



**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.