



How EMTs Can Help in Identifying and Reporting Elder Abuse and Neglect

SEPTEMBER 11, 2017

DEPARTMENT OF JUSTICE
ElderJustice
INITIATIVE



OVCTTAC
OFFICE FOR VICTIMS OF CRIME Training and Technical Assistance Center



TECHNICAL OVERVIEW

- ▶ If you are experiencing any technical issues with the audio for this session, please let us know in the feedback box.
- ▶ If you have technical difficulties during the webinar, contact Jason Adams, who is providing technical support for this webinar. His email address is jadams@ovcttac.org.
- ▶ Today's session will be recorded and made available on the training website.
- ▶ If you have questions, type them in the feedback box. We will address as many as possible throughout the webinar.

PRESENTERS

Nicole Nappi, NRP

EMS Lieutenant,

Large Metropolitan Fire Department

Susan Lynch, JD, DrPH, EMT-B

Senior Counsel for Elder Justice,

U.S. Department of Justice

ELDER JUSTICE INITIATIVE

The **mission** is to support and coordinate the Department of Justice's enforcement and programmatic efforts to combat elder abuse, neglect, and financial fraud and scams that target older adults.

The Initiative does so by—

- Promoting justice for older adults.
- Helping older victims and their families.
- Enhancing state and local efforts through training and resources.
- Supporting research to improve elder abuse policy and practice.



THE UNITED STATES
DEPARTMENT of JUSTICE

en ESPAÑOL



Search this site



HOME ABOUT AGENCIES BUSINESS RESOURCES NEWS CAREERS CONTACT

Home

SHARE

en Español

SAFE EXIT

Elder Justice Initiative
Home

- ▶ Older Americans, Families, and Caregivers
- ▶ Financial Exploitation
- ▶ Prosecutors
- ▶ Law Enforcement
- ▶ Victim Specialists
- ▶ Multidisciplinary Teams
- ▶ Researchers
- ▶ EJI Outreach

About EJI

Contact Us

Search EJI

ELDER JUSTICE INITIATIVE (EJI)

REPORT ABUSE OR FIND HELP

New on ElderJustice.gov

**EJI launches the MDT
Toolkit and Guide for
elder abuse case review
MDTs**



1

2

3

4



Elder abuse is a complex issue that intersects with many disciplines.

Elder abuse can happen to anyone. It affects people of every ethnic background, gender, and financial status.

AGENDA

- Introduction
- The Problem of Elder Abuse
- How EMTs Can Help Fight Elder Abuse and Neglect
 - Identify and document evidence of elder abuse in the home or nursing facility
 - Quickly report potential elder abuse to the proper authorities
- National and Maryland Resources to Assist in Combatting Elder Abuse: DOJ's Elder Justice Initiative and Maryland's Elder Justice Task Force

WHAT IS ELDER ABUSE?

- Physical abuse
- Financial abuse
- Psychological abuse
- Sexual abuse
- Neglect and abandonment

► Elder Justice Initiative
Home

▼ Victims, Families, &
Caregivers

Physical Abuse

Psychological Abuse

Financial
Exploitation

Neglect &
Abandonment

Sexual Abuse

► Financial Exploitation

► Prosecutors

Law Enforcement

► Victim Specialists

► Research & Related
Literature

Press Room &
Announcements

Contact Us

VICTIMS, FAMILIES & CAREGIVERS

REPORT ABUSE OR FIND HELP

It's not always easy to recognize abuse when it happens to you or someone you care for. Learn about the types of abuse and what you can do by clicking the topics below.



Physical Abuse

An act, rough treatment or punishment that may result in injury, pain or impairment



Psychological Abuse

Psychological, verbal or emotional abuse causing suffering, emotional pain, or distress



Financial Exploitation

Illegal or improper use of an older person's money or property



Neglect & Abandonment

Intentional or unintentional failure or refusal to provide care or help to an older adult - an extreme form of neglect



Find Help Near You

If you or someone you know is a victim of elder abuse, help is available. Find resources to assist you, and prevent or report elder abuse.



Sexual Abuse

Sexual contact or non-contact of any kind with an older person without agreement from that person

ELDER ABUSE IS A PROBLEM IN MANY STATES, INCLUDING MARYLAND

- There are 1 to 2 million reports of elderly and vulnerable adult abuse made each year in the United States.
- The real number of victims is even higher because most cases are not reported.
- It is estimated that only 1 in 14 cases of elderly and vulnerable adult abuse is reported.
- The Maryland Attorney General's Office, Medicaid Fraud Control Unit, investigates and prosecutes incidents of abuse and neglect of vulnerable persons residing in assisted living facilities and in facilities that receive Medicaid funds. The Medicaid Fraud Control Unit received 363 referrals regarding abuse and neglect of vulnerable persons in FY 2015.

ELDER ABUSE IS A PROBLEM IN MARYLAND

- The Maryland Department of Aging, Long-Term Care Ombudsman Program, receives, investigates, and resolves complaints made by or on behalf of long-term care residents. Of the 3,603 complaints investigated by the Ombudsman Program in FY 2015, 192 of the investigated reports were alleged resident abuse cases.
- The Maryland Department of Health and Mental Hygiene, Office of Health Care Quality, receives allegations of abuse and neglect regarding residents/patients in all licensed and/or federally certified facilities. In FY 2015, the Office of Health Care Quality received approximately 1,138 reports of alleged vulnerable adult abuse and neglect.

ELDER ABUSE IS A PROBLEM IN MARYLAND

- The Maryland Department of Human Resources, Office of Adult Services, Adult Protective Services Program, investigates allegations of adult abuse, neglect, self-neglect, or exploitation of an elderly or disabled vulnerable adult in a community-based setting.
- In FY 2015, the Adult Protective Services Program received approximately 7,237 reports of abuse, neglect, self-neglect, and exploitation of vulnerable adults 18 years of age and older.
- Of these cases, 1,507 involved continuing Adult Protective Services case management services to monitor and assist in reducing ongoing risk factors.

ELDER ABUSE IS A CRIME



RELEVANT ABUSE/NEGLECT LAWS IN MARYLAND

Assault in the First Degree (Felony)

Criminal Code 3-202

Intentionally cause or attempt to cause serious physical injury

Maximum Sentence 25 years

RELEVANT ABUSE/NEGLECT LAWS

Assault in the Second Degree (Misdemeanor)

Criminal Code 3-203

Physical harm OR offensive physical contact OR an attempt to cause either

Intent to frighten by threat of imminent offensive physical contact

Maximum Sentence 10 years

RELEVANT ABUSE/NEGLECT LAWS

Reckless Endangerment (Misdemeanor)

Criminal Code 3-204

Recklessly engaging in conduct that creates a substantial risk of death or serious physical injury to another

Maximum Penalty 5 years and \$5,000.00

RELEVANT ABUSE/NEGLECT LAWS

Sexual Crimes (Felony and Misdemeanor)

Criminal Codes 3-301 to 3-323

Includes rape and sexual offenses

Maximum Penalties range from 1 year to life

RELEVANT ABUSE/NEGLECT LAWS

Abuse/Neglect of a Vulnerable Adult in the First Degree (Felony)

Criminal Code 3-604

Abuse or neglect that results in death, serious physical injury, or is sexual abuse

Maximum Sentence 10 years and \$10,000.00

Can be in addition to underlying crime

RELEVANT ABUSE/NEGLECT LAWS

Abuse/Neglect of a Vulnerable Adult in the Second Degree (Misdemeanor)

Criminal Code 3-605

Maximum Sentence 5 years and \$5,000.00

HOW EMTS CAN HELP: IDENTIFY AND DOCUMENT EVIDENCE OF ELDER ABUSE

- EMTs are often the health care team's first eyes on cases of elder abuse.
- Evidence of elder abuse will be found in:
 - Your scene size up and environmental assessment.
 - Your patient assessment and physical exam.

HOW EMTS CAN HELP: EVIDENCE OF PHYSICAL AND SEXUAL ABUSE

- Inadequately explained cuts
- Wounds, sores, bruises, welts, burns, or fractures
- Undernourished
- Dehydrated
- Unexplained sexually transmitted diseases
- Untreated pressure sores

HOW EMTS CAN HELP: EVIDENCE OF PSYCHOLOGICAL ABUSE

- Unexplained or uncharacteristic changes in behavior, such as withdrawal from normal activities, confusion, anger, depression, fear, helplessness, shame
- Caregiver isolates vulnerable older adult
- Caregiver is verbally aggressive or demeaning, controlling, uncaring

HOW EMTS CAN HELP: EVIDENCE OF NEGLECT OR SELF-NEGLECT

- Lack of basic hygiene, adequate food, or clean and appropriate clothing
- Untreated medical conditions; lack of medical aids (glasses, walker, hearing aids, medications)
- Person with dementia left unsupervised; person confined to bed and left without care
- Home is cluttered, filthy, contains safety hazards, lacks adequate amenities (stove, refrigerator, heat, cooling, working plumbing or electricity)

HOW EMTS CAN HELP: EVIDENCE OF FINANCIAL ABUSE OR EXPLOITATION

- Unusual bank account activity
- Change in spending habits; unpaid bills
- Vulnerable older adult has signed property transfers (Power of Attorney, new will, etc.), but is unable to comprehend the transaction or what it means
- Caregiver has control of vulnerable older adult's money, but is failing to provide for vulnerable adult's needs

DOCUMENTATION IN YOUR PATIENT CARE REPORT IS CRITICAL

Documentation will be used for:

- Potential guardianship hearings
- Criminal proceedings
- Data on elder abuse incidence and prevalence

ADVICE ON DOCUMENTING POTENTIAL ELDER ABUSE

- Document specific details of the environmental assessment and physical exam
- Use direct quotations from the patient and caregiver
- Be objective in documentation
- Consider taking photographic evidence where appropriate

QUICKLY REPORT POTENTIAL ELDER ABUSE IN THE COMMUNITY (MARYLAND)

Call 1-800-91-PREVENT (917-7383)

or

Contact the local Adult Protective Service
(http://www.dhr.state.md.us/blog/?page_id=4531)

QUICKLY REPORT POTENTIAL ELDER ABUSE IN NURSING HOMES OR ASSISTED LIVING FACILITIES

Contact the Long-Term Care Ombudsman

(<http://aging.maryland.gov/egov/Documents/OmbudsmanLocation.pdf>)

or

Contact the DHMH Office of Health Care Quality

(<http://dhmh.maryland.gov/ohcq/SitePages/Home.aspx>)

THE DEPARTMENT'S ELDER JUSTICE INITIATIVE



Victim
Services



Law Enforcement
& Prosecution



Research &
Capacity Building



Training & Raising
Public Awareness

THE ELDER JUSTICE INITIATIVE'S WORK

- Promote justice for older Americans.
- Help older victims and their families.
- Enhance state and local efforts through training and resources.
- Support research to improve elder abuse policy and practice.

DOJ'S ELDER JUSTICE TASK FORCES

The 10 Elder Justice Task Force Districts are:

- Northern District of California
- Northern District of Georgia
- District of Kansas
- Western District of Kentucky
- Northern District of Iowa
- **District of Maryland**
- Southern District of Ohio
- Eastern District of Pennsylvania
- Middle District of Tennessee
- Western District of Washington

PURPOSE OF THE ELDER JUSTICE TASK FORCES

To bring together federal, state, and local prosecutors, **first responders**, law enforcement, and agencies that provide services to the elderly to coordinate and enhance efforts to pursue nursing homes that provide grossly substandard care to their residents.

Some of these Task Forces may also address financial exploitation matters.

MEMBERS OF THE ELDER JUSTICE TASK FORCES

Many Task Forces will have the following members:

- Representatives from the U.S. Attorney's Office
- State Medicaid Fraud Control Units
- State and local prosecutors' offices
- **First responders, EMS**
- U.S. Department of Health and Human Services (HHS)
- State Adult Protective Service agencies
- Long-Term Care Ombudsman programs
- Law enforcement

TASK FORCE ACTIVITY NATIONALLY

Casework – Prosecute nursing homes that provide grossly substandard care for their residents and individuals in the community who abuse or exploit older Americans.

Training – Train **first responders** and law enforcement on the identification and reporting of elder abuse.

Community Outreach – Educate the public on how to get help in abusive situations and how to recognize financial scams.

PROSECUTING NURSING HOMES FOR PROVIDING GROSSLY SUBSTANDARD CARE

Providers who...

- Knowingly render materially substandard care or no care at all,
- Harm or kill frail patients (not a required element, but usually present), or
- Bill Medicare or Medicaid for the alleged care

...can be pursued under the False Claims Act.

PROSECUTION OF FAILURE OF CARE CASES

- Systemic facility or chain problems
- Clear failures of care and violations of law that have led to egregious outcomes
- Serious injury or death
 - *Not a necessary element for criminal or civil liability.*

RESIDENTS WITH BAD OUTCOMES

- Malnourished, dehydrated, weight loss
- Pressure sores, rashes, lice, maggots
- Lying for hours/days in feces/urine
- Bandages not changed for days/months
- Residents filthy, infected
- Semi-comatose, very withdrawn
- Wrong, too little, or too much medication
- Falls, fractures, other injuries, deaths

FACILITY PROBLEMS

- Inadequate staff, high turnover
- Inadequate training
- Inadequate supplies
- Improper maintenance of MDS
- Admitting new patients when they can't care for existing patients
- Choices driven by profit, not by care/clinical considerations

CHAIN PROBLEMS

- Financial considerations elevated over clinical.
- Corporate culture that penalizes instead of rewarding good care.
- Inadequate use of data to track status.
- Bonus structure that rewards practices leading to bad care (e.g., cutting staff).
- Inaction in the face of knowledge of problems.
- Inadequate funds for training, supplies, care.
- Failure to heed and investigate complaints.

FCA FAILURE OF CARE SETTLEMENTS

- More than 40 settled cases
- Significant quality of care injunctive relief or HHS-OIG CIA imposed
- Monetary awards

EXAMPLES OF SETTLEMENTS (CONT'D)

Extendicare

- \$38M civil settlement with chain of 146 NFs in 11 states
- Resolved allegations of failure of care and RUGs upcoding
- Chain-wide, 5-year CIA with special staffing requirements



Home

en Español

SAFE EXIT

Elder Justice Initiative
Home

- ▶ Victims, Families, & Caregivers
- ▶ Financial Exploitation
- ▶ Prosecutors
- ▶ Law Enforcement
- ▶ Victim Specialists
- ▶ Research & Related Literature
- ▶ Press Room & Announcements

ELDER JUSTICE INITIATIVE

View Outline

REPORT ABUSE OR FIND HELP

Victim, Family, & Caregiver Resources

Find help for an abused adult,
signs of elder abuse and financial
exploitation, and stories of victims



1 2 3 4 5 6 II

DEPARTMENT OF JUSTICE
ElderJustice
INITIATIVE

The mission of the Elder Justice Initiative is to support and coordinate the Department's enforcement and programmatic efforts to combat elder abuse, neglect and financial fraud and scams that target our nation's seniors. The Initiative is also committed to supporting state and local efforts to combat elder abuse, neglect, and financial exploitation through training, resources, and information.

Andy Mao
Coordinator, Elder Justice Initiative
Contact the Elder Justice Initiative

► Elder Justice Initiative
Home

▼ Victims, Families, &
Caregivers

Physical Abuse

Psychological Abuse

Financial
Exploitation

Neglect &
Abandonment

Sexual Abuse

► Financial Exploitation

► Prosecutors

Law Enforcement

► Victim Specialists

► Research & Related
Literature

Press Room &
Announcements

Contact Us

PHYSICAL ABUSE

STORIES

DID THIS HAPPEN TO YOU?

WARNING SIGNS

Physical Abuse by Adult Grandsons

Katherine, 65, raised two grandsons, Joel and Kent. They had physically abused her since they were teenagers. After 12 years in prison, Joel returned to his grandmother's home because he had nowhere to go. One night Joel came home and was drunk. He banged on the door but Katherine told Joel to go away. After he entered the house through a back window, Joel beat his grandmother. Katherine went to a neighbor's house and called 911. Joel was arrested and Katherine was taken to the hospital. The police contacted Adult Protective Services (APS).



Adult Grandsons

Long-Term Care Aide

Guardian/Conservator

Spouse

Find Help

To read all Elder Physical Abuse stories, [visit the Abuse Stories page](#).

► Elder Justice Initiative
Home

► Victims, Families, &
Caregivers

▼ Financial Exploitation

Federal Resource
Roadmap

Senior Scam Alert

► Prosecutors

Law Enforcement

► Victim Specialists

► Research & Related
Literature

Press Room &
Announcements

Contact Us

FINANCIAL EXPLOITATION

Q REPORT ABUSE OR FIND HELP

Financial Exploitation

Find out about financial scams
and where to report them

The Department of Justice is striving to combat financial crimes against older Americans. Learn about prevalent financial scams so you can guard against them, and get involved in making your community safer. If you need help, there is a federal locator that can guide you to the right federal agency for your particular situation.



Elder Abuse Resource Roadmap: Financial

There are many types of financial harm, and it can be difficult to know what to do when this happens to you, or someone you know.



Senior Scam Alert

Read about some of the most common scams affecting seniors.

- IRS and Tax Scams
- Sweepstakes & Lottery Scams



Get Involved

By recognizing financial exploitation and scams, older Americans may avoid becoming victims.

MoneySmart

FEDERAL RESOURCE ROADMAP



Who caused you (or someone you know) financial loss?

Select the answer that matches most closely

Someone You Know and Trust

A Trusted Professional

A Stranger, or Unknown Person

Someone Connected to Your Nursing Home

► [View All Financial Exploitation Topics](#)

STOCKS, BONDS, MUTUAL FUNDS, OR OTHER SECURITIES

Securities Fraud



Restart Close

The Securities and Exchange Commission (SEC) fields complaints and questions concerning:

- Investments
- Investment accounts
- Financial professionals

[File a Complaint with the SEC](#)

For questions, call the SEC's Office of Investor Education and Advocacy at [1-800-732-0330](tel:1-800-732-0330) or visit [Investor.gov](https://www.investor.gov)

What Happens Next?

- The SEC provides general responses for some types of complaints.
- Questions generally receive more detailed responses.
- You may not receive a follow up response from the SEC, depending on the nature of your complaint.

Helpful Resources

[Investor.gov](https://www.investor.gov)

[Protect Your Money: Check out Brokers](#)

Related Topics

[Identity Theft](#)

[Futures Market Fraud](#)

► Elder Justice Initiative
Home

► Victims, Families, &
Caregivers

▼ Financial Exploitation

Federal Resource
Roadmap

Senior Scam Alert

► Prosecutors

Law Enforcement

► Victim Specialists

► Research & Related
Literature

Press Room &
Announcements

Contact Us

SENIOR SCAM ALERT

REPORT ABUSE OR FIND HELP



IRS and Tax Scams

E-mail, Phishing and Malware Schemes involve emails which are designed to trick taxpayers into thinking these are official communications from the IRS or others in the tax industry, including tax software companies. The phishing schemes can ask taxpayers about a wide range of topics. E-mails can seek information related to refunds, filing status, confirming personal information, ordering transcripts and verifying PIN information.

IRS-Impersonation Telephone Scam is an aggressive and sophisticated phone scam targeting taxpayers, including recent immigrants. Callers claim to be employees of the IRS, but are not. These con artists can sound convincing when they call. They use fake names and bogus IRS identification badge numbers. Victims are told they owe money to the IRS and it must be paid promptly through a pre-loaded debit card or wire transfer. If the victim refuses to cooperate, they are then threatened with arrest, deportation or suspension of a business or driver's license.

Internal Revenue Services



Sweepstakes & Lottery Scams

Fraudulent telemarketers based in Jamaica are calling people in the U.S., telling them that they've won a sweepstakes or foreign lottery. The Federal Trade Commission (FTC), the nation's consumer protection agency, U.S. Immigration and Customs Enforcement, and the Jamaican

- ▶ Elder Justice Initiative Home
- ▶ Victims, Families, & Caregivers
- ▶ Financial Exploitation
- ▼ Prosecutors

[Prosecutor Training & Resources](#)[Federal & State Samples](#)[Elder Abuse Laws](#)[Law Enforcement](#)

- ▶ Victim Specialists
- ▶ Research & Related Literature
- [Press Room & Announcements](#)
- [Contact Us](#)

PROSECUTORS

Prosecutors

Find sample pleadings, documents, statutes, and prosecutor training videos

1

2



This section provides information for federal, state and local prosecutors handling elder abuse, neglect and financial exploitation cases. Those new to the field of elder justice should find information about nearly every aspect of an elder justice prosecution. For more experienced prosecutors, these resources offer a wealth of practical tips from experts in the field.



PROSECUTOR TRAINING & RESOURCES

Find training videos and other resources geared toward successful prosecution of Elder Abuse cases.



FEDERAL & STATE SAMPLES

Find sample federal and state pleadings and documents related to elder abuse.



TASK FORCES

ELDER ABUSE LAWS

Find federal and state laws related to elder abuse.

- ▶ Elder Justice Initiative Home
- ▶ Victims, Families, & Caregivers
- ▶ Financial Exploitation
- ▶ Prosecutors
- ▶ Law Enforcement
- ▶ Victim Specialists
- ▶ Research & Related Literature
- ▶ Press Room & Announcements
- ▶ Contact Us

LAW ENFORCEMENT

Law Enforcement

Find elder abuse training, resources and protocols for law enforcement



Federal, state, and local law enforcement officers play a unique and critical role in our response to elder abuse and financial exploitation. The Department of Justice has compiled information to enhance the ability of law enforcement officers to respond effectively to cases involving elder abuse.



Investigating Elder Abuse

- [Elder Abuse Laws](#) (Elder Justice Initiative)
- [Investigating Elder Abuse: Law Enforcement's "Best Practices" for a Positive Outcome](#) (National Center for Victims of Crime)
- [Elder Abuse Investigations](#) (Florida Department of Law Enforcement)



Are You a Mandatory Reporter?

Mandatory Reporting by State and Local Law Enforcement Officers

- All states have mandatory reporting laws. [To learn whether you are a mandated reporter, locate your state.](#)

- ▶ Elder Justice Initiative Home
- ▶ Victims, Families, & Caregivers
- ▶ Financial Exploitation
- ▶ Prosecutors
- ▶ Law Enforcement
- ▼ Victim Specialists
 - Victims' Rights
 - Sponsored Webinars
 - Resources for Victim Specialists
- ▶ Research & Related Literature
- ▶ Press Room & Announcements
- ▶ Contact Us

VICTIM SPECIALISTS

Victim Specialists

Find resources, webinars, training and victims' rights information

Victim Specialists work closely with prosecutors, Assistant United States Attorneys, law enforcement and others to ensure that Elder Abuse Victims are treated with respect, know their rights and their role within the criminal justice system. They help navigate victims through the criminal justice system by providing support, assessing a victim's needs, developing a safety plan, connecting to resources and identifying gaps in service. They also ensure that staff are informed about elder abuse and the trauma that victims experience. Ultimately a Victim Specialist wants the victim to experience justice and regain their sense of well-being and recovery.

Are You a Mandatory Reporter?

Many states have mandatory reporting requirements. [Refer to this state-by-state survey of reporting requirements to determine if you are a mandatory reporter.](#)



Victims' Rights



Training Webinars



Helpful Information &

CLOSING REMARKS

- Our duty is in giving a voice to the voiceless.
- The issue is often simply an absence of human dignity.
- Removing the abuser from the health care industry or the community is frequently an important goal.

Q & A



CONTACT

Nicole Nappi, NRP

Susan Lynch, JD, DrPH, EMT-B
susan.lynch@usdoj.gov

QUESTIONS & SUGGESTIONS

can be emailed to

elder.justice@usdoj.gov