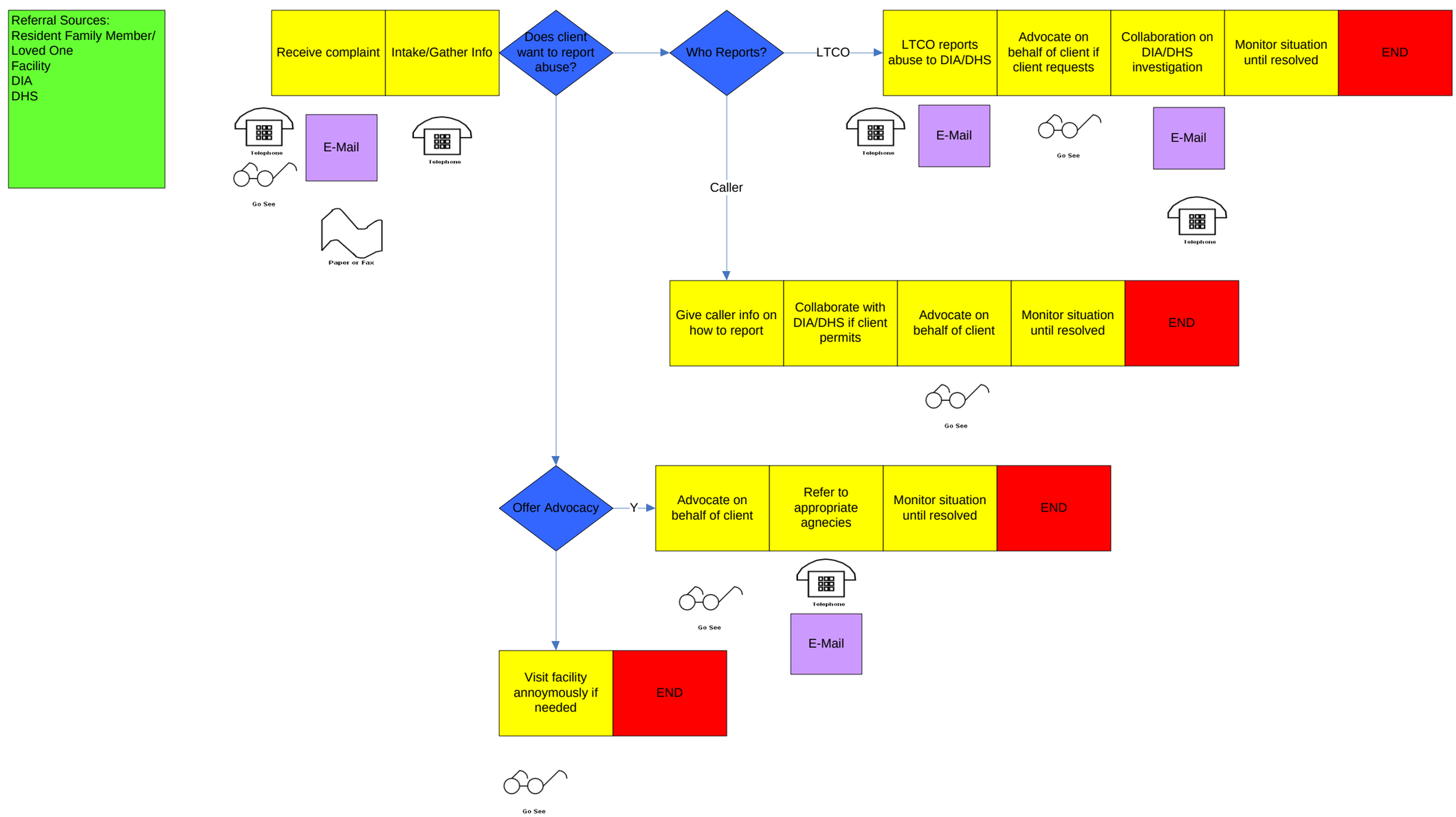
1. Gain an understanding of each state department and other entities' roles and responsibilities in dependent adult and elder abuse.
2. Identify gaps between the current dependent adult and elder abuse system and the needs of an elder abuse system.
3. Identify improvements that impact the abuse system but could require existing resources that cross agencies.
4. Identify improvements that impact the abuse system, but could require code or law changes.
5. Develop collaboration across agencies in order to create efficiencies and effectiveness in the abuse system.
6. Develop recommendations and an action plan for improvement.

IDA VSM Elder Abuse

Elder Abuse Prevention and Awaness

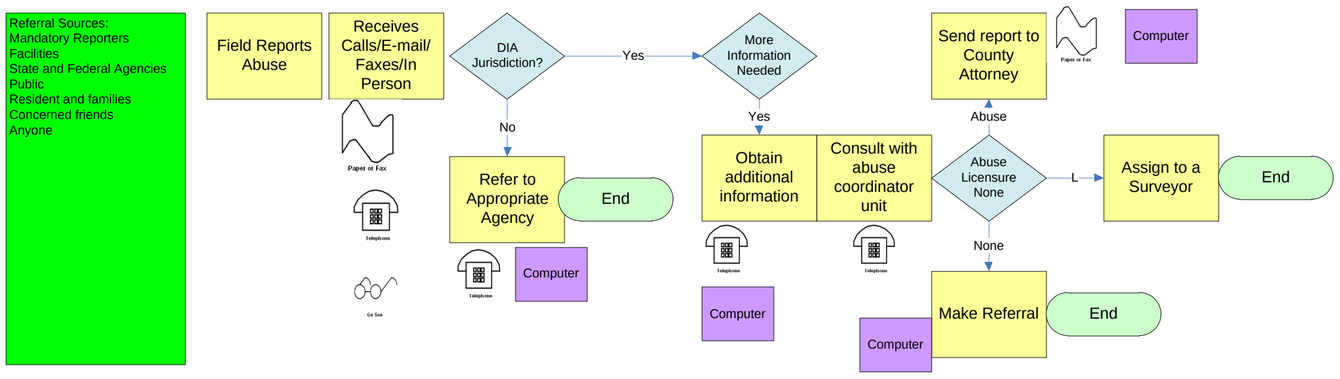


LTCO

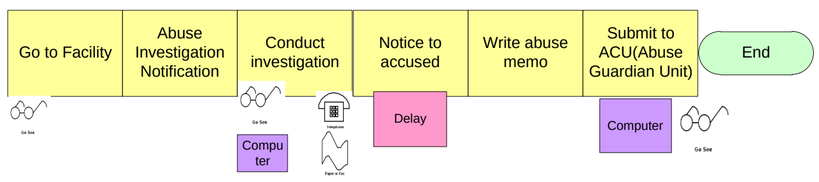


DIA VSM Elder Abuse

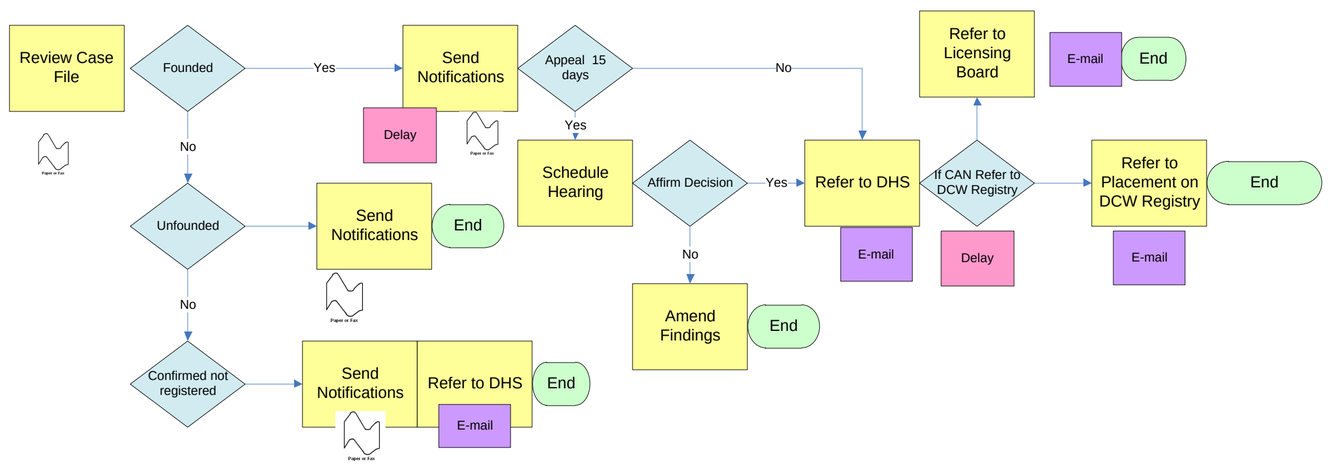
Intake



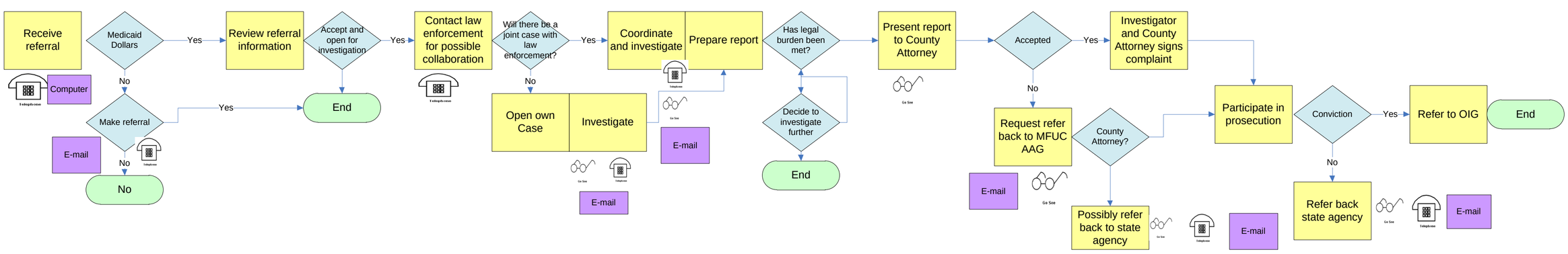
Health Facilities Surveyor Abuse



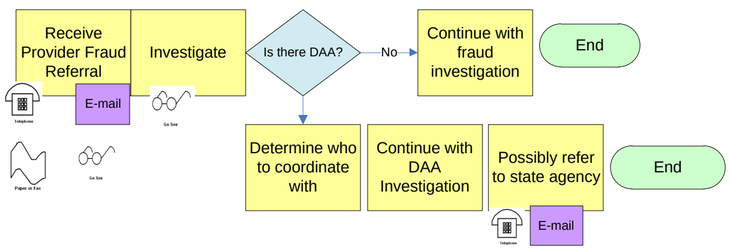
ACU



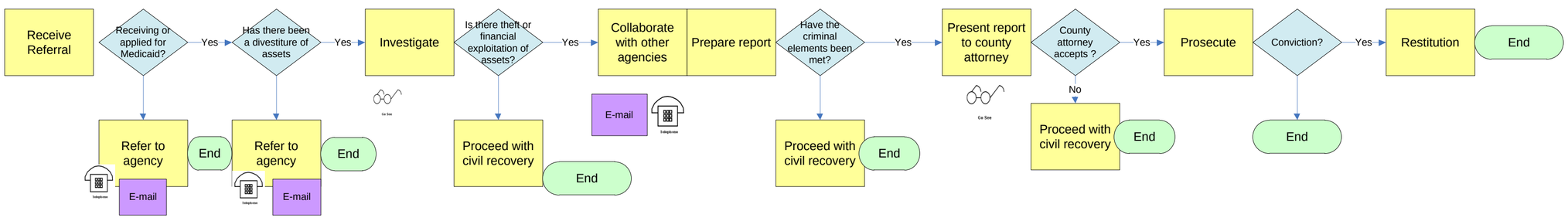
Investigations – Medicaid Fraud



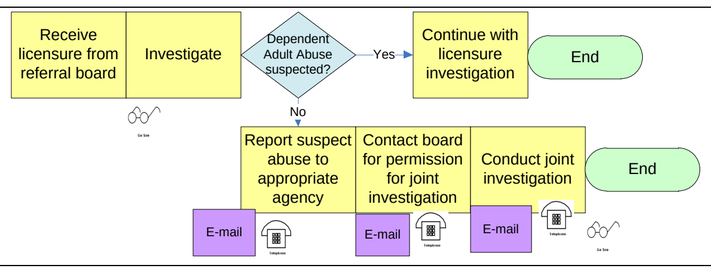
Medicaid Fraud



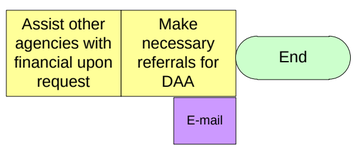
Divestiture



Professional Licensure

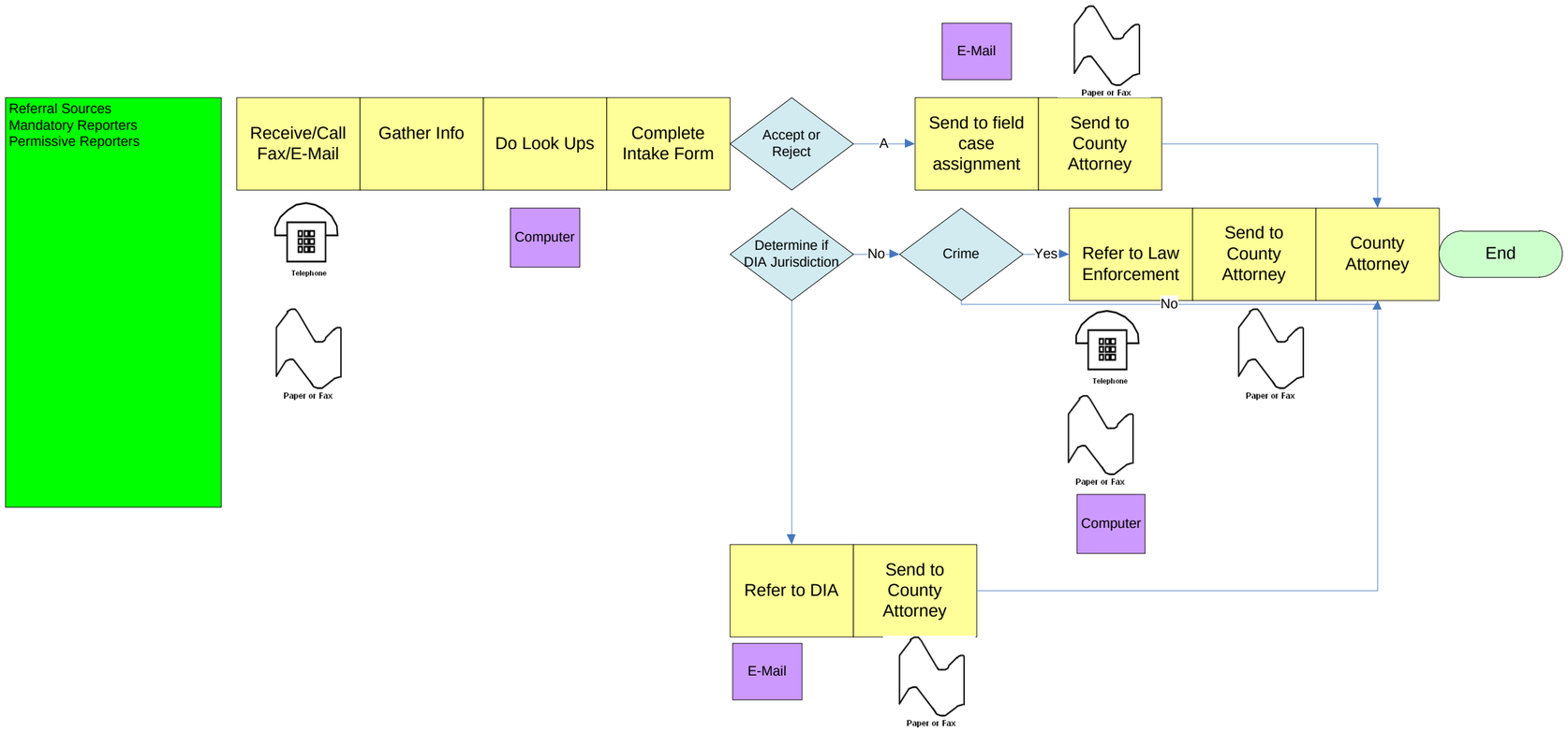


Audits

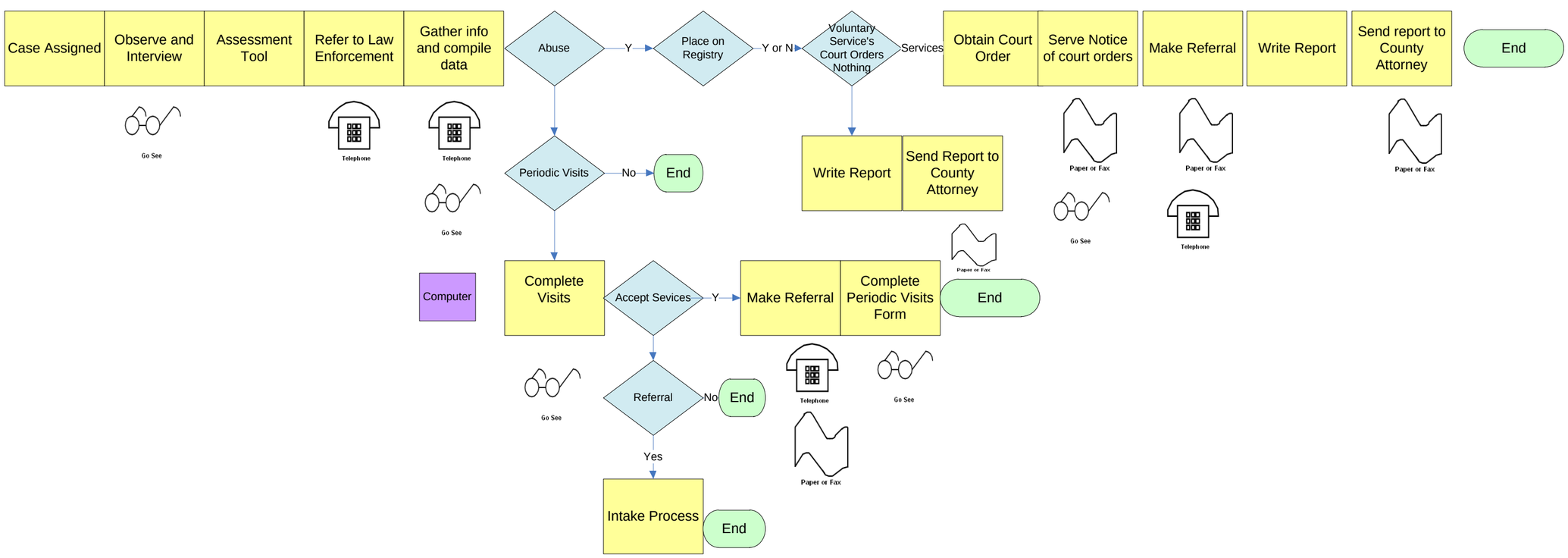


DHS VSM Elder Abuse

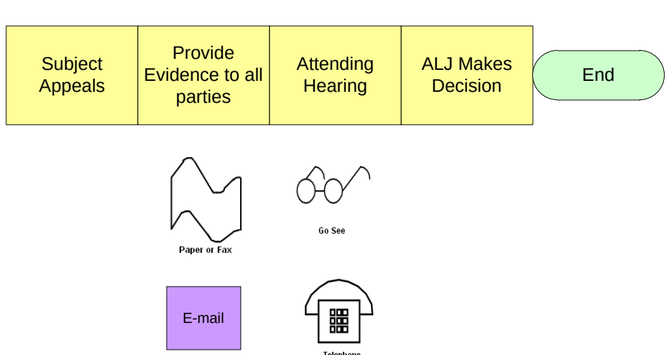
Intake



Assessment Investigation

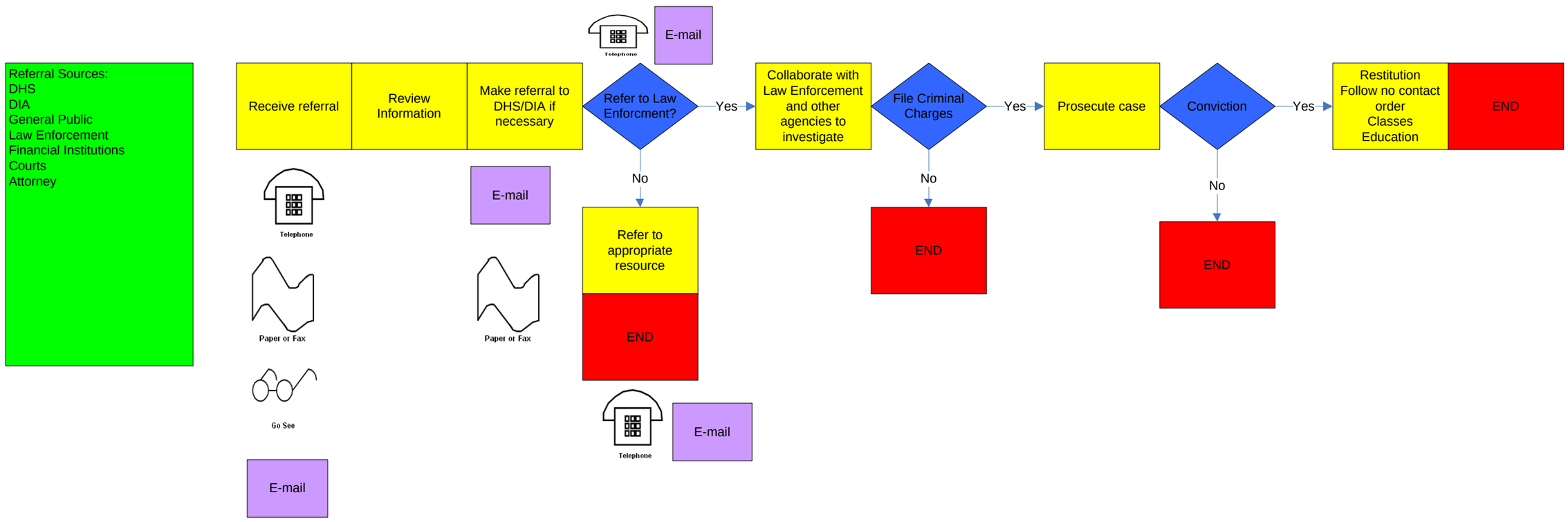


Appeals

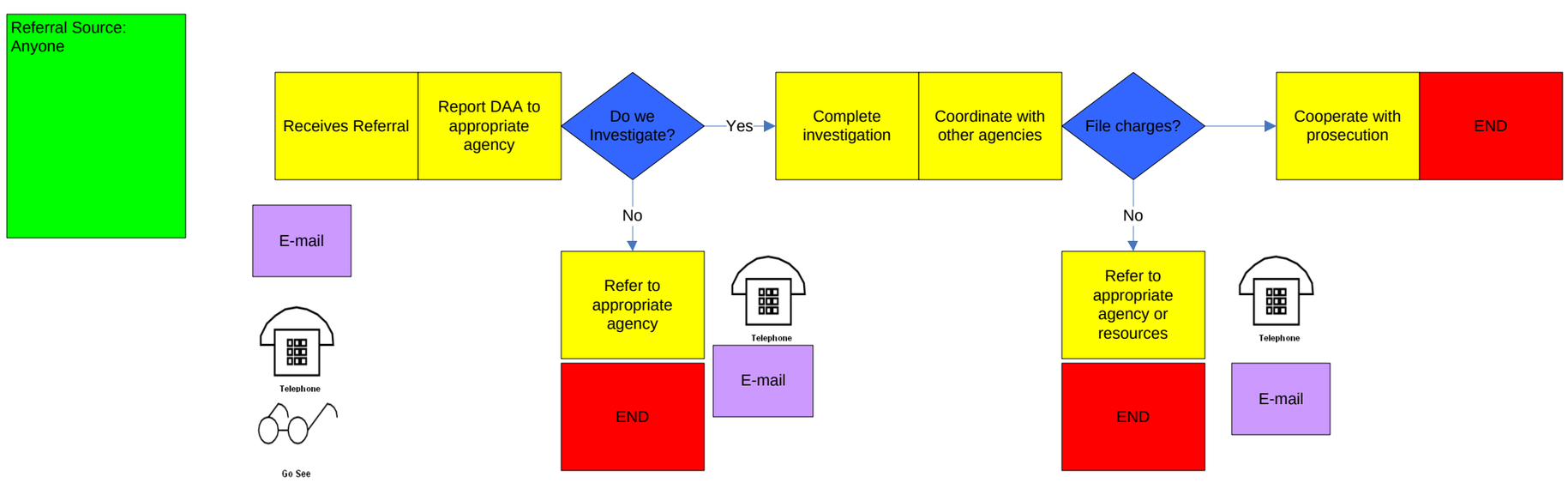


County Attorney and Law Enforcement VSM Elder Abuse

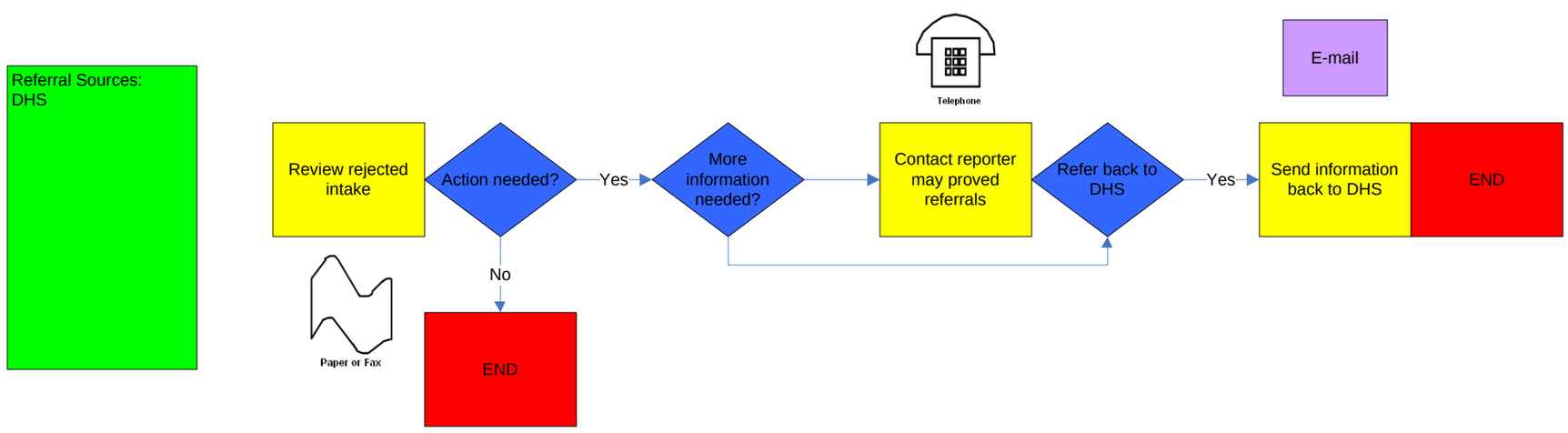
County Attorney



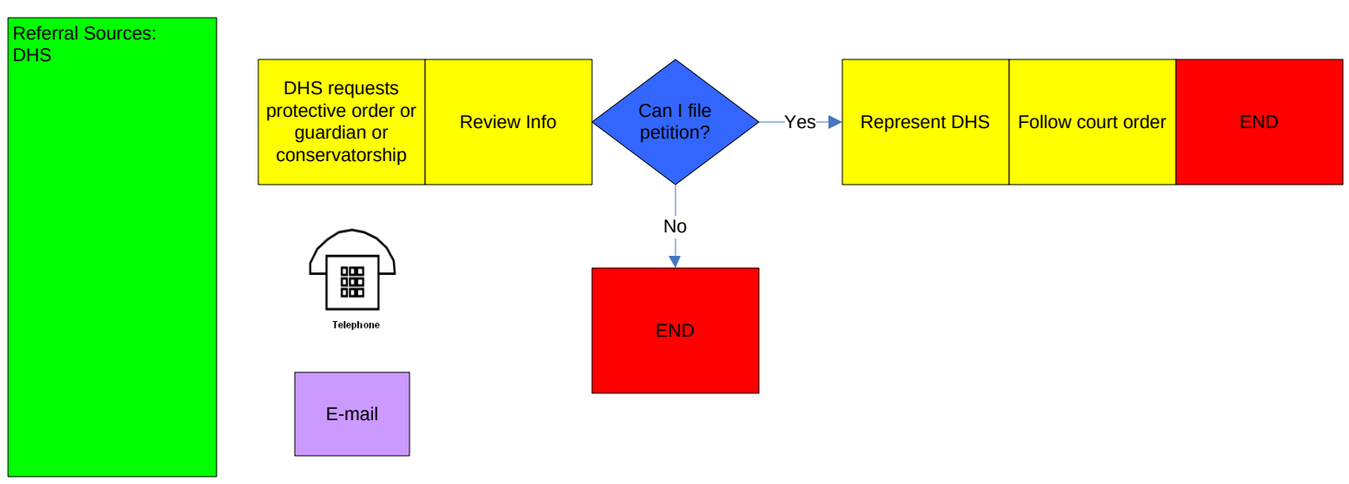
Law Enforcement



Rejected DHS



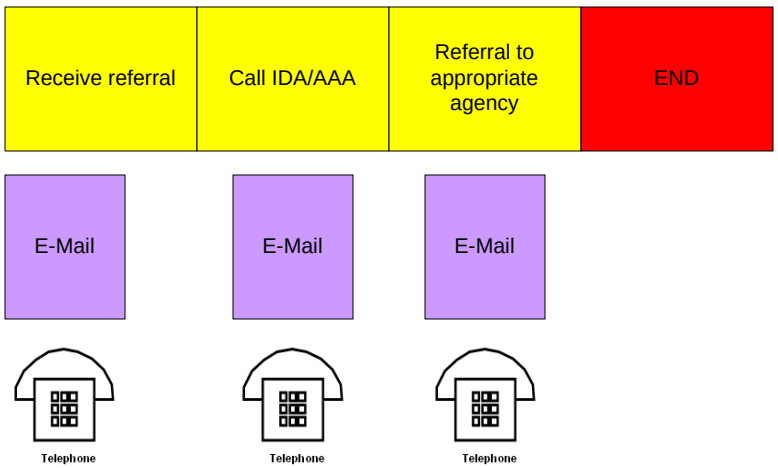
Protective Orders/ Guardianships/ Conservatorships



AG VSM Elder Abuse

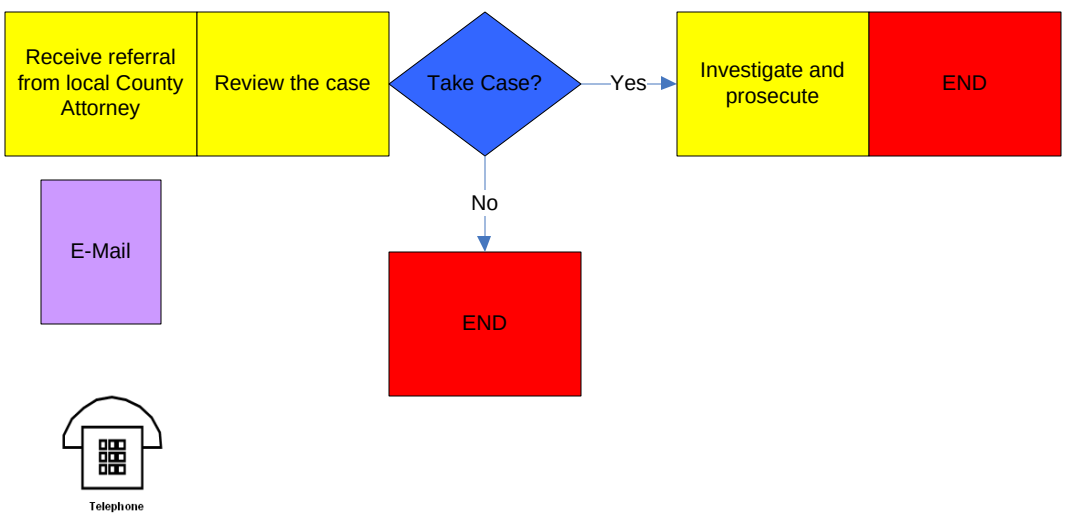
General

Referral Sources:
General Public
Providers
AAA
LTCO
Insurance Department
Law Enforcement
County Attorney
Financial Institution
Legal Hot Line for Older Iowans



Financial Crimes Unit AP

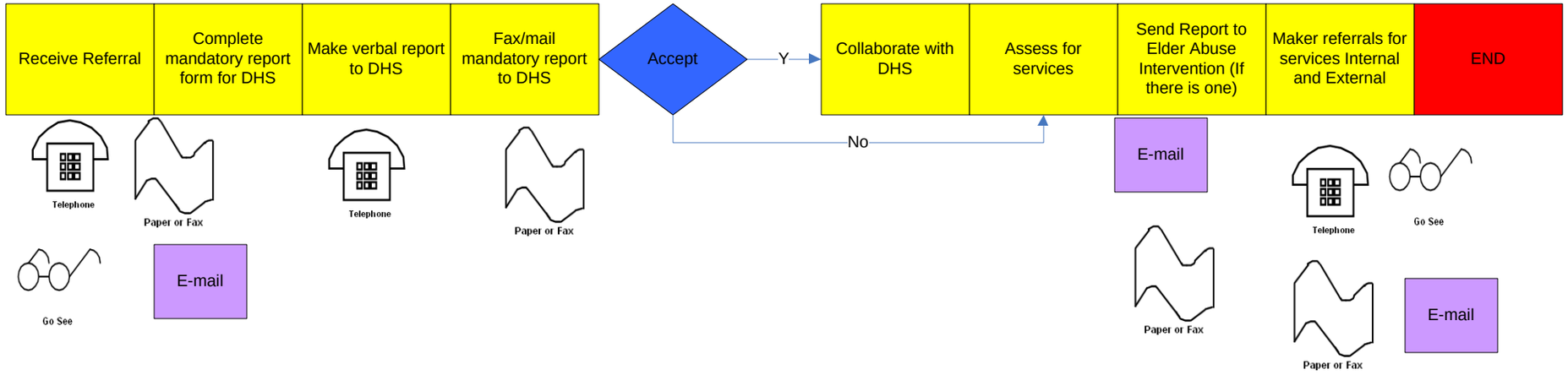
Referral Sources:
General Public
County Attorney
Law Enforement



AAA VSM Elder Abuse

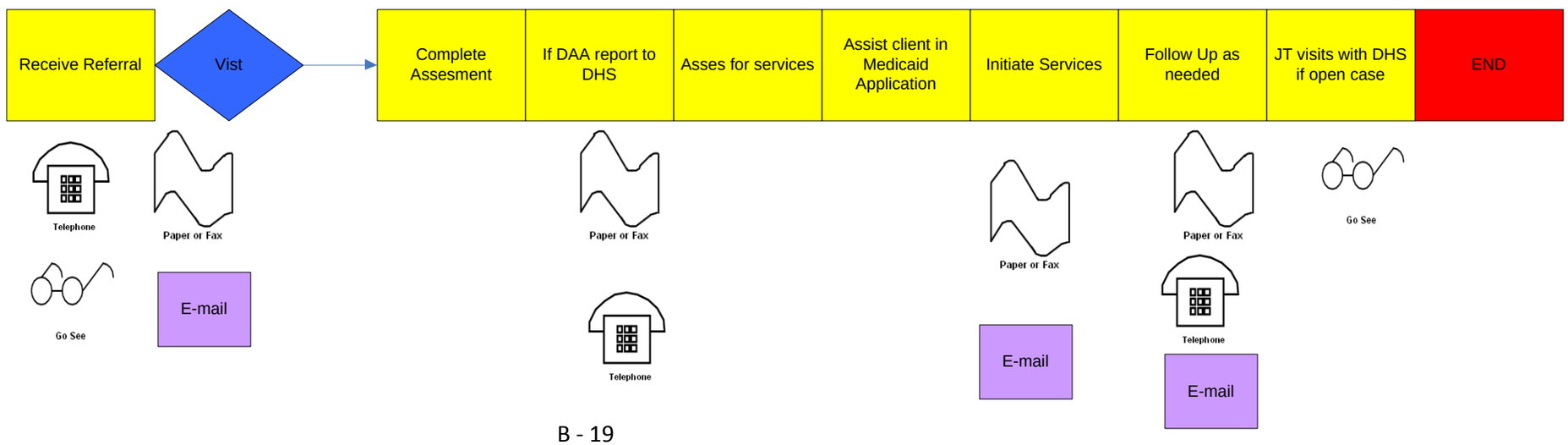
ADCR

Referral Sources:
General Public
Service Providers
DHS
IDA Facility LT
AAA Case Manager
AG's Office
Financial Institutions
Legal Aid
Law Enforcement
Consumers
Family Members
Clergy
Neighbor's
Doctors Office
Hospitals
Local Government Agencies
Utility Companies



Elder Rights Specilist

Referral Sources:
General Public
Service Providers
DHS
IDA Facility LT
AAA Case Manager
AG's Office
Financial Institutions
Legal Aid
Law Enforcement
Consumers
Family Members
Clergy
Neighbor's
Doctors Office
Hospitals
Local Government Agencies
Utility Companies



The following are the homework categories and the tasks to occur for implementation over the next year. It is anticipated these tasks will be resolved through cross agency collaboration without legislation:

Category	Implementation / Communication Plan
Code	Review & identify administrative rules and policies that impede elder safety / best interests Identify confidentiality statutes that restrict sharing of abuse information
Data	Centralized collection of research & data / Aging to maintain all stats
Process Improvement	Identify ways to strengthen DAPAC (include elder abuse) Determine whether DIA surveyors can make abuse determinations
Prosecution	AG represent on all appeals DIA develop process to send all intakes to county attorney Develop mediation forum for victims & families that are at risk but not at "system" level
Training	Implement cross-agency training on each agency's role within the abuse system Develop a standard, mandatory training curriculum for mandatory & permissive reporters with discipline specific information, including detection Educate & support judiciary regarding penalties, victims, & perpetrators Educate agencies on existence and availability of Lifespan Crisis Respite Educate DHS / AAA staff that POA is considered a "caretaker" Outreach to younger generation (40-50 y/o) for inclusion in training about adult abuse Develop a resources list / guide for county attorneys & law enforcement with local contacts and best practices Develop protocols for financial institutions on reporting abuse Utilize video conferencing for training, meetings (e.g. MDTs), etc. Look into implementation of neighborhood watch programs Educate LTCO/AAA and others on DHS adult foster care program (family life home)

LEAN - Prioritization of Recommendations to Task Force

ELDER ABUSE LAW	**Votes**
Create law that includes both DAA & EA but contains no distinction - creates new category for "abuse"	20
Create separate law	2
Amend existing code provisions to address EA criminal code, probate code, civil code	1
Add EA to DAA law	0
Create EA law with DAA provisions included	0
Look at other state laws	0

CENTRALIZATION	Votes
Centralized Adult Abuse Unit (specialized investigation, attorneys, social workers)	25
Identify one existing agency to handle all abuse	25
Centralized intake unit	10
Access to each other agency's database	5
Centralized database for all adult abuse information	4
Separate LTCO from Aging & allow to investigate	4
Create a "university" for elders & das	3
Implement toll free # answered by existing agency staff (DHS, IDA, DIA)	2
Hire a grant writer for EA issues jointly funded by sponsor	1
AAAs to have at least one elder abuse advocate	0
Give each agency authority to investigate any type of abuse	0
Create multi-agency unit (28E) (use existing agencies)	0
DIA investigate DAA / EA Abuse and DHS = Child Abuse	0
Ag prosecutes all abuse	0
Website to report abuse (child & adult)	

SUBSTITUTE DECISION MAKER	
Reinstate OSDM at local level; has paid G/C	16
Reinstate OSDM centralized at state; has paid G/C	10
Adopt Uniform Durable POA Act	8
Reactivate 231E - OSDM	4
Use Community Based organizations as SDM	3
Expand the Guardianship / Conservatorship program	2
Create a Volunteer SDM program	0

CODE CHANGES	
Amend 235e to allow immediate registration on registry w/o delay (even with appeal)	13
Add financial exploitation to criminal code	9
Amend confidentiality provision	9
Remove notices in 235e	7
Authority to refer rejected cases to AAA or LTCO	7
Create enhanced penalties for EA & DAA including probate code	6
Amend code to allow central registry information to be included in all background checks	6
Create a state collection/restitution unit @ state level	5
Publicize part of registry	5
Recoup funds from Medicaid Fraud and put into Elder Abuse fund	5

EMERGENCY SERVICES	
Create a fund for emergency services	8
Create Safe Havens	6
Allow victims/families to obtain protective order	5
Expand amber alert to include elderly	4
Develop a criminal surcharge for elder abuse cases that help fund emergency services	2

Allow County Attorneys to get 235b orders w/o DHS orders	2
Allow DHS to obtain protective order	1
Professional/volunteer network to respond to emergencies	0
Consistent services available statewide	0
Establish a local response team for elder abuse cases	0

FINANCIAL INSTITUTIONS	**Votes**
Make financial institutions mandatory reporters by statutory change	8
Alert system to alert other banks of financial exploitation	0

MDT

Add Elders & Dependent Adults to Crime Victims Assistance Program	6
Create one "state" MDT	5
Create policy re: access to & utilization of MDT / specify makeup of MDTs	3
Each state agency must designate an employee to participate in MDT	3
Develop options for activating MDTs across state (by "urban", rural, AAA region, or other)	0

TRAINING & EDUCATION

Require additional training on EA for mandatory reporters	2
Adopt a formal elder abuse prevention model - see Univ. California Irvine	2
Develop caretaker training	1
Develop a media partner	1
Put legislators in key positions - e.g. coalitions	1
Send staff to National Conferences	1
Utilize ACA/Market Navigators to gather, provide info, partners	0

Appendix B

Centralization Work Group Assignments

Members: Linda Hildreth, Cecilia Johnson, Polly Johnston, Laura Larkin, Diana Nicholls-Blomme, Sara Sander, and Jone Staley

2012 Report Recommendations

Recommendation #5 - Specialized Education and Training: Achieve consistency and effectiveness in addressing and preventing elder abuse through the development of a single training module to increase knowledge and distinguish between elder abuse and dependent adult abuse.

Recommendation #8 - Single Entry Point of Contact: Establish a single point of contact to discuss concerns of or report elder abuse, neglect and financial exploitation. The current system and laws for protecting older Iowans are fragmented and do not meet older Iowan's needs.

SF446 Section 50 Mandates:

(2)(1) Harmonization of the approach design (Elder Abuse Prevention and Intervention (231.56A) & the Office of Substitute Decision Maker (231E) with the existing dependent adult abuse system pursuant to chapter 235B, including but not limited to standardized training…

(2)(2)(e) Promotion of public awareness of elder abuse and the services and support available to older individuals at risk of or experiencing elder abuse.

(2)(2)(c) The designation of a single point of contact to report elder abuse. The task force shall specifically address utilizing the aging and disability resource center network as the single point of contact.

Elder Abuse Definition and Law Work Group Assignments

Members: Anthony Carroll, Wendy Dishman, Josy Gittler, Craig Goettsch, Celene Gogerty, Kimberly Murphy, Janet O'Brien, Sharon Presnall (Dodie Bauman), Darrell Simmons, Ken Watkins, and Bob Welsh.

2012 Report Recommendations

Recommendation #1 Elder Abuse Definition and Law. Develop an elder abuse law which focuses on the unique needs of older Iowans and creates definitions which protect older Iowans who do not meet the dependent adult abuse criteria.

Recommendation #2 Safeguards from Financial Exploitation. Implement safeguards as outlined in the full report to ensure financial security against exploitation for older Iowans. Current financial power of attorney and conservatorship laws do not adequately protect older Iowans and their assets from perpetrators or from persons in a position of trust.

Recommendation #6 Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker. Strengthen the laws pertaining to financial powers of attorney, and conservatorship. Power of attorney documents and conservatorships often serve as powerful tools for exploiters.

Recommendation #7. Multi-Disciplinary Teams (MDT). Review the MDT process and evaluate to ensure teams meet and that collaboration occurs to better serve older Iowans who are victims of or are vulnerable to elder abuse. Currently, MDT's are allowed to exist under the Dependent Adult Abuse Law but are not statewide.

SF446 Section 50 Mandates:

(2)(1) Harmonization of the approach design with the existing dependent adult abuse system pursuant to chapter 235B, including but not limited to… collaboration between the elder abuse approach and the department of human services when a report of dependent adult abuse involves an older individual, and the membership of multidisciplinary teams.

(2)(2)(b) The definition of elder abuse to be used in the approach to elder abuse. The task force shall address continued use of the definition of "elder abuse" as specified under the federal Older Americans Act and utilized by the prevention of elder abuse program under section 231.56A, or shall provide a specific alternative definition.

(2)(2)(d) The means of addressing financial exploitation of older individuals, including those relating to powers of attorney and conservatorships as described in the 2012 task force report.

(2)(2)(f) Any specific changes in statute and rules necessary to achieve the recommendations of the task force.

OSDM /Services / Referrals Work Group Assignments
OSDM=Office of Substitute Decision Maker Iowa Code 231E

Members: Craig Block, Deanna Clingan-Fischer, Lori DeVries, Betty Grandquist, Robert King, Aubury Krueger, Larry Kudej, Bill Nutty, and Chantelle Smith

2012 Report Recommendations

Recommendation #3 Elder Abuse Intervention System: Implement a system focused on prevention, intervention, detection, and provision of services to maintain the health, welfare, safety, and resources of the older Iowan. The recommended system to implement and fund statewide is based upon the Elder Abuse Initiative demonstration projects previously funded through the Senior Living Trust Funds and piloted in 22 counties.

Recommendation #4 Allocation of Service Dollars. To fully implement an elder abuse intervention system, funding for services is needed to ensure protection and safety.

Recommendation #9 Safe Havens: Create specific locations to house a victim of elder abuse. A victim of elder abuse is generally removed from their home in an attempt to keep them safe from a perpetrator. If an older Iowan needs a safe place to stay there are no specific locations that can meet the unique needs of an older person.

SF446 Section 50 Mandates:

(2)(a) The design of the comprehensive approach to elder abuse prevention and intervention in the state utilizing the prevention of elder abuse program pursuant to section 231.56A and the office of substitute decision maker pursuant to chapter 231E.

(2)(2) Incorporation of the approach design into other existing and developing components of the system including the area agencies on aging, the mental health and disability services regions, local public health departments, the local offices of the department on human services, the courts, and other appropriate entities, to most effectively and efficiently address the needs of older individuals.

Appendix C:

Office of Substitute Decision Maker – Implementation Options

Appendix C:

Office of Substitute Decision Maker – Implementation Options[1]

Option 1

This option creates a statewide guardianship network in year one by placing one guardian/conservator in each planning and service area. One additional guardian/conservator is added to each planning and service area in years two and three.

Advantages: Creates an equitable distribution of guardians/conservators throughout each planning and service area. This allows statewide representation and consumer access to guardians/conservators regardless of location of residency.

Disadvantages: There will be only one guardian / conservator designated for each planning and service area in Year 1 and two in each planning and service area in Year 2. This could limit the amount of consumers served in the first two years.

Office of Substitute Decision-Maker (OSDM)		
3 Year Implementation: Phase In Substitute Decision Makers		
OSDM Year 1		
	Cost Per	**Total**
State Office		**$366,843**
Regional Office – 1 SDM (6 regions)	$133,749	**$802,494**
Statewide Total		**$1,169,337**
OSDM Year 2		
State Office		**$366,843**
Regional Office – 2 SDMs (6 regions)	$205,699	**$1,234,194**
Statewide Total		**$1,601,037**
OSDM Year 3		
State Office		**$366,843**
Regional Office - 3 SDMs (6 regions)	$278,249	**$1,669,494**
Statewide Total		**$2,036,337**

[1] Any of the options provided in Appendix C could allow for the use of an RFP to select contractors to serve as a local office or substitute decision-maker.

Option 2

This option creates two local offices in year one by establishing a local office in two selected planning and service areas. Each local office will have three guardians/conservators. Two additional local offices are added in years two and three.

Advantages: Creates a fully-functioning office in two planning and service areas in Year 1.

Disadvantages: Does not create a statewide system until Year 3. This means that only consumers residing in planning and service areas designated in Years 1 or Years 2 will have access to services prior to statewide implementation.

Office of Substitute Decision-Maker (OSDM)			
3 Year Implementation Plan: Phase In Regional Offices			
OSDM Year 1			
	Cost per	**Number**	
State Office	$366,843		**$366,843**
New Local Office (2 Regions)	$278,249	2	**$556,498**
State + 2 New Local Offices			**$923,341**
OSDM Year 2			
State Office	$366,843		**$366,843**
Existing Local Offices	$278,249	2	**$556,498**
New Local Office (2 Regions)	$278,249	2	**$556,498**
State + 2 Existing Local Offices + 2 New Local Offices			**$1,479,839**
OSDM Year 3			
State Office	$366,843		**$366,843**
Existing Local Offices	$278,249	4	**$1,112,996**
New Local Office (2 Regions)	$278,249	2	**$556,498**
State + 4 Existing Local Offices + 2 New Local Offices			**$2,036,337**

[1] Any of the options provided in Appendix C could allow for the use of an RFP to select contractors to serve as a local office or substitute decision-maker.

Option 3

This option creates two local offices in year one by establishing a local office in two selected planning and service areas. Each local office will have three guardians/conservators. One additional local office is added in Years 2, 3, and 4.

Advantages: Creates a fully-functioning office in two planning and service areas in Year 1.

Disadvantages: Does not create a statewide system until Year 5. This means that only consumers residing in planning and service areas designated in Years 1, 2, 3, or 4 will have access to services prior to statewide implementation.

Office of Substitute Decision-Maker (OSDM)			
5 Year Implementation: Phase-In Regional Offices			
OSDM Year 1			
	Cost per	Number	
State Office	$366,843		**$366,843**
New Local Office (2 Regions)	$278,249	2	**$556,498**
State + 2 New Local Offices			**$923,341**
OSDM Year 2			
State Office	$366,843		**$366,843**
Existing Local Offices	$278,249	2	**$556,498**
New Local Office (1 Region)	$278,249	1	**$278,249**
State + 2 Existing Local Offices + 1 New Local Office			**$1,201,590**
OSDM Year 3			
State Office	$366,843		**$366,843**
Existing Local Offices	$278,249	3	**$834,747**
New Local Office (1 Region)	$278,249	1	**$278,249**
State + 3 Existing Local Offices + 1 New Local Office			**$1,479,839**
OSDM Year 4			
State Office	$366,843		**$366,843**
Existing Local Offices	$278,249	4	**$1,112,996**
New Local Office (1 Region)	$278,249	1	**$278,249**
State + 4 Existing Local Offices + 1 New Local Office			**$1,758,088**
OSDM Year 5			
State Office	$366,843		**$366,843**
Existing Local Offices	$278,249	5	**$1,391,245**
New Local Office (1 Region)	$278,249	1	**$278,249**
State + 5 Existing Local Offices + 1 New Local Office			**$2,036,337**

[1] Any of the options provided in Appendix C could allow for the use of an RFP to select contractors to serve as a local office or substitute decision-maker.

Appendix D:

Primary Point of Entry Scenario

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Primary Point of Entry Scenario

Consumer calls the **LifeLong Links Aging and Disability Resource Center (ADRC) network** with concerns for a 74 year old female who is allegedly neglected, has an open infected wound on her foot and is diabetic. It also appears she is being financially exploited (including her social security check) by a family member living in her residence who is named as the Attorney-in-Fact in the Financial Power of Attorney document.

LifeLong Links makes referral to **Area Agency on Aging (AAA) Elder Rights Specialist (ERS)**

AAA ERS (a mandatory reporter) contacts **DHS or DIA** with dependent adult abuse reports.

AAA ERS contacts **Consumer** to discuss options for support services including appropriate releases of information.

Processes below function simultaneously to eliminate efficiencies and address issues

Support Service Options and Navigation	Dependent Adult Abuse System
AAA ERS collaborates with **Local Providers** depending on situation and upon Consumer agreement help keep her safe and healthy. These may include: • Local Social Security Office • Local Representative Payee Program • Legal Providers • Case Manager • Physician • Local Long-Term Care Ombudsman • Financial Institutions	**DHS –** Begins their dependent adult abuse evaluation for situations occurring in the community. **DIA -** Begins their dependent adult abuse evaluation for situations occurring in the community. **Law Enforcement** – Begins their criminal investigation.

This replicates the previously funded elder abuse initiative and will focus on the supportive services and work collaboratively with other state departments and local stakeholders while preserving the dependent adult abuse systems under the Departments of Human Services and Inspections and Appeals.

A collective review of the confidentiality statutes will continue among the entities involved through the LEAN follow-up process.