ELDER JUSTICE INITIATIVE

- The **mission** is to support and coordinate the Department of Justice’s enforcement and programmatic efforts to combat elder abuse, neglect, and financial fraud and scams that target older adults.

- The Initiative does so by—
  - Promoting justice for older adults.
  - Helping older victims and their families.
  - Enhancing state and local efforts through training and resources.
  - Supporting research to improve elder abuse policy and practice.
Guiding Legislation

Elder Justice Act of 2010
P.L. 111-148
Passed in 2010, the Elder Justice Act establishes the Elder Justice Coordinating Council to coordinate activities related to elder abuse, neglect, and exploitation across the federal government. The Elder Justice Coordinating Council is directed by the Office of the Secretary of Health and Human Services and the Secretary serves as the Chair of the Council. The HHS Secretary has assigned responsibility for implementing the Coordinating Council to the Administration on Aging (AoA) within ACL. AoA has long been engaged in efforts to protect older individuals from elder abuse including financial exploitation, physical abuse, neglect, psychological abuse, and sexual abuse. Through the Older Americans Act, AoA endeavors to preserve the rights of older people and protect those who may not be able to protect themselves.

The Elder Justice Act also names the Attorney General (AG) of the U.S. as a permanent member of the Council. In addition to the Secretary of Health and Human Services and the AG, the statute provides for inclusion as Council members the heads of each federal department, agency, or governmental entity identified as administering programs related to abuse, neglect, or financial exploitation.

View a list of EJCC members (PDF).

- The Problem of Elder Abuse
- How the Elder Justice Coordinating Council Operates
- Elder Justice Coordinating Council Meetings
- Elder Justice Coordinating Council Products

Elder Abuse Prevention & Prosecution Act of 2017

P.L. 115–70
ELDER JUSTICE COORDINATORS (EJC)

- EJC in each federal judicial district
- Collaboration/coordination with federal and state professionals
- Receive extensive training
- Increase number of federal prosecutions

PROMOTING ALZHEIMER’S AWARENESS TO PREVENT ELDER ABUSE ACT

(b) Department of Justice Elder Justice Coordinator

(1) In general
Not later than 60 days after October 18, 2017, the Attorney General shall designate an Elder Justice Coordinator within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

(A) coordinating and supporting the law enforcement efforts and policy activities for the Department of Justice on elder justice issues;

(B) evaluating training models to determine best practices and creating or compiling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(i) conduct investigations in elder abuse cases;

(ii) address evidentiary issues and other legal issues, including witnesses who have Alzheimer’s disease and related dementias; and

(iii) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases (including victims and witnesses who have Alzheimer’s disease and related dementias), including in administrative, civil, and criminal judicial proceedings; and
Enforcement Efforts

NURSING HOME CASES

FOR IMMEDIATE RELEASE

Pennsylvania Nursing Home Chain To Pay $15.5 Million to Settle False Claims Act Allegations of Inappropriate Therapy

PHILADELPHIA - United States Attorney William M. McSwain announced today that Guardian Elder Care Holdings, Inc., and its related companies will pay $15.5 million to settle a claim that the skilled nursing home chain provided medically unnecessary rehabilitation therapy to residents in order to meet revenue goals, instead of clinical need. Guardian Elder Care operates more than fifty facilities throughout Pennsylvania, including locations in the Lehigh Valley, the Poconos, and Beaver County—among others in Ohio and West Virginia.

The settlement resolves allegations in a whistleblower complaint filed in federal court in the Eastern District of Pennsylvania under the qui tam provisions of the False Claims Act. These provisions allow private citizens to bring civil actions on behalf of the United States and share in any recovery. The whistleblower, Phyllis Krone and Julie White, will share approximately 12% of the recovery between them. Guardian Elder Care formerly employed both of these whistleblowers.

The whistleblower complaint alleged that Guardian Elder Care pressured its rehabilitation therapists to provide services to meet financial targets and maximize revenue, without regard to clinical need. For example, they alleged that certain patients suffered from dementia and did not need or want rehabilitation therapy, but Guardian Elder Care allegedly pressured therapists to provide those services anyway to meet revenue goals.

United States Files False Claims Act Lawsuit Against Tuscaloosa Psychiatrist for Improper Prescribing of Nuexta to Nursing Home Residents

Dr. Charles T. Novitsky Allegedly Prescribed Nuexta in Return for Kickbacks and to Nursing Home Residents for Whom It Was Not Indicated

BIRMINGHAM, Ala. – Today, U.S. Attorney Portia A. Johnson announced that the United States has filed suit against Dr. Charles T. Novitsky, a psychiatrist who has worked in several nursing homes in Alabama. The complaint alleges that Dr. Novitsky caused false submissions to Medicare and Medicaid by fraudulently claiming for the prescription drug Nuexta, which is indicated only for the treatment of pseudobulbar affect (PBA), a condition characterized by involuntary laughing or crying. Nuexta has not been shown to be safe and effective in any PBA types of emotional liability that are commonly seen, for example, in Alzheimer’s disease and other dementias.

The complaint alleges that from 2015 through today, the pharmaceutical company that manufactures Nuexta paid Dr. Novitsky more than $40,000 to make speeches, but the speeches had few attendees, little value, and even intended to compensate Dr. Novitsky for prescribing Nuexta. For instance, in November 2017 a pharmaceutical company paid Dr. Novitsky to give a presentation in Decatur, Alabama, that the company’s records show had no attendees.

“The Department of Justice will fight to protect nursing home residents, including by ensuring that prescribing decisions affecting them are free from unfair influences, and the medications they receive are medically appropriate for them,” said U.S. Attorney Johnson.
ELDER FRAUD CASES

Former Caregiver Sentenced to State Prison for Defrauding Elderly Victims

Concord, N.C. – Attorney General Josh M. Broderick announced that Christine Lainere, age 29, formerly of New York, pleaded guilty and was sentenced on April 5, 2022, in the Iredell County Superior Court, to felony and misdemeanor counts of identity fraud, forgery, theft, and credit fraud.

Investigator revealed that in September 2018, Ms. Lainere, while working as a resident aide/tutor, stole a resident’s debit and credit card information and used the information to make purchases for herself.

Between July and August 2018, while working as a caregiver at a living care facility in Concord, Ms. Lainere stole personal identifying information (PII) including social security numbers and bank accounts. She then stole debit cards and credit cards to purchase for herself. Ms. Lainere also obtained credit card information from the bank accounts of several residents, using the card to make purchases for herself.

In November 2018, while employed at a home care agency, Ms. Lainere stole cash from one elderly client, age 87, a debit card and PII information belonging to another elderly client, age 95, and used the debit card to make purchases for herself. Ms. Lainere forged checks belonging to additional elderly individuals and used the PII to open bank accounts in order to deposit those checks. Ms. Lainere and credit card information associated with one of the checks to make purchases for herself.

In December 2018, Ms. Lainere stole the debit card and information belonging to her landlord. No. Ms. Lainere forged checks belonging to her landlord.

THE UNITED STATES ATTORNEY'S OFFICE
WESTERN DISTRICT OF NORTH CAROLINA

[Image of the United States Attorney's Office]

[Image of the Department of Justice Buildings]
Guardianship Webpages

https://www.justice.gov/elderjustice/guardianship

Finding the Right Fit:
Decision-Making Supports and Guardianship

https://www.eldersandcourts.org/training/finding-the-right-fit
RESPONDING TO ELDER ABUSE VICTIMS WITH ALZHEIMER’S DISEASE OR OTHER DEMENTIAS

ALZHEIMER’S RESPONSE FOR LAW ENFORCEMENT
Responding to Elder Abuse Victims with Alzheimer’s Disease or Other
www.nextgentraining.org

PREVALENCE
5.4 million in the US
24.3 Million Worldwide

DEPARTMENT OF JUSTICE
ElderJustice Initiative

LAW ENFORCEMENT TRAINING

WHAT OFFICERS NEED TO KNOW

Alternative charges, legal issues, guides and training materials

LEGAL TERMS OFFICERS NEED TO KNOW

- A comprehensive guide for law enforcement responding to elder abuse, including a list of alternative charges and explanations for aspects of elder abuse such as powers of attorney and other legal terms law enforcement needs to know.
- Durable Power of Attorney Abuse: It’s a Crime Too
  3-page document explaining the circumstances under which a durable power of attorney document may still constitute a criminal offense.

ALZHEIMER’S DISEASE AND RELATED DEMENTIAS AND ELDER ABUSE

- Safe Return: Alzheimer’s Disease Guide for Law Enforcement (Alzheimer’s Association)
- A Booming Problem: Alzheimer’s, Dementia, and Elder Abuse (COPS-Office)
- Approaching Alzheimer’s: First Responder Training Program (Alzheimer’s Association)
- Communicating with Someone with Dementia (Alzheimer’s Association)

DEPARTMENT OF JUSTICE
ElderJustice Initiative
FORENSIC INTERVIEW TRAINING

SAFE
(Safe Accessible Forensic Interviewing for Elders)

4-Day Advanced Certificate Training

2-Day Training on Communicating with Older Adults

1-Day Training on Abuse of Older Adults

https://www.justice.gov/elderjustice/safe-training

FORENSIC INTERVIEW TRAINING

Types of Dementia

- Alzheimer’s disease
- Vascular NCD
- Frontotemporal NCD
- Substance/medication-induced NCD
- NCD with Lewy bodies

- NCD due to:
  - Parkinson’s disease
  - Traumatic brain injury
  - HIV infection
  - Huntington’s disease
  - Prion disease
  - Other medical conditions
  - Multiple etiologies

MCG ElderJustice Initiative
**Common Subtypes of Dementia/NCDs**

- Alzheimer’s disease
  - Affects approximately 5.8 million Americans
  - 5th leading cause of death for older Americans
  - Gradual onset
  - Progressive Degeneration
  - Memory impairment
  - Language deficits
  - Declines in visual/spatial processing

- Vascular Dementia
  - Damage to the brain
    - Restricts blood flow
    - Series of small strokes
    - Single major stroke
    - Other chronic conditions
  - Functional and cognitive deficits are determined by location of stroke(s)
Common Subtypes of Dementia/NCDs

- Frontotemporal Dementia (FTD)
  - Affects frontal and temporal parts of the brain
  - Changes in personality
  - Changes in behavior
  - Memory is not affected in early stages
  - Movement is affected: tremors, rigidity, muscle spasms, loss of coordination, swallowing problems
  - Most people develop symptoms between 45 and 60 years

Person First Language

- Do not use the word “demented”
- Instead
  - Explore what that means for the individual
  - Ask about how they learned the individual has dementia
  - Discuss how dementia is affecting the individual
FORENSIC INTERVIEW TRAINING

Stages of Alzheimer’s Dementia

- Continuum of stages:
  - No impairment – Severe decline
- Based on signs and symptoms on how the brain’s functions to meet the older adult’s needs are impacted
- NOT solely based on memory/recall
- Varies from person to person

FORENSIC INTERVIEW TRAINING

Stages of Alzheimer’s Dementia

- Older adults with severe impairment
  - Severe memory loss
  - Unable to recognize people close to them or themselves
  - Believe they are in a different place
  - Believe they are in a different time period
- May not be able to participate in a forensic interview
  - If attempted, proceed with caution
  - Ensure interview is legal and ethical
  - Watch for signs of distress
Stages of Alzheimer’s Dementia

- Older adults with mild to moderate impairments
- Forgetful of details, especially recent events
- Likely to repeat
- Likely to lose train of thought
- Slower to grasp complex ideas
- Difficulty handling money
- Losing interest in hobbies/activities
- Likely can participate in a forensic interview
- May need to be re-oriented to time/place

Interview Challenges

- Do not make assumptions based on diagnosis or lack of diagnosis
- Be aware of these patterns
  - Difficulty finding words/the right words
  - Repeat stories
  - Feeling overwhelmed
  - Extensively use familiar words
  - Describe objects instead of naming them
  - Lose track of ideas when speaking
  - Unable to answer a question that asks them to describe multiple events
FORENSIC INTERVIEW TRAINING

Dementia: Strategies for Communicating

• Show interest
• Listen
• Be respectful
• Plan for more time
• Consider best time of day
  • Sundowning

• Physical approach
  • Approach from the front
  • Face the person
  • Maintain eye contact
  • Minimize using hands
  • Avoid sudden movements

FORENSIC INTERVIEW TRAINING

Dementia: Strategies for Communicating

• Make water available
• Remove distraction
• Minimize number or people
• Consider medications

• Physical approach
  • Stay 6 feet apart
  • Wave as approaching
  • Approach from dominate side
  • Shake hands, but don’t force
  • Stay at supportive angle, do not lean in unless mirroring the older adult’s body language
Critical Issues: Victims with Dementia

- Interviews should always be considered or attempted
- Other considerations
  - Using supportive touch
  - Addressing agitation
  - Dealing with reality disorientation

Critical Issues: Victims with Dementia

- Using supportive touch
  - When initiated by the interviewee
  - Intentional decision
  - Rapport building
  - Redirection
Critical Issues: Victims with Dementia

- Addressing agitation
  - Use language that implies doing an activity together: “Let’s talk”
  - Keep body language soft/open
  - Use calm tone
  - Use simple language
  - Use short questions
  - Redirect to a new topic
  - Do not argue
  - Provide supportive statements
Find Help or Report Abuse

Call
If this is an emergency, call 9-1-1 for immediate help.

For non-life threatening emergencies, call:
- Elder Abuse Locator hotline: 1-800-677-1116
- or the Victim Connect hotline: 1-855-4VICTIM (1-855-484-2846)

Report Abuse to APS
You can report suspected abuse to Adult Protective Services Association.

Report Financial Exploitation
Find the Right Reporting Agency for Financial Exploitation through the Elder Abuse Resource Roadmap: Financial

Find Help Near You
Find elder abuse resources in your state.

Elder Abuse Locator uses links and resources.

https://www.justice.gov/elderjustice/find-support-elder-abuse

HELPING OLDER VICTIMS

Wyoming Neighborhood Map

Legal Aid
Washington State Bar Association Phone: 206-445-9722
Hotline: 800-945-9722
questions@wsba.org

Washington CLEAR* Sr. Phone: 206-364-1593

Washington Law Help

https://www.justice.gov/elderjustice/support/resources-neighborhood
National Elder Fraud Hotline

To help combat fraud against older Americans and provide services to victims, OVC announces the launch of the National Elder Fraud Hotline. Call 833-FRAUD-11 (833-372-8311) to receive help from a hotline case manager.

Learn more on the National Elder Fraud Hotline website.

https://stopelderfraud.ovc.ojp.gov/

Thank You

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The opinions, findings, and conclusions or recommendations expressed do not necessarily represent the official position or policies of the U.S. Department of Justice.