

Financial Scams to Surveillance Cams: Spotlight on Elder and Adult Abuse

A Joint Hearing of the Assembly Committees on
Public Safety and ***Aging and Long-Term Care***

AMMIANO, YAMADA, Chairs
February 22, 2011
State Capitol Room 126, 9:30 am

A G E N D A

PART ONE

9:30

Opening and Introductions

- **Assemblywoman Mariko Yamada, Chair, Assembly Committee on Aging and Long-Term Care**
- **Assemblyman Tom Ammiano, Chair, Assembly Committee on Public Safety**

9:40

OVERVIEW: Elder and Dependent Adult Abuse in California—An historical assessment of two important code sections: the Elder and Dependent Adult Abuse Civil Protection Act (EADACPA) and Penal Code 368. What are the challenges to local law enforcement? Do state level policy and other barriers exist, preventing law enforcement from embracing elder and adult abuse mitigation with the same vigor as they do for child abuse and domestic violence?

PATRICIA MCGINNIS—Executive Director, California Advocates for Nursing Home Reform

- EADACPA—before and after: where were we then and where are we now?
 - A description of the Elder and Dependent Adult Civil Protections Act (EADACPA), and its role in achieving justice for victims.
 - With civil penalties and civil actions, what more needs to be done?

PAUL GREENWOOD —District Attorney, San Diego County office of the District Attorney

- PC 368 – Then and Now. How has the development of Penal Code 368 served to assist prosecution, and/or prevent abuse?

PART TWO

10:05

MANAGING THE REPORTS AND INVESTIGATING ABUSE

In California, mandated reporters are required to report both actual and suspected abuse. Mandated reporters working at an institution may report to law enforcement officials, or the appropriate licensing agency. Reports may also be made to the Long-Term Care Ombudsman. Recent legal decisions impact this process. Old questions about the system are new again. *How are the reports initiated? Who receives them and what are their responsibilities? Are guidelines and resources available for training?* These and other questions will be discussed among the participants.

- Describe the differences between advocacy on behalf of a resident, and the pursuit of justice on behalf of an abused, neglected or injured victim?
- Is there a consistent policy across the state for when and why law enforcement gets involved?
- Witnesses will include commentary on their experiences involving law enforcement.

Joe Rodrigues—State Long-Term Care Ombudsman—What happens to a report filed with the Long-Term Care Ombudsman? Please describe in detail the role and jurisdiction.

Licensing and Certification Division (Invited) -- What happens to a report filed with the L&C? Please describe in detail your role and jurisdiction, particularly with regard to district office coordination.

Jeff Hiratsuka, Deputy Director, Community Care Licensing (CCL) -- What happens to a report filed with the CCL? Please describe in detail the role and jurisdiction. Is there a trend to use cameras and video recording by residents?

Wendy Aquin -- Division Director, Adult Services and Assistance Programs—County of Orange, Social Services Agency – Please describe a typical case referred to APS. How do local APS offices interface with law enforcement?

Dave Helmsin – California Association of Health Facilities -- A provider perspective on the role of facilities in the prevention, detection and investigation of elder abuse.

Tricia Palermo, Executive Director--The Stratford at Countrywood. An assisted living facility administrator discusses the challenges of the mandated reporting system.

PART THREE

10:55

Innovations /Creativity in Successful Elder and Dependent Adult Abuse Prosecution. Pointing the way of the future, what lies ahead? Challenges and opportunities: when, and how, does law enforcement decide to get involved: is there a standard?

- **Mark Zahner --Bureau of Medi-Cal Fraud and Elder Abuse** –An assessment with critical commentary on the functionality of our reporting system: is it serving its intended purpose? Is the system manipulated? Translating reports into justice.
- **Tristan Svare, San Bernardino County District Attorney** -- What it takes to be creative, innovative and successful in prosecuting cases related to elder and dependent adult abuse. What are the barriers and the challenges? What can the state do to assist?
- **Paul Gallegos, District Attorney, Humboldt County** – Innovation and creativity: obtaining justice for victims and protecting public finances. Identifying the legal tools that secure justice.

11:20

Anne Brewer, Senior Consultant, California Commission on Peace Officer Standards and Training— Changes and modernizations to the Peace Officer Training curriculum.

PART FOUR

11:30

Lisa Nerenberg, MSW, MPH – Chairperson, California Elder Justice Workgroup, and Author. A blueprint for California’s response to elder and adult abuse.

11:50

Public Comment