

Elder Abuse Work Group



IOWA DEPARTMENT ON AGING

July 16, 2019

History

- 1998, 2003 & 2006-Dependent Adult Abuse Professional Forums & Survey
- 2001-2011-Elder Abuse Initiative Demonstration Projects
- 2011-Community Conversations on Aging
- 2012-Elder Abuse Summit
- 2012-HF 2387 Elder Abuse Taskforce

Legislative History

2013-Senate File 446-Continuation of Taskforce and Legislative Interim Committee

- ▶ SF 396-Healthcare Services Providers-Background Checks
- ▶ SF 446-Pilot Project-Guardianship and Conservatorship Monitoring
- ▶ HF 2365-DIA and OSLTCO additional protections

Legislative History Continued

2014

- ▷ SF 2239-Creation of 235F Elder Abuse in Code

2015

- ▷ HF 579-Regulation of Health Care Facilities, Elder Group Homes, Assisted Living Programs and Adult Day Services Programs

2017

- ▷ HF 544-Personal Degradation
- ▷ HF 576-Background Investigations of Temporary Staff Agency Employees Providing Direct Health Care Services

Legislative History Continued

2018

- ▷ HF 2402-Termination of Suspension of Powers of Attorney-Dependent Adult Abuse

2019

- ▷ HF 304 and HF 569-Personal Degradation DIA / DHS
- ▷ HF 323-Exploitation of a Dependent Adult by a Caretaker
- ▷ HF 328-Definition of Vulnerable Elder
- ▷ HF 731-Mandatory Child Abuse and Dependent Adult Abuse Reporter Training
- ▷ HF 610-Guardianship and Conservatorships for Adults and Minors

Task Force Final Recommendations

- Elder Abuse Definition and Law Recommendation (1)
- Safeguards from Financial Exploitation Recommendation (2)
- Specialized Education and Training Recommendation (5)
- Laws Related to Powers of Attorney, Conservatorship Abuse, and Office of Substitute Decision Maker Recommendation (6)
- Single Entry Point Recommendation (8)

Remaining Recommendations

Elder Abuse Definition and Law Recommendation

- ▷ 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.

Remaining Recommendations

Safeguards from Financial Exploitation

- ▶ 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.
- ▶ Amend Iowa Code Section 633.535 to deny an inheritance to financial exploiters.
- ▶ Amend Iowa Code Section 714.2 (degrees of theft) to impose enhanced penalties to financial exploitation of a senior.
- ▶ Amend Iowa Code Section 714.2 (degrees of theft) to impose enhanced penalties to financial exploitation of a senior.
- ▶ Enact legislation reducing the barriers to the prosecution of elder financial exploitation, including an extended statute of limitations for financial exploitation.

Remaining Recommendations

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

- ▶ 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.

Remaining Recommendations

Single Entry Point Recommendation

- 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.

Three Topics To Address

- Single Point of Entry
- Restructure the Elder Abuse Prevention & Awareness Service Delivery
- Develop the Expansion Phase for the Office of Public Guardianship

Next Steps

- How to Prepare for August 7 meeting
- Review information provided in email
- For each of the 3 topics identified
 - ▷ List desired outcomes
 - ▷ List high level action steps needed to achieve each listed outcome
 - ▷ Bring this information with you on August 7

Next Steps (cont'd)

- Each participant will share the desired outcomes and action steps
- Concentrating on “What” needs to occur in an implementation plan (15,000 foot level - concepts)
- The “How” it will occur will be developed by those partners involved in the process (In the weeds/details)

Timeline (Tentative)

- ▶ IDA will draft a report based upon information generated at August meeting
- ▶ Draft report will be sent to Work Group by *Aug 26, 2019* for comment
- ▶ Comments due back to IDA by *September 9, 2019*
- ▶ Finalized report will be submitted to Governor's Office by *September 30, 2019*
- ▶ Finalized report will be emailed to Work Group after it is submitted to the Governor
- ▶ Topic Teams will begin to work on the implementation plan

Next Meeting

Wednesday, August 7, 2019

1:00 – 4:00 p.m.

Location To Be Determined

Questions / Point of Contact Information

Questions?

Angela Van Pelt
Iowa Department on Aging
Angela.VanPelt@iowa.gov
515-210-2114