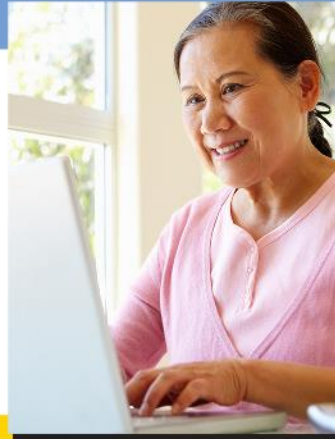




DARS

VIRGINIA DEPARTMENT FOR AGING
AND REHABILITATIVE SERVICES

*Providing resources and services to
improve the independence of older Virginians*



How Legislation Can Shape Our Understanding of Adult Protective Services: A Closer Look at House Bill (HB) 676

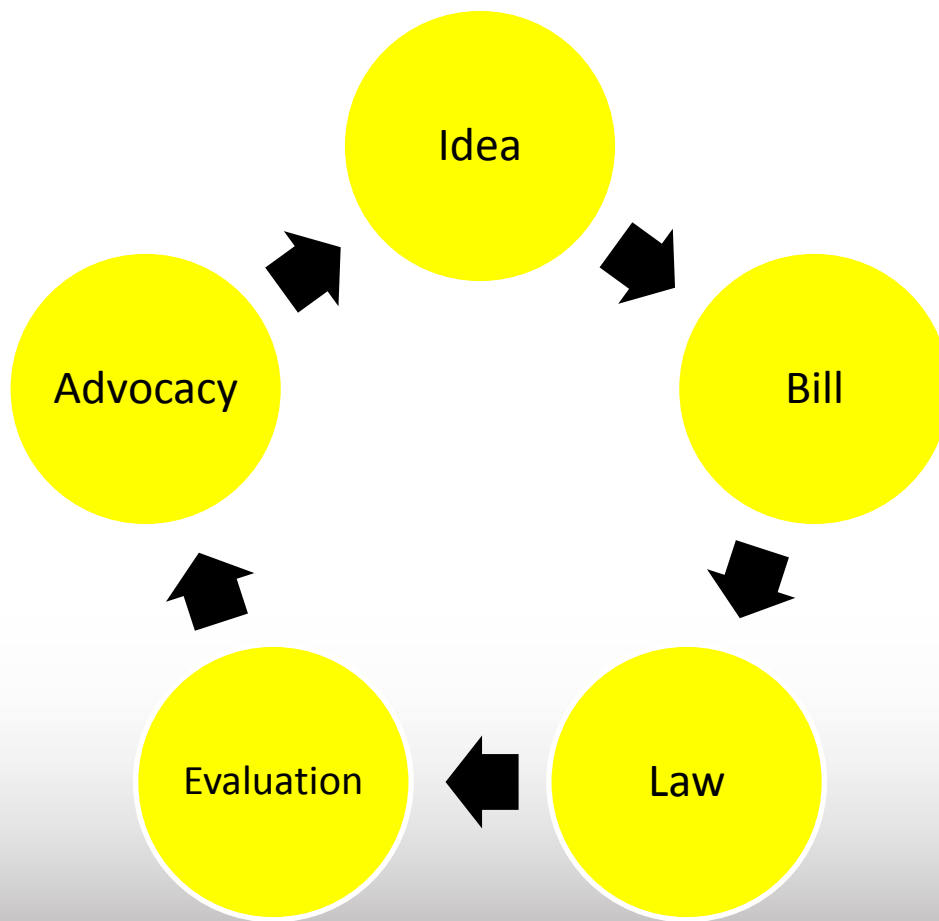
VCPEA Conference

May 2017

Virginia General Assembly



Simplifying the Process



It's Early 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Commissioner of the Department for Aging and Rehabilitative Services shall, together with the Director of the Department for Planning and Budget or his designee, representatives of the Department for Aging and Rehabilitative Services' Adult Protective Services Unit and local department of social services' adult protective services units, law-enforcement agencies, financial institutions in the Commonwealth, and organizations representing elderly individuals and adults with disabilities, determine the cost of financial exploitation of adults in the Commonwealth and develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults. The Commissioner shall develop recommendations for a plan to educate adults regarding financial exploitation, including common methods of exploitation and warning signs that exploitation may be occurring. The Department for Aging and Rehabilitative Services' Adult Protective Services Unit shall provide information about founded cases of financial exploitation of adults and any related compiled information to the Commissioner, who shall maintain the confidentiality of such information, for his review upon request. The Commissioner shall complete his work and report on his activities and recommendations to the Governor and the General Assembly by January 1, 2017.

Heard in Committee Meetings



And in Both Chambers



APS Division Assignment

- Invite individuals to participant in workgroup
- Establish procedures for reviewing cases
- Establish schedule for stakeholders' meetings
- Complete case reviews
- Analyze case data
- Hold meetings
- Write report with recommendations

Case Review:

- 1,016 FE cases in SFY 2015
- 141 (12% of SFY 2015 total) cases randomly selected and reviewed by APS Division Staff
- Representing all 5 regions of Virginia
- Various sizes of LDSS

Victim Demographics

More than **80%** of the victims were 60 years of age or older. Fifty-six individuals were age 80 or older.

More women (**62%**) than men were exploited which is a trend that is similar to other financial exploitation studies.

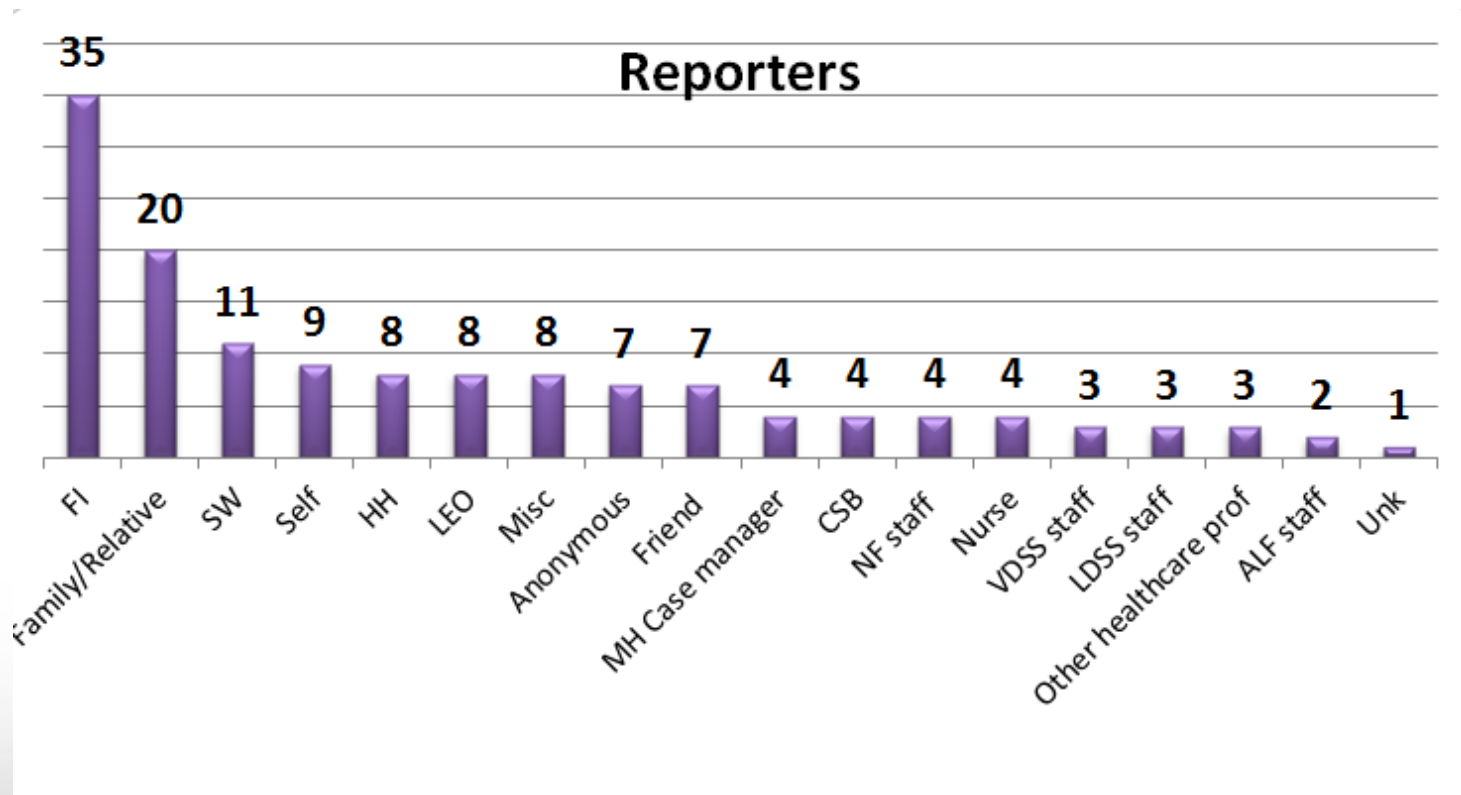
Seventy-four percent of the victims resided in their own home or the home of another person.

Demographics	
60+	117
18-59	24
Female	88
Male	53
White	91
Black	37
Unknown	11
Other	2

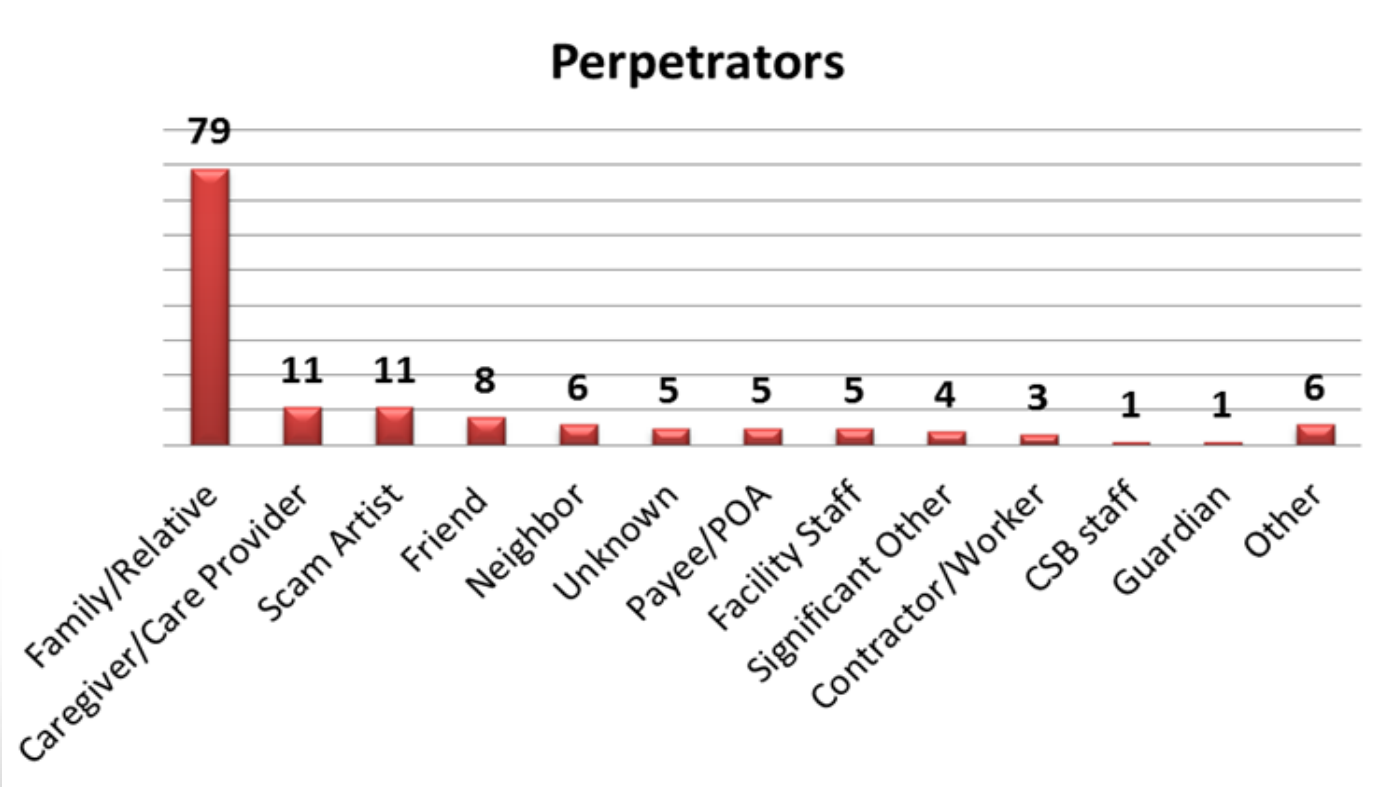
Co-occurring Abuse

Co-occurrences of Abuse, Neglect or Exploitation	
Neglect	16
Self-Neglect	16
Mental Abuse	16
Other Exploitation	5
Physical Abuse	4

Reporters



Perpetrators



Quantifying Financial Loss

- **Cash and checks:** theft of currency, stolen or forged checks, and accessing the adult's financial accounts without permission.
- **Credit card:** accessing or using credit cards to make unauthorized purchases or cash advances and opening up a new credit card in the adult's name without permission.
- **Scam:** actions perpetrated by a con artist such as lottery scams or fraudulent home repairs.

	# of Cases	Total Taken	Average Taken	High/Low Taken
Cash/Check	58	\$1,778,639	\$30,666	\$1,000,000/\$10
Credit Card	9	\$62,035	\$6,893	\$20,000/\$830
Scam	9	\$270,780	\$30,087	\$121,900/\$300
Total	76	\$2,111,454		

Other Losses

Perpetrator's action	# of Cases
House/land deeded/sold	8
Victim evicted from home	3
Car title changed/car sold	2
Will changed	2
Collectibles taken	1
Cell Phone taken	1
Jewelry taken	1

Estimating the Impact of Financial Exploitation

- The average per case loss = \$27,782 (\$2.1 million/76 cases).
- Multiplied \$27,782 by 1,016 substantiated FE cases in SFY 2015. We estimated that adults age 60 or older or incapacitated adults in Virginia may have lost up to **\$28,226,512** during that year.

Is the Amount Lost Even Greater?

- 1 in 44 cases of FE not reported to authorities

	Total FE Reports	%Substantiated	# Substantiated	Estimated Financial Loss
Actual SFY 2015	3,708	27%	1,016	\$28,226,512
Estimate due to Underreporting	163,152	27%	44,051	\$1,223,825,993

What Else Did we Learn from Case Reviews?

- Referrals to law enforcement (only 51%)
- Lack of documentation about amount taken/stolen
- Financial exploitation comes in all “shapes and sizes”
- Cases are complex
- Are we all speaking the same language about the population served by APS?
- Obtaining client records from financial institutions can be difficult

8 Report Recommendations

- Revise definitions of adult exploitation
- Revise definition of financial institution staff
- Ensure training for financial institutions is Virginia specific
- Evaluate opportunities to improve information sharing b/t financial institutions and APS
- Provide DARS with more oversight for APS training for workers
- Provide case documentation training
- Provide technical assistance for APS workers to review financial documents
- Convene a statewide coalition to address financial exploitation in Virginia

What Happened in 2017?

- State legislators are interested in adult financial exploitation
- Three bills introduced:
 - HB 1945 (Peace)
 - HB 1922 (R. Bell)/SB 1462 (McPike)

Current Exploitation Definition

- Adult exploitation means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

New Exploitation Definition

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an incapacitated adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

New Definition of Financial Institution Staff

C. Any financial institution staff who suspects that an adult has been exploited financially may report such suspected exploitation to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline. For purposes of this section, "financial institution staff" means any employee, agent, qualified individual, or representative of a bank, trust company, savings institution, loan association, consumer finance company, credit union, investment company, investment advisor, securities firm, accounting firm, or insurance company.

HB 1922/SB 1462

C. The local department or the adult protective services hotline shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon determining, during the course of an investigation pursuant to this article, the occurrence of any of the following:

- 1. Sexual abuse as defined in § 18.2-67.10;*
- 2. Death that is believed to be the result of abuse or neglect;*
- 3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect;*
- 4. Suspected financial exploitation of an adult; or*
- 5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.*

Local law-enforcement agencies shall provide local departments and the adult protective services hotline with a preferred point of contact for referrals.

What did legislation change?

- All APS reports of suspected financial exploitation shall be referred to local law enforcement.
- Removes current threshold regarding reports that allege a loss of \$50,000 or more.
- What prompted the change?

Advocacy: How You Can Make a Difference

The screenshot shows the Virginia General Assembly website. At the top, the URL is [/viriniageneralassembly.gov/membersAndSession.php?secid=1&](http://viriniageneralassembly.gov/membersAndSession.php?secid=1&). Below the URL bar, there are navigation links for "Favorites", "Tools", and "Help". A "Select" dropdown menu is visible. A blue button with a plus sign and the text "Click for Bill Tracking, Meetings, Who's My Legislator?" is highlighted. Below this, the Virginia State Capitol logo is displayed, followed by the text "GENERALASSEMBLY.GOV". A navigation bar contains links for "Quick Links", "Session", "Senators", "Delegates", "Committees", and "Resources". Under the "Quick Links" section, there is a paragraph of text: "There is a wealth of information about the General Assembly members and Session convenience, the links below will take you directly to most frequently accessed pages: [House Member Listings](#) | [Senate Member Listings](#) | [Who's My Legislator](#) | [House & Senate Current Status](#) | [House Video Center](#)". The link "Who's My Legislator" is circled in red.

Legislators



Who's My Legislator

[MyLocation](#)

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State Delegate

Jeffrey M. Bourne

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Party: D

Capitol Phone: (804) 698-1071

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[email](#) | [more info](#)

State Senator

Jennifer L. McClellan

District: 9

Party: D

Capitol Phone: (804) 698-7509

District Phone: (804) 698-7509

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U.S. Congress

A. Donald McEachin

District: 4

Party: D

[more info](#)

U.S. Senator

Tim Kaine

Party: D

[more info](#)

Power of Media

RETIREMENT

Declaring War on Financial Abuse of Older People

Retiring

By ELIZABETH OLSON APRIL 14, 2017



RELATI



A Virginia Case

Locust Grove woman gets 9 years for taking \$240,000 from nursing home resident

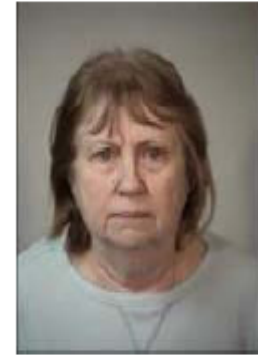
By KEITH EPPS THE FREE LANCE-STAR | Posted: Tuesday, July 26, 2016 5:20 pm

A 70-year-old Locust Grove woman was ordered Tuesday to serve nine years in prison for stealing more than \$240,000 from a woman she'd befriended in a nursing home.

Carol Ann Newman, 70, had previously pleaded guilty in Spotsylvania Circuit Court to six felony embezzlement charges. Judge Joseph Ellis sentenced her to 30 years in prison, with all but nine years suspended.

Ellis' sentence far exceeded the recommended state sentencing guidelines, which called for a maximum penalty of just over five years.

The evidence presented by Commonwealth's Attorney Travis Bird showed that Newman met the victim, Arlene Raynor, years ago



Carol Ann Newman

SHE WILL SERVE 9 YEARS FOR
EMBEZZLING FROM HANDICAPPED
'FRIEND' Newman

Editorial

Richmond Times-Dispatch

NEW LAWS

Jim Rothrock column: Keeping older adults safe from financial exploitation

By Jim Rothrock

May 6, 2017

As we enter May, celebrating Older Virginians Month, it is important to recognize that the number of us boomers is really “boomin’.”

What is going on at the Federal Level?

- Elder Abuse Prevention and Prosecution Act (S.178)
- Senior Financial Empowerment Act (S.547)
- Senior\$afe Act (S.223)

Contact

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