

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 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

EJCC MEMBERSHIP

CHAIR

US Department of Health and Human Services

MEMBERS

US Department of Justice

Consumer Financial Protection Bureau

Corporation for National and Community Service

Federal Trade Commission

Social Security Administration

US Department of Agriculture

US Department of Homeland Security

US Department of Housing and Urban Development

US Department of the Interior

US Department of Labor

US Department of the Treasury

US Department of Veterans Affairs

US Postal Inspection Service

US Securities and Exchange Commission



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

Wednesday, February 19, 2020

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 \$15,466,276 to settle claims that the skilled nursing home chain provided medically unnecessary rehabilitation therapy to residents in order to meet revenue goals, instead of clinical needs, Guardian Elder Care operates more than fifty facilities throughout Pennsylvania—including locations in the Lehigh Valley, the Poconos, and Bucks County—as well as 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 whistleblowers, Philippa Krauss and Julie White, will share approximately \$2.8 million of the recovery between them. Guardian Elder Care formerly employed both of these whistleblowers.

The whistleblowers generally 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.

U.S. Attorneys » Northern District of Alabama » News

Department of Justice

U.S. Attorney's Office

SHARE (*

Northern District of Alabama

FOR IMMEDIATE RELEASE

Friday, February 4, 2022

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

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

BIRMINGHAM, Ala. – Today, U.S. Attorney Prim F. Escalona announced that the United States has filed suit against Dr. Charles T. Nevels, a psychiatrist who has worked in several nursing homes in Alabama. The complaint alleges that Dr. Nevels caused the submission to Medicare and Medicaid of false and fraudulent claims for the prescription drug Nuedesta, which is indicated only for the treatment of pseudobulbar affect (PBA), a condition characterized by involuntary laughing or crying. Nuedesta has not been shown to be safe and effective in non-PBA types of emotional lability that can commonly occur, for example, in Alzheimer's disease and other dementia.

The complaint alleges that from 2015 through 2019, the pharmaceutical company that manufactures Nuedexta paid Dr. Nevels more than \$400,000 to make speeches, but the speeches had few attendees, little value, and were intended to compensate Dr. Nevels for prescribing Nuedexta. For instance, in November 2016the pharmaceutical company paid Dr. Nevels a \$2,000 speaker fee 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 undue influence, and the medications they receive are medically appropriate for them," said U.S Attorney Escalona.

Elder Justice

ELDER FRAUD CASES

Former Caregiver Sentenced to State Prison for Defrauding Elderly Victims

Concord, NH - Attorney General John M. Formella announces that Christina Lariviere, age 37, formerly of Bow, pleaded guilty and was sentenced on April 5, 2022, in the Rockingham County Superior Court, on felony and misdemeanor counts of identity fraud, forgery, theft, and

Investigation revealed that in September 2018, Ms. Lariviere, while working at a restaurant in Manchester, stole a customer's debit card information and used the information to make purchases for herself.

Between July and August 2019, while working as a caregiver at a long-term care facility in Londonderry, Ms. Lariviere stole personal identifying information ("PI"), including social security cards and driver's licenses, from four elderly residents, ages 99, 97, 91, and 87, all of whom suffered from dementia. Ms. Lariviere then used the PII of two of the residents to open credit card accounts in the residents' names. Ms. Lariviere also stole a credit card belonging to one of the residents, using the card to make purchases for herself.

In November 2019, while employed as an in-home caregiver, Ms. Lariviere stole cash from one elderly client, age 87, in Pelham and debit card information belonging to another elderly client, age 87, in Salem, using the debit card information to make purchases for herself. Ms. Lariviere forged checks belonging to two additional elderly individuals in Pelham, and used another person's identity to open bank accounts in order to deposit these checks. Ms. Lariviere used account information associated with one of the checks to make purchases for herself.

In December 2019, Ms. Lariviere stole and used debit card information belonging to her landlord in Derry. Ms. Lariviere also forged a check belonging to her landlord.

WESTERN DISTRICT of NORTH CAROLINA

Department of Justice FOR IMMEDIATE RELEASE

Charlotte Woman And Her Co-Conspirator Are Sentenced To Prison For Stealing \$300,000 From An Elderly, Dementia-Afflicted Victim

June 15th Is World Elder Abuse Awareness Day

CHARLOTTE, N.C. – Acting U.S. Attorney William T. Stetzer announced that a Charlotte woman and one of her two co-conspirators were sentenced to prison today for their involvement in a \$300,000 embezzlement scheme perpetrated on an elderly, dementia-afflicted victim.

Acting U.S. Attorney Stetzer is joined in making today's announcement by Robert R. Wells, Special Agent in Charge for the FBI in North Carolina, Tommy D. Coles, Inspector in Charge of the of the Atlanta Division of the U.S. Postal Inspection Service (USPIS), which oversees Charlotte, and Chief Joseph Hatley of the Mint Hill Police Department.

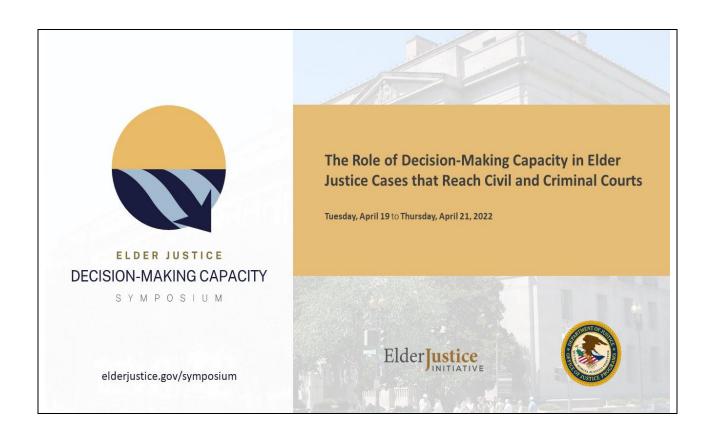
U.S. District Judge Max O. Cogburn Jr. sentenced Donna Graves, 58, to 97 months in prison and two years of supervised release. On October 2, 2020, a federal jury convicted Graves of conspiracy to commit wire fraud and money laundering conspiracy. Grave's co-conspirator, Greal Maxwell Harrison, 54, of Mint Hill, N.C., was ordered to serve three years in prison, followed by three years of supervised release. Harrison pleaded gullty in May 2020, to wire fraud conspiracy, interstate transportation of stolen property, and money laundering conspiracy. In addition to the prison terms imposed, Judge Cogburn also

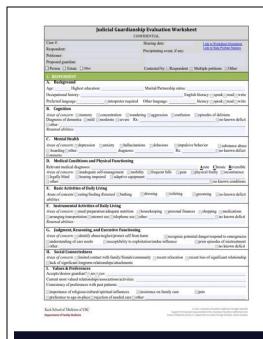




Tools and Training







Judicial Guardianship Evaluation Worksheet

Elder Justice

https://www.justice.gov/elderjustice/help-judges-hearing-guardianship-cases



Guardianship Webpages

Elder Justice

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

Finding the Right Fit: Decision-Making Supports and Guardianship



Elder Justice

https://www.eldersandcourts.org/training/finding-the-right-fit

RESPONDING TO ELDER ABUSE VICTIMS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIAS Review the YouTube Terms of Service® and the Google Privacy Policy®. ALZHEIMER'S RISPONSE FOR LAW ENFORCEMENT EIT Responding to Elder Abuse Victims with Alzheimer's Disease or Other WWW.NEXTGENTRAINING.ORG PREVALENCE 1.4 million in the US DEPARTMENT OF JUSTICE Elder Justice INTIATIVE





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**



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

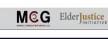
MCG Elder Justice



Common Subtypes of Dementia/NCDs

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







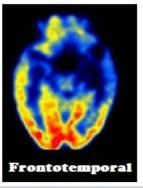
FORENSIC INTERVIEW TRAINING

Common Subtypes of Dementia/NCDs

- 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)

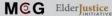
MCG Elder Justice





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





FORENSIC INTERVIEW TRAINING



Person First Language

- Do not use the word "demented"
- Instead
 - Explore what that means for the individual
 - · Ask about how they learned the individual
 - Discuss how dementia is affecting the individual







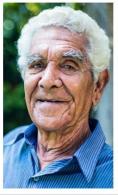
Stages of Alzheimer's Dementia

- · 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

MCG Elder Justice



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

M&G ElderJustice

Elder Justice



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

MCG Elder Justice



FORENSIC INTERVIEW TRAINING

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

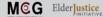
MCG Elder Justice

Elder Justice

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

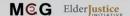




FORENSIC INTERVIEW TRAINING

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

MCG ElderJustice



FORENSIC INTERVIEW TRAINING



Critical Issues: Victims with Dementia

- Using supportive touch
 - · When initiated by the interviewee
 - Intentional decision
 - Rapport building
 - Redirection

MCG Elder Justice





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

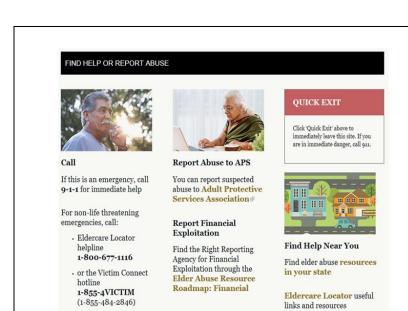
MCG Elder Justice

Elder Justice



Victim Resources





Find Help or Report Abuse

Elder Justice

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

HELPING OLDER VICTIMS



Elder Justice

https://www.justice.gov/elderjustice/support/resources-neighborhood

