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MAYOR

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April 18, 2017

Honorable Eric Garcetti  
Mayor, City of Los Angeles  
Room 303, City Hall  
Los Angeles, CA 90012

Los Angeles City Council  
c/o City Clerk's Office  
Room 395, City Hall  
Los Angeles, CA 90012

Attention: Ms. Mandy Morales, Legislative Coordinator

**HEALTH, MENTAL HEALTH & EDUCATION COMMITTEE: ELDER ABUSE  
REPORTING TRAINING FOR NON-MANDATED REPORTERS**

The Health, Mental Health & Education Committee directed the Los Angeles Department of Aging to report back with a recommendation for elder abuse reporting training and also with additional information about the reporting and prosecution of elder abuse.

Any senior is vulnerable to abuse, neglect, and exploitation regardless of education, income level, or degree of social support. Thousands of older adults are abused, neglected, and exploited annually. About 1 in 10 older adults have experienced elder abuse and only 1 in 14 cases of abuse are reported. Older adults experiencing abuse have a 300% increased risk of death. Elders throughout the United States lose an estimated \$2.6 billion due to elder financial abuse and exploitation, impacting their ability to pay for basic needs.

**RECOMMENDATION**

Subject to the approval of the City Council and the Mayor's concurrence:

To adopt a policy that City Departments that are not currently Mandated Reporters of Elder Abuse to:

1. Annually review their programs to determine if department employees will be frequently interacting with seniors as part of their routine job function; and
2. Arrange with the local Adult Protective Services to provide to those employees an educational presentation on recognizing the signs of elder abuse.



## **PURPOSE**

Some of the major hurdles to preventing elder abuse are lack of awareness and unwillingness of some victims to report it. Public outreach and education on recognizing the signs of abuse will bring more eyes on the subject and make it harder for perpetrators to isolate their victims. Training City employees to recognize the signs of elder abuse and how to refer suspected cases leverages city resources in prevention. In addition to the Mandated Reporter departments there are other City departments with certain employees who have frequent contact with older adults. These employees are not mandated reporters, but could voluntarily report suspected cases.

## **MANDATED REPORTERS**

A number of departments in the City of Los Angeles have trained employees to report suspected cases of elder abuse. These employees, referred to in the California Welfare & Institutions Code Section 15630 as "Mandated Reporters", must comply with the reporting requirements in cases of suspected elder abuse. These City employees must report suspected abuse of elders or dependent adults to the Los Angeles County Adult Protective Services (APS) or law enforcement. The City of Los Angeles departments that are mandated to report include the Los Angeles Department of Aging (LADOA), Animal Services Department, Los Angeles Fire Department (LAFD), Housing Authority of Los Angeles, Los Angeles Housing & Community Investment Department, and Los Angeles Police Department (LAPD).

## **NON-MANDATED REPORTERS**

The LADOA recommends that the City Council adopt a policy that employees who are not Mandated Reporters but have frequent interactions with older adults in the course of their regular job duties, be provided with an educational presentation on recognizing the warning signs of suspected elder abuse and how to report such incidences.

The purpose of training these "Non-Mandated Reporters" on the issues of elder abuse is to provide employees who want to voluntarily report a suspected case know whom to contact. The informational presentation will educate employees about how APS can investigate and respond to elder abuse. Not all incidents of a distressed senior are abuse. Sometimes the senior just needs access to services they were not aware are available. The LADOA has senior services programs that provide meals and transportation as well as social workers to assist older adults in arranging for supportive services and benefits programs. The employee may voluntarily contact LADOA if they see a senior in need of assistance. LADOA will contact the senior to determine if APS should be notified or if the senior only needs to connect with senior services programs.

Any of these Non-Mandated Reporters who have observed or have knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect (including self-neglect), or reasonably suspects that abuse, may voluntarily report the known or suspected instance of abuse by telephone/fax or notifying APS, law enforcement immediately or as soon as practicably possible. (See Attachment #1 – Reporting flowchart by Administration On Aging)

### **CITY ELDER ABUSE RECOGNITION AND REPORTING TRAINING**

The Department on Disability, Library Department, Department of Recreation and Parks, and Department of Water & Power should identify employees who would be Non-Mandated Reporters for training. The educational presentation on recognizing the signs of elder abuse and how to report suspected cases is to be provided by the APS or a comparable educational presentation arranged by LADOA upon notification by the City department.

<b>Department</b>	<b>Estimated Number of Non-Mandated Reporters For Training</b>
Department on Disability	13
Library Department	85
Department of Recreation and Parks	35
Department of Water & Power	837
<b>Total</b>	<b>970</b>

These departments should also arrange for any new incoming employees placed in positions of a Non-Mandated Reporter be trained. Additionally, all City departments with Non-Mandated Reporters should annually review their programs and services to determine if the assigned employees should be provided this training.

### **VOLUNTARY REPORTING PROCEDURES**

A Non-Mandated Reporter can voluntarily notify APS by telephone/fax report or a confidential internet report of a known or suspected instance of elder or dependent adult abuse. All suspected elder or dependent adult abuse shall be reported to:

- (1) The local ombudsman, the local law enforcement agency, or the Department of Justice - Medical Fraud Division if the suspected or alleged abuse has occurred in a long-term facility.
- (2) The adult protective services or local law enforcement agency if the suspected or alleged abuse occurred other than in a long-term facility.

The designated adult protective agencies in Los Angeles County are the Workforce Development, Aging and Community Services - Adult Protective Services (APS) and the local law enforcement agencies are the Los Angeles Police Department and Los Angeles County Sheriff's Department. Report the known or suspected instance of abuse by telephone/fax or a confidential Internet report immediately or as soon as practically possible.

The report should include, if known,

- the name of the person making the report (optional for voluntary reporters);
- the name and age of the elder or dependent adult;
- the present location of the elder or dependent adult;
- the names and addresses of family members or any other person responsible for the elder or dependent adult's care;
- the nature and extent of the elder or dependent adult's condition;
- the date of the incident; and
- any other information, including information that led that person to suspect elder or dependent adult abuse, as requested by the agency receiving the report.

### **CONFIDENTIALITY**

The identity of all persons reporting suspected elder or dependent adult abuse is confidential (WIC Section 15633.5) and may be disclosed only between adult protective services agencies, long-term care ombudsman programs, when persons reporting waive confidentiality or by court order. In any court proceeding or administrative hearing, neither the physician-patient privilege nor the psychotherapist-patient privilege applies to the specific information required to be reported.

### **LAW ENFORCEMENT AND PROSECUTION**

The Administration on Aging of the U.S. Office on Community Living provides a flow chart explaining the reporting process (Attachment #1). The attached report from the City Attorney's Office details the prosecution process after a suspected case is reported to APS and/or law enforcement (Attachment #2).

### **DEFINITIONS**

**"Elder"** means any person residing in this State, 65 years of age or older.

**"Dependent Adult"** means any person residing in this State, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights including, but not limited to persons who

have physical or developmental disabilities or whose physical or mental abilities have diminished because of age or who is admitted as an inpatient to a 24-hour health facility as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety code. "Dependent Adult" also includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (Welfare and Institutions Code Sections Section 15610.23).

**"Abuse of an Elder" or "Dependent Adult"** means either of the following:

Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting harm or pain or mental suffering, and/or;

The deprivation by a care custodian of goods and/or services that is necessary to avoid physical harm or mental suffering.

**"Imminent Danger"** means a substantial probability that an elder or dependent adult is in imminent or immediate risk of death or serious physical harm, through either his or her own action or inaction, or as result of the action or inaction of another person (Welfare and Institutions Code Section 15610.39).

**"Caretaker"** means any person who has the care, custody, or control of or stands in a position of trust with, an elder or a dependent adult (Welfare and Institutions Code Section 15656d).

**"Long-term care ombudsman"** means the State Long-Term Care Ombudsman, local ombudsman coordinators, and other persons currently certified as ombudsmen by the Department of Aging as described in Chapter 11 (commencing with Section 9700) of Division 8.5 (Welfare and Institutions Code Section 15610.50).

**"Physical abuse"** means assault, battery, assault with a deadly weapon or force likely to produce great bodily injury, sexual assault, as defined in Section 240, 242, 245, 243.4, 264.1, 262, 285, 286, 288, 289, and 368 (b) and (c) of the Penal Code, or use of a physical or chemical restraint or psychotropic medication for punishment or a period beyond that for which the medication was ordered pursuant to the instructions or for any purpose not authorized by the physician and surgeon licensed in this State.

**"Neglect"** means the negligent failure of any person having the care or custody of an elder or a dependent adult or the elder or dependent adult themselves to exercise that degree of care that a reasonable person in a like position would exercise. "Neglect", means either of the following:

The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

The negligent failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in alike position would exercise that degree of self-care that a reasonable person in alike position would exercise.

Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
2. Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

**“Financial abuse”** means a situation in which a person, including, but not limited to, one who has the care of custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property alone or in concert with a third party, to any wrongful use, or with the intent to defraud. Financial abuse also includes a bad-faith failure to transfer the property of the dependent adult or dependent elder to the person himself or herself, his or her representative, or a court-appointed receiver.

**“Abandonment”** means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

**“Isolation”** means the intentional act of preventing an elder or a dependent adult from receiving his or her mail, telephone calls, visitors or false imprisonment, as defined in Section 236 of the Penal Code, except if the fore mentioned act is performed pursuant to the instructions of a physician or surgeon licensed to practice medicine in the State and instructions are given as part of his or her medical care.

**“Abduction”** means to restrain from returning to this State or removal from this State of any elder or dependent adult who does not have the capacity to consent, or any conservatee without the consent of the conservator or the court.

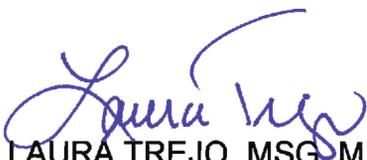
**“Mental suffering”** means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by threats harassment, or other forms of intimidating behavior.

**“Goods and services”** necessary to avoid physical harm or mental suffering include, but are not limited to the provision of medical care for physical and mental health needs;

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assistance in personal hygiene; adequate clothing; adequately heated and ventilated shelter; protection from health and safety hazards; failure to protect from malnutrition and deprivation of necessities or physical punishment; and transportation and assistance necessary to secure any of the needs forementioned.

**“Non-Mandated Reporters”** are employees who have frequent interactions with an elder or dependent adult in the course of their regular job duties, but are not “Mandated Reporters” as defined under WIC Section 15630.



LAURA TREJO, MSG, MPA  
General Manager

LT:JD:ss:n/EARP Survey Report Back Transmittal 17-03 041817

#### Attachments

cc: Nicholas Greif, Council District 4  
Brian Randol, Chief Legislative Analyst Office  
Susan Strick, Office of the City Attorney