



Recognizing and addressing elder abuse

Question: I am a newly licensed professional counselor and have been offered a job as a counselor in an agency that provides care for older adults. When I was going through my graduate counseling program, we spent a lot of time on child abuse issues, including mandatory reporting requirements, but not much attention was devoted to issues of elder abuse. Can you provide any resources or suggestions for me as I prepare for this new position?

Answer: You should be commended for your willingness to do some advance preparation on an issue that is extremely important in today's society. Also, you point out a potential deficiency in counselor education programs that cover child abuse reporting obligations but may not provide sufficient education about counselors' obligations with older adults and vulnerable adult populations. This is especially crucial as we consider estimates from the Department of Justice and other sources that 1 in 10 U.S. citizens ages 60 and above are abused each year (see elder.findlaw.com/elder-abuse/reporting-elder-abuse.html and ncoa.org/public-policy-action/elder-justice/elder-abuse-facts). Furthermore, only 1 in 23 such cases are actually reported to the appropriate state agency (see elder.findlaw.com/elder-abuse/what-is-the-elder-justice-act.html).

Years ago, I had a conversation with a counselor who explained that her young teenage client was being physically abused by his grandfather, with whom he lived. The counselor was trying to ascertain what child abuse reporting obligations she might have. Upon further questioning and exploration of the facts, we both realized that the teenager was also engaged in physically abusive behavior toward the grandfather, who walked with the aid of a cane. This situation invoked a cross-reporting obligation to two separate agencies in the counselor's state. Although this case

might not be typical, it underscores the importance of understanding the underlying facts, recognizing when elder or vulnerable adult abuse or neglect may be present, and fulfilling any mandatory reporting obligations.

Virtually all states have laws protecting older adults and vulnerable adults. All states except New York have mandatory reporting laws that apply to health care professionals, including counselors. However, even New York has a law mandating that adult protective services workers report suspected abuse to law enforcement. The laws vary in scope and definition of terms, so it is important to become familiar with the laws in your state (see justice.gov/elderjustice/elder-justice-statutes-0#SL3). Your state's office of the attorney general may also provide valuable information.

The National Center on Elder Abuse has a clickable online map (located at ncea.acl.gov/resources/state.html) that provides links to a directory of state agencies and reporting numbers, along with state-specific laws, statistics and other resources. Likewise, the National Adult Protective Services Association (NAPSA) has a map of resources by jurisdiction at napsa-now.org/get-help/help-in-your-area. Stetson University publishes yet another resource, available at stetson.edu/law/academics/elder/ecpp/statutory-update-adult-protection-statutes.php. You might wish to download relevant contact information for your state and keep it in an electronic or paper file so that you will be prepared when an elder or vulnerable adult abuse or neglect situation arises in your counseling practice.

Another resource that might be helpful is your state long-term care ombudsperson. These individuals are advocates for residents of nursing homes, residential treatment facilities, care homes and assisted living facilities. The program is coordinated at the federal level by the Administration on Aging; additional

information is available at ltombudsman.org/about/about-ombudsman#Ombudsman.

In addition to reporting at the state level, you should be aware that the Obama administration passed the Elder Justice Act as part of the Patient Protection and Affordable Care Act (see govtrack.us/congress/bills/111/s795/text). This federal law extended reporting requirements to certain entities, including long-term care facilities receiving at least \$10,000 in federal funds. Under the Elder Justice Act, owners, employees and other covered individuals must report any reasonable suspicion of a crime against a resident or other person receiving care from the facility. The reports must be made to both the U.S. Department of Health and Human Services and to local law enforcement (see elder.findlaw.com/elder-abuse/what-is-the-elder-justice-act.html).

Another facet of this growing national concern is financial exploitation of the older adult and vulnerable adult population. NAPSA has resources pertinent to financial mistreatment of older adults and adults with disabilities at napsa-now.org/policy-advocacy/exploitation. This website contains cross-references to the Federal Trade Commission and other government agencies that have helpful information for consumers and health care professionals. ♦

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