

MLA - SB 797 - FAVORABLE.pdf

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Position: FAV



**MARYLAND
LEGAL AID**

*Advancing
Human Rights and
Justice for All*

Senate Bill 797

Task Force on Preventing and Countering Elder Abuse

In the Senate Judicial Proceedings Committee

Hearing on Favorable 23, 2023

Position: FAVORABLE

Maryland Legal Aid (MLA) submits its written and oral testimony on SB 797 at the request of bill sponsor Senator Hettleman.

MLA is a non-profit law firm that provides free legal services to the state's low-income and vulnerable residents. Our 12 offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including Long-Term Care Medicaid and elder law. MLA regularly represents vulnerable older adults.

SB 797 creates a Task Force to study existing Maryland laws, policies and practices relating to elder abuse and other crimes commonly committed against vulnerable older adults. The Task Force is charged to make recommendations relating to changes that will enable prevention of elder abuse. Maryland Legal Aid asks that the Committee report **favorably** on SB 797 without amendments.

The importance of this Task Force cannot be exaggerated.

The exact impact and prevalence of elder abuse in Maryland, and across the county, is unknown, because victims of elder abuse frequently do not come forward and report their experiences. One in 10 individuals over the age of 60 have experienced some form of elder abuse,¹ but it is estimated that 93% of elder abuse cases go unreported every year.² This estimation likely does not capture the true impact of elder abuse, now that we, as a society, understand elder abuse to be more than just physical abuse. The scope of abuse—ranging from physical to mental to emotional to sexual to financial—means, sadly, more older Marylanders are being abused than it is commonly recognized.

The spectrum of abuse is no longer limited to interpersonal relationships, between people who know one another, like a parent-child relationship or caregiver relationship. With the internet more widely available and accessible than ever, criminals across the globe can and do prey on Maryland's older adult population.

¹ *Get the Facts on Elder Abuse*, NAT'L COUNCIL ON AGING (Feb. 23, 2021), <https://www.ncoa.org/article/get-the-facts-on-elder-abuse>.

² *Elder Abuse Prevention*, MD. DEPT. OF AGING, <https://aging.maryland.gov/Pages/elder-abuse-prevention.aspx>.

For example, online relationship scams, often referred to as **romance scams**, are a new way criminals target, abuse, and victimize older adults. These criminals can target older adults while the older adult is in the comfort of their own home, not realizing that they are being scammed. The National Council on Aging reports that older Americans lost \$304 million in 2020 to romance scams, averaging \$9,475.80 for persons over the age of 70 who were scammed.³

Another less examined aspect of elder abuse that often occurs at the hands of a caretaker or service provider is **benefits trafficking**. This type of abuse uses coercion, deception, threats, or other means to traffic a victim for the purpose of appropriating their benefits, such as Social Security income, Food Stamps (SNAP), or other benefits.⁴ The methods and means of abuse will continue to evolve and expand as Maryland's older adult population increases—it is imperative that the Task Force on Preventing and Countering Elder Abuse is formed to allow Maryland to best address this pervasive problem.

The results and repercussions of elder abuse are heartbreaking and demand our attention. The Task Force will look at Maryland's laws and system in order to better protect our older adults from experiencing the trauma that results from abuse, whether physical, emotional, financial, or other type of elder abuse. Elder abuse can result in a horrifying variety of harms including:

physical injuries, ranging from minor to severe to death, hospitalizations, increased morbidity and mortality, psychological harm, depression, anxiety, Post-Traumatic Stress Disorder (PTSD), decrease in emotional and mental well-being, cognitive decline, emotional distress, loneliness, isolation, shame, guilt, loss of financial independence, sleep disturbances, disassociate symptoms, and many more.⁵

Abuse has implications on the basic human rights of those who experience it. Health, housing,⁶ social and emotional well-being, spiritual harm, and other aspects of life can all be harmed by experiencing

³ *Sweetheart Scams: How to Avoid being a Victim*, NAT'L COUNCIL ON AGING (Feb. 7, 2022), <https://www.ncoa.org/article/sweetheart-scams-how-to-avoid-being-a-victim>.

⁴ GA Code § 16-5-102.1 (2020). Georgia is a trailblazer in the protection of older and vulnerable adults against benefits trafficking.

⁵ *Research, Statistics, and Data*, NAT'L CENTER ON ELDER ABUSE, https://ncea.acl.gov/What-We-Do/Research/Statistics-and-Data.aspx#_ednref65. Please visit this site for a comprehensive overview of elder abuse facts and figures.

⁶ The effect of abuse on housing is a particular concern for advocates at MLA. If older adults lose their housing or living arrangements in the community as a result of abuse, many are left with only two options—entering a nursing home or experiencing homelessness. Both are terrible options. The institutionalization of our older population, warehousing these individuals at nursing homes, creates additional harm and trauma on this vulnerable population.

abuse. The efforts of the Task Force will work to mitigate and, ultimately, eliminate the harm thrust upon the victims of elder abuse. This Task Force can support Maryland in becoming a leader in the protection of older adults, reducing harm to these individuals and the impact of this harm on our society.

The Need for an Interdisciplinary Approach

SB 797 will implement an interdisciplinary approach, bringing stakeholders and experts from across industries, and the state, implementing a comprehensive, inclusive approach to protecting Maryland's older adults. It is vital for Maryland agencies and organizations familiar with elder abuse to have the opportunity to coordinate and figure out what is needed for Maryland's older adults to age safely and with dignity. Task Force members include representatives from law enforcement, health care, social services, government, and legal services, among others. This Task Force will improve Maryland's understanding of elder abuse, properly capturing the reality of this abuse, which will ultimately promote the welfare of older Marylanders.

Examples of MLA's Experience with Elder Abuse

Maryland Legal Aid's service to low-income older adults entails encountering unfortunate situations of elder abuse and neglect. MLA takes allegations of abuse very seriously; upon notice, our advocates immediately begin working with the client being abused, bringing in partner organizations and other agencies, quickly and appropriately ensuring safety and achieving the client's goals. There have been countless cases in which an individual has contacted MLA because a family member, named as their Power of Attorney, was depleting their bank accounts, stealing from them, physically abusing the client, and forcing them to do things they did not want to do. Most commonly, clients allege financial abuse, which can upend their entire lives if not swiftly and adequately addressed. Clients can lose their homes, access to health care, or develop medical issues, both physical and mental, in response to the trauma. MLA works rapidly to ensure the client's immediate safety, counsel them on their rights, and support them during that process. Often clients will remove the abusive Power of Attorney and appoint a different trusted individual.

Allegations of neglect and abuse by older adults or people living in nursing homes is not a new phenomenon, however, the COVID-19 pandemic and operational changes at many Maryland nursing homes have left residents more vulnerable than ever. Staffing shortages in nursing homes are pervasive across Maryland, and these shortages lead to neglect. Examples of neglect include residents sitting in their own waste for hours waiting to be changed, rough, rushed provision of services that result in injury, and bed sores. Many nursing home residents that contact MLA for help have complaints that echo the examples list above. Some client complaints, however, include allegations of malicious and cruel

behavior by care providers. Being in an institutional setting does not protect a resident from abuse. The Task Force on Preventing and Countering Elder Abuse will address shortcomings, loopholes, and other issues within the current framework that allows the abuse of our vulnerable older population to persist.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 797. If you have any questions, please contact Alle Andresen, Long Term Care Assistance Project Attorney, (410) 951-7765, aandresen@mdlaborg.

Maryland Catholic Conference_FAV_SB797.pdf

Uploaded by: Brian Barnwell

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 23, 2023

Senate Bill 797

Task Force on Preventing and Countering Elder Abuse

Senate Judicial Proceedings Committee

Position: Favorable

The Maryland Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 797's purpose is to establish a Task Force on Preventing and Countering Elder Abuse. The Task Force is authorized to (a) study relevant existing law, policies, and practices relating to elder abuse; and (b) to make recommendations regarding changes to these laws, policies, and practices. The Task Force shall submit a preliminary report to the Governor and the General Assembly on or before December 31, 2023, and a final report on or December 31, 2024. The law creating the Task Force would take effect on July 1, 2023, and the Task Force would remain effective for 2 years.

It is estimated that approximately 1 in 10 Americans over the age of 60 have experienced some form of elder abuse. Some estimates range as high as 5 million elders who are abused each year.¹ According to the Maryland Department of Aging, in Fiscal Year 2021, thousands of elder abuse complaints were filed.² Elder abuse takes many forms, including, but not limited to: (1) physical abuse; (2) financial abuse/exploitation; (3) psychological abuse; (4) sexual abuse; and (5) neglect/self-neglect.

The statistics show that we must do more to help prevent and counter elder abuse. The Maryland Catholic Conference supports legislation that aims to protect our most vulnerable

¹ <https://aging.maryland.gov/Pages/elder-abuse-prevention.aspx>

²

<https://aging.maryland.gov/SiteAssets/Pages/WEAAD/WEAAD%20Fact%20Sheet%20MD%20Fiscal%20Year%202021.pdf>

populations and believes that every individual deserves to be treated with dignity and respect. The Task Force created by SB 797 will study and make recommendations on how we can help our elders and provide them with a safer and better quality of life. For these reasons, the Maryland Catholic Conference asks for a favorable report on **SB 797**.

Thank you for your consideration.

HFAM Testimony SB 797.pdf

Uploaded by: Joseph DeMattos

Position: FAV



**TESTIMONY BEFORE THE
SENATE JUDICIAL PROCEEDINGS COMMITTEE**

Senate Bill 797: Task Force on Preventing and Countering Elder Abuse

February 23, 2023

Written Testimony Only

POSITION: FAVORABLE

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 797. HFAM represents skilled nursing centers and assisted living communities in Maryland, as well as associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state.

Senate Bill 797 establishes the Task Force on Preventing and Countering Elder Abuse and requires the Task Force to submit a final report of its findings and recommendations to the Governor and the General Assembly on or before December 31, 2024.

As this legislation states, a very small percentage of older adults live in nursing homes or assisted living centers. Most older adults live in the community and unfortunately 1 in 60 adults aged 60 and older are being abused. Most cases of elder abuse, including financial exploitation, are not reported to authorities.

This legislation will create a Task Force on Preventing and Countering Elder Abuse to study existing laws and practices related to elder abuse and make recommendations to combat crimes commonly committed against older adults. The information gathered and recommendations made by this task force will be crucial to updating laws, policies, and practices to better protect older adults throughout Maryland.

Together, we have a shared goal of protecting the safety and well-being of our older adult community members and ensuring that their rights are respected. Senate Bill 797 is a step in the right direction to achieve this goal and to promote the safety, well-being, and healthy aging of older Marylanders.

For these reasons, we respectfully request a favorable report from the Committee on Senate Bill 797.

Submitted by:

Joseph DeMattos, Jr.
President and CEO
(410) 290-5132

SB797_FAV_JudProc.pdf

Uploaded by: Karen Morgan

Position: FAV



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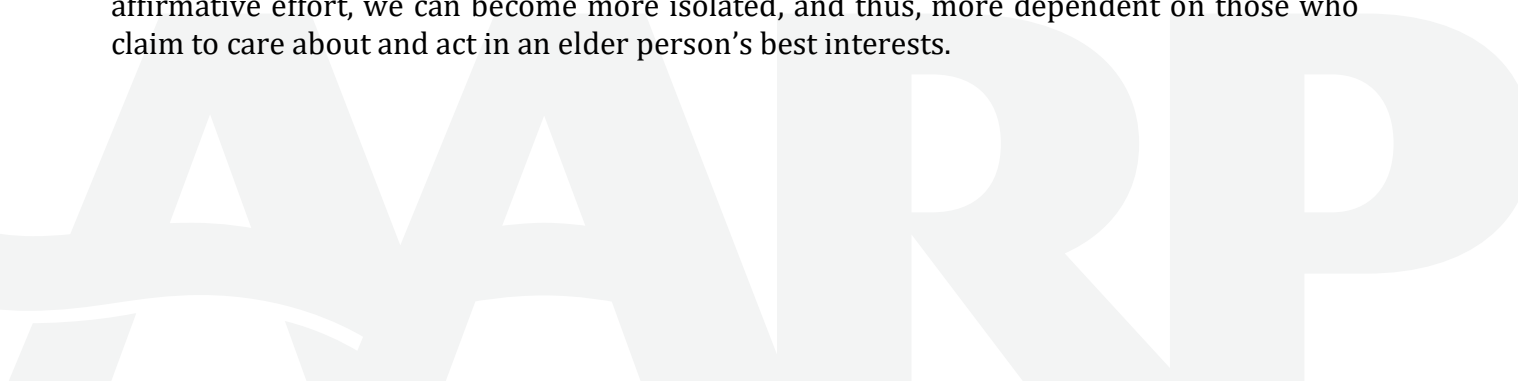
SB 797 – Task Force on Preventing and Countering Elder Abuse
FAVORABLE
Senate Judicial Proceedings Committee
February 23, 2023

Good Afternoon, Chairman Smith and Members of the Senate Judicial Proceedings Committee. I am Karen Morgan, a member of the Executive Council for AARP Maryland. As you may know, AARP MD is one of the largest membership-based organizations in the Free State, encompassing almost 850,000 members. **AARP MD supports SB 797 – Task Force on Preventing and Countering Elder Abuse.** We thank Senators Hettleman and Jennings for introducing this legislation.

This proposed legislation is needed because of the bad news. The bad news is that in 2023, it seems that elder citizens are no more secure in their persons and safe from abuse than they were in 1923!

In some ways, elder citizens are more at risk for abuse as bad actors can use the Internet and other technological advances and devices to invade the peace that every elder person should be able to enjoy. It is bad news that those with ill intent can decide, far too often, to weaponize their use of violence, power, intimidation, threats, coercion, and manipulation to disrupt or destroy the personal sanctity of elder citizens. Far too often, they can perpetrate their crimes without being held accountable for their actions. It is unacceptable that these bad actors come shrouded in the garb of those who are supposed to be protectors. In other words, these people can be caregivers, health providers, lawyers, accountants, insurers, and even spouses, children, grandchildren, nieces, and nephews.

The image of the “doddering old person” is far more rooted in demeaning caricature and stereotype than in reality. But what does seem to be evident is that, as we get older, we acquire more resources that are subject to violation. Those who are older are more likely to own real estate, more likely to have significant financial resources held in investment accounts, and may be receiving income on a regular basis, like annuities, Social Security payments, and even pensions. As we become older, we may become more susceptible to physical and emotional injury. What also seems to be true is that as we age, without affirmative effort, we can become more isolated, and thus, more dependent on those who claim to care about and act in an elder person’s best interests.



What makes this issue even more difficult to attack is that we don't have good information on the prevalence of abuse. The preamble to this bill notes that according to the National Council on Aging, 1 in 10 adults age 60 and older are being abused. In Maryland, the Governor's Office of Crime, Prevention, Youth, and Victim Services reported that an older adult is abused every five seconds – but that was 8 years ago, in 2015. Underreporting is obviously rampant. We can safely assume that those cases of abuse that come to light are, unfortunately, only a fraction of cases that actually occur.

But there is good news. And it comes in the form of this bill. This bill calls on those with extensive expertise in dealing with elder and vulnerable adults to come together to develop a comprehensive approach to addressing elder abuse. Such an approach includes innovative ideas, and recommendations for systemic changes and new laws to help encounter, reduce, and, hopefully, prevent elder abuse.

The bill rightly points out that abuse is a specter darkening the lives of not just those who are considered “vulnerable” as a matter of law, but also those who are elder, but not vulnerable. Elder citizens may not be vulnerable, but that does not also mean that they are not uniquely at risk.

We need the framework for attacking elder abuse that is called for in this bill. It calls for task force members to look at the role of state government and to make recommendations regarding changes to laws and/or consideration of new laws that can help attack this problem – and get results. This bill requires task force members to look at existing social service policies, funding, and prosecutorial approaches to uncover the obstacles that prevent elimination of elder abuse.

AARP Maryland proudly represents those who are ages 50 and older. But we are also mindful that in trying to protect and help those who are older, we are also trying to help those who are younger, too. We are mindful that no one leaves this world younger than when they came in. And as we become older, we deserve the chance to manage our lives in a world that does not tolerate abuse. SB 797 is needed because it would require the state to take important steps toward this goal.

AARP MD supports SB 797 and respectfully requests that the Senate Judicial Proceedings Committee issue a favorable report. For questions, please contact Tammy Bresnahan, Director of Advocacy for AARP Maryland at tbresnahan@aarp.org, or by calling 410-302-8451.

NASW Maryland - 2023 SB 797 FAV - Elder Abuse - Se

Uploaded by: Mary Beth DeMartino

Position: FAV

Senate Judicial Proceedings Committee
Senate Bill 797 - Task Force on Preventing and Countering Elder Abuse
February 23, 2023
SUPPORT

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD) Committee on Aging, we would like to express our support for Senate Bill 797 - Task Force on Preventing and Countering Elder Abuse.

As social workers who serve older adults, we know that elder abuse is a hidden epidemic. One in ten older adults falls victim to physical abuse, sexual abuse, emotional abuse, neglect, or financial exploitation, yet fewer than one in 24 cases is ever disclosed to authorities. Elder abuse occurs among all social, cultural, and economic groups in Maryland. Sixty-six percent of elder abuse is committed by family members. In addition, neighbors, friends, caregiving staff and even strangers often take advantage of the vulnerabilities of older people to gain power and control over them and cause great harm. Victims of elder abuse often lose their health, their homes and sometimes their lives.

The pervasive problem of elder abuse needs to be addressed in a holistic and coordinated way. Current efforts to prevent and intervene are siloed, with Adult Protective Services playing the largest role in investigating cases and offering services. Other entities that help victims include the Departments of Aging and Health, law enforcement, public and private attorneys, and nonprofit agencies. What is lacking is a comprehensive approach to elder abuse. This approach should include a review of current laws and regulations related to elder abuse, widespread education of professionals and lay people, and a robust system of response to help victims regain their safety and autonomy.

This bill will enable all these stakeholders to work together to examine the problem and develop comprehensive solutions. It is critical that the task force examine the funding and workforce issues that limit our current response to elder abuse. In our view, the task force must recommend increased fiscal and human resources to prevent abuse and support victims. Older Marylanders have contributed so much to our great state. They deserve to live in safety and dignity. That is why we ask for a favorable report on SB 797.

Respectfully,

Mary Beth DeMartino, LCSW
Executive Director, NASW-MD

SB 797_MNADV_FAV.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: Senate Bill 797
TITLE: Task Force on Preventing and Countering Elder Abuse
COMMITTEE: Judicial Proceedings
HEARING DATE: February 23, 2023
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Judicial Proceedings Committee to issue a favorable report on SB 797.**

Senate Bill 797 would create the Task Force on Preventing and Countering Elder Abuse. The Task Force would study existing laws, policies, and practices relating to elder abuse and other crimes commonly committed against older adults and then make recommendations for possible changes needed to state law or policy.

Domestic violence intersects with numerous areas of the law, including elder abuse with abusers using similar power and control dynamics such as isolation and financial abuse in addition to physical violence. While not all domestic violence is elder abuse, the individual committing elder abuse may be the spouse or partner of the victim. Elder abuse and domestic violence are normally considered in silos, however protective order relief is available for both categories of victims. The Task Force that SB 797 would create would review Maryland's laws and responses, identify intersections, and make recommendations that would benefit victims of elder abuse who may also be victims of domestic violence.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 797.**

MDoA Letter of Support - SB0797.pdf

Uploaded by: Pamela Sidle

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Acting Secretary

DATE: February 22, 2023
BILL NUMBER: SB0797
COMMITTEE: Judicial Proceedings
BILL TITLE: Task Force on Preventing and Countering Elder Abuse
POSITION: Letter of Support

Thank you for the opportunity to support SB0797 – *Task Force on Preventing and Countering Elder Abuse*.

Senate Bill 0797 focuses on the study of existing laws, policies, and practices that relate to elder abuse against older adults in the state of Maryland. Elder abuse is an issue of great emphasis and considerable concern for the Maryland Department of Aging. There is important work needed to study state law, policy, and practice to prevent elder abuse. This task force is a good starting place for the research and recommendations through a formal report of findings.

Thank you for your consideration of the Maryland Department of Aging’s letter of support.

SB797 Elder Abuse Task Force BJC .pdf

Uploaded by: Sarah Miicke

Position: FAV

OFFICERS

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 Executive Director

WRITTEN TESTIMONY

Senate Bill 797 - Task Force on Preventing and Countering Elder Abuse

**Judicial Proceedings Committee
 February 23, 2023**

MEMBER ORGANIZATIONS

Adat Chaim Congregation
 American Jewish Committee
 Americans for Peace Now
 Baltimore Chapter
 American Israel Public Affairs Committee
 American Red Magen David for Israel
 American Zionist Movement
 Amit Women
 Association of Reform Zionists of America
 Baltimore Board of Rabbis
 Baltimore Hebrew Congregation
 Baltimore Jewish Green and Just Alliance
 Baltimore Men's ORT
 Baltimore Zionist District
 Beth Am Congregation
 Beth El Congregation
 Beth Israel Congregation
 Beth Shalom Congregation of
 Howard County
 Beth Tfiloh Congregation
 B'nai B'rith, Chesapeake Bay Region
 B'nai Israel Congregation
 B'nai Jacob Shaarei Zion Congregation
 Bolton Street Synagogue
 Chevra Ahavas Chesed, Inc.
 Chevrei Tzedek Congregation
 Chizuk Amuno Congregation
 Congregation Beit Tikvah
 Congregation Tiferes Yisroel
 Federation of Jewish Women's
 Organizations of Maryland
 Hadassah
 Har Sinai - Oheb Shalom Congregation
 J Street
 Jewish Federation of Howard County
 Jewish Labor Committee
 Jewish War Veterans
 Jewish War Veterans, Ladies Auxiliary
 Jewish Women International
 Jews For Judaism
 Moses Montefiore Anshe Emunah
 Hebrew Congregation
 National Council of Jewish Women
 Ner Tamid Congregation
 Rabbinical Council of America
 Religious Zionists of America
 Shaarei Tfiloh Congregation
 Shomrei Emunah Congregation
 Suburban Orthodox Congregation
 Temple Beth Shalom
 Temple Isaiah
 Zionist Organization of America
 Baltimore District

SUPPORT

Background: Senate Bill 797, (SB797) would create a two-year task force to study elder abuse laws in our state, see where there are gaps, and make recommendations to the General Assembly to create or modify existing laws to better protect Maryland's older adults.

Written Comments: Every senior deserves to be safe, however, right now in Maryland, we know that is not the case. Several Associated agencies, including, Jewish Community Services (JCS), Comprehensive Housing Assistance Inc. (CHAI), and CHANA provide services to the rapidly aging Baltimore Community. CHANA offers a Jewish community response to the needs of people who have experienced abuse or trauma. This agency is dedicated to the elimination of domestic violence, sexual abuse, elder abuse and all forms of interpersonal violence. In 2013, CHANA initiated the state's first Elder Abuse program to prevent all forms of abuse including child to parent abuse, caregiver to senior abuse, or intimate partner situations.

Victims of elder abuse face obstacles to accessing services, transportation, and even shelter due to the additional healthcare needs of the aging population. It is imperative that we address, in a comprehensive approach, the gaps in our current elder abuse laws. This task force would be compiled of experts in different fields relating to older adults, from the Department of Aging, to area elder abuse organizations and Legal Aid. These groups will collaborate and study our current laws, suggest potential new laws, and learn from one another about how to best protect Maryland's seniors.

For these reasons we ask for a favorable report on SB797.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

BALTIMORE JEWISH COUNCIL
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 Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated



SB0797-993321-01.pdf

Uploaded by: Shelly Hettleman

Position: FAV



SB0797/993321/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

17 FEB 23
15:23:35

BY: Senator Hettleman
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 797
(First Reading File Bill)

On page 3, in line 22, after “(v)” insert “one representative of the Maryland State Police;

(vi) one representative of the Maryland Health Care Commission;

(vii)”;

and in line 24, strike “(vi)” and substitute “(viii)”.

SB797_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Budget and Taxation Committee

Health and Human Services Subcommittee

Pensions Subcommittee

Vice Chair
Rules Committee



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The Senate of Maryland

ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN SB797 TASK FORCE ON PREVENTING AND COUNTERING ELDER ABUSE

In 13 years, for the first time in U.S. history, we can expect there to be more people older than 65 than younger than 18. The US Census estimates that the number of Marylanders 65 or older is expected to double by 2030- about 1.2 million people, or *nearly one in every five* Marylanders. The fastest growing population are people ages 85 and older – people who are at increased risk for a variety of illnesses and dementias resulting in greater risk for abuse and exploitation.¹

Every year, an estimated 5 million older Americans are victims of elder abuse, neglect, or exploitation and unfortunately- that may be the tip of the iceberg. According to the National Academies of Sciences, Engineering, and Medicine, an estimated 93% of elder abuse cases go unreported each year.² Underreports may be caused by a number of factors including an older person's fear of retaliation by the offender, reluctance to disclose the incident because of shame or embarrassment, concern they will be institutionalized, dependency on the offender, and an inability to report because of physical limitations or cognitive impairments.³

In the United States, one in 10 older Americans is the victim of abuse, typically by someone they know and should be able to trust, often a member of their own family. Very few older adults live in nursing homes and assisted living facilities- the majority of older adults, 93.5%, live in the community.⁴ Older adults often rely on caregivers and professionals to meet their daily needs- whether that is for medical advice, financial transactions, or even to get assistance with meals and self-care. Seniors interact with technology and are susceptible to financial exploitation and are frequent targets of internet and phone scams.

This bill will create a task force to prevent and counter elder abuse. Protecting the safety of vulnerable adults and balancing one's right to self-determination requires skilled insight. There's a wise sentiment that proports that the closer you are to the problem, the closer you are to a solution. It is imperative that those closest to these issues collaborate, share perspectives, and make recommendations on policy and practice. I will defer to our panelists and written testimony to share their expertise and insights on elder justice.

¹ <https://www.census.gov/newsroom/press-releases/2018/cb18-41-population-projections.html>

² <https://www.ncoa.org/article/get-the-facts-on-elder-abuse>

³ Baker, P. R., Francis, D. P., Hairi, N. N., Othman, S., & Choo, W. Y. (2016). Interventions for preventing abuse in the elderly. *Cochrane Database of Systematic Reviews*, (8).

⁴ Toth, M., Martin Palmer, L., Lawren E. Bercaw, Johnson, R., Jones, J., Love, R., Voltmer, H., and Karon, S. (2020) <https://aspe.hhs.gov/reports/understanding-characteristics-older-adults-different-residential-settings-data-sources-trends-0>

We must be proactive in making recommendations to safeguard the health and welfare of aging Marylanders. I urge a favorable report on SB797 and I thank you for your consideration.

SB797_LTCOP_SEllis.pdf

Uploaded by: Stevanne Ellis

Position: FAV

SB 797 Judicial Proceedings Committee- Task Force on Preventing and Countering Elder Abuse

Position – Favorable from the Office of the State Long-Term Care Ombudsman
February 22, 2023

On behalf of Office of the State Long-Term Care Ombudsman, I would like to express my support for Senate Bill 797 - Task Force on Preventing and Countering Elder Abuse. As the State Long-Term Care Ombudsman, I advocate for the rights of long-term care residents in nursing homes and assisted living facilities including the quality of care and quality of life. It is critical that all individuals should be free of abuse, neglect, exploitation, and improper care in any setting. All residents whether in the community or in long-term care facilities should not be a victim of egregious events.

By examining the functions outlined in the bill, this task force can help improve and ensure protections for those at risk of elder abuse. These functions include reviewing the existing policies and law that are in place. The members of the task force will evaluate what is needed to be done to prevent and to reduce the rate of incidents of elder abuse for older adults in Maryland. If this bill is made into law, elder abuse awareness and services available should be more readily accessible to the citizens of Maryland. This will improve the lives of Marylanders and their support systems.

As the State Long-Term Care Ombudsman, I am asking for a favorable report on SB 797.

Respectfully,

Stevanne Ellis, Maryland State Long-Term Care Ombudsman

2023-02-23 Judicial Proceedings - SB 797.pdf

Uploaded by: Zak Shirley

Position: FAV

ANTHONY G. BROWN
Attorney General



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February 23, 2023

TO: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

FROM: W. Zak Shirley, Director, Maryland Medicaid Fraud Control Unit
On behalf of The Office of the Attorney General

RE: SB 0797 - Establishing a Task Force on Preventing and Countering Elder Abuse - **Support**

Chair Smith and distinguished members of the Committee,

My name is Zak Shirley, and I am the Director of the Maryland Medicaid Fraud Control Unit (MFCU) in the Office of the Attorney General. Since 1979, the MFCU has been a bulwark against the abuse, neglect, and financial exploitation of Maryland's vulnerable adults. During that time, our Unit has seen firsthand how laws designed to protect elderly and disabled residents are put into practice and what tools are most effective at preventing and punishing crimes against those populations. We have, over the years, developed many ideas for improvements to the system and identified weaknesses that could be addressed by changes to existing law.

Senate Bill 797's proposed creation of a Task Force on Preventing and Countering Elder Abuse presents an exciting opportunity for the Office of the Attorney General to collaborate with other stakeholders in the elder abuse space to identify areas of improvement and make formal recommendations. Elder abuse is a multifaceted problem that must be addressed from all angles, including social, economic, and legal. The MFCU believes that the multi-disciplinary approach proposed by this bill is the proper method for identifying systemic changes to effectively combat elder abuse and create lasting change for Maryland's vulnerable populations.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on SB 797.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

SB797_FWA_AlzheimersAssociationMD.pdf

Uploaded by: Eric Colchamiro

Position: FWA

Testimony of the Alzheimer's Association Greater Maryland and National Capital Area Chapters
SB 797 - Task Force on Preventing and Countering Elder Abuse
Position: Favorable with Amendment

Chair Smith and Vice Chair Waldstreicher,

Thank you for the opportunity to submit testimony on Senate Bill 797, which establishes the Task Force on Preventing and Countering Elder Abuse; and requires the Task Force to submit a final report of its findings and recommendations to the Governor and the General Assembly on or before December 31, 2024.

This legislation is important. Abuse can occur anywhere, including at home and in care settings. Maryland's over 110,000 residents with dementia are especially vulnerable because the disease may prevent them from reporting the abuse or recognizing it. They also may fall prey to strangers who take advantage of their cognitive impairment.

Abuse comes in many forms:

- Physical: causing physical pain or injury
- Emotional: verbal assaults, threats of abuse, harassment and intimidation
- Neglect: failure to provide necessities, including food, clothing, shelter, medical care or a safe environment
- Confinement: restraining or isolating the person
- Financial: the misuse or withholding of the person's financial resources (money, property) to his or her disadvantage or the advantage of someone else
- Sexual abuse: touching, fondling or any sexual activity when the person is unable to understand, unwilling to consent, threatened or physically forced
- Willful deprivation: willfully denying the person medication, medical care, food, shelter or physical assistance, and thereby exposing the individual with Alzheimer's to the risk of physical, mental or emotional harm
- Self neglect: Due to lack of insight and cognitive changes, a person with Alzheimer's may be unable to safely and adequately provide for day-to-day needs, and may be at risk for harm, falls, wandering and/or malnutrition.ⁱ

This bill is very important as we need more solutions for addressing this issue. **The Alzheimer's Association offers its strong support, and asks for an amendment to include Maryland's Long-Term Care Ombudsman on this task force.** This office is independent from the Department of Aging, has local representatives across the state, and is a vital part of addressing this issue in long-term care facilities [where well over 40 percent of residents have Alzheimer's and other dementia].

If you have any questions, please do not hesitate to reach out to Alzheimer's Association Director of Government Affairs Eric Colchamiro at ercolchamiro@alz.org.

ⁱ <https://www.alz.org/help-support/caregiving/safety/abuse>

SB797 Elder Abuse Task Force - Center for Hope -

Uploaded by: Joyce Lombardi

Position: FWA



SB797- Task Force on Preventing and Countering Elder Abuse

Judicial Proceedings Committee – February 23, 2023

Testimony of Adam Rosenberg, Executive Director, LifeBridge Health Center for Hope

Position: **SUPPORT WITH AMENDMENTS**

I write in SUPPORT of SB797, with friendly amendments. The bill creates a Task Force on Preventing and Countering Elder Abuse to address gaps in Maryland’s laws, such as widening Maryland’s narrow definition of “vulnerable adult” as just those who lack capacity to meet basic needs and the definition of “abuse” as physical only.¹ The unfortunate lived experience of the thousands of older adults in Maryland who silently experience financial, emotional, sexual abuse and harm at the hands of caregivers, family members and others deserve a comprehensive approach to addressing their violence and finding safety.

Center for Hope provides integrated trauma-informed crisis intervention and prevention for over 6,000 patients and community members in the Baltimore region each year who have experienced elder abuse, domestic violence, child abuse, or community gun violence. Center for Hope is a subsidiary of LifeBridge Health, a regional health system comprising Levindale Geriatric Center and Hospital, Sinai Hospital, and Grace Medical Center in Baltimore; Northwest Hospital in Reisterstown; and Carroll Hospital.

Elder Justice deserves a nationally recognized multidisciplinary model of excellence.

Center for Hope’s Elder Justice Program was created over two years ago to provide an evidence-based approach to the growing, but often overlooked, crisis of serious harm caused to older adults. The pilot is based on the 40 year old evidence-based, victim-centered multidisciplinary model which is supported by the US Department of Justice and is followed by over 900 nationally accredited children’s advocacy centers in the U.S.² This proven, tested model is also the standard which over 20 child advocacy centers (CAC) in Maryland adhere to and is codified under Md Code, Crim. Proc. §11-928. The Maryland Children’s Alliance is the local chapter of the National Children’s Alliance, providing technical assistance on national standards for the state’s child advocacy centers. For decades, CACs have been the trusted partner of local law enforcement, social services, and prosecutors. Many child advocacy centers, including ours, receive requests from these partners to assist in coordinated investigations in complex cases beyond child abuse, including vulnerable and elder adults.

For the reasons stated below, we suggest the following friendly amendments:

Page 3....the following members appointed by the Governor:

.... (vi) one representative of the Maryland Human Trafficking Task

p. 3 line 25 Force -and

p. 3 line 26 (vii) one member of the Maryland Children’s Alliance

¹ Md. Code, Family Law § 14-101

² National Children’s Alliance, 2023, <https://www.nationalchildrensalliance.org/cac-model/>

page 4 “In making recommendations under paragraph (1)(ii) of this subsection, the Task Force shall consider

...p. 4, line 16 (vi) evidence-based ways to identify, respond to, report, investigate and prosecute elder abuse

The child advocacy center model is a national best practice that can provide a roadmap for Maryland’s future response to elder abuse. CACs regularly convene a multi-disciplinary team of experts, including forensic interviewers, law enforcement, medical experts, mental health professionals, family advocates, prosecutors, and social services professionals to respond to each allegation of child abuse. A forensic interview, conducted by a highly trained social worker, elicits a neutral narrative response in a victim’s own words. It is digitally recorded and available for this team of professionals, which allows for the client to only have one interview, rather than endure the trauma of repeated interviews across different agencies, and the incur risk of inconsistent or incomplete statements to various investigative bodies.

Advocacy centers also encourage co-location of partners to create efficiencies and helping all team members to achieve each of their legislated mandates in an investigation while keeping the survivor at the center of all efforts.

Upon conclusion of the coordinated interview, all team members gather to discuss next steps in the investigatory and healing process which can include a variety of administrative and civil proceedings, safety planning, caregiver support and resources, counseling, medical services, and prosecution. The interview preserves the survivor’s best statement and can be used in a variety of future settings. This ongoing coordinated facet of the advocacy center model will prove critical to coordinated provision of services in an older population as well, especially as memory, health, and availability of witness may decline.

The multidisciplinary model also ensures that the client, victim, and family has access to support and follow up care. This multidisciplinary model, begun in the 1980s, has been proven, tested, and refined over decades and is now approved and funded by the U.S. Department of Justice and supported by decades of research.³ Two thirds of the nation’s counties are now served by a nationally accredited child abuse center. Each center must meet 10 rigorous standards of excellence every 5 years. These standards are re-evaluated by a national body of experts and improved every 5 years as well.⁴

Building on the success of the CAC model, in 2018 Center for Hope extended that same multidisciplinary team approach to our human trafficking response. Our team, working with Maryland Children’s Alliance, drafted the state’s Child Trafficking Multi-Disciplinary Team guidelines. Center for Hope also serves as

³ See, e.g., Beyond Case Review: The Value of the Role of Team Facilitator in the Multidisciplinary Team/Children’s Advocacy Center Model NCJ Number 304305 (September 2021), U.S. Office of Juvenile Justice and Delinquency Prevention

⁴ <https://www.nationalchildrensalliance.org/ncas-standards-for-accredited-members/>

the regional navigator for Baltimore's response to human trafficking.

The multi-disciplinary advocacy center model is a proven and successful strategy for coordinating many partners all sharing in the interest of finding justice for survivors of elder abuse and violence. Just as the family justice center, hospital response, and trafficking teams have been included in SB797 and will be consulted in the quest for a coordinated approach for elder justice, we urge the committee to include a representative of the child advocacy center community to share in their expertise as to what has worked, what can be improved, and how we can leverage existing capacity in Maryland.

Evidence-based elder justice response. The Center for Hope has extended the multidisciplinary team response to our elder justice program. Rather than starting with a blank untrained team, we have adapted the model and have trained our team of experts to be able to expand their response for elder and vulnerable abuse justice. Our Baltimore team includes our team of trained forensic interviewers, team coordinators, data analysis, mental health professionals, law enforcement, Baltimore City Department of Health, Baltimore City Department of Adult Protective Services, and medical personnel who convene to review cases related to older and vulnerable adults. This problem-solving team of experts collaborates to identify gaps in services and systemic improvements that will better protect Maryland's senior and vulnerable populations. Team members who address, investigate, and ultimately prosecute these cases will be co-located at Center for Hope. The US Department of Justice continues to also release federal grant opportunities based on this MDT elder justice model to be replicated across the country.

We support the Task Force's mission, and emphasize that a comprehensive approach to elder abuse should also include the perspective of a model such as a children's advocacy center, as well as the victim-centered approach it embodies. Amendments are suggested above for the inclusion of a member of the Maryland Children's Alliance to participate in this important task force that will define the next important field of victim advocacy in Maryland.

Preventing and Countering Elder Abuse Requires More than Prosecution

The task force is also charged with making recommendations on ways to prosecute elder abuse. A proper response to prevent elder abuse also includes a review of how elder abuse is identified at all levels, and ultimately reported to law enforcement, adult protective services, and other agencies. Prosecution becomes regrettably less effective without a robust reporting mechanism and a strong investigative support system. A review of our state's response to elder abuse should include an examination of mandatory reporting laws on elder abuse, definitions in the family and criminal codes, and a coordinated trauma-informed way to assist older adults. Amendments are suggested below to expand on considerations to ultimately improve prosecution of elder abuse with the inclusion of reporting and investigations.

For all of these reasons, we request a FAVORABLE SUPPORT of SB797 with amendments.

**Adam Rosenberg, Esq.,
Executive Director, Center for Hope**

arosenberg@lifebridgehealth.org (410) 469-4664

SB797_MoCoDHHS_Frey_FWA.pdf

Uploaded by: Leslie Frey

Position: FWA



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 797

DATE: February 23, 2023

SPONSOR: Senators Hettleman and Jennings

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: FAVORABLE WITH AMENDMENT (Department of Health and Human Services)

Task Force on Preventing and Countering Elder Abuse

Senate Bill 797 establishes a task force to prevent and counter elder abuse by directing the task force to study existing laws, policies, and practices relating to elder abuse and other crimes commonly committed against older adults and make recommendations regarding changes to State law, policy and practice that would aid in preventing elder abuse. The recommendations from the Task Force are to be finalized by December 31, 2024 and shall address the role of the State, the amount of resources to be expended, ways to provide transparency to the public, funding mechanisms, oversight measures, and ways to prosecute elder abuse.

The Montgomery County Department of Health and Human Services (MCDHHS) provides Adult Protective Services (APS) to County residents. Under State law, APS is responsible for providing protective services for persons with disabilities and vulnerable adults over the age of 18. To undertake this work, MCDHHS currently employs twelve APS investigators and two supervisors who, in the current regulatory environment, have a very high workload of investigating over 1,000 referrals annually. By 2040, Montgomery County's population of adults over age 60 is projected to increase from 233,592 to 315,666 residents, an increase of 35 percent. Life expectancy is also increasing: the population of older adults over age 85 is expected to increase by approximately 77 percent between 2019 and 2030. The increase in the aging population will further increase the workload for APS workers in the County.

Senate Bill 797 has the potential to expand the scope of the cases that would require APS services by stipulating that laws are needed to be enacted pertaining to "older adults not deemed vulnerable" and directs the task force to make recommendations regarding "elder abuse", a term which is not defined in the bill or elsewhere in State law. As the task force considers laws and policies relating to the State's elderly residents, MCDHHS respectfully requests that a representative of a local APS program have a seat on the task force in order to ensure that the eventual recommendations issued by the task force take into consideration the impact of the recommendations on APS workload, workforce and resources.

SB0797-JPR-SWA-CARE.pdf

Uploaded by: Nina Themelis

Position: FWA



COMMISSION ON AGING AND RETIREMENT

James Campbell, Co-Chair
Olivia Farrow, Co-Chair

Brandon M. Scott, Mayor

February 23, 2023

TO: Members of the Judicial Proceedings Committee

FROM: James Campbell, Co-Chair
Olivia Farrow, Co-Chair
Baltimore City Commission on Aging and Retirement Education

RE: Senate Bill 797-Task Force on Preventing and Countering Elder Abuse

POSITION: Support with Amendment

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Commission on Aging and Retirement Education **supports** Senate Bill 797 **with an amendment**.

Elder abuse and neglect are a growing problem in Baltimore City. Incidences of abuse, neglect, and exploitation are increasing both in institutional settings (nursing homes and assisted living facilities) and in the community. For several years, Baltimore City public agencies and nonprofit partners have participated in a coalition to address this issue, like the Elder Abuse Central Coordinated Response (CCR) effort, led by CHANA, an organization that offers a Jewish community response to the needs of people who have experienced abuse or trauma. Much work needs to be done, however, both in the form of expanding public awareness, providing regular training for health and human services workers, and developing resources for victims.

We propose this amendment, to be inserted after “Task Force” in Section 1, (b) (11) (vi):

“VII ONE REPRESENTATIVE FROM A MARYLAND AREA AGENCY ON AGING”

The intent of this amendment is to assure that the views of Maryland’s locally based Area Agencies on Aging are represented on the Task Force. Area Agencies on Aging, in accordance with the federal Older Americans Act, are charged to develop programs that address elder abuse, neglect, and exploitation.

For the reasons stated above, we respectfully request a **favorable** report on SB 797 with this proposed amendment.

MSCAN SB797 FWA.pdf

Uploaded by: Sarah Miicke

Position: FWA



Maryland Senior Citizens Action Network

MSCAN

AARP Maryland

*Alzheimer's
Association,
Maryland Chapters*

*Baltimore Jewish
Council*

Catholic Charities

*Central Maryland
Ecumenical Council*

Church of the Brethren

*Episcopal Diocese of
Maryland*

*Housing Opportunities
Commission of
Montgomery County*

*Jewish Community
Relations Council of
Greater Washington*

*Lutheran Office on
Public Policy in
Maryland*

*Maryland Association of
Area Agencies on Aging*

*Maryland Catholic
Conference*

*Mental Health
Association of Maryland*

Mid-Atlantic LifeSpan

*National Association of
Social Workers,
Maryland Chapter*

Presbytery of Baltimore

*The Coordinating
Center*

*MSCAN Co-Chairs:
Carol Lienhard
Sarah Mücke
410-542-4850*

Testimony in Support with Amendment of SB797 Task Force on Preventing and Countering Elder Abuse

Judicial Proceedings Committee February 23, 2023

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing, health and quality of care needs of Maryland's low and moderate-income seniors.

MSCAN supports with amendment SB797 which would create a Task Force on Preventing and Countering Elder Abuse.

According to the National Council on Aging, 1 in 10 adults aged 60 and older are being abuse, and this number is likely under reported. We need a collaborative approach with area professionals throughout the state and with different areas of expertise. SB797 seeks to do this by bringing together all different types of governmental and nongovernmental entities that help older adults.

MSCAN would like to add an additional member to the task for to be more inclusive of diverse populations of older adults. **Therefore, we ask the committee to include an organization from rural Maryland.**

For the reasons stated above, MSCAN urges a favorable report with amendment on SB797.

Thank you for your consideration.