The Department of Health and Human Services

Elder Justice Coordinating Council

December 2019 – June 2020 Council Updates

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# U.S. Department of Health and Human Services

Since the last meeting of the EJCC in December 2019, the U.S. Department of Health and Human Services has engaged in many activities relevant to preventing and addressing elder maltreatment both directly and through its resource centers. The below report is a snapshot of activities related to many of the Eight EJCC Recommendations, and cannot fully capture the range of elder justice activities conducted by the Department.

The Administration for Community Living continues to lead in supporting older adults and adults with disabilities in response to COVID-19 pandemic. ACL’s State LTC Ombudsman Program and Adult Protective Services programs are bravely and creatively continuing to provide services in a number of vital and virtual ways to safeguard older Americans, their families, communities and all of us. They have transitioned to virtual meetings with clients, residents, and loved ones, and Ombudsmen in many states are holding video meetings to update families and residents with the information they need.

ACL disseminated written technical assistance on staying safe while continuing the critical work of ombudsmen, APS, and legal assistance through a dedicated COVID-19 webpage. ACL continues to communicate information about personal safety, continuity of operations, personal protective equipment, and state program responses to the pandemic and facilitating peer support among programs to improve information sharing on current program trends such as face-to-face visit policies and providing emergency services.

The National Center on Law and Elder Rights has conducted trainings, offered technical assistance, and case consultations to the aging and disabilities networks. The trainings covered topics such as “Consumer Law Challenges in Emergencies.” NCLER produced new issue briefs on client-centered advocacy through cultural competence and non-litigation strategies to help recover funds unlawfully taken from a client. Three plain language fact sheets were produced explaining the Economic Impact Payments and the rights, respectively, of nursing home residents, beneficiaries of home and community based services and SSI and Social Security beneficiaries who have representative payees.

The National Center on Elder Abuse has worked with the Department of Justice to produce updates on the COVID-19 pandemic for law enforcement through the Elder Abuse Guide for Law Enforcement, or EAGLE. The NCEA has conducted more than twenty trainings for the lay public as well as students, physicians, law enforcement officers, lawyers, APS professionals, social workers, victim’s services advocates, social workers and other audiences.

The National APS Technical Assistance Resource Center (APS TARC) has provided technical assistance on subjects such as quality assurance and data analysis, and training on topics such as How to Successfully Manage an APS Program with a Remote Workforce, Trauma-Informed Care Approach to Elder Abuse, and Increasing Knowledge about Adult Protective Services through National Data and Evaluation.

The National Long-Term Care Ombudsman Resource Center has conducted a series of trainings on understanding how trauma impacts residents, ombudsmen, and their advocacy.

The Health Resources and Services Administration’s Geriatric Workforce Enhancement Program made new awards to grantees for tele-health and tele-medicine.

The U.S. Preventive Task Force, convened by the Agency for Healthcare Research and Quality, released a recommendation for primary care clinicians on screening for cognitive impairment in older adults. The Task Force concludes that the current evidence is insufficient to assess the balance of benefits and harms of screening for cognitive impairment in older adults. AHRQ also published a systematic evidence review on the diagnosing and treatment of clinical Alzheimer’s Type Dementia.

# Consumer Financial Protection Bureau

The Office for Older Americans (the Office) provides this written update of the Consumer Financial Protection Bureau’s (the Bureau) accomplishments since the last Elder Justice Coordinating Council meeting on December 3, 2019. These initiatives primarily fall under this Council’s Recommendation 7 on combatting elder financial exploitation, but also address Recommendation 2 on enhancing victim services, Recommendation 4 on research, and Recommendation 6 on training. Information on all the programs below can be found at www.consumerfinance.gov/olderamericans.

## Networks

An important area of work where the Bureau has made progress centers around elder fraud prevention and response networks. These community-based networks vary in their composition and offer a wide range of activities including community education, case review, and professional cross training. Progress has been made in the number of networks; however, there are many more communities that could benefit from what they can achieve.

After publishing a report and resource guide in 2017, the Bureau began an initiative to help build new networks and to help strengthen existing ones by facilitating retreats for stakeholders. The Office has facilitated nine retreats in states around the country. As a result of these convenings, the Bureau developed a model for identifying potential networks, coordinating with key stakeholders, facilitating meetings, and garnering support to help initiate and enhance local EFPRNs. In May 2019, the Office released a report describing this model, entitled *Convening Communities to build elder fraud prevention and response networks*.

The retreats provided the Office’s staff with valuable insight and a better understanding of the capacity and limitations of local responders and other stakeholders. They heard that having the support of the Bureau’s planning tool to plan the convening events was central to the success of the convening events. The Office staff heard that stakeholders are already working their own full-time jobs and need support in creating materials, planning, and the like. Accordingly, the Bureau has created an Elder Fraud and Response Network Development Guide (the Guide), a step-by-step resource to help launch networks in communities where they do not currently exist and to support existing ones to expand their capacity.

The first iteration of the Guide is an online resource with the most essential elements to help those stakeholders bring a network together. Specifically, the online resource offers a variety of tools, templates, and exercises to help stakeholders plan and host a stakeholder “retreat” and training event. These retreats take several months to plan and could be held online/virtually. This online resource also provides exercises to help stakeholders establish network priorities and identify potential working groups and then develop or further expand network capabilities. The Guide is now available on the Bureau’s website.

Later versions of the Guide are likely to include additional materials, including more detailed information about potential network initiatives, a guide on conducting meetings virtually, and other resources.

## Managing Someone Else’s Money

The Bureau’s Managing Someone Else’s Money (MSEM) guides help financial caregivers understand their responsibilities and protect their loved ones from financial harm. There are four national guides written for four types of fiduciaries: Powers of Attorney, Representative Payees, Guardians and Conservators or Trustees. There are also state-specific guides of each of the four guides for Arizona, Florida, Georgia, Illinois, Oregon, and Virginia. Lastly, the Bureau makes available resources to help legal and aging experts adapt the MSEM guides to create state-specific guides in locations where they serve.

As the need for financial caregiving often coincides with the onset of medical problems, prospective fiduciaries will often interact with the healthcare system before, during, and after accepting fiduciary responsibility. Whether the caregiver is the parent and representative payee for a child with disabilities or a family member whose responsibility has grown beyond care management, healthcare settings are key touch points for reaching financial caregivers.

Since the last EJCC meetings, the Bureau conducted an outreach mailer campaign to patient resource centers in hospitals in six states, offering them an opportunity to order the MSEM guides in bulk. This is an effort to find new channels in providing this important information in the places where caregivers’ responsibilities begin and are occurring.

## Anti-Fraud Events Handouts

In 2016, the Bureau began creating a series of paper placemats with simple tips for avoiding common scams. The placemats are a simple and engaging way to help empower older people to protect themselves from financial exploitation, frauds, and scams. While the Bureau originally designed the resources for meal service providers, the placemats have proven to be useful in a wide variety of settings including government agency anti-fraud events, financial institution branch locations, and senior centers’ activities nights. Because the Office staff learned that other organizations were using the placemats as large handouts for customers and clients, the Bureau created one-pagers, bookmarks, table tents and posters of two of the most popular placemats on romance scams and grandparent scams.

In response to the COVID-19 pandemic, the Bureau created downloadable one-pagers in English and Spanish to facilitate access for service providers and enhance their ability to quickly and safely share this resource. The Bureau anticipates resumption of printing paper products this summer.

## Research

In February of last year, the Bureau published the first public analysis of the patterns and issues found in Elder Financial Exploitation Suspicious Activity Reports (EFE SARs) filed by financial institutions with FinCEN. The Bureau continues to work and share with other federal partners and law enforcement entities the lessons of that project to enhance their use of EFE SARs when responding to suspected cases of EFE. The Bureau is also embarking on a new research project involving a topic of great relevance to this Council. In May, the Bureau issued a Request for Proposal for research examining the experience of, and factors associated with, recovery of elder financial exploitation -related financial losses. The study, which involves interviews with older adults, their family members and professionals, will provide insights into the whether and how people recover their losses, the mechanisms of the process of recovery and what is associated with successful financial recovery.

## Financial Well Being

The Bureau’s staff is interested in what might explain people’s financial well-being. Previous Bureau research showed that financial skill, which is the ability to find, process and act on financial information, is a key predictor of financial well-being among older adults. Last month, the Bureau issued a Request for Proposal to examine how financial skill varies by age, and the predictors of this important component of financial capability. The Bureau expects that this work will improve the ability of many professionals to identify possible signs of diminished financial-decision capacity and vulnerability to or victimization of financial exploitation.

## Coronavirus Response

The CFPB is committed to providing consumers with up-to-date information and resources to protect and manage their finances during this difficult time. Consumers can find a central hub of information on [www.ConsumerFinance.gov/coronavirus](http://www.ConsumerFinance.gov/coronavirus). The information is available in English, Spanish, Vietnamese, Chinese, Korean, and Tagalog. There are also clear and concise videos on some of the more complicated topics, like mortgage forbearance and the economic impact payments. New resources are added daily and are organized by topics and by audience. You can also find us through Facebook at facebook.com/CFPB, Twitter at @CFPB, and YouTube at [www.youtube.com/cfpbvideo](http://www.youtube.com/cfpbvideo). The Bureau welcomes your suggestions for other topics. You may write us at [OlderAmericans@cfpb.gov](mailto:OlderAmericans@cfpb.gov).

## Social Security Claiming Tool

The economic impact of the coronavirus has created financial hardships, including unemployment, for many older adults. Some may be considering retiring earlier than planned. The Bureau has an online resource that may help older adults make an informed decision about Social Security benefits. In collaboration with the Social Security Administration, the Bureau created an interactive tool that helps people understand how claiming at various ages affects their benefits, provides tips relevant to their situation, and prompts consideration of retirement needs and goals. This is available at www.consumerfinance.gov/retirement.

## Closing

Working with our partners on the Elder Justice Coordinating Council has strengthened CFPB’s initiatives to enhance the financial well-being of older people. Together EJCC members have come up with ideas for new projects and products and served as sounding boards to enhance our separate and joint work. The Bureau’s staff looks forward to continued collaboration.

# Corporation for National and Community Service

Senior Corps conducted a competition for RSVP program grants that yielded 187 RSVP grants, of which 43 grants (approximately 23%) have some focus on elder justice issues. In addition to supporting the prevention of Medicare fraud, activities under these grants include providing elder abuse education to at-risk seniors and their caregivers; conducting financial literacy and fraud/scam prevention education to community seniors; and conducting community workshops on the prevention of elder abuse, frauds and scams for seniors and the at-large community.

During COVID-19, Senior Corps has adapted some of its regulations and guidance to better enable its grantees to conduct safe volunteer service that includes education and volunteer outreach efforts on COVID-related scams and frauds such as IRS stimulus check scams; Social Security benefits scams; and U.S. Census scams. Senior Corps is also providing additional training on the US Census scams.

DOJ Elder Justice Coordinators are reaching out to Senior Corps programs and regional staff to conduct joint education awareness on various aspects of elder justice.

Senior Corps met with staff of National Adult Protective Services to determine ways that RSVP volunteers can support victims of elder abuse and APS systems.

National Center on Elder Abuse published a Blog penned by Senior Corps Director Deborah Cox-Roush on the various ways that Senior Corps volunteers can support elder justice issues.

In collaboration with DOJ, Senior Corps is conducting joint education awareness around the upcoming World Elder Abuse Day, June 15, 2020.

The CNCS Senior Corps activities fall under two categories of the Eight Recommendations.

## Improving Response: Enhance Services to Elder Abuse Victims

Senior Corps RSVP volunteer support of local APS enhances their ability to process and support victims of abuse.

## Improving Awareness and Prevention

Senior Corps volunteers support education and outreach that increases awareness of elder justice issues among seniors and the general public. While not a national campaign, the peer-to-peer outreach strategy works as information is provided by trusted sources.

# Federal Trade Commission

## FTC work to protect older adults

The Commission tracks down and stops some of the most pernicious scams that prey on people of all ages. Unfortunately, in numerous FTC cases, older adults have been targeted or disproportionately affected by fraud. For example, the FTC has seen schemes targeting Medicare recipients, a robocall interest rate reduction scheme touting a purported special government program for senior citizens, and advertising claims for brain training programs that allegedly combat cognitive impairment associated with aging. The FTC’s report titled Protecting Older Consumers: 2018-2019, summarizes the FTC’s efforts to protect older adults, using research, law enforcement, and consumer education. The report is available at [www.ftc.gov/reports/protecting-older-consumers-2018-2019-report-federal-trade-commission](http://www.ftc.gov/reports/protecting-older-consumers-2018-2019-report-federal-trade-commission).

## FTC Consumer Sentinel Network (CSN) data

In 2019, the CSN took in 3.2 million reports from consumers, directly and through its data contributors. 1.7 million of those reports were about fraud and about half of the fraud reports included age information. Consumers who said they were 60 and older filed more than 300,000 fraud reports and they reported losses over $440 million. Contrary to what most people think, adults aged 60 and older were less likely than younger adults (aged 20 to 59) to report losing money to fraud. Younger adults reported losing money more often, but older consumers reported much higher dollar loss amounts when they did report losses. Older consumers were more likely to file reports about frauds they had encountered but had avoided losing money. More CSN report data information is available at www.ftc.gov/exploredata.

## Government imposter scams

The top complaint received in the CSN since 2014 has been about government imposters. This includes impersonation of the IRS, SSA, HHS/Medicare, Treasury Department, police, sheriff, or FBI, and even the FTC. In 2019, the FTC received almost 390,000 reports about government imposters, including over $153 million in reported losses. More detail is available at [www.public.tableau.com/profile/federal.trade.commission#!/vizhome/GovernmentImposter/Infographic](http://www.public.tableau.com/profile/federal.trade.commission#!/vizhome/GovernmentImposter/Infographic).

## FTC Coronavirus response

FTC has worked proactively to combat the consumer protection concerns associated with the Coronavirus outbreak, including scams affecting older adults. The agency has responded quickly by sending more than 130 warning letters to entities making false claims about treatments and cures, those providing telephone services to robocall operators making illegal calls promoting Coronavirus related scams, and those whose marketing suggested they were affiliated with the SBA-administered programs designed to offer emergency relief. The FTC has also pursued targeted law enforcement actions where appropriate, including by suing a company falsely claiming to help small businesses get stimulus funds and a company making unsubstantiated claims that its product would treat the Coronavirus and cancer. FTC has also issued almost 50 consumer and business alerts related to the pandemic to warn the public about scams and other consumer concerns, including an alert about the nursing homes and care facilities taking consumers’ stimulus checks, an alert about grandparent scams, and a joint alert with the CFPB’s Office for Older Americans about caregiving scams. The FTC has a dedicated webpage with information and updates on the agency’s efforts at www.FTC.gov/coronavirus.

# Social Security Administration

The following elder justice activities align with EJCC Recommendations one, two and five in support of the investigation and prosecution of elder abuse cases, enhances services to elder abuse cases, and implements a broad-based public awareness campaign.

January 2020, SSA and OIG testified before Congress on the impact of the Social Security imposter scams and our efforts to stop the scammers and raise public awareness.

IG Ennis testified on a landmark civil filing by DOJ to hold “gateway carriers” accountable for allowing foreign-based scam calls into the U.S. telephone network.

Our OIG was the lead investigative agency working with DOJ to gather evidence that led to this civil filing. The filing led to temporary and permanent injunctions against gateway carriers that allegedly facilitated millions of scam calls each month.

SSA and OIG led a public outreach campaign to (i) prevent scammers from spoofing SSA phone numbers, and to (ii) request suspension or termination of phone numbers used by scammers.

The campaign efforts include:

* A PSA featuring Commissioner Saul, which aired on 204 TV stations across the country, with more than 525 million estimated impressions, and an estimated media donation value of $3.5 million.
* Commitments from 38 radio stations to air a PSA on scams over 6,051 times. These airings will garner over 240,000 estimated impressions.
* Designated March 5 as National “Slam the Scam” Day and delivered:
* A press call and media outreach that led to widespread coverage from major outlets such as CNBC, The New York Times, and Forbes, and many local TV stations and newspapers.
* A Facebook Live event; and
* Staff participation on Twitter chat and webinars hosted by our partners.

In March 2020, the SSA OIG issued a fraud advisory about mailed letters that claimed Social Security benefits would be discontinued due to SSA office closures, unless the recipient called a number provided in the letter.

In March 2020, SSA published a *COVID-19 Updates* webpage in English and Spanish, which includes information about potential scams and scam variations.

Our English Page has been viewed more than 4 million times.

Our Spanish Page has been viewed more than 120,000 times.

Each time we update this page, which includes Scam awareness information, we alert more than 65,000 subscribers by email and text message.

The OIG monitors coronavirus scam trends. As a result, OIG updated its online scam reporting form with a specific question about coronavirus or COVID-19 scams.

OIG participated in a webcast hosted by AARP to help consumers recognize and report Coronavirus scams. Many of our EJCC partners participated in the webcast.

# U.S. Department of Agriculture

No report.

# U.S. Department of Homeland Security

The Department of Homeland Security joined the EJCC in June 2020.

# U.S. Department of Housing and Urban Development

The Department of Housing and Urban Development (HUD) is concerned that the social and economic effects of the novel coronavirus pandemic could bring about an increase in sexual harassment in housing.  Elderly persons are particularly vulnerable to abusive, discriminatory practices more than ever, as they may urgently need accommodations to policies or practices in housing to ensure their health and safety during the pandemic.  Lost jobs and curtailed wages also leave families in need of flexibilities to meet rental obligations and vulnerable to illegal harassment.

In 2017, HUD and the Department of Justice (DOJ) launched a joint initiative to combat sexual harassment.  In April, Assistant Secretary Farías commemorated Fair Housing Month, marking the theme – *Call HUD: Because Sexual Harassment in Housing is Illegal* and commended Attorney General Barr’s announcement where he reaffirmed his commitment of all necessary resources to investigate reports of housing related sexual harassment.  Since the launch of the initiative, HUD and DOJ have hosted over 40 roundtables across the country to raise local awareness of sexual harassment and promote stronger enforcement networks to ensure compliance with the law.  These events have proven to be effective.  Last year, HUD and its state and local fair housing enforcement partners saw the highest number of sexual harassment complaint filings than ever before.  Since the launch of the joint initiative, HUD and its partners have processed approximately 540 sexual harassment complaints.  HUD is continuing to coordinate with DOJ to host these important events in communities across the country.

HUD and DOJ have also collaborated to develop an online Sexual Harassment in Housing training curriculum.  This self-paced interactive online training module aims to raise awareness about, educate and prevent sexual and other forms of harassment in housing.  The curriculum is targeted to tenants and providers of public and subsidized housing programs but is suitable for a variety of housing stakeholders.  Since its launch in 2019, nearly 900 people have completed the training (Actual number: 873).  Learners view six scenarios of discriminatory harassment illustrated through brief video vignettes, learn about best practices to prevent and end harassment, and take quizzes throughout the module to test their knowledge.  The training discusses illegal sexual harassment under the Fair Housing Act and identifies ways to prevent and eliminate sexual harassment when it occurs.  Additionally, HUD developed fact sheets, with over 1000 downloads, that the public can use to take concrete steps to stop sexual harassment.  While the training targets sexual harassment, this online course also addresses other forms of harassment, which violate the Fair Housing Act.

In addition, on April 29, 2020, HUD Secretary Ben Carson praised Attorney General William Barr for devoting all necessary resources in support of HUD investigations into reports of landlords demanding sexual favors in exchange for rent.

In addition to its efforts to combat sexual harassment in housing, HUD also pursues enforcement actions against lenders for violations of the Federal Housing Administration (FHA) requirements for the Home Equity Conversion Mortgage (HECM) program, which allows certain borrowers who are at least 62 years of age to convert equity in their homes into an income stream or line of credit so that they can age in place.  The HECM program is designed to assist seniors financially and relies on accurate appraisals for approval of HECM loans for FHA insurance, which insures the loans against loss.  In March 2020, a HECM lender agreed to pay $2.47 million, without admitting fault or liability, to resolve allegations that a predecessor entity improperly communicated certain information to appraisers in an attempt to influence the appraised value. [See <https://www.justice.gov/opa/pr/finance-america-reverse-agrees-pay-247-million-resolve-alleged-liability-fha-insured-reverse>]

# U.S. Department of the Interior

# U.S. Department of Justice

Within days after President Trump declared the novel coronavirus national emergency, the Attorney General and other Department of Justice leadership directed Department attorneys to prioritize efforts to identify, disrupt, and prosecute consumer fraud schemes that capitalize on the global health crisis. Consistent with its Agency Priority Goal of combatting transnational elder fraud, the Department placed particular emphasis on stopping those COVID-19 fraud schemes that affected the elderly. The Department quickly built infrastructure for coordinating its efforts at the national and district levels, employed sophisticated tools to identify fraud threats, and connected with federal, state, and local agencies to confront identified schemes. The resulting initiative has been comprehensive in its scope and achievements.

## Leadership

In standing up a team to lead its COVID-19 anti-fraud efforts, the Department leveraged lessons and resources from its successful strategy to prevent, disrupt, and prosecute elder fraud. Mirroring the Department’s highly effective national Elder Justice Coordinator, the Deputy Attorney General appointed two officials in his office to serve as national Coronavirus Coordinators. And similar to the elder justice coordinators appointed in each of the 94 U.S. Attorney’s Offices, each U.S. Attorney appointed a coronavirus coordinator to prioritize work against COVID-19 fraud schemes. The Executive Office for U.S. Attorneys also designated its White Collar Crime Coordinator to develop and share critical trainings and to ensure deconfliction of efforts. These structures allowed the Department quickly to consolidate expertise and create channels of communication to and among the Assistant U.S. Attorneys who are driving its work.

The Department also looked to the Fraud Section’s Health Care Fraud Unit of its Criminal Division to assume a leadership role in identifying and combating health care fraud trends emerging during the crisis, including by chairing a working group with agency and law enforcement partners, assigning over 25 prosecutors to prosecute COVID-19 cases, directing its Data Analytics Group to prioritize analysis of COVID-19-related billing schemes, and working with U.S. Attorney’s Offices to combat these schemes. At this stage, our primary concern involves medical professionals offering free COVID-19 testing to obtain Medicare beneficiary information that then is used to submit medical claims for unrelated and medically unnecessary – and far more expensive tests or services, as well as for tests or services that were never provided.

The Department also looked to the Consumer Protection Branch of its Civil Division to identify emerging consumer fraud threats, spearhead responsive actions, and collaborate with other agencies. As a leading component of the Department’s Transnational Elder Fraud Strike Force, the Consumer Protection Branch was well positioned to play this role, drawing on its experience and resources to confront the broad range of COVID-19 fraud schemes, including false cures and treatments, government-imposter scams, and bogus sellers of personal protective equipment. The Branch has coordinated the Department’s response to consumer scams with the many federal agencies that share responsibility for investigating such offenses, including the FBI, U.S. Postal Inspection Service, Homeland Security Investigations, Social Security Administration, Food and Drug Administration (FDA), Federal Trade Commission (FTC), and others. Branch personnel also have engaged with state and local authorities through the National Association of Attorneys General and the National Sheriffs Association.

Similarly, the Department engaged the Fraud Sections of both its Criminal Division and Civil Division to take swift action against schemes that seek to steal from, and undermine the integrity of, government benefit programs established to help Americans—especially seniors—during the pandemic. The Department also empowered a Hoarding and Price-Gouging Task Force to direct actions under the Defense Production Act and other emergency laws invoked by the President. Led by the U.S. Attorney for the District of New Jersey, the Task Force includes experienced personnel from across the Department, seeking to ensure that people are not price gouged when they purchase personal protective equipment in the midst of the national emergency.

## Consumer Complaints

Building on its recent launch of an Elder Fraud Hotline that offers all American Seniors a quick pathway for submitting complaints of fraud schemes, the Department tasked its National Center for Disaster Fraud (NCDF) to accept consumer complaints about COVID-19 fraud schemes.  Taking complaints by phone, email, and web portal, NCDF personnel, including law enforcement officers assigned to the NCDF, daily assemble, review, and relay received complaints to law enforcement agencies and to the FTC’s Consumer Sentinel Network (which also receives complaints submitted to the Elder Fraud Hotline).  In this manner, the Department and its agency partners are able to amalgamate and review a broad spectrum of reported scams affecting seniors.  In addition, Department of Justice personnel from the Antitrust Division, Civil Division, and Criminal Division, as well as various investigators, also review consumer complaints sent to the NCDF, along with other reports filed by banks and consumers across the country, in near real time to identify leads for scheme disruption and/or investigation.  This has allowed the Department to focus its efforts on the most pernicious schemes targeting Americans—including those seeking to steal from the elderly and to undermine the benefit programs established to serve them.

## Criminal Prosecutions

Through leads gathered from consumer complaints as well as traditional investigative actions in federal districts across the country, Department attorneys and agents have brought numerous criminal actions against COVID-19 fraudsters. These actions include criminal complaints filed against individuals who intentionally accepted payment for personal protective equipment that they knew they could not deliver, peddled fake cures and treatments, solicited kickbacks and bribes in exchange for unnecessary laboratory testing referrals, defrauded the agencies and benefit programs, and offered fake and misbranded medical products to consumers seeking help in the emergency. Building these prosecutions has required ingenuity from Department attorneys, outstanding dedication from investigative agents (who often put themselves at risk to gather necessary evidence), and responsiveness from court personnel.

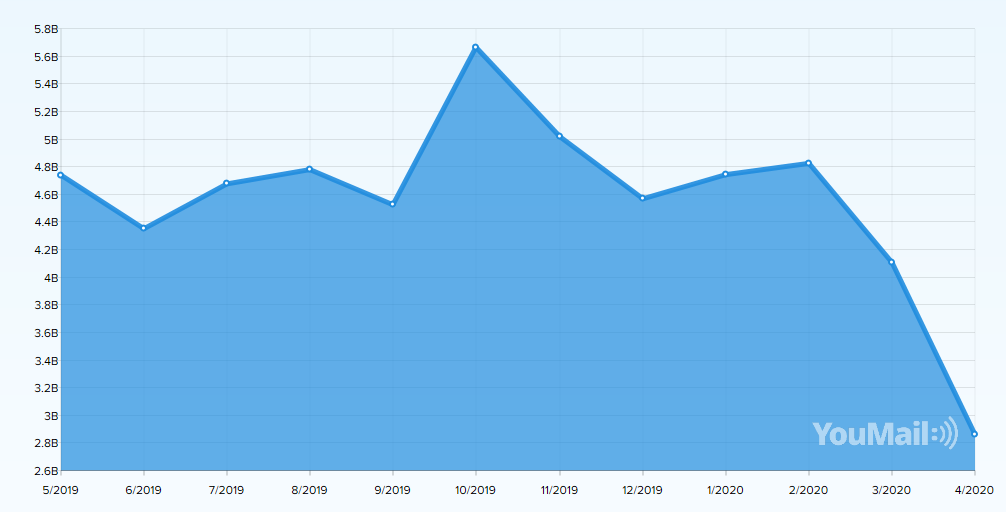
Like most businesses across the country, general practitioners and other non-emergency clinics have seen a drastic decline in patient visits. In response, the Health Care Fraud Unit has received complaints about medical offices encouraging patients who do not need follow-ups to participate in telehealth or parking lot appointments. In other instances, clinics that would not ordinarily schedule virus-related medical appointments, such as chiropractic offices and weight loss clinics, are soliciting patients to receive purported COVID-related services.

## Civil Injunctions

As in its elder-fraud work, the Department also has used its authority to seek civil injunctions to great effect in stopping ongoing COVID-19 consumer fraud schemes. Using evidence gathered from law enforcement agents, attorneys from the Consumer Protection Branch and U.S. Attorneys’ Offices have brought more than a dozen injunctive actions against COVID-19 fraud schemes. Many of these actions use an anti-fraud injunctive statute to halt fraudsters and those assisting them while criminal investigations continue. Others are pursued in conjunction with the FDA based on allegations that defendants are manufacturing or distributing misbranded or adulterated products that pose a danger to consumers.

## Disruption

In addition to its litigation efforts, Department personnel further have pursued a number of campaigns to disrupt fraud schemes. This work has relied on extensive collaboration with private industries willing to help with anti-fraud efforts. For example, the Consumer Protection Branch, the Criminal Division’s Computer Crimes and Intellectual Property Section, and the FBI have collected information about websites involved in fraud, malware, and phishing campaigns and referred evidence to website registrars and registries willing to disrupt criminal conduct as “terms of service” violations. By combining the resources and data of numerous federal agencies and international law enforcement partners, the Department has enabled private industry partners to take action against unlawful websites.

Federal agency partners also worked with Department personnel to deter conduct before it could inflict widespread harm on seniors and other consumer victims. For example, the Consumer Protection Branch has collaborated with the Federal Trade Commission and the Federal Communications Commission on warning letters issued to a number of Voice-over-IP (VoIP) companies that carried unlawful COVID-19-related robocalls. These warning letters appear to have halted a number of fraudulent robocall campaigns and encouraged certain VoIP companies to tighten controls over their networks, preventing future fraudulent campaigns. In conjunction with the Department’s successful injunctive actions filed against two gateway carriers of fraudulent robocalls on January 28, 2020, these collective actions have been followed by a massive decline in the number of robocalls received by Americans. In fact, as shown in the below chart, the nationwide robocall trend as tracked by YouMail, a respected robocall blocking and tracking company, reveals a decline of billions of calls to consumers after the injunctions were secured. This decline has resulted in elderly Americans receiving far fewer calls seeking to scam them.

The Consumer Protection Branch also has collaborated with the FDA on the agency’s issuance of warning letters to firms offering unapproved and misrepresented COVID-19 treatments to the public. Many recipients of these warning letters dropped their unlawful marketing campaigns without the need for costly, lengthy, and resource-intensive court cases. For those who refused to abide by warnings, the Department has filed cases in court seeking immediate cessation of harmful conduct. All of the cases brought to date have succeeded in obtaining court-ordered relief for consumers.

## Legislation

On March 3, 2020, the White House announced an Elder Fraud Legislative Proposal that is necessary to correct various existing statutes that are either too weak to achieve appropriate punishment and deterrence, too vague to result in common consensus among the courts, or incomplete to such an extent that court rulings have hindered prosecutors’ ability to enforce them altogether. Importantly, the proposal also contains language that will increase funds available for victim compensation. The proposals would also strengthen the government’s response to fraud and other crimes related to the ongoing COVID-19 pandemic.

## Education and Funding

On top of all of these efforts, the Department has engaged in a consistent public education campaign designed to educate seniors and other consumers about COVID-19 fraud schemes. Nearly every day, U.S. Attorneys issue press releases alerting the public to new and evolving threats, such as emerging stimulus-benefit fraud. The Executive Office for U.S. Attorneys is coordinating with AARP to schedule tele-town halls to broadcast prevention messages and answer questions, and the Consumer Protection Branch recently recorded an AARP podcast on the subject of COVID-19 fraud. In one particularly grass-roots effort, a U.S. Attorney’s Office partnered with Meals on Wheels to deliver placemats with anti-fraud messaging with food delivery. This demonstrates the creativity and humanitarian spirit that Department personnel have contributed to combat the current crisis.

The Department also has awarded hundreds of millions of dollars in Coronavirus Emergency Supplemental Funding grants to state, local, and tribal first responders so that they can enhance the services provided to Americans, including those seniors most affected by the coronavirus. These grants are awarded and administered by the Department’s Office of Justice Programs.

## Victim Assistance

As victims of fraud are identified due to COVID-19 fraud schemes, the FBI Victim Services Division is available to assist with information and support resources to include large-scale case support. The FBI Victim Specialists in every Field Office are also available to assist victims telephonically, providing crisis intervention and other community resources on an individualized basis.

Every day, the Department of Justice continues to improve its initiative to protect seniors and other consumers from COVID-19 fraud. A complete list of the Department’s COVID-19 actions is available at <https://www.justice.gov/coronavirus/news>. More cases are expected in the coming days and weeks as Department personnel continue to seek justice and keep America’s seniors safe.

# U.S. Department of Labor

## COVID-19 Response

DOL’s response includes extensions of timeframes for participants to file or perfect benefit claims and appeals. We answered frequently asked questions to help participants understand their protections and responsibilities with respect to their retirement and health plan.

## COBRA Model Notices

The COBRA model notices were revised to include additional information to address COBRA’s interaction with Medicare. The model notices explain that there may be advantages to enrolling in Medicare before, or instead of, electing COBRA. This update also highlights that if an individual is eligible for both COBRA and Medicare, electing COBRA coverage may impact enrollment in Medicare as well as certain out-of-pocket costs.

## SECURE Act Implementation

The Employee Benefits Security Administration (EBSA) is working on rulemaking to implement the enhanced retirement security provisions in the Setting Every Community Up for Retirement Enhancement (SECURE) Act. This includes developing a model disclosure to illustrate the monthly payments that participants would receive if their total account balance were used to provide a lifetime income stream.

## Outreach and Education Activities

EBSA is working to schedule its popular annual webcast for workers nearing retirement. Among the topics covered is elder abuse and warning signs to look out for to protect retirement savings as they are distributed.

## Participant Assistance

EBSA’s Missing Participants Project ensures that people receive the retirement benefits they earned. As of midyear FY2020, EBSA helped recover nearly $799 million in unpaid benefits for 15,650 missing participants. EBSA’s goal is not to get big recoveries for missing participants, but to ensure that participants do not go missing in the first place.

## Financial Literacy and Education Commission

DOL leads the Retirement Saving and Investor Education Working Group of the Financial Literacy and Education Commission. Among the working group’s topics of focus are elder abuse, long-term care insurance, and other key topics for workers nearing retirement and retirees. The working group last met on June 4.

# U.S. Department of the Treasury

## COVID-19 Economic Recovery Response

The Department of the Treasury (Treasury) plays a lead role in responding to the COVID-19 national emergency. Treasury is responsible for implementing elements of the Coronavirus Aid, Relief, and Economic Security (CARES) Act to provide fast and directeconomic assistance for American workers, families, and small businesses, and preserve jobs for American industries. We have delivered much-needed assistance, representing many forms of aid, to the American people in record time. Treasury worked closely with the Small Business Administration to rapidly stand up the Paycheck Protection Program to provide small businesses with the resources they need to maintain their payrolls, hire back employees who may have been laid off, and cover appropriate overhead. Treasury’s direct lending program is supporting critical sectors of the economy, like airlines and companies vital to our national security. Through our partnership with the Federal Reserve, we are helping provide liquidity to capital markets, money markets, and the municipal bond market; we have delivered over $140 billion to state and local governments and Native American tribes through the Coronavirus Relief Fund. CARES Act implementation also includes delivery of Economic Impact Payments to American households, including retirees. More information on Treasury’s role in administering the CARES Act is available at <https://home.treasury.gov/policy-issues/cares>.

Treasury’s Internal Revenue Service (IRS) has rapidly delivered more than 130 million Economic Impact Payments to eligible Americans. The vast majority of these were delivered via direct deposit. Payments were delivered to persons receiving Social Security retirement, survivor or disability benefits, Railroad Retirement benefits, Supplemental Security Income (SSI), and VA Compensation and Pension (C&P) benefits. Treasury implemented a number of solutions to prevent scams and frauds with these payments, including providing valuable information to consumers and collaborating with interagency partners. To facilitate greater relief, the IRS launched a web tool allowing quick registration for Economic Impact Payments for those who do not normally file a tax return. More information can be found at <https://www.irs.gov/coronavirus-tax-relief-and-economic-impact-payments>.

Treasury’s webpage [Your Money and Coronavirus: Resources for Financial Relief](https://home.treasury.gov/news/featured-stories/your-money-and-coronavirus-resources-for-financial-relief) provides links to key resources for consumers. As chair of the Financial Literacy and Education Commission, the Treasury convened a public meeting on May 12, 2020 to discuss interagency responses to consumer financial needs related to COVID-19 relief. More than 20 federal agencies participated, covering topics such as mortgages and housing, small businesses, retirement plans, banking, and anti-fraud activities. The meeting webcast is available [here](https://treas.yorkcast.com/webcast/Play/a617cf843103448d983bc678f07a84e51d).

## Continuing Fraud Prevention Efforts

IRS continues to make educating all taxpayers – especially vulnerable populations including the elderly– on the hazards of fraudulent scams that circulate around tax issues.  IRS provides up to the minute information to external stakeholders, including direct outreach to taxpayers, and has a dedicated web page: <https://www.irs.gov/newsroom/tax-scams-consumer-alerts> that allows easy access to the latest available information on scams and fraudulent activities.

Financial Crimes Enforcement Network (FinCEN) released a [strategic analysis](https://www.fincen.gov/sites/default/files/shared/FinCEN%20Financial%20Trend%20Analysis%20Elders_FINAL%20508.pdf) of Bank Secrecy Act (BSA) reporting between 2013 and 2019, indicating that elders face an increased threat to their financial security by both domestic and foreign actors.  Elder financial exploitation Suspicious Activity Report (SAR) filings increased dramatically over the six-year study period, and the yearly dollar amount of suspicious activity reported for elder financial exploitation also rose.   FinCEN continues to collaborate with other governmental bodies and financial institutions to identify, prevent, and combat elder financial exploitation.

Office of the Comptroller of the Currency (OCC) provides information to banks, consumers, community organizations and others on key financial topics, including frauds. These include:

* [Fraud Resources](https://occ.gov/topics/consumers-and-communities/consumer-protection/fraud-resources/index-fraud-resources.htm)
* A consumer page, [www.Helpwithmybank.gov](file:///C:\Users\QuittmanL\Desktop\www.Helpwithmybank.gov), includes several frequently asked questions and answers dealing with fraud and fraudulent schemes, including links to appropriate Federal agencies to provide assistance.
* [Financial Literacy Web Resource Directory](https://www.occ.gov/topics/consumers-and-communities/community-affairs/resource-directories/financial-literacy/index-financial-literacy-resource-directory.html) has a section on preventing elder financial fraud
* [Financial Literacy Update](https://www.occ.gov/publications-and-resources/publications/community-affairs/index-community-affairs-publications.html), a bi-monthly newsletter that reports upcoming events, initiatives, and related resources of the OCC and other government agencies and organizations.

Treasury’s Office of Consumer Policy in 2019 released a report [*Federal Financial Literacy Reform: Coordinating and Improving Financial Literacy Efforts*](https://home.treasury.gov/system/files/136/FFLRCoordinatingImprovingFinancialLiteracyEfforts.pdf)*.* The report highlights the importance of financial literacy and education for all Americans and identifies ways to improve the delivery of financial education through best practices. The report recommends actions to enhance the federal government’s investments in financial education through better coordination, prioritization, and partnership with the private sector and state, tribal and local governments. Under Treasury’s leadership, the Financial Literacy and Education Commission is implementing key recommendations to improve coordination and reduce duplication and fragmentation of federal financial education activities.

# U.S. Department of Veterans Affairs

The Older Veteran Behavioral Health Resource Inventory was developed in partnership with a variety of government agencies. This serves as a resource for mental health professionals who work with Veterans and provides them with information about VA benefits and resources.

VHA is starting a National Social Work Tiger Team for Elder Abuse that will begin forming in June 2020. The Tiger Team will be working throughout the Fiscal Year 2021. More updates will be provided at the next EJCC meeting.

VA’s Pension and Fiduciary Service has partnered with other VA business lines to conduct interviews for new fiduciaries and beneficiaries virtually. Pension and Fiduciary Service uses a telehealth platform to conduct interviews virtually on a smart phone or computer, ensuring the safety of VA employees, beneficiaries, and fiduciaries.

Pension and Fiduciary Service has vastly improved the background investigation process. The program that used to run a fiduciary’s information now analyzes the records found and gives the Field Examiner a red, yellow, or green rating. This allows for a reduction in human error and makes it easier for Field Examiners to reassess a fiduciary’s ability to serve on a more frequent basis.

The Older Veteran Behavioral Health Resource Inventory aligns with Recommendation 2: Enhance Services to Elder Abuse Victims. The inventory provides mental health professionals with a long list of resources for connecting older Veterans with behavioral health conditions to resources that they may be entitled to. There are many benefits that VA offers alongside other programs like Medicaid and Medicare, this inventory helps the mental health professional connect the Veteran to the appropriate program(s).

The Tiger Team is still in the process of being completely developed. A more definite alignment will be available at the next EJCC meeting.

The improvements made by Pension and Fiduciary Service align with Recommendation 7: Combat Elder Financial Exploitation, Including Abuse by Fiduciaries. The ability to conduct interviews via the telehealth platform has ensured that Field Examiners can continue to conduct thorough examinations and screen fiduciaries. The improvements to background checks enables Field Examiners to conduct background checks more frequently and makes the checks less subject to human error.

# U.S. Postal Inspection Service

## Recommendation 1: Support the Investigation and Prosecution of Elder Abuse Cases.

Support the investigation and prosecution of elder abuse, neglect, and financial exploitation cases by providing training and resources to federal, state, and local investigators and prosecutors.

* In 2019, the Inspection Service assigned a team to the Department of Justice’s Transnational Elder Fraud Strike Force. This team of Inspectors focuses on mass-marketing frauds impacting consumers, which include technical support and Jamaican lottery scams, plus a variety of frauds perpetrated by West African nationals such as online romance, government imposter, relative-in-distress scams and COVID-19 related scams.
* In late 2019, the Inspection Service participated in the European Money Mule Action 5 (EMMA5) initiative. The initiative targeted money transmitters in Europe and the United States who move illicit proceeds, wittingly or unwittingly, in the furtherance of criminal activity. Older adults are frequently engaged by offshore operators in this regard and become unwitting participants usually in the belief they are helping others or because they believe they have a vested interest in the enterprise and are attempting to recoup financial losses. Older adults are also frequently threatened or coerced if they fail to cooperate.

The Inspection Service also conducted additional money mule interdictions, independent of the EMMA5 Initiative. Four were conducted in 2019 (West Palm Beach, Orlando, Tampa, and New York). In 2020, one money mule interdiction has been conducted and two others are tentatively planned to be conducted under the direction of the DOJ Transnational Elder Fraud Strike Force Districts.

* Postal Inspectors are participating in the COVID-19 Fraud task forces recently established by DOJ. The number of reported Coronavirus and COVID-19 related scams are increasing on a daily basis throughout the country. In addition to charity scams and products that claim to cure or treat the virus, stimulus check/payment scams have also surfaced. Postal Inspectors are investigating schemes related to “expedited processing” of stimulus payments, the payment of supposed taxes and fees in order to receive stimulus payments, and government imposter scams. We have also identified scammers that are weaving a Coronavirus/COVID-19 theme into traditional schemes such as romance scams, technical support scams and “relative in distress” scams.  They are reaching out to victims by mail, online and by phone, including via robocalling. Older Americans, because they fall within a COVID-19 risk group and have more of a need to quarantine, may be at higher risk to victimization by these schemes due to social isolation.

We currently have Postal Inspectors on more than a dozen task forces across the country, from New York to California, working to stop criminals from exploiting this national emergency. These partnerships are already yielding results including arrests of perpetrators

* The Department of Justice has also asked Postal Inspectors to investigate instances of hoarding and price gouging of personal protective equipment, also known as PPE. Under the Defense Production Act signed on March 23, this executive order prohibits the hoarding of certain scarce items such N95 masks, surgical gowns, and ventilators. Inspectors play a key role in the DOJ Hoarding and Price Gouging Task Force.

## Recommendation 2: Enhance Services to Elder Abuse Victims

Support and protect elder abuse victims by improving identification of elder abuse and enhancing response and outreach to victims.

The Postal Inspection Service has increased the number of its Victim Services Coordinators specifically to enhance the agency’s response to persons who unwittingly participated in Jamaican lottery and sweepstakes schemes. The coordinators are tasked with making initial contact with victims, and skillfully asking follow-up questions in order to identify any social services needed such as assistance with food and utilities. If social services are needed, the victims are put in contact with local agencies. The Victim Services coordinators may also contact the victim’s family, if permission is received from the victim and the coordinator estimates that it is safe to do so.

## Recommendation 5: Develop a Broad-Based Public Awareness Campaign

Develop a comprehensive, strategic, and broad-based national public awareness campaign, with clear and consistent messaging to raise awareness and understanding of elder abuse, neglect, and exploitation.

On the prevention side, Postal Inspectors are working hard to educate the public about COVID-related scams. Postal Inspectors have released a number of [PSA’s](https://www.youtube.com/watch?v=glx-EBZbyNQ) on YouTube and other social media platforms, warning the public of scams centered on COVID-19 and Economic Impact Payments. Within days, one of the videos reached more than half a million viewers and is one of the most successful social media posts the USPIS has ever had.

## Recommendation 7: Combat Elder Financial Exploitation, including Abuse by Fiduciaries

Prevent, detect, and respond to elder financial exploitation through federal enforcement activities, policy initiatives, coordination, oversight and education, and by collaborating with industry to enhance fraud detection and provide resources to victims.

* Postal Inspectors in New York conducted an investigation that led to the first person in the U.S. to face price-gouging charges under the Defense Production Act. On April 23, a Long Island, NY, man was accused of grossly inflating the price of PPE he sold to individuals organizations serving senior citizens and children battling the virus <https://www.justice.gov/usao-edny/pr/long-island-man-charged-under-defense-production-act-hoarding-and-price-gouging-scarc-0>
* In March of this year, federal prosecutors charged a suspect in the Northern District of Georgia for selling an illegal and dangerous pesticide as a prevention for COVID-19 following a Postal Inspection Service-led investigation. <https://www.justice.gov/usao-ndga/pr/georgia-resident-arrested-selling-illegal-products-claiming-protect-against-viruses>
* In April, a man in Michigan that Postal Inspectors investigated was charged in the Northern District of California for perpetrating COVID-19 related scams against the public <https://www.justice.gov/usao-ndca/pr/michigan-man-charged-covid-19-related-wire-fraud-scheme>
* Postal Inspectors’ investigation of a telecom carrier led to *United States v. John Kahen, et al.*, one of two landmark enforcement actions that took place earlier this year when DOJ filed to stop two telecom carriers who for years facilitated hundreds of millions of fraudulent robocalls placed to American consumers. This was a “first of its kind” action for DOJ. The civil actions immediately halted the telecoms’ operations. Many of the calls that were enabled by these carriers were government imposter schemes that delivered alarming messages to the recipient.

The defendants were warned numerous times to stop but they continued to carry calls they knew to be fraudulent. In the case that Postal Inspectors led, the District Court entered a consent decree against John Kahen who operated Global Voicecom and Global Telecommunication Services. Kahen and his business operations are now permanently barred from using the U.S. telephone system to pass along calls from foreign locations or from enabling “spoofed” telephone calls. <https://www.justice.gov/opa/pr/district-court-orders-injunctions-against-two-telecom-carriers-who-facilitated-hundreds>

# U.S. Securities and Exchange Commission**[[1]](#footnote-1)**

The mission of the U.S. Securities and Exchange Commission (SEC) is to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation. As part of this mission, the agency participates in initiatives to protect older Americans from abusive sales practices and investment fraud. This work includes educating senior investors so they can better protect themselves and regulating the sales practices of financial professionals, with a particular focus on sales practices associated with products and services frequently marketed to seniors. In addition, the SEC places a high priority on combatting fraud against seniors and brings enforcement actions against individuals or firms for defrauding seniors.

## Educating Senior Investors through Outreach, including Investor Alerts and Bulletins

In fiscal year 2020, thus far, the Office of Investor Education and Advocacy (OIEA) and the SEC’s regional offices participated in almost 300 outreach events with many focused on senior investor issues, including learning to identify the red flags of investment fraud. These events ranged from the SEC’s October 2019 Elder Fraud Roundtable, to staffing exhibit booths at senior-related financial fairs and local events, to reaching older Americans through tele-town halls hosted by SEC Chairman Jay Clayton. OIEA also regularly publishes educational content designed for seniors and other retail investors on the SEC’s website for Main Street investors, Investor.gov. Recent Investor Alerts provide information regarding frauds targeting retail investors; COVID-related scams; avoiding scams in faith-based communities; a checklist for senior investors highlighting red flags of fraud; the importance of adding a “trusted contact” to investment accounts; and best practices in selecting an investment professional.

## Investor Assistance

OIEA assists senior investors who contact the SEC with investment-related complaints or questions. OIEA staff handles nearly 17,000 files annually relating to complaints, questions, and other contacts received from investors.

## Conducting Examinations

In its 2020 examination priorities, the Office of Compliance Inspections and Examinations discusses that it will continue its focus on the protection of retail investors, including seniors and those saving for retirement. OCIE will examine the investments marketed to, or designed for, retail investors and seniors, including reviews of disclosures relating to fees, expenses, and conflicts of interest.

## Bringing Enforcement Actions

Deterrence through strong enforcement action has been an important part of the SEC’s efforts to protect senior investors from fraud. The SEC created the Retail Strategy Task Force to look at the many ways that retail investors, including seniors, may be victims of fraud. In fiscal year 2020, enforcement actions involving frauds targeting senior investors included microcap and penny stock fraud, Ponzi schemes, fraud by investment professionals and internet marketing fraud.

## Other SEC Elder Justice Activities, Education and Accomplishments

OIEA and SEC regional office staff regularly collaborate with other organizations to reach seniors, including FINRA’s Investor Education Foundation, the Federal Retirement Thrift Investment Board, the CFPB and NASAA, among others. Topics include information on investment products, red flags of fraud and resources relating to the prevention of elder abuse. *(Recommendation 7).*

1. The Securities and Exchange Commission disclaims responsibility for any statement of any SEC employee or Commissioner. This summary does not necessarily reflect the views of the Commission, the Commissioners, or other members of the staff. [↑](#footnote-ref-1)