

January 15, 2016

Elder Abuse Task Force

Final Report

Presented to
Bill Haslam, Governor
and the Tennessee General Assembly



**STATE OF TENNESSEE
COMMISSION ON AGING AND DISABILITY**

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January 15, 2016

The Honorable Bill Haslam
Governor of Tennessee
1st Floor, State Capitol
Nashville, Tennessee 37243

The Honorable Ron Ramsey
Lieutenant Governor of Tennessee and Speaker of the Senate
Suite 1, Legislative Plaza
301 6th Avenue, North
Nashville, Tennessee 37243

The Honorable Beth Harwell
Speaker of the House of Representatives
Suite 19, Legislative Plaza
301 6th Avenue, North
Nashville, Tennessee 37243

Dear Governor Haslam, Lieutenant Governor Ramsey and Speaker Harwell:

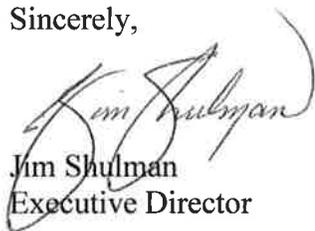
Attached with this letter, please find the final report of the Elder Abuse Task Force which was established by the General Assembly of the State of Tennessee. The Elder Abuse Task Force was directed to study Tennessee's current system for protecting, preventing, and prosecuting crime of abuse against Tennessee's elders and its more vulnerable adults as well as to examine the existing barriers, services, and resources to address the needs of elders and vulnerable adults. Furthermore, the Task Force was charged with developing recommendations to address the problems associated with the abuse of Tennessee's elders and vulnerable adults.

The work of the Task Force was important and the members of the Task Force worked diligently analyzing the current laws and processes in place at this time. You will find eight recommendations contained in the report for consideration by the General Assembly.

The Honorable Bill Haslam
The Honorable Ron Ramsey
The Honorable Beth Harwell
January 15, 2016
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We look forward to begin discussing, and if so determined, carrying out the recommendations contained in the attached final report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Shulman", written in black ink. The signature is fluid and somewhat stylized, with a large loop at the end.

Jim Shulman
Executive Director

JS/LB/ckw

Attachment

C: The Honorable Rusty Crowe, Chair, Senate Health and Welfare Committee
The Honorable Cameron Sexton, Chair, House Health Committee
Russell Humphrey, Chief Clerk of the Senate
Joe McCord, Chief Clerk of the House

Dedication

Thank you to the many people who assisted in the development of this report and a heartfelt thank you to the families and individuals who shared stories of elder and vulnerable adult abuse, neglect, and exploitation. It is the hope of this Task Force that the implementation of the recommendations will result in increased protection for some of Tennessee's most vulnerable citizens as well as a measurable and significant decrease in elder and vulnerable adult abuse, neglect, and exploitation in Tennessee.

Governor Bill Haslam and the Tennessee General Assembly
who enacted the Legislation establishing the Legislative Elder Abuse Task Force

Senator Rusty Crowe

Representative Dale Carr

Representative Courtney Rogers

Logan Grant

Ryan Ellis

Jess Hale, Esq.

Laura Brown, J.D.

Everyone who attended a meeting of the Legislative Elder Abuse Task Force

Tennessee Department of Human Services

Tennessee Department of Health

Tennessee Department of Financial Institutions

Tennessee Bureau of Investigation

Tennessee Department of Commerce and Insurance

Tennessee Commission on Aging and Disability

Disability Rights Tennessee

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Executive Summary

The Elder Abuse Task Force was created by the Tennessee General Assembly as a result of Chapter 961 of the Public Acts of 2014. The Elder Abuse Task Force was directed to study Tennessee's current system for protecting, preventing, and prosecuting crimes of abuse against Tennessee's elders and its more vulnerable adults. Additionally, the Task Force was instructed to examine the existing barriers, services, and resources to address the needs of elders and vulnerable adults. Furthermore, the Task Force was charged with developing recommendations to address the problems associated with the abuse of Tennessee's elders and vulnerable adults.

The Task Force was initially to meet and submit a final report to the Governor and the Tennessee General Assembly by no later than January 15, 2015. However, after meeting a number of times in 2014, the Task Force determined that it needed more time to examine and explore the issue of elder abuse, neglect, and exploitation in Tennessee. As a result, legislation was introduced to permit the Task Force to continue meeting. This legislation passed and extended the Task Force's deadline for a final report to January 15, 2016.

The Task Force met a total of eleven times in 2014, 2015 and 2016. Throughout the course of these meetings, the Task Force heard testimony and comments from state agencies, and individuals involved in the prevention and prosecution of elder and vulnerable adult abuse, neglect, and exploitation. The Task Force finalized eight recommendations and has included these recommendations in its final report.

Members of the Elder Abuse Task Force

Senator Douglas Henry

Senator Todd Gardenhire

Representative Dale Carr

Jim Shulman, Chairman, Executive Director, Tennessee Commission on Aging and Disability

Renee Bouchillon, Tennessee Department of Human Services, Adult Protective Service

Norman Tidwell, Special Agent in Charge, Tennessee Bureau of Investigation

Marsha Anderson, Tennessee Department of Financial Institutions

Elizabeth Setty Reeve, Disability Rights Tennessee

Sally Pitt, Tennessee Department of Health

Gary West, Deputy Commissioner, Tennessee Department of Commerce and Insurance

Lisa Zavagiannis, District Attorney, Tennessee District Attorneys General Conference

Elder Abuse Task Force History and Background

The Elder Abuse Task Force was created by the Tennessee General Assembly as a result of Chapter 961 of the Public Acts of 2014. Pursuant to that statute, the Task Force was to:

- (A) Assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act, compiled in Tennessee Code Annotated, Title 71, Chapter 6, Part 1;
- (B) Examine the existing barriers, services and resources addressing the needs of these elder persons and vulnerable adults; and
- (C) Develop recommendations to address problems associated with the abuse of these elder persons and vulnerable adults.

Upon the completion of its study, the Task Force was then to “submit its findings and recommendations to the governor and the general assembly in the form of a state plan to combat the abuse of elder persons and vulnerable adults” by January 15, 2015. Pursuant to statute, the State Plan is to address areas within the system that appear to be weak or not functioning efficiently and effectively, thus causing gaps or holes in the system and making it difficult to protect vulnerable adults from abuse, exploitation and neglect.

The Tennessee Commission on Aging and Disability (TCAD) was legislatively assigned administrative responsibility for the committee. Jim Shulman, Executive Director of TCAD, was selected by the Task Force to serve as the Task Force chairman. Membership in the Task Force was defined in the formation legislation. Initially, the Task Force membership included two legislative members: Representative Dale Carr and retired Senator Douglas Henry. After the Task Force was extended for a second year, Senator Todd Gardenhire was appointed to the Task Force. The other members of the Task Force represent different state agencies and organizations; and the members are as follows:

- Renee Bouchillon, Tennessee Department of Human Services, Adult Protective Services
- Norman Tidwell, Special Agent in Charge, Tennessee Bureau of Investigation
- Marsha Anderson – Tennessee Department of Financial Institutions
- Elizabeth Reeve – Disability Rights Tennessee
- Sally Pitt – Tennessee Department of Health
- Gary West – Deputy Commissioner, Tennessee Department of Commerce and Insurance
- Lisa Zavagiannis – District Attorney, Tennessee District Attorneys General Conference

After holding a number of meetings in 2014, the Task Force determined that it would not be able complete its legislative mandate by its sunset date of Jan. 15, 2015.

Senate Bill 0198, sponsored by Senator Crowe and its companion bill in the House, House Bill 0123, sponsored by Representatives Carr and Rogers was filed in January 2015 requesting an extension on the Legislative Elder Abuse Task Force in order for the Task Force to properly finish its work. This legislation was passed by the Tennessee General Assembly and signed into law by Governor Haslam on April 20, 2015. After the legislation extending the Legislative Elder Abuse Task Force was signed into law, Senator Todd Gardenhire was appointed to join the Task Force.

Summary of the Legislative Elder Abuse Task Force Meetings

The Task Force met a total of eleven times during 2014, 2015 and 2016 with the initial meeting taking place on October 2, 2014. The primary purpose of the first meeting was to appoint a chairman and review the purpose and legislative intent of the Task Force. Representative Dale Carr made the motion that Jim Shulman be appointed as Chairman of the Task Force and the members unanimously agreed. A discussion of the overall direction of the Task Force then took place. Chairman Shulman also appointed two committees comprised of Task Force members: the first committee was instructed to conduct a full review of Tennessee (and related federal laws) pertaining to Tennessee's efforts at preventing, protecting and prosecuting crimes of abuse against vulnerable adults and present a summary of that review to the full Task Force; the second committee was charged with reviewing best practices from other states in regards to the protection and prevention of abuse and present those findings to the full Task Force.

The second meeting of the Elder Abuse Task Force took place on October 30, 2014. In that meeting, the Task Force heard from Ms. Laura Brown, Tennessee's Long Term Care Ombudsman, as to Tennessee's existing laws and state and federal rules concerning abuse. Ms. Brown also answered questions from the Task Force members in regards to the applicability of the laws presented. (See Exhibit 1.)

The third meeting of the Elder Abuse Task Force took place on October 31, 2014. Ms. Allison Thigpen, Policy Analyst for the Commission on Aging and Disability, and Mr. Logan Grant, Research Analyst of the Senate Health and Welfare Committee, presented best practices from other states in regards to the prevention, protection and prosecution of crimes against vulnerable adults. Following the presentation, the Task Force members asked questions and provided comments in regards to the feasibility of these best practices as they relate to Tennessee's current system. (See Exhibit 2.)

The Elder Abuse Task Force convened for the fourth time on November 19, 2014. At this meeting, statistics regarding the frequency of complaints regarding abuse against vulnerable adults in Tennessee and across the country were presented. These statistics came from the Tennessee Bureau of Investigation, Tennessee Department of Human Services, and national studies and surveys. (See Exhibit 3.) In addition to these statistics, there was also a brief overview of the primary types and causes for crimes committed against the vulnerable adult population.

The Task Force then analyzed two hypothetical case studies. The first case study that was reviewed took place within an institutional setting. Tennessee's Long-Term Care Ombudsman, Adult Protective Services (APS) a program within the Tennessee Department of Human Services, and the Tennessee Department of Health assisted the Task Force members in understanding each agency's role in the complaint. The second case study took place within a

private residence and involved financial concerns. Several offices, including APS and the State Long-Term Care Ombudsman, provided the Task Force members with testimony on the steps that would be taken to ensure the safety of the individual and the investigation procedures that would be relevant to this particular case.

The purpose in the Task Force conducting this analysis was to understand Tennessee's current system of prevention, protection and prosecution related to crimes against older and vulnerable adults. This exercise also helped to provide the Task Force with insight into possible issues and barriers within the current system. The Task Force asked policy staff, in collaboration with the relevant agencies, to create a process flow chart that would allow the Task Force to examine redundancies and gaps in the current system. (See Exhibit 4.)

During the fifth meeting, held on December 15, 2014, the Task Force reviewed the process flow charts from the Department of Health-Health Care Facilities (HCF) and from Ms. Laura Brown, the State Long-Term Care Ombudsman. Staff from HCF provided testimony on their intake processes, referral policies, and abuse registry regulations. Ms. Brown provided additional information on the specific role of her program in advocating for the rights of residents in Long-Term Care facilities. In addition, Ms. Kim Bohannon, Vice President of Compliance and Risk Management for Knoxville TVA Employees Credit Union, shared two real examples of financial exploitation that occurred at her credit union. Ms. Bohannon identified a gap in the current laws and recommended a three-day "cooling off" period to allow employees at financial institutions to take additional preventive steps if they suspected financial exploitation.

Given that the initial meeting of the Task Force was not until October 2, 2014, the Task Force had a limited amount of time to explore the complex, multi-faceted system of elder and vulnerable abuse prevention and prosecution in Tennessee. In order to properly finish the Task Force's study of Tennessee's system for protecting, preventing, and prosecuting crimes against vulnerable adults, the Task Force elected to recommend that legislation be filed to extend the Task Force until January 15, 2016. Legislation was drafted and Senate Bill 0198, sponsored by Senator Crowe and House Bill 0123, sponsored by Representatives Carr and Rogers were both introduced in January 2015. The legislation requested an extension on the Legislative Elder Abuse Task Force in order for the Task Force to properly finish the Task Force's study of Tennessee's system for protecting, preventing, and prosecuting crimes against the elderly. This legislation was favorably received, passed by the Tennessee General Assembly and signed into law by Governor Haslam on April 20, 2015.

After the Task Force was extended via new legislations, the sixth meeting of the Task Force was held on August 11, 2015. During this meeting, the Task Force briefly discussed and reviewed testimony and information previously presented. Laura Brown, State Long-Term Care Ombudsman presented a review of the previous meeting of the Task Force and Katherine Driver, intern with the Tennessee Commission on Aging and Disability presented information on current Tennessee statutes regarding elder financial abuse. (See Exhibit 5). The Task Force discussed

the issue of employees of home health care agencies and the current legal requirements for background checks for these employees. Additional presentations were given by Beverly Patnaik, Chair, the Council on Aging of Middle Tennessee and attorney David Callahan, partner, Goodman, Callahan, Blackstone, PLLC.

Ms. Patnaik presented information from the Met Life Study on Elder Financial Abuse and discussed the Elder Justice Act and the ways in which this Act seems to be bringing more attention to the crime of elder financial abuse. She examined some of the common characteristics of those abused financially and financial scammers. Finally, Ms. Patnaik related some common local financial scams and she discussed ways for elders and vulnerable adults to protect themselves against scams. (See Exhibit 5).

Mr. Callahan discussed how the concept of undue influence impacts elders and vulnerable adults in Tennessee. Mr. Callahan shared with the Task Force a case of undue influence that his law firm handled and how the elder was left with no legal recourse as Tennessee law does not currently recognize the crime of undue influence.

The seventh meeting of the Task Force was held on September 15, 2015. During this meeting, the Task Force continued its focus on elder financial exploitation. The Task Force heard from Alan Smith, Consumer Resources Division of the Tennessee Department of Financial Institutions and Tiffany Day and Renee Bouchillon, Tennessee Department of Human Services. Ms. Day provided an overview of the Tennessee Department of Human Services and Ms. Bouchillon provided details on how Adult Protective Services (APS) receives complaints, screens those complaints, and performs investigations. Ms. Bouchillon gave insight into the APS process for case referral and also informed the Task Force about legal resources and tools available to APS to ensure that elders and vulnerable adults are protected and safe. (See Exhibit 6).

Mr. Smith provided an in-depth look at scams faced by elders in Tennessee and responded to questions from the Task Force on ways to increase enforcement of existing laws and statutes to decrease the instances of elder exploitation. (See Exhibit 7).

During the eighth meeting held on October 12, 2015, Paul Greenwood, Assistant District Attorney, San Diego County, California presented to the Task Force. Mr. Greenwood shared his experiences and insights on elder abuse prevention and prosecution as well as his thoughts on possible changes and expansions to current Tennessee law to help prevent and prosecute elder abuse. The Task Force had many questions for Mr. Greenwood and Mr. Greenwood provided the Task Force with a great deal of information and guidance.

During the ninth meeting held on November 10, 2015, the Task Force heard from Bill Young, Associate Attorney General, Tennessee Attorney General's Office and Olha Rybakoff, Tennessee Attorney General's Office. Ms. Rybakoff presented some of the consumer fraud cases that the Attorney General's office handles, signs the public should be aware of that can indicate that an elder is being victimized, and finally, the impact that consumer fraud can have on

an elderly victim. Bill Giannini, Deputy Commissioner, Tennessee Department of Commerce and Insurance provided the Task Force with information about how Consumer Affairs functions within the Tennessee Department of Commerce and Insurance. Mr. Giannini spoke about the complaint intake and referral process within Consumer Affairs. Mr. Giannini spoke about an upcoming education and outreach plan that Consumer Affairs will be implementing in the near future to inform and educate consumers about the services offered by Consumer Affairs. (See Exhibit 8). Near the conclusion of the meeting, the Task Force discussed and proposed potential recommendations for inclusion in the Task Force's Final Report.

During the tenth meeting held on December 18, 2015, the Task Force did not hear testimony but instead focused on reviewing and discussing ten draft recommendations drawn from testimony before the Task Force and previous suggestions from Task Force members. The Task Force members thoroughly examined and conferred on each potential recommendation and provided feedback and suggestions for each draft recommendation. (See Exhibit 9).

During the eleventh meeting held on January 11, 2016, the Task Force reviewed and debated a total of eight proposed recommendations. After discussion, the Task Force voted on the eight recommendations and with no opposition, the Task Force decided to include the eight recommendations in its Final Report. (See Exhibit 10).

Elder Abuse, Neglect, and Exploitation

Overview of Elder Abuse, Neglect, and Exploitation

It is well understood that the over 60 population of the United States is growing. The 2010 census documents the portion of the United States population over age 65 as an impressive 13.4% of the nation's total population.¹ The same census also shows that the fastest growing segment of the United State population is the portion of the population aged 85 and older².

The definitions of elder abuse vary from state-to-state. The National Center on Elder Abuse (NCEA) defines elder abuse as "intentional or neglectful acts by a caregiver or 'trusted' individual that lead to, or may lead to, harm of a vulnerable elder." In Tennessee, elder abuse or neglect is defined as "the infliction of physical pain, injury, or mental anguish, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult or a situation in which an adult is unable to provide or obtain the services that are necessary to maintain that person's health or welfare."³ The definition of elder abuse in Tennessee is broad and it includes physical abuse, emotional or psychological abuse, sexual abuse, financial abuse and exploitation, neglect, self-neglect, and abandonment. Even though the elderly population is growing, elder abuse prevention, investigation, and prosecution do not always receive the attention needed.

Unfortunately, due to a number of factors, it is impossible to know for certain how many elders will experience abuse, neglect, and/or exploitation during the course of their lifetime. The most recent studies on elder abuse indicate that between 7.6% and 10% of the study participants experienced abuse in some form or fashion in the previous year.⁴

¹ U.S. Department of Commerce, U.S. Census Bureau. (2011) The older population: 2010 (Publication C2010BR-09). Washington, D.C.

² U.S. Department of Commerce, U.S. Census Bureau. (2010) Population projections, 2008. Washington, D.C.

³ Tenn. Code Ann. 71-6-102(1)(a) 2015.

⁴ Lifespan of Greater Rochester, Inc., Weill Cornell Medical Center of Cornell University and New York City Department for the Aging. (2011) Under the Radar: New York State Elder Abuse Prevalence Study. New York, N.Y.

Acierno R., Hernandez MA, Amstadter AB, Resnick HS, Steve K, Muzzy W, et al.(2010). Prevalence and correlates of emotional, physical, sexual, and financial abuse and potential neglect in the United States: The national elder mistreatment study. *American Journal of Public, 100*(2), 292-297.

Furthermore, studies have estimated that between 1 in 14 and 1 in 23 cases of elder abuse never come to the attention of the appropriate authorities.⁵

The National Center on Elder Abuse notes that available data from state-level Adult Protective Services departments all across the United States show an “increasing trend in the reporting of elder abuse.”⁶ In 2014, Tennessee investigated approximately 9,644 reports of abuse, neglect and exploitation of vulnerable adults. Financial exploitation of elders is a significant problem and a recent study indicated that major financial exploitation was self-reported more frequently than the self-reported rates of other types of elder abuse.⁷

Elder abuse, neglect, and exploitation can affect elders of all nationalities, socio-economic groups, genders, and ages. Elders often do not self-report abuse, neglect, and exploitation for many reasons including out of “fear of retaliation, lack of physical and/or cognitive ability to report, or because they don’t want to get the abuser (90% of whom are family members) in trouble”.⁸ Unfortunately, two studies have also indicated that elders with dementia are often at a higher risk of abuse than elders without dementia.⁹ Based on the best available data, elder abuse, neglect, and exploitation is not limited to one type of setting and it occurs in both community and institutional settings.

While limited data on the impact that elder abuse, neglect, exploitation have on the elder population exists, the research that has been completed indicates that elders who experience even a “modest” amount of abuse have a 300% higher risk of death when compared to elders who had

⁵ National Research Council. (2003) *Elder mistreatment: Abuse, neglect, and exploitation in aging America*. Washington, D.C.: The National Academies Press.
Lifespan of Greater Rochester, Inc., Weill Cornell Medical Center of Cornell University and New York City Department for the Aging. (2011) *Under the Radar: New York State Elder Abuse Prevalence Study*. New York, N.Y.

⁶ National Center on Elder Abuse, Administration on Aging. *Statistics and Data*. Last accessed on December 31, 2015.

⁷ Lifespan of Greater Rochester, Inc., Weill Cornell Medical Center of Cornell University and New York City Department for the Aging. (2011) *Under the Radar: New York State Elder Abuse Prevalence Study*. New York, N.Y.

⁸ National Center on Elder Abuse, Administration on Aging. *Statistics and Data*. Last accessed on December 31, 2015.

⁹ Conney C, Howard R, Lawlor B. (2006) Abuse of vulnerable people with dementia by their carers: Can we identify those most at risk? *International Journal of Geriatric Psychiatry*, 21(6), 564-571.

Vandee Weerd C, Paveza G. (2006) Verbal mistreatment in older adults: A look at persons with Alzheimer’s disease and their caregivers in the state of Florida. *Journal of Elder Abuse & Neglect*, 17(4), 11-30.

not experienced abuse.¹⁰ In addition to the emotional, psychological and physical distress suffered by elders who are victims of abuse, neglect, and exploitation, the direct medical costs associated with “violent injuries to older adults are estimated to add over \$5.3 billion to the national’s annual health expenditures”.¹¹ The statistics regarding annual financial loss by victims of elder financial exploitation are almost as grim. It is estimated that victims of elder financial exploitation lost approximately 2.9 billion dollars in 2009.¹²

While it appears that no in-depth research has been conducted in Tennessee regarding the issue of elder abuse, neglect, and exploitation, the Tennessee Bureau of Investigation, Crime Statistics Unit (TBI) released a report in 2012 entitled Crimes against the Elderly Report, 2009-2011. The TBI issues the Crimes against the Elderly Report on a frequent basis and the statistics in the report are based on the data that is contained in the Tennessee Incident Based Reporting System (TIBRS). This report demonstrated that while the overall number of crimes against person and property decreased in Tennessee each year from 2009 to 2011, the data shows a 7% increase in such crimes against elderly victims.¹³ In Tennessee, much like the rest of the nation, financial exploitation and/or fraud appears to be a major issue facing elders. The TBI report notes that 6,257 Fraud offences (Fraud offenses includes Fraud, False Pretenses, Credit Card/ATM Fraud, Impersonation, as well as Welfare and Wire Fraud) with victims aged 65 or older were reported between 2009-2011.¹⁴ The TBI data appears to mirror the national studies that show that most of the offenders in elder abuse cases are overwhelmingly known to the elder victims.

¹⁰ Dong X, Simon M, Mendes de Leon C, Fulmer T, Beck T, Herbert L, et. al. (2009) Elder self-neglect and abuse and mortality risk in a community-dwelling population. *Journal of the American Medical Association*, 302(5), 517-526.

Dong X, Simon M, Beck T, Farran C, MCann J, Mendes de Leon C, et. al. (2011) Elder abuse and mortality: The role of psychological and social wellbeing. *Gerontology*, 57(6), 549-558.

¹¹ National Center on Elder Abuse, Administration on Aging. *Statistics and Data*. Last accessed on December 31, 2015.

Mouton CP, Rodabough RJ, Rovi SL, Hunt JL, Talamantes MA, Bryski RG, et. al. (2004) Prevalence and 3-year incidence of abuse among postmenopausal women. *American Journal of Public Health*, 94(4), 605-612.

¹² National Committee for the Prevention of Elder Abuse, Virginia Tech, MetLife Mature Market Institute (2011). *The metlife study of elder financial abuse: Crimes of occasion, desperation and predation against America’s elders*. Westport, CT.

¹³ Tennessee Bureau of Investigation, Crime Statistics Division. (2012). *Crimes Against the Elderly*, 3.

¹⁴ Tennessee Bureau of Investigation, Crime Statistics Division. (2012). *Crimes Against the Elderly*, 6.

Of note, in 2011, of the 2,896 assault cases in Tennessee with an elder victim, 41.4% of the offences were committed by a family member and another 13.3% of victim/offender relationships were recorded by law enforcement as Intimate relationships.¹⁵

¹⁵ Tennessee Bureau of Investigation, Crime Statistics Division. (2012). Crimes Against the Elderly, 8.

Recommendations

The recommendations contained within this report represent the first of many changes in Tennessee to prevent and prosecute elder abuse, neglect, and exploitation. Unfortunately, due to the sheer magnitude of the factors involved in elder abuse, neglect, and exploitation, the recommendations are not, and could not be, all-inclusive. However, the Task Force has made a concerted effort to include among the recommendations as many the issues discussed during the Task Force meetings as possible. Furthermore, through the recommendations, the Task Force believes that issues of elder abuse, neglect, and exploitation will be kept before the Governor, the General Assembly, State Departments and Agencies, and change makers. The Task Force approved the actual recommendations and the Action Steps were added for clarity.

1. Recommendation One.

Recommend that the Department of Human Services establish an intra-agency Adult Protective Services working group to examine and explore the procedures and resources used by other states to investigate all allegations of financial exploitation including non-governmental funds. The Tennessee Department of Human Services will report to the General Assembly by January 15, 2017, with a plan to improve its efficiency and a report about the capacity to investigate financial exploitation of non-governmental funds.

Action Steps:

1. The Department of Human Services forms an intra-agency working group to examine and explore the procedures and resources used by other states to investigate all allegations of financial exploitation, including non-governmental funds.
2. The Department of Human Services presents its findings and a plan to improve its efficiency in a report to the Tennessee General Assembly by no later than January 15, 2017.

2. Recommendation Two.

Delete the second sentence in Tenn. Code Ann. §71-6-102(9).

“Imminent danger” means conditions calculated to and capable of producing within a relatively short period of time a reasonable probability of resultant irreparable physical or mental harm or the cessation of life, or both, if such conditions are not removed or alleviated. **However, the department is not required to assume responsibility for a person in imminent danger pursuant to this chapter except when, in the department's determination, sufficient resources exist for the implementation of this part;** Tenn. Code Ann. § 71-6-102(9).

Action Step:

1. Legislation introduced to modify Tenn. Code Ann. § 71-6-102-(9) by removing the second sentence.

3. Recommendation Three.

Establish a working group, led by the Tennessee Commission on Aging and Disability, including the Department of Human Services, TBI, District Attorney General's Conference, Department of Health, Disability Rights Tennessee, members of local law enforcement and other Departments and Agencies as needed, to draft and develop a field guide that will provide law enforcement with Tennessee specific laws and resources related to the prevention, investigation, and prosecution of abuse by no later than January 15, 2017.

Action Steps:

1. The Tennessee Commission on Aging and Disability establishes and convenes the working group as soon as possible to begin the process of drafting and developing a law enforcement field guide.
2. By no later than January 15, 2017, the Tennessee Commission on Aging and Disability, in conjunction with the Tennessee Department of Human Services and other state agencies, will release a law enforcement field guide.

4. Recommendation Four.

Require background checks to be completed for unlicensed employees of home health agencies and home care organizations prior to direct contact with patients.

Action Step:

1. Introduce legislation to require background checks for unlicensed employees of home health agencies and home care organizations prior to direct contact with patients.

5. Recommendation Five.

Require the Tennessee Commission on Aging and Disability to lead a multidisciplinary, collaborative coalition of all state agencies and departments involved in prevention, investigation, and prosecution of elder abuse, neglect, and exploitation.

This coalition will utilize strategies to increase communication, propose educational outreach and promote the sharing of existing resources and information in an effort to reduce elder and vulnerable adult abuse, neglect and exploitation in Tennessee.

Action Steps:

1. The Tennessee Commission on Aging and Disability will convene a multidisciplinary, collaborative coalition of all state agencies and departments involved in prevention, investigation, and prosecution of elder abuse, neglect, and exploitation. The first meeting will occur as soon as possible.
2. This coalition will utilize strategies to increase communication, propose educational outreach and promote the sharing of existing resources and information in an effort to reduce elder and vulnerable adult abuse, neglect and exploitation in Tennessee and will prepare an annual report on its activities by no later than January 15th of each year.

6. Recommendation Six.

There shall be a state-wide coalition created in statute called the Tennessee Vulnerable Adult Coalition (TVAC) (incorporating the existing TVAC organization), administered by the Tennessee Commission on Aging and Disability. This coalition will bring Tennessee public and private entities together to promote the collaboration necessary to prevent the abuse, neglect, and financial exploitation of vulnerable adults.

Action Step:

1. Introduce legislation to codify the Tennessee Vulnerable Adult Coalition (TVAC) in Tennessee Code Annotated.

7. Recommendation Seven.

Request that the Division of Consumer Affairs in the Department of Commerce and Insurance develop a plan to receive and disseminate reports of scams on a publicized web page. The plan shall be reported to the Chairs of the Senate Commerce and House Consumer and Human Resources Committees by October 15, 2016.

Action Step:

1. The Division of Consumer Affairs in the Department of Commerce and Insurance will develop a plan to receive and disseminate reports of scams on a single publicized web page by no later than October 15, 2106.

8. Recommendation Eight.

Recommend that the District Attorneys General Conference review Tennessee code sections related to the prosecution of elder abuse, neglect, and exploitation and suggest potential changes and/or expansions to the existing code. The District Attorney General's Conference will produce a report detailing its recommended code changes and/or expansions by no later than January 15, 2017.

Action Step:

1. The District Attorney General's Conference shall review Tennessee code sections related to the prosecution of elder abuse, neglect, and exploitation and suggest potential changes and/or expansion to the existing code by no later than January 15, 2017.

Conclusion

Elder abuse is a multifactorial problem facing an increasingly large portion of the population. The formation and work of the Legislative Elder Abuse Task Force is an important first step in combatting elder and vulnerable adult abuse and increasing education and awareness about elder and vulnerable adult abuse prevention and the signs of abuse. The recommendations will continue the work of the Task Force by making a difference for some of Tennessee's most vulnerable residents. The potential legislation that arises out of the Task Force will positively impact the on-going fight against elder and vulnerable abuse, neglect, and exploitation.