

HCR

3

<TARGET><BILL>HCR 3</BILL><SUBJECT>HCR
3</SUBJECT><COMM>SHSS27</COMM></TARGET>



REPRESENTATIVE CATHY MUÑOZ

HCR 3 – Promoting the Safety and Protection of Older Alaskans

A devastating problem of elder abuse has been on the rise in Alaska. Over the past four years Adult Protection Services in the Department of Health and Social Services has received an alarming 169% increase in the reports of harm. The Ombudsman Office for Long-term Care has seen a corresponding increase in the reports of harm at 200% in the past three years. The most common allegations are self-neglect, abuse, neglect, and financial exploitation.

Older Alaskans enrich the lives of our communities and provide knowledge of culture and history. As the population of older Alaskans continues to increase it is essential we recognize the complex health needs and services which need to be offered to provide independence and dignity to every individual.

I encourage all Alaskans to take a step forward in recognizing this growing problem. Your support of HCR 3 will help to raise awareness of elder abuse and will promote the safety and protection of older Alaskans.



REPRESENTATIVE CATHY MUÑOZ

MEMORANDUM

TO: Senator Bettye Davis
Health & Social Services Committee Chair

FROM: Representative Cathy Muñoz

DATE: March 29, 2011

RE: Changes to CS HCR 3 (HSS)

The House Health and Social Services Committee adopted two amendments that recognize family and community involvement. "Be it Resolved" language was added to reflect the Department of Health & Social Services support to provide family services and enable independent living, in addition to recognizing family and community who provide an essential source of security and well-being for vulnerable Alaskans.

An amendment passed on the House floor to include language identifying "centers for independent living" under the support for efficient and early intervention services (page 3, line 13). Centers for Independent Living have served seniors for many years and provide a variety of abuse prevention and response services.

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version HCR 3
 () Publish Date _____

Identifier (file name) HCR3-LEG-COU-03-09-2011 Dept. Affected Legislature
 Title "Relating to Promoting the Safety and Protection of Older..." Appropriation Legislative Council
 Allocation Session Expenses
 Sponsor Representative Muñoz
 Requester House Health and Social Svcs Committee OMB Component Number 782

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2012	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2011) cost _____

POSITIONS

Full-time								
Part-time								
Temporary								

Why this fiscal note differs from previous version

Initial Version	
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Prepared by Shane Miller, Finance Manager
 Division Administrative Services Division
 Approved by Pamela Varni, Executive Director
 Legislative Affairs Agency

Phone 465-6626
 Date/Time 3/9/11 1:29 PM
 Date 3/9/2011

Analysis

This fiscal note has zero impact on the Legislative Affairs Agency.

STATE OF ALASKA

DEPT. OF HEALTH & SOCIAL SERVICES

Alaska Commission on Aging

March 1, 2011

Representative Cathy Muñoz
Alaska State Capitol, Room 403
Juneau, AK 99801-1182

Subject: Support for HCR 3

Dear Representative Muñoz:

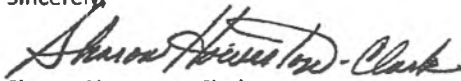
The Alaska Commission on Aging (ACoA) is pleased to offer our support of HCR 3, a resolution sponsored by you to help raise awareness about the growing problem of elder abuse and to promote safety and protection of older Alaskans.

Elder abuse is a devastating and unrecognized problem that oftentimes goes unreported and can have life-threatening consequences. According to a report from the National Institute of Justice (March 2009), approximately 11% of people age 60 years and older suffer some form of abuse every year. Other studies have shown that elderly victims of abuse, exploitation and neglect have twice the risk of dying within a year. The National Center on Elder Abuse estimates that only one out of six elder abuse incidents (excluding the cases of self-neglect) are reported to authorities. The majority of cases go unreported as elders/seniors are often reluctant to report the abuse, particularly if the abusers are family members, for fear of shaming the family or losing that person's care. Sometimes well-meaning family and other unpaid caregivers suffer from "caregiver burnout" that can lead to mistreatment. According to Dr. Lisa Gibbs, University of California, "Elder abuse is where child abuse was 30 years ago," referring to society's lack of awareness of the mistreatment of vulnerable adults.

Alaska continues to lead all states in the rate of growth of people age 60 and older; they number 85,100, according to 2009 estimates from the Alaska Department of Labor and are projected to triple in size over the next 25 years due to the aging of the baby boomer population. Moreover, Alaska has the fastest growing population of the "oldest old" (those 85 years and older) many of whom are frail, have high health care needs, and are most at risk for Alzheimer's disease and related dementias in addition to other complex behavioral needs. Older adults with dementia are particularly vulnerable to abuse as well as persons who live in isolation. As the number of assisted living homes has increased significantly over the last three years for seniors and people with developmental disabilities, so have complaints from elderly residents and their family caregivers to the Office of the Long-Term Care Ombudsman concerning quality of care in assisted living settings. Adult Protective Services, an agency under the Division of Senior and Disabilities Services, reports a 169% increase in their reports of harm. While the increase in reporting may be partly attributed to growing social awareness, the increase in the senior population, particularly among the "oldest old" (persons age 85 years and older), and the current times of economic insecurity may also contribute to mounting threats of neglect, fraud, and abuse directed toward the most vulnerable.

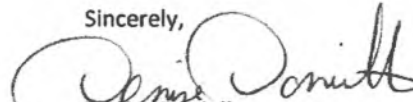
Please accept our sincere appreciation for your efforts to improve protection and safety for Alaska's most vulnerable citizens. We look forward to working with you to raise public awareness about the prevalence of elder abuse in Alaska and to develop strategies to protect Alaska's vulnerable elderly citizens from harm. Please feel free to contact Denise Daniello, ACoA's Executive Director, by phone (465-4879) or email (denise.daniello@alaska.gov) for questions or help in promoting this effort. Thank you.

Sincerely,



Sharon Howerton-Clark
Chair, Alaska Commission on Aging

Sincerely,



Denise Daniello
ACoA Executive Director

SEAN PARNELL, GOVERNOR

P.O. BOX 110693
JUNEAU, ALASKA 99811-0693
PHONE: (907) 465-3250
FAX: (907) 465-1398

STATE OF ALASKA

DEPARTMENT OF REVENUE
Alaska Mental Health
Trust Authority

SEAN PARNELL, GOVERNOR

Office of the Long Term Care Ombudsman

3745 Community Park Loop, Suite 200
Anchorage AK 99508
Phone (907) 334-4480
Fax (907) 334-4486

March 1, 2011

Representative Cathy Munoz
Alaska State 27th Legislature
Capitol Building
Juneau, AK

Re: HCR 3 "Relating to promoting the safety and protection of older Alaskans"

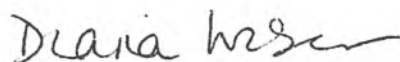
Dear Rep. Munoz:

The Office of the Long Term Care Ombudsman investigates and resolves complaints made by, or on behalf of, older Alaskans in long term care facilities. Our five staff visit skilled nursing facilities and assisted living homes across the state to advise seniors of their rights and to resolve problems the seniors identify. Like other state and local agencies, our staff work hard to protect older Alaskans who may not be able to advocate for themselves.

I am grateful for your sponsorship of HCR 3, promoting public awareness of elder maltreatment. I also pledge my program's commitment to improving coordination with DHSS and other state agencies in whatever way will serve the cause of elder justice.

With our state's growing senior population, and with the rising number of public complaints coming into our office, I believe that this is the right time to bring public attention to the needs of vulnerable older Alaskans.

Sincerely,



Diana Weber
State of Alaska Long Term Care Ombudsman
3745 Community Park Loop, Suite 200
Anchorage, AK 99508



Issue: Reports of Harm for Alaskan Elders

The following analysis focuses on reports of harm received by Adult Protective Services (APS) that involved Alaskan elders, identified as **individuals who were 60 years or older** at the time of report. The following analysis represents data for fiscal years 2009 and 2010.

The **average age of elders** who have been the subject of a substantiated APS report of harm for both FY09 and FY10 was **75 years old**.

There were a total of 701 reports of harm for Alaskan elders in FY09. Of these, 308 were substantiated and the remaining 393 were unsubstantiated. In FY10 there were 813 total reports of harm for Alaskan elders. Of those, 343 were substantiated, and the remaining 470 were unsubstantiated.

Regional Analysis of APS Substantiated Reports of Harm:

Region	FY09	% of total	FY10	% of total
Anchorage Region	156	50.7%	176	51.3%
Interior Region	29	9.4%	32	9.3%
Northwest Region	5	1.6%	8	2.3%
Southcentral Region	72	23.4%	98	28.6%
Southeast Region	26	8.4%	17	5.0%
Southwest Region	20	6.5%	12	3.5%
Total number of substantiated cases	308	100.0%	343	100.0%

Abuse, Exploitation, and/or Neglect by a Family Member:

Family member involvement	FY09	% of total	FY10	% of total
Cases involving family members	78	25.3%	90	26.2%
Total number of substantiated cases	308	100.0%	343	100.0%

Substantiated Allegation Analysis:

Type of allegation	FY09	% of total	FY10	% of total
Abandonment	3	1.0%	4	1.2%
Abuse-Mental	19	6.2%	30	8.7%
Abuse-Physical	19	6.2%	30	8.7%
Abuse-Sexual	1	0.3%	0	0.0%
Exploitation-Financial	66	21.4%	64	18.7%
Exploitation-Person	3	1.0%	12	3.5%
Neglect	47	15.3%	32	9.3%
Self-Neglect	150	48.6%	171	49.9%
Total number of substantiated allegations	308	100.0%	343	100.0%

Gender Analysis:

Gender	FY09	% of total	FY10	% of total
Male	115	37.3%	144	42.0%
Female	193	62.7%	199	58.0%
Total number of substantiated cases	308	100.0%	343	100.0%

PRESS RELEASE
Alaska Commission on Aging
February 17, 2009

We're #1: Alaska Tops in Senior Population Growth

The number of people age 65 and older grew faster in Alaska than in any other state during the decade between 1997 and 2007. Seniors still make up just eleven percent of Alaska's population, a far lower proportion than in states like Florida or Arizona. But with a growth rate of 49.6 percent in the last ten years, the number of older Alaskans is increasing at a rate more than four times the national average.

For years, Nevada laid claim to the fastest-growing senior population in the U.S. As of this year, it has fallen to second place.

The surprising statistics conjure up images of seniors packing up their households and migrating to the frozen 49th state en masse. Are wagon trains of older Americans in Winnebagos motoring up the Alaska Highway, bearing signs that read, "Last Frontier or Bust"?

Not exactly. In fact, the number of seniors leaving Alaska is roughly equal to the number who move here. Out-migration patterns have not changed substantially in decades. Many Alaskans still retire to warmer, sunnier locations. So what explains the senior population surge?

What we're witnessing is not a change in *current* retiree preferences but rather the maturing of *past* trends in Alaskan population movements.

Thousands of working-age people migrated to Alaska during the 1970s oil pipeline construction and the era of post-pipeline spending growth in the early 1980s. With the continental U.S. experiencing a steep recession during that period, young people, many of them born in the 1940s and 1950s, moved north to fill jobs in the state's rapidly-expanding economy.

The new arrivals put down roots in Alaska; they bought homes, raised families, and enjoyed the state's natural beauty and rugged outdoor lifestyle. Now heading into their retirement years, a large number of them are choosing to stay.

The selective migration of thousands of people in a limited age range during the 1970s and early 1980s created a population spike which has

steadily moved into higher and higher age groups. Like the "pig inside the python," this concentrated population may even decrease slightly over time, but it remains a large, visible anomaly in the state's demographic portrait. (To view the population distribution by age group, go to <http://laborstats.alaska.gov/?PAGEID=67&SUBID=115> and click on the graph of "Alaska's Changing Population" to see the changes unfold over time.)

It's true that other states' populations have prominent baby boomer segments as well. But because so many of Alaska's boomer and slightly-older residents arrived during a narrow band of time, leaving their parents' generation behind in their states of origin, our state has long had proportionately more residents in the boomer and slightly-older age groups than other states.

In addition to those who moved to Alaska from elsewhere, Alaska Natives – whose numbers had also expanded rapidly during the "baby boom" era – are highly likely to remain in the state during their senior years.

Increases in life expectancy also play a role in the increasing number of seniors. In fact, the fastest-growing age group in Alaska is the 85-and-older group. Individuals in this group are the most likely to be in frail health, disabled, and in need of supportive services.

Finally, the aging parents of some of our 1970s and 1980s migrants do come to Alaska to be cared for by their offspring in their later years. However, there is no indication that this group represents a large proportion of our state's seniors.

Our fast-growing senior population primarily consists not of newcomers from other states but of our long-time friends and neighbors, those who built up many of modern Alaska's institutions and our communities' infrastructures.

While the growing number of seniors means Alaska must increase its capacity to supply the services and supports they will need, the state can expect a net gain in its quality of life thanks to the presence of more older Alaskans. As volunteers in civic enterprises, caregivers within their families, and mentors of cultural and professional achievement, not to mention the estimated \$1.6 billion they contribute annually to the state's economy, seniors represent an incomparable asset for Alaska.

Other states, and even some cities, invest in advertising campaigns to attract senior residents to their communities. They recognize the tremendous economic and community leadership benefits seniors bring with them. The "retirement industry" is well-known as one of the most positive contributors to any economy. According to the Report on the Economic Well-Being of Alaska Seniors (2007), the retirement pension and health care funds this industry draws in are spent locally (triggering an economic multiplier effect), and senior spending is stable, year-round, environmentally benign, compatible with other industries, and helps produce economies of scale (particularly in health care) which benefit all segments of the population.

Alaska has the immense good fortune to be rapidly gaining seniors with no public investment in advertising at all. Our seniors are part of the latest greatest American retirement boom – without having to pack their bags or abandon their favorite people and places. And Alaska will benefit from their wisdom, perspective, and community contributions.

References:

A Profile of Older Americans: 2008, Administration on Aging, U.S. Department of Health and Human Services:
<http://www.mowaa.org/Document.Doc?id=69>

Alaska Department of Labor & Workforce Development population website:
<http://laborstats.alaska.gov/?PAGEID=67&SUBID=115>

Report on the Economic Well-Being of Alaska Seniors (2007):
<http://www.hss.state.ak.us/acoa/documents/seniorWellbeingReport.pdf>

WHO MUST REPORT?

Physicians or other licensed health care providers

Mental health professionals including licensed marital and family therapists

Pharmacists

Nursing home, residential care, and health care facility administrators

Guardians and Conservators

Police Officers

Village Public Safety Officers

Village Health Aids

Social Workers

Members of the Clergy

Personal Care Attendant

Home Health Aide

Emergency Medical Technician or Paramedic

Caregiver of Vulnerable Adults

Certified Nurses Aide

Employees of service grant agencies funded by the Department of Administration for the provision of services to older Alaskans, the Department of Health and Social Services, and the Council on Domestic Violence and Sexual Assault

ANY PERSON MAY REPORT.

DESIGNATIONS OF OTHERS TO PROVIDE PROTECTIVE SERVICES

Alaska law authorizes the Division of Senior Services to designate and train other state agencies, community service providers, or individuals to provide protective services.

Guiding Principles of Adult Protection

- When interests compete, the adult client is the person we are charged to serve; not the community concerned about safety, the landlords concerned about property, citizens concerned about crime or morality, families concerned about their own health or finances.
- When interests compete, the adult client is in charge of decision-making until she or he voluntarily delegates responsibility to another or the court grants responsibility to another.
- Freedom is more important than safety. The person can choose to live in harm or even self-destructively provided she or he has the capacity to choose, does not harm others, and commits no crime.
- In the ideal case, protection of adults seeks to achieve simultaneously, and in order of importance: freedom, safety, least disruption of life-style and least restrictive care alternative.

**To obtain copies of
Alaska Statute 47.24.010-.900.**

**Contact the
Division of Senior and
Disabilities Services**

at 1-800-478-9996
or 269-3666 in Anchorage

State of Alaska Adult Protective Services



Program Information

Legal Rights

Services

Div. of Senior and Disabilities Services
Department of Health & Social Services
550 W. 8th Ave
Anchorage, AK 99501

1-800-478-9996

Anchorage: 269-3666

Fax: 269-3648

Fairbanks 451-3187

Fax: 451-3186

Juneau 465-4791

Fax: 465-4665

www.hss.state.ak.us/dsds/aps.htm

RIGHTS OF VULNERABLE ADULTS

- Right to expect that information about one will be shared only on a need to know basis and only as necessary to insure that one can receive coordinated services and protection.
- Right to give informed consent in accepting services.
- Right to have services delivered in the least restrictive manner that meets one's needs.
- Right to voluntarily accept or reject services except where the vulnerable adult lacks decision making capacity, is unable to consent, or is incapacitated.
- Right to receive assistance through utilizing family and other informal support systems.
- Right to all possible alternatives to formal legal action in the form of guardianship or conservatorship except where decision making capacity is lacking or protection of the adult requires it.

WHAT IS ADULT PROTECTION?

SERVICES THAT PREVENT OR STOP HARM FROM OCCURRING TO VULNERABLE ADULTS

Alaska law requires that protective services not interfere with the elderly or disabled adults who are capable of caring for themselves.

Vulnerable adults have a physical or mental impairment or condition that prevents them from protecting themselves or from seeking help from someone else.

Alaska law defines vulnerable adults to include adults 18 years of age or older, not just the elderly.

The harm they suffer may result from abandonment, abuse, exploitation, neglect or self-neglect.

ABANDONMENT is the desertion of a vulnerable adult by a caregiver.

ABUSE is the intentional or reckless non-accidental non-therapeutic infliction of pain, injury, or mental distress, or sexual assault.

EXPLOITATION is the unjust or improper use of another person or their resources for one's own benefit.

NEGLECT is the intentional failure of caregiver to provide essential services.

SELF-NEGLECT is the act or omission by a vulnerable adult that results, or could result in the deprivation of essential services necessary to maintain minimal mental, emotional, or physical health and safety.

**See Alaska Statute 47.24.010.900
(Amended 1994)**

EXAMPLES OF SERVICES

Information and Referral
Investigation of Reports
Protective Placement
Guardianship/Conservatorship Counseling
Care Coordination
Training and designation
of local community resources
to provide services.

WHAT MUST BE REPORTED?

Any incident in which a vulnerable adult suffers harm from abandonment, exploitation, abuse, neglect, or self neglect. If in doubt, make the report.

MAKE REPORTS TO WHOM?

Reports can be made to the central reporting number for the Division of Senior Services within 24 hours at 1-800-478-9996. Reports can be made to local law enforcement agencies in the event that a report cannot be made to the Division. Local law enforcement agencies are mandated to investigate and take appropriate action to protect vulnerable adults.

IMMUNITY FROM LIABILITY

Persons who make reports in good faith are immune from liability and protected by law from retaliation.

CONFIDENTIALITY OF REPORT

Investigation reports and reports of the abandonment, abuse, exploitation, neglect, or self-neglect of a vulnerable adult are confidential and are not subject to public inspection and copying.

Investigation reports may be used by appropriate agencies or individuals inside and outside the state in connection with investigations or judicial proceedings involving the abandonment, abuse, exploitation, neglect, or self-neglect of a vulnerable adult.

Individuals who report abandonment, abuse, exploitation, neglect, or self-neglect of a vulnerable adult may remain anonymous.