

**Final Recommendations
Oregon Elder Abuse Work Group**

Presented to House Human Services Committee
November 17, 2011

Work Group Participants: Co-Chair Rep. Vic Gilliam, OR House of Representatives; Co-Chair Rep. Val Hoyle; Members: Sen. Jackie Winters, OR State Senate; Sen. Floyd Prozanski, OR State Senate; Det. Matt Smith, Forest Grove Police Dept.; ADA John Wentworth, Clackamas County District Attorney's Office; Lark Wysham, Citizens Bank, Gayle Gustafson, Rivermark Community Credit Union; Jeff Brandon, Governor's Commission on Senior Services; Brady Scott, Heritage Place Assisted Living; Grover Simmons, Independent Adult Foster Home Association; Jeff Akin, DHS Background Check Unit; Lauren Rhodes, Oregon Health Care Association; Fred Steele, DHS Seniors & People with Disabilities Division; Mary Jaeger, State Long-term Care Ombudsman; Jerry Cohen, AARP Oregon; Honorable Judge Katherine Tennyson, Multnomah County Circuit Court.

Work Plan: On direction from the 2011 Legislative Assembly, the Oregon Elder Abuse Work Group was charged with studying and preparing recommendations regarding the definition of elder abuse, present and future use of criminal background checks system, reviewing the process of abuse investigations and elder-abuse data-reporting system. The work group divided its work into four sub-committees, each armed with individual goals and objectives and responsible for presenting its findings and recommendations back to the at-large group.

Each of the sub-committee's recommendations were discussed and evaluated based on need, effectiveness, adaptability to legislation and program affordability.

Oregon Elder Abuse Work Group
RECOMMENDATIONS

- Statewide call center for Elder Abuse reports

- Competency-based training program to include abuse screening, prevention/early detection accessible training Program

- Implement a cross-agency “Rap-Back” system to improve administrative efficiency statewide

- Work with Governor Kitzhaber’s office to apply for Federal Grant Money: CMS National Background Check Program Grant made available under section 6201 of the Affordable Care Act

- Revise Never-Never List

- Create independent review panel of experts in the field of quality improvement, protection and safety charged with returning to 2013 Legislative Assembly with statutory recommendations for abuse definition and investigation systems. Technical support for data analytics contract and staff support to be funded by statutory Quality Care Fund.
 - Membership to include Oregon Patient Safety Commission, Aumentra, DHS, Geriatric Clinician, District Attorney, Consumer

- Revise criminal statutes to give law enforcement more tools:
 - Create a felony of “Assault in 3rd Degree”
 - Repeal expunction of a criminal mistreatment conviction against a vulnerable adult
 - Evaluate creation of crime of undue influence
 - Emergency freeze of assets
 - Power of Attorney enforcement
 - Confidentiality statute
 - Disclosure power for financial institutions and medical providers

Sub-Committee Full Recommendations

Subcommittee #1. Following through on ASPT Recommendations

- Statewide call center for Elder Abuse reports
- Competency-based training program
- Abuse screening, prevention/early detection accessible training program
- Public Education, transparency, and accountability
- Improved Relationship with Law Enforcement – Establish point of contact and regular communication in each county
- Improved Relationship with Law Enforcement – Phase-in goal for Adult-Multidisciplinary Team in each county

Subcommittee #2. Criminal Background Checks

- Implement “Rap Back” system
- Improve Technology Infrastructure
 - Increase use of Live Scan
 - Increase Direct Submit capabilities
 - Develop an Integrated database
- Apply for Federal Grant Money – CMS National Background Check Program Grant
- Revise Never-Never List
- Update ORS to reduce inefficiencies

Subcommittee #3. Investigations and Data Reporting

- Remove legal barriers to improving investigations/reporting
 - Revise certain Oregon statutes
- Improve access
 - Implement one statewide call # for reporting abuse
 - Implement an after-hours complaint system
 - Share resources between SPD and child welfare?
- Improve professional awareness and action
 - Review and clarify mandatory reporters
 - Multidisciplinary training for field staff, law enforcement, DAs, providers, consumer representatives, etc.
- Improve investigatory process
 - Create and clarify expectations for all parties (agency, providers, alleged perpetrators, victim, consumer)
 - Timelines/Deadlines
 - Plain language communications
 - Alternative response concept

Subcommittee #4. Elder Abuse Definition

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