

Safe Seniors

Newsletter for the Prevention of Elder Abuse in San Diego County



Scam Jam

BBB and Partners
Fight Fraud
Through Education



Approximately 2,000 participants learned the latest on scams and fraud from speakers Chuck Whitlock, above, and District Attorney Bonnie Dumanis, right. Such topics such as identity theft and investment scams were presented in breakout sessions, including one with Tricia Pummell from the DA's Fraud Unit, far right.



The environment was festive with balloons, colorful posters and handouts, but the message was serious: There are creative crooks who want to part us from our assets. For the eighth year, the Better Business Bureau has sponsored Scam Jam as a forum for people to learn how to protect themselves. This year, there was great interest in the issue of identity theft, with many personal stories by victims.

George Chamberlin, host of KOGO radio's "Money in the Morning," had a large and attentive audience when he talked about investment schemes.

A popular feature at the annual event continues to be the media panel, which included Channel 10 Troubleshooter Marti Emerald, KUSI's Michael Turko, "Consumer Bob" Hansen from 7/39, and others.



The Elder Abuse Reporting Line: 1-800-510-2020

New Web Site for National EA Center

The National Center on Elder Abuse recently unveiled its redesigned Web site: www.elderabusecenter.org, featuring a simpler layout and friendly pathways to statistics and resources, plus many new links.

New features include "Promising Practices," a database containing examples of successful and emerging elder abuse prevention and intervention models around the country; expert sources for the media; new links to elder abuse statistics sources; and bilingual web site translation.

The center welcomes comments and suggestions for the new site, which can be sent via email to ncea@nasua.org.

Update from DA's Elder Abuse Unit

Kudos to Deputy DA Paul Greenwood for his recent conviction of David Watkins, 37, in the first-degree murder of Lillie Mae Brown, 82. The victim had apparently sometimes hired Watkins to help her with odd jobs. On the day Brown was killed, this "helper" stole jewelry from her bedroom and killed her to cover up the crime. Watkins strangled her and stabbed her 20 times. Investigators found the victim's blood on Watkins' shoes and T-shirt. His fingerprints were found on her jewelry box.

Another kudos to Paul Greenwood who helped avert tragedy for at least one older San Diegan when he wrote a letter to a bank that had allowed an elderly woman to withdraw \$6,000 from her account without question. That woman lost her money in a scam. But Greenwood's letter arrived at the bank just in time to stop a repeat crime. This time, the bank's assistant manager quizzed her customer who wanted to withdraw \$5,000, and learned that she, too, was being scammed. The older woman gratefully redeposited the money.

Register for the Do Not Call List

The registration process for the national Do Not Call List is simple and can be done for free over the phone or via Internet. People can call toll-free: (888) 382-1222, or (866) 290-4236 for hearing impaired persons, or go to www.donotcall.gov.

People who preregistered through the state Attorney General's Web site will be forwarded for inclusion on the national Do Not Call list.

If you register by Aug. 31, you will be in the first group of persons affected by the registry, which will be put into effect on Oct. 1. You will not need to register again for five years.

Telemarketers will be required to purchase the list, and will be barred from calling any phone number registered on the list, unless the telemarketer has written permission to call that number.

If you receive telemarketing calls after registering your phone number, you will be able to file a complaint with the FTC or the California Attorney General.

A telemarketer who disregards the national Do Not Call Registry could be fined up to \$11,000 for each call. People can also take telemarketers to Small Claims Court.

State Launches Media Campaign

The Attorney General's office has begun a statewide campaign to educate Californians about how to identify and report cases of neglect and physical, psychological and financial abuse of elder and dependent adults.

A recent survey indicated that some 59 percent of Californians view elder abuse as prevalent, yet only 11 percent believe that the signs of abuse

are easy to recognize.

The three-year campaign, "Face It. It's a Crime," will include paid advertising, public relations and community outreach in both English and Spanish to raise awareness of the problem of elder and dependent adult abuse among Californians.

For more information on the campaign, visit www.safestate.org.

Adult Protective Services and the Budget

People have been asking about the future for Adult Protective Services in light of the current budget situation. The governor has proposed that APS be considered for realignment, which means that the program would be shifted to local county responsibility.

Although there is nothing firm about the revenue situation, it is likely that under realignment each county would be given an allocation, possibly equivalent to what is currently being spent for the program. As of the *Safe*

Seniors deadline, there had been no decision on realignment or how it would be funded.

People who want to stay aware of the budget situation can follow the APS issue and others by contacting their state assembly persons and senators. There is a list of elected officials on the Network of Care Web site: www.networkofcare.org. Click "Network of Care for Seniors," then "San Diego," then "Legislate," then click "Elected officials."

Local Elder Abuse Reports, Cases Continue to Rise

During all of fiscal year 1998-99, there were 5267 reports into the Elder Abuse Reporting Line that is managed by the County's Aging & Independence Services.

In just nine months of this current

fiscal year, there have been 7,607 abuse calls.

During 1998-99, there were 1,977 new APS cases, while in just nine months of 2002-2003, there have been 6,484 new cases.

Status of Elder Abuse Legislation

By Noelle Dorman
Sen. Dede Alpert's Office

Bills that have been successfully moving through the legislative process and were introduced in the Assembly would now be in the Senate and visa versa. Although there are deadlines that bills must pass to stay active, it is possible to get waivers of those deadlines, so missing a deadline does not always mean that the bill is inactive, or dead.

Here are key bills that can impact elder abuse issues which are currently in the Legislature. To get the full language or analysis of a bill, or to check the status of a bill, go online to www.sen.ca.gov, or click "Legislate" on the Network of Care website: www.networkofcare.org. Also, you may also always call your state legislators' offices.

AB 784 (Daucher) This bill renames the California Department of Aging (CDA) as the "Department of Adult and Aging Services" and combines services currently administered by a variety of state agencies into this umbrella agency. For example, it seeks to consolidate the In-Home Supportive Services Program, Adult Protective Services, the Caregiver Resource Center program, and the Independent Living Center program into this new department with the goal of establishing a single department whose mission is to coordinate and promote those programs that support adults who are aging or disabled to remain in their homes and communities for as long as practicably possible. STATUS: Assembly Appropriations Committee

AB 1131 (Jackson) Expands the definition of "financial elder or dependant adult abuse" to include forgery, fraud, or identity theft committed against an elder or dependent adult, and increases the penalties for a second offense of financial elder abuse. STATUS: Senate Rules Committee waiting for Policy Committee assignment.

ACR 28 (Garcia) This measure proclaimed May 2003 as Elder Abuse Prevention Month and urged all Californians to be aware of elder abuse and to educate themselves on ways to prevent the mistreatment of vulnerable older adults in our communities. STATUS: Signed into law by the governor on May 19, 2003.

AB 1240 (Mullin) Makes numerous changes to the criminal background check provisions governing community care facilities, child care facilities, and residential care facilities. STATUS: Held in Assembly Appropriations Committee.



AB 1295 (Calderon) This bill establishes a pilot program in three counties to develop training materials for employees of financial institutions to recognize and report financial abuse of elderly adults: 1) Requires the California Department of Social Services (CDSS), in consultation with the California Department of Insurance (CDI), to implement the pilot program in Los Angeles, San Diego, and San Francisco counties and to develop instructional materials and guidelines for each participating county; 2) Requires the adult protective services agency in each pilot county to implement a program to train

appropriate employees of banks, credit unions, and savings and loan associations in identifying and reporting elder abuse; 3) Requires each pilot county to report the number of financial abuse cases and other specified information. Requires CDSS to report to the Legislature by Jan. 1, 2006, on the pilot program; 4) Sunsets the program on Jan. 1, 2007. STATUS: Held in Assembly Appropriations Committee.

AB 1319 (Bates) Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program. Existing law requires each county to establish, or act as, an employer for IHSS personnel for purposes of provisions of statutory law regarding employer-employee relations. This bill would require the State Department of Social Services to establish a pilot program in three counties to require each county's IHSS employer of record to maintain a registry of providers who are available to provide services as an IHSS provider. The bill would require that the registry denote any IHSS provider who has voluntarily submitted to a criminal background check and obtained a criminal record clearance. The bill would further require that the registry additionally denote any individual who has obtained the criminal record clearance and has expressed a preference to be considered for immediate placement in temporary work. STATUS: A hearing scheduled on April 29 in the Assembly Human Services Committee was canceled and never rescheduled.

AB 1448 (Liu) In existing law, the Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and

(LEGISLATION -- Continued on Page 4)



CITY OF SAN DIEGO



AGING & INDEPENDENCE SERVICES
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Safe Seniors is published quarterly by the San Diego City Attorney's Office, and the County of San Diego's District Attorney's Office and Aging & Independence Services 9335 Hazard Way, San Diego, CA 92123
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dependent adult abuse. Among other things, the act establishes procedures for civil actions for abuse of elderly or dependent adults. Under existing law, these provisions apply to, among others, elder and dependent adults in long-term care facilities, as defined in the act. This bill would prohibit a long-term care facility from requiring that a civil action for abuse of an elder or dependent adult brought against the facility be submitted to binding arbitration, but would not prohibit the parties from voluntarily submitting their dispute to binding arbitration. STATUS: This bill is inactive, no longer viable.

SB 211 (Dunn) This bill specifies requirements for the form and content of admission agreements for residential care facilities for the elderly and requires a facility to conspicuously post a copy of its agreement within the facility. The admission agreement is required to include, among other things, a comprehensive fee schedule, an explanation of third-party services,

information relating to residents' rights, and information relating to billing and payment, term of contract, refunds, and termination of the agreement. The bill would require the admission agreement to be signed and dated by the resident or the resident's representative, and would require the original agreement and all subsequent modifications to be placed in the resident's file. The bill would also require a copy of the signed and dated admission agreement to be given to the resident or the resident's representative. STATUS: Assembly Judiciary Committee.

SB 463 (Hollingsworth) The purpose of this bill is to add misdemeanor money laundering, forgery and embezzlement to the list of offenses in a background check of an in-home supportive service provider and to make it clear that an IHSS public authority can get a background check of an in-home supportive service provider. STATUS: Senate Public

Safety Committee.

SB 620 (Scott) Existing law imposes a special duty of honesty, good faith, and fair dealing on an insurer, broker, agent, and all others engaged in the transaction of insurance with a prospective insured who is 65 years of age or older, except for specified types of insurance transactions. This bill would enact additional restrictions on advertising practices that target senior citizens and would expand the scope of existing restrictions, currently applicable to disability insurance, life insurance, and annuity products. This bill also establishes new standards related to sales practices and training of insurance agents, and other specified activities carried out in the sale of annuities to senior citizens and in the sale of life insurance for seniors. Furthermore, the bill would impose restrictions on the sale of life insurance policies and annuities in the home of a senior citizen. STATUS: Assembly Insurance Committee.