

## **Reauthorization of the Older Americans Act**

### **Hearing before the U.S. Senate Special Committee on Aging**

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Maple Grove Community Center

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#### **Elder Justice**

Supporting independence is at the heart of the Older Americans Act. For some, especially those most frail, independence is a generous and misleading term for isolation. Real independence for older Americans means safety from abuse, neglect, and financial exploitation. Moreover, real independence means the ability to access help for the daily care and chores that one can no longer manage. My testimony addresses these two facets of elder justice, protection from maltreatment and safety in home and community services.

#### ***Protection from maltreatment***

Elder abuse, neglect, and exploitation are more than personal tragedies. They translate to public costs: medical care to treat wounds, broken bones and starvation...housing and healthcare for victims left destitute by the swindles of people they trusted. Reported allegations in MN for Fiscal Year 2009 exceeded 25,000, with 39% alleging caregiver neglect. Reported cases are widely acknowledged to be a fraction of the reality.

**Priority: Address abuse, neglect, and exploitation in home and community settings with increased Title VII funding, while maintaining efforts on behalf of nursing facility residents.**

Minnesota receives \$21 million Older Americans Act dollars. Only \$79,000 is Title VII Elder Abuse money...a fraction of a percent. The narrow dollars and ratio promise short-changed services.

**Priority: Make uniform national data collection a condition of receiving federal funding by 2015.**

Practitioners and policymakers lack the data needed to tackle elder abuse, neglect and exploitation head

on. We lag behind that work in the fields of domestic violence and child abuse, but we can learn from their models.

**Priority: Create six coordinating Centers of Excellence on Elder Abuse and Neglect through the Reauthorization.**

The Center of Excellence at the University of California at Irvine, is a beacon and model of medical, forensic and victim services. But it cannot realistically respond to an entire nation's problems.

***Consumer Protection in Home and Community Services***

We are facing a barrel of challenges and two barrels of mysteries. We know that the overwhelming percentage of care is provided by family, but we do not know how sustainable that is for the future. We know that paid caregivers are in such short supply that even one's ability to pay does not promise enough or good enough care. We are unwilling to give these jobs liveable wages. We know that monitoring care delivery for persons inside the walls of private homes makes the challenges of monitoring care in congregate settings seem like small potatoes. And some of the technological possibilities for keeping watch are controversial. Technology may bridge the miles and guard against isolation, but I for one do not want to wear a wire or line up with a monitor to use the toilet.

**Priority: Include a Bill of Rights for Home and Community Services in the 2011 Older Americans Act.**

Minnesota's Home Care Bill of Rights applies only in licensed home care services. Similar limits exist for those codified in other states. A federal bill of rights, across services and regulatory jurisdictions, would promote both professional standards and public expectations.

**Priority: Plan for ongoing public awareness efforts to raise people's expectations of good care and individual rights.**

Individual rights are intrinsically difficult to monitor, especially in private homes. And few of us remember contract details when we sign up for services, particularly in a crisis.

**Priority: Expand the mandate and funding of the Ombudsman program to include advocacy for elders in home and community services.**

Quality standards and a bill of rights set us on the right path. Ombudsmen explain the complexities, intercede, and use persuasion to repair situations regardless of whether a specific violation of law has occurred.

**Priority: Assure that Ombudsman programs have the independence in their settings and mandate to provide advocacy at the policy level as well as in individual cases.**

Ombudsmen are in an ideal position to use case data, trends, and experiences to advocate for consumer rights and safety. The Older Americans Act must ensure their freedom to represent their constituencies in public decisions about service systems.

Finally, this is a very good time for State Units on Aging, Ombudsman Programs and Adult Protective Services systems to plan strategically for delivering elder justice in the future. None of these systems is uniquely able to handle the growing needs for protective services and consumer safety. Regardless of funding levels, cooperative efforts will promote cost efficiency.

Thank you, Senator Franken and Committee members, for your leadership on the Reauthorization of the Older Americans Act. Throughout Minnesota today, there are older people desperately clinging to their homes, some in frighteningly abject circumstances. Ensuring their basic safety while respecting their individuality and privacy, requires our steady, shared commitment.