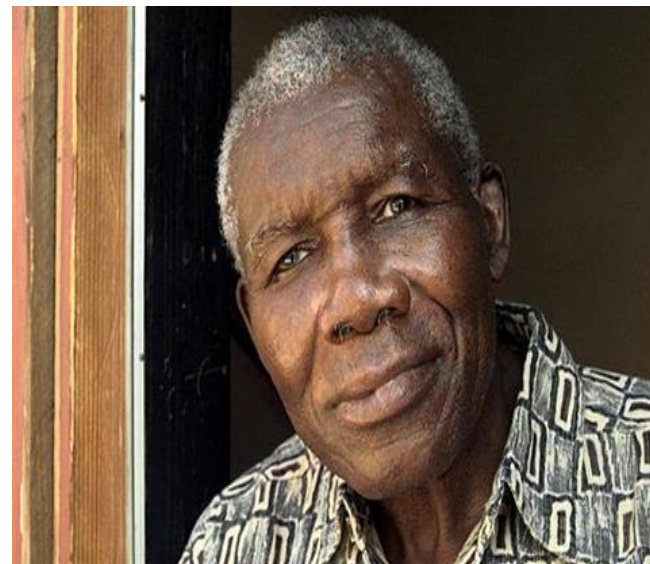


Elder Abuse: Causing Physical and Financial Devastation

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Overview of Topics

- Multifaceted Problem
- Complexities
- Reporting
- Extent
- Impact
- Opportunities

Multifaceted – Forms

- Wyoming's APS Act 35-20-101 *et seq.*
 - Abuse (includes sexual abuse)
 - Exploitation
 - Neglect
 - Abandonment
 - Self-neglect
 - Intimidation

Multifaceted – Victims

- “Vulnerable Adult” – any person eighteen years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability

Multifaceted – Victims

- “Advanced Age” = 60+
- “Mental disability” means a condition causing mental dysfunction resulting in an inability to manage resources, carry out the activities of daily living or protect oneself from neglect, abuse, exploitation or hazardous situations without assistance from others.

Multifaceted – Settings

Wyoming's APS investigates:

- Domestic abuse: occurs in an elder's home in the community

- Institutional abuse: occurs in a nursing home, assisted living facility, or other long-term care facility
 - Facility staff abuse or neglect of residents
 - Resident on resident abuse

Multifaceted – Abusers

- Relationships of Trust
 - Relatives
 - Intimate partners
 - Caregivers (paid & unpaid)
 - “Friends” or “neighbors”
 - Fiduciaries
- Strangers (?)

Complexities – Victim Dynamics

- Don't recognize the exploitation
- Fear disbelief, stigma, or retaliation
- Feel responsible, guilty, and ashamed
- Dependent on perpetrator
- Reluctant to get perpetrator in trouble
- Fear guardianship or placement in LTCF
- Fear loss of relationships

Complexities – Victim Dynamics

- Lack knowledge about his/her rights
- Unaware of availability of help
- Lack capacity or \$ to obtain help
- Feel afraid of testifying in court
- Don't trust the judicial system
- Difficulty accessing the judicial system

Complexities – Self-Determination

- Adults' have right of self-determination
- Balanced by societal interests
 - Protection of others
 - Protection from self
 - Protection from others
- Self-determination may be undermined by:
 - Diminished decision-making capacity
 - Undue influence

Complexities – Diminished Capacity

- Does not equate with age or disability
- May increase vulnerability to abuse
- May be difficult to assess
 - May be affected by medications & conditions
 - May be a symptom of abuse, neglect, or exploitation
- Take seriously reports of abuse from/about persons with diminished capacity

Complexities – Undue Influence

- Psychological Definition (Margaret Singer)
 - Use of power and control
 - Exploit trust, dependency and fear
 - Substitute one person's will for true desires of another
 - Purpose: deceptively gaining control
- Victim doesn't recognize undue influence and identifies with perpetrator

Complexities – Myriad Laws & Systems

- Adult Protective Services
- Aging Services
- Animal Control
- Attorneys General
- Code Enforcement
- Courts
- Crime Victim Services
- Domestic Violence
- Financial Services
- Guardianship
- Law Enforcement
- Long Term Care
Ombudsman Program
- Long Term Care Facility
Licensure & Certification
- Medicaid Fraud Control
Units
- Mental Health
- Prosecutors
- Sexual Assault

Reporting Elder Abuse

- Wyoming's APS law requires ALL persons to report suspected abuse to APS or law enforcement
 - Immunity for good faith reports
 - Misdemeanor and/or fine up to \$1,000.00 for failure to report
- Other state or federal laws may also mandate reports to other agencies

Extent of Elder Abuse

- National Elder Mistreatment Study: past-year prevalence totaling 11%
 - Exploitation by family: 5.2%; emotional: 4.6%; physical: 1.6%; sexual: 0.6%; potential neglect: 5.1%
 - Methodology excluded residents of long-term care facilities and persons lacking capacity or telephones
- Few cases reported to investigative agencies
- Growth of elderly/persons with dementia
 - Study showed 47% of people w/dementia were abused or neglected by their caregivers

Extent of Elder Abuse

- Study of one nursing home's staff found in past year:
 - 36% had seen physical abuse at least once
 - 81% had seen psychological abuse at least once
 - 10% had committed physical abuse at least once
 - 40% had committed psychological abuse at least once
- In 2009, federal OSCAR database showed:
 - 16.78% of facilities were cited for abuse, improper use of chemical and physical restraints, and staff treatment of residents
 - almost 25% of facilities were cited for actual harm or placing residents in immediate jeopardy
 - Government Accountability Office (GAO) studies suggest that the database numbers are low

Impact of Problem – Victims

- Increased risk of mortality
- Physical and mental health problems
- Loss of assets and home
- Loss of caregiver
- Loss of independence
- Loss of trust
- Increased isolation and vulnerability

Impact of Problem – Society

- MetLife Mature Market Institute studies:
 - 2009 study: national losses total \$2.6 billion
 - 2011 study update: \$2.9 billion
- Utah study: \$52 million lost in 2009 by older residents, businesses, government
- Wyoming study: \$200,134 lost in 2009-2010 by older persons, financial institutions, and government (10 cases)

Opportunities

- Educating
 - Older persons & persons with disabilities and their families
 - Caregivers
 - Fiduciaries
 - Other professionals
- Researching
- Advocating for better laws & services
- Participating in multidisciplinary teams

