

# STATE OF ALASKA

## DEPT. OF HEALTH & SOCIAL SERVICES

### *Alaska Commission on Aging*

January 13, 2012

The Honorable Lyman Hoffman, Co-Chair  
The Honorable Bert Stedman, Co-Chair  
Senate Finance Committee  
Alaska State Capitol, Rooms 518 & 516  
Juneau, AK 99801-1182

**SEAN PARNELL, GOVERNOR**

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#### **Subject: Support for SB 86, Protection of Vulnerable Adults**

Dear Chair Stedman & Chair Hoffman:

The Alaska Commission on Aging (ACoA) is pleased to offer our support of SB 86, a bill sponsored by the Senate Rules Committee at the request of Governor Parnell, to enhance protection of vulnerable older adults and persons with disabilities against acts of abuse and financial exploitation. As the number of older Alaskans continues to increase, especially those of the "oldest old" (age 85 and older), so has the number of substantiated reports of harm to Adult Protective Services (APS), the Office of Long-Term Care Ombudsman (OLTCO) and the Office of Elder Fraud and Assistance (OEFA). Legislation is needed to increase safeguards for vulnerable adults who are at increased risk of abuse and financial exploitation. Older people with dementia and other cognitive impairments, those who are confined to their beds, and isolated seniors are particularly vulnerable to elder mistreatment.

Reports of harm against older Alaskans are on the rise. There are several factors responsible that include more awareness of protection resources, a growing senior population, and more prevalent fraud and abuse. According to data from Adult Protective Services, there has been a 90% increase in the number of reports received from FY 2009 to FY 2011. Since cases are often underreported, particularly if the abuser is a family member, it is likely that the magnitude of the problem is far greater than what is reported. Similarly, the OLTCO (2012) reports a 70% increase in the number of complaints filed about treatment of seniors in long-term care facilities over the past year.

Financial exploitation of older adults is a growing problem that may be linked to current economic times. It is sometimes referred to as a "silent crime" or a "crime of opportunity" because there are few external signs and victims are often reluctant to report the offense. In other situations, the victim may be in the early stages of dementia and not realize what has transpired.

SB 86 is a strong bill that will help prevent abuse against vulnerable older Alaskans, Alaskans with disabilities, and minors. The legislation adds two new ways to protect seniors against financial exploitation (by allowing individuals at imminent risk of losing their resources the ability to apply for an emergency conservatorship as well as a 20-day financial protective order without an attorney); provides for a broader definition of "vulnerable adult;" adds mandated reporters (such as employees of nursing homes and other health care facilities, educators, and administrative staff of educational institutions), and expands the definition of reportable harm to include "undue influence" (when a trusted individual uses their position to exploit a vulnerable adult). SB 86 also requires

cooperation with Adult Protective Services, DHSS training of investigators, and mandates release of relevant financial and health records necessary for an investigation.

The cost of elder abuse is significant. When an elder is victimized and needs services from APS, the OLTCO, and law enforcement agencies or loses his/her life-long financial assets and becomes Medicaid-eligible, the State bears the costs to provide this assistance. More disturbing is the personal cost to elderly victims where abuse often compromises a person's independence and feeling of security and can lead to depression, hopelessness, or even suicide.

Thank you for your consideration and support of this legislation. Please feel free to contact Denise Daniello, ACoA's executive director, by phone (465-4879) or email ([denise.daniello@alaska.gov](mailto:denise.daniello@alaska.gov)) should you have questions or require additional information. Thank you.

Sincerely,

  
Sharon Howerton-Clark  
Chair, Alaska Commission on Aging

Sincerely,

  
Denise Daniello  
ACoA Executive Director

Cc: Senator Donald Olson  
Senator Dennis Egan  
Senator Joe Thomas  
Senator Johnny Ellis  
Senator Lesil McGuire  
Mike Lesmann, Governor's DHSS Special Assistant