

Elder Justice Policy Highlights

MARCH 2022 - AUGUST 2022

The NCEA's biannual compilation of elder justice policy updates provides a survey of national and state legislation for the period of March 2022 through August 2022. This compilation does not include all elder justice legislative activity, but reflects highlights from **19 states and the District of Columbia**. This report is divided into two different sections, enacted legislation and pending legislation.

NEW! Topic Index

Below are themes that were identified from among the legislation highlighted. Not all legislative measures in this document are indexed.

Conservatorship/Guardianship: [California AB 1663](#), [District of Columbia B24-0854](#)

Definitions of Elder Abuse: [Arizona HB 2397](#), [Rhode Island SB 2228](#), [Virginia HB 496](#)

Elder Abuse/Vulnerable Adult Registries: [Alabama HB 105](#), [Maryland SB 357](#)

Financial Exploitation: [Kansas HB 2489](#), [Maryland SB 175](#), [Nebraska LB 707](#), [New Hampshire SB 385-FN](#), [Virginia SB 124](#)

General: [H.R.2471](#)

Investigation: [Hawaii HB 980](#), [Virginia HB 95](#), [West Virginia HB 4297](#)

Long-Term Care/Resident Rights: [Florida CS/CS/SB 988](#), [Illinois SB 1405](#), [Massachusetts H.4780](#)

Mandatory Reporting: [Connecticut HB 5313](#), [Connecticut SB 286](#)

Multidisciplinary Teams: [Oklahoma SB 1163](#)

Penalties: [California AB 2239](#)

Probate Court: [Alabama SB 75](#)

Enacted Legislation

NATIONAL

H.R.2471

[VIEW ONLINE](#)

Signed by the President on March 15, 2022, this legislation reauthorizes several expiring programs including the Violence Against Women Act, which incorporates provisions for improving training and services to end abuse in later life. This measure also revises and establishes various programs in other policy areas, provides appropriations to federal agencies for the remainder of FY2022, and provides supplemental appropriations to support Ukraine.

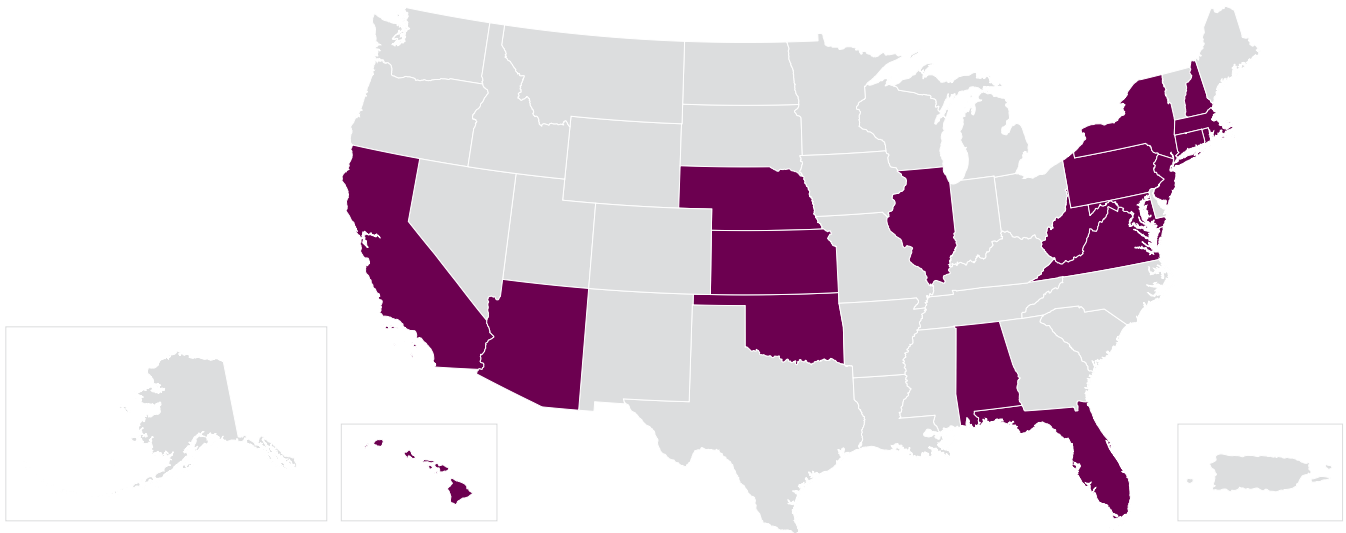
Have questions or want to share some news or legislation with us?



EMAIL: ncea-info@aoa.hhs.gov



ONLINE: ncea.acl.gov



STATES

Alabama

ALABAMA SB 75 [▶ VIEW ONLINE](#)

Enacted on March 10, 2022, this legislation increases the obligations of certain probate judges to issue elder abuse protection orders, and makes other changes related to probate courts.

ALABAMA HB 105 [▶ VIEW ONLINE](#)

Approved on March 24, 2022, this act establishes the Alabama Elder and Adult in Need of Protective Services Abuse Registry, containing the names of any individuals who have been convicted of certain crimes against elders or who are found by the Department of Human Resources to have committed various forms of elder abuse or abuse against adults in need of protective services. It also requires certain care providers to consult the registry for employees and prospective employees.

Arizona

ARIZONA HB 2397 [▶ VIEW ONLINE](#)

Signed by the Governor on July 6, 2022, this measure expands the definition of elder abuse to include emotional abuse. Emotional abuse is defined as a pattern of ridiculing or demeaning a vulnerable adult, making derogatory remarks to a vulnerable adult, verbally harassing a vulnerable adult, or threatening to inflict physical or emotional harm on a vulnerable adult.

California

CALIFORNIA SB 975 [▶ VIEW ONLINE](#)

Enacted on September 30, 2022, this measure recognizes elder abuse cases in which family members and other trusted individuals use positions of power to encumber older adults through coercion or fraud. The measure creates a right of action that would allow an alleged debtor to bring an action or a claim against an alleged creditor to establish that the alleged creditor's claim arises from a coerced debt, as specified in the legislation. If an alleged debtor establishes that a claim arises from a coerced debt, the measure entitles that alleged debtor to specified relief, including an injunction restraining the creditor from holding or attempting to hold the alleged debtor personally liable on the claim, or from enforcing a judgment related to the claim.

CALIFORNIA SB 1054 [▶ VIEW ONLINE](#)

Signed by the Governor on September 23, 2022, this measure specifies that confidentiality provisions relating to applications and records concerning any form of public social services, include protective services provided through public social services agencies. This bill also authorizes employees of a county's Adult Protective Services agency (APS) or a county's child welfare agency to disclose information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect or the abuse or neglect of an elder or dependent

adult. It also adds APS personnel to the definitions of “multidisciplinary personnel” and “child abuse multidisciplinary team.”

CALIFORNIA AB 1663 [▶ VIEW ONLINE](#)

Enacted on September 30, 2022, this measure expands less restrictive alternatives to conservatorships, particularly supported decision making. The measure alters how probate conservatorships are investigated, established, and terminated. It also revises who may serve as conservator for individuals with developmental disabilities and requires the Judicial Council, subject to an appropriation, to establish a conservatorship alternatives program within each self-help center. It establishes voluntary supported decision making to help individuals with disabilities and requires the State Council on Developmental Disabilities to administer a statewide Supported Decision-Making Technical Assistance Program. The legislation prohibits a person from being a supporter in certain situations, including if the adult with a disability has obtained an order of protection for abuse. It also provides that a supporter is bound by all existing obligations and prohibitions otherwise applicable by law that protect people with disabilities and the elderly from fraud, abuse, neglect, coercion, or mistreatment.

CALIFORNIA AB 2239 [▶ VIEW ONLINE](#)

Approved by the Governor on July 21, 2022, this legislation expands current law that prohibits a person convicted of a felony or certain misdemeanors from possessing a firearm for 10 years after that conviction, to include persons convicted of a child abuse or elder abuse misdemeanor.

Connecticut

CONNECTICUT HB 5313 [▶ VIEW ONLINE](#)

Enacted on May 23, 2022, this measure establishes that any person required to report suspected abuse, neglect, exploitation or abandonment, as specified, shall complete the educational training program provided by the Commissioner of Social Services or an alternate program approved by the Commissioner, no later than December 31, 2022, or no later than ninety days after beginning employment as a person required to report suspected abuse, neglect, exploitation or abandonment. The act also establishes that the Department of Social Services shall develop an advisory for medical assistance applicants for long-term medical care and home

care concerning their right to seek legal assistance. In addition, the act makes changes concerning temporary nursing services agencies, reporting of involuntary transfers and discharges from nursing homes and residential care homes, and authorizes a study of managed care residential community issues.

CONNECTICUT SB 286 [▶ VIEW ONLINE](#)

Signed by the Governor on May 31, 2022, this measure changes the time frame in which instances of elder abuse must be reported by a mandated reporter from 72 hours after abuse is suspected to 24 hours. It also modifies the penalty for not reporting within the given time frame. Any mandatory reporter who fails to report abuse within the prescribed time period shall be fined not more than five hundred dollars and shall retake the mandatory training on detecting potential abuse, neglect, exploitation and abandonment of elderly persons.

Florida

FLORIDA CS/CS/SB 988 [▶ VIEW ONLINE](#)

Approved by the Governor on April 6, 2022, the “No Patient Left Alone Act”: (1) requires long-term care providers, hospitals, and hospice facilities to develop and establish visitation policies and procedures, make them easily accessible from the home page of their websites within a specified time, and submit them to the Agency for Health Care Administration (AHCA) when applying for initial licensure, licensure renewal, or change of ownership, and make them available for review upon request at any time; (2) establishes requirements for visitation policies and procedures; (3) authorizes long-term care providers to require visitors to sign and certify that they will follow facility policies and procedures and to suspend in-person visitation of specific visitors, with exceptions, under certain circumstances; (4) requires the AHCA to dedicate a stand-alone page on its website to explain long-term care provider visitation rights authorized under this Act and provide a portal and phone number for individuals to report violations.

Hawaii

HAWAII HB 980 [▶ VIEW ONLINE](#)

Approved on July 12, 2022, this legislation broadens the Department of Human Services’ right of entry into a vulnerable adult’s premises without a warrant for an investigation of caregiver neglect, self-neglect, or physical abuse.

Illinois

ILLINOIS SB 1405 [▶ VIEW ONLINE](#)

Enacted on May 27, 2022, this measure updates visitation rights, policies, and procedures for all healthcare facilities including nursing homes. The legislation provides that, during a disaster or disease outbreak, a health care facility shall ensure an opportunity for at least one visitor, not counting a clergy person, to visit a resident or patient. It also provides that visitors may be required by the health care facility to submit to health screenings necessary to prevent the spread of infectious disease. Additionally, the measure prohibits an individual from visiting a resident or patient of the nursing home or facility if specific facts demonstrate that the individual would endanger the health or safety of a resident, patient, or health care worker of the nursing home or facility.

Kansas

KANSAS HB 2489 [▶ VIEW ONLINE](#)

Approved by the Governor on April 13, 2022, this legislation makes several amendments to the Technology-enabled Fiduciary Financial Institutions (TEFFI) Act, including the addition of TEFFIs to the list of financial institutions that must report evidence of elder abuse.

Maryland

MARYLAND SB 175 [▶ VIEW ONLINE](#)

Enacted on April 21, 2022, this measure requires a fiduciary institution to disclose certain financial records, from a specified period of time, that are requested in writing by an Adult Protective Services program that is investigating suspected financial abuse or financial exploitation. It also authorizes an Adult Protective Services agency or a law enforcement agency to share certain information with a fiduciary institution that made a report of suspected financial abuse or financial exploitation.

MARYLAND SB 357 [▶ VIEW ONLINE](#)

Approved by the Governor on April 21, 2022, this law establishes the "Workgroup to Study Best Practices for a Vulnerable Adult Registry," staffed by the Department of Human Services. The workgroup must: (1) study best practices for implementation of a statewide vulnerable adult registry, including technological, legal, financial, and practical

considerations; (2) identify the appropriate State agency to operate a registry; (3) study and identify how specified grant funds were allocated and used, if ever awarded; and (4) study and make recommendations regarding any changes or improvements to State law. By June 1, 2023, the workgroup must report its findings and recommendations to the Governor and the General Assembly.

Nebraska

NEBRASKA LB 707 [▶ VIEW ONLINE](#)

Enacted on April 18, 2022, this measure establishes that when a financial institution, or an employee of a financial institution, reasonably suspects financial exploitation of a vulnerable adult, the financial institution or employee may: (a) delay or refuse a transaction with or involving the vulnerable adult; (b) delay or refuse to permit the withdrawal or disbursement of funds contained in the vulnerable adult's account; (c) prevent a change in ownership of the vulnerable adult's account; (d) prevent a transfer of funds from the vulnerable adult's account to an account owned wholly or partially by another person; (e) refuse to comply with instructions given to the financial institution by an agent or a person acting for or with an agent under a power of attorney signed or purported to have been signed by the vulnerable adult or senior adult; and (f) prevent the designation or change the designation of beneficiaries to receive any property, benefit, or contract rights for a vulnerable adult at death. Under this legislation, a financial institution may notify any third party reasonably associated with a vulnerable adult.

New Hampshire

NEW HAMPSHIRE SB 385-FN [▶ VIEW ONLINE](#)

Signed by the Governor on July 1, 2022, this legislation authorizes a financial institution or representative (as detailed in the legislation), to delay a disbursement from an account of an adult age 65 or older or a vulnerable adult or an account on which an eligible adult is a beneficiary, if the financial institution or representative suspects financial exploitation. The measure provides immunity for financial institutions. Financial institutions would send a written notice to the Department of Health and Human Services and a copy would be sent to the Banking Department when a hold has been placed on a disbursement. By October 1, 2022, the Department of Health and Human Services will be required to provide a report to the chair of several specified committees and

the Governor, that identifies the number of reports received as well as a recommendation regarding whether financial exploitation may be further reduced.

Oklahoma

OKLAHOMA SB 1163 [▶ VIEW ONLINE](#)

Enacted on April 29, 2022, this measure authorizes each district attorney to develop a multidisciplinary team for the investigation and prosecution of crimes committed against the elderly or vulnerable adults in coordination with the District Attorneys Council. The team is to be comprised of a mental health professional, law enforcement agents experienced with or trained in elder and vulnerable adult abuse and neglect investigation, medical personnel with relevant experience, coordinators, the district attorney, as well as Adult Protective Services, Office of Client Advocacy, and long-term care workers within the Department of Human Services. Teams will conduct joint investigations, develop a written protocol for investigations, collaborate with professionals responsible for the reporting and investigation of such abuse, eliminate duplicative efforts, identify gaps in service, develop expertise through training, and standardize investigative practices.

Rhode Island

RHODE ISLAND SB 2228 [▶ VIEW ONLINE](#)

Signed by the Governor on June 15, 2022, this legislative act changes the definition of “elder person” for purposes of exploitation of elders from a person 65 years of age or older to a person 60 years of age or older.

Virginia

VIRGINIA HB 95 [▶ VIEW ONLINE](#)

Enacted on April 27, 2022, this measure will require financial institutions to cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services and to make any financial records or information relevant to such investigation available to the local department of social services upon request. As part of this measure, financial institutions may also voluntarily report information relevant to an Adult Protective Services investigation to the local department of social services or to a court-appointed guardian ad litem for the adult under investigation. Absent gross negligence or willful misconduct, a

financial institution is immune from civil or criminal liability for providing such information to a local department of social services or a court-appointed guardian ad litem.

VIRGINIA SB 124 [▶ VIEW ONLINE](#)

Approved by the Governor on April 11, 2022, this law makes it a Class 1 misdemeanor for an agent under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult who is the principal of that agent. It also provides that the agent’s authority terminates upon such conviction.

VIRGINIA HB 496 [▶ VIEW ONLINE](#)

Enacted on April 8, 2022, this measure changes the term “incapacitated adult” to “vulnerable adult” for the purposes of the crime of abuse and neglect of such adults. The measure defines “vulnerable adult” as any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning their well-being or has one or more limitations that substantially impair the adult’s ability to independently provide for their daily needs or safeguard their person, property, or legal interests.

West Virginia

WEST VIRGINIA HB 4297 [▶ VIEW ONLINE](#)

Approved by the Governor on March 30, 2022, this legislation facilitates the sharing of information between the Department of Health and Human Resources and the State Auditor’s office in order to investigate reports of financial abuse and neglect of a vulnerable adult. Under the act, records and summaries concerning reports of abuse, neglect, or financial exploitation of an older adult may be made available to specific entities including certain state departments, law enforcement agencies, courts, agencies, and specified individuals. It establishes that all records concerning substantiated and unsubstantiated referrals of financial exploitation of a vulnerable adult may be made available to the State Auditor’s Office in order to carry out any investigations which that office or its appropriate divisions are required or authorized to undertake. Provisions regarding the confidentiality of the person reporting abuse are detailed in the legislation.

Pending Legislation

NATIONAL

H.R. 1215

[▶ VIEW ONLINE](#)

Passed by the House on April 15, 2022, the “Fraud and Scam Reduction Act” would expand activities to address mail, telephone, and internet fraud, particularly such scams targeting older adults. The bill would establish a Senior Scams Prevention Advisory Group, which would create model educational materials to guide employees of retailers, financial-services companies, and wire-transfer companies on how to identify and prevent scams that affect older adults. Further, the Federal Trade Commission (FTC) would be called upon to establish an advisory office in the Bureau of Consumer Protection to assist the FTC in monitoring scams targeting older adults, educating consumers, and receiving complaints. On May 24, 2022, the measure was read twice in the Senate and referred to the Committee on Commerce, Science, and Transportation.

[LABOR-HHS-EDUCATION ▶ VIEW ONLINE \(House\)](#)
[APPROPRIATIONS BILL ▶ VIEW ONLINE \(Senate\)](#)

The fiscal year 2023 (FY2023) appropriations bill for the Departments of Labor, Health and Human Services, and Education is next year’s funding bill for most elder justice-related programs, including the Social Services Block Grant and all programs administered by the HHS Administration for Community Living (ACL). The ACL elder justice programs include long-term care ombudsman program grants, elder abuse prevention activities, elder justice innovation grants, and the new Adult Protective Services (APS) formula grants that dedicate money to each state to fund their APS programs. The APS formula grants were funded at \$188 million for fiscal year 2022 through the American Rescue Plan Act. The House has proposed funding these new formula grants at \$80 million for FY2023; the Senate has proposed funding of \$6 million.

STATES

District of Columbia

[DISTRICT OF COLUMBIA B24-0854 ▶ VIEW ONLINE](#)

Introduced on June 13, 2022, this measure would amend Title 21 of the District of Columbia Code to expand the standard for removal of a guardian based on abuse to include abuse, neglect, or financial exploitation. It would also prohibit a previously

removed guardian due to abuse, neglect, or financial exploitation from further appointment as a guardian for a minimum of five years after removal. Lastly, it would subject a removed guardian who holds a professional license to a possible reporting of their misconduct to the appropriate licensing authority.

Massachusetts

MASSACHUSETTS S.2848

[▶ VIEW ONLINE](#)

This measure concerns supported decision-making agreements for adults with disabilities. It would establish that an adult may voluntarily, without undue influence or coercion, enter into a supported decision-making agreement. The adult would be allowed to change or terminate a supported decision-making agreement at any time. The supported decision-making agreement would remain in effect until revoked, suspended, or terminated. If the Court finds evidence that the decision-maker has been abused, neglected, or exploited by an adult who is part of the decision-making agreement, the court would be authorized to revoke, terminate, or suspend the agreement. This bill would also require the executive office of Health and Human Services to establish a training program on supported decision-making. The bill was reported favorably by the Senate Committee on Children, Families, and Persons with Disabilities, and referred to the committee on Senate Ways and Means on April 28, 2022.

MASSACHUSETTS H.4780

[▶ VIEW ONLINE](#)

This bill is intended to improve quality and oversight of long-term care (LTC). The provisions include: (1) establishing career ladder grants for certified nurses’ aides, home health aides, homemakers and other entry-level workers in LTC; (2) strengthening and enhancing the Department of Public Health’s (DPH) suitability standards; (3) providing DPH with additional tools to monitor and take punitive action against facilities; (4) directing DPH to streamline regulations for small house nursing homes; (5) increasing penalties that can be sought by the Attorney General in instances of abuse and doubling the statute of limitations to 4 years; (5) mandating LTC facilities to develop outbreak response plans to utilize in the event of future infectious disease outbreaks; (6) directing DPH to establish and implement a training and education program for facilities and staff regarding best practices and frequent deficiencies; (7) requiring facilities to develop policies to prevent social isolation with special consideration

given to those with Alzheimer's, dementia and other disabilities; (8) codifying lengths of time for medical leave of absences and non-medical leave of absences for LTC residents to ensure continuity of care; (9) directing the Center for Health Information and Analysis (CHIA) to issue an annual report examining cost trends and financial performance across the nursing home industry; and (10) directing the Health Policy Commission to conduct an analysis of nursing personnel and staffing requirements in LTC facilities and issue a report by June 1, 2023. On June 6, 2022, the House Committee on Elder Affairs recommended passage and referred the measure to the House Ways and Means Committee.

New Jersey

NEW JERSEY A3285 [▶ VIEW ONLINE](#)

Introduced on March 7, 2022, this measure would require the Commissioner of Human Services to annually disseminate a notice on fraud and identity theft that is to be prepared by the Director of the Division of Consumer Affairs in the Department of Law and Public Safety. At a minimum, the notice prepared by the Director is to provide information necessary to alert senior citizens about the different means by which they may be contacted for, or lured into providing, information or funds for a fraudulent purpose, and the ways to prevent the loss of funds or identity theft. The bill would require the Commissioner of Human Services, at a minimum, to distribute the notice to members of the public and organizations that provide services to senior citizens 60 years of age or older (as specified in the legislation), for dissemination by the organization to senior citizens. The bill would further require the commissioner to post a copy of the notice on the DHS website.

NEW JERSEY S2961 [▶ VIEW ONLINE](#)

Introduced on August 8, 2022, this legislation seeks to prevent forced eviction and relocation of elderly persons from their established homes and communities, noting that forced eviction and relocation harms the mental and physical health of these senior citizens, and that these disruptions in the lives of older

persons have a negative effect on the social, economic and cultural characteristics of communities of the State, and increase the costs borne by all State citizens in providing for their public health, safety and welfare. The bill would extend the protected tenancy period to the lifetime of tenants who are senior citizens and tenants with a disability pursuant to the Senior Citizens and Disabled Protected Tenancy Act.

New York

NEW YORK SB 8854 [▶ VIEW ONLINE](#)

Introduced on April 25, 2022, this measure would allow for investment advisers and firms to disclose potential financial exploitation of elderly and vulnerable adults to the Commissioner of the Department of Financial Services and to halt disbursements from an account if an adviser or firm believes that financial exploitation is occurring.

Pennsylvania

PENNSYLVANIA HB 2754 [▶ VIEW ONLINE](#)

Filed on July 21, 2022, this measure would amend current provisions relating to slayers by adding provisions relating to elder abuse, elder abusers, and victims. Under this legislation, wills would be modified upon the occurrence of elder abuse and other circumstances as detailed in the legislation. The perpetrator of the abuse would be prohibited from acquiring any property or receiving any benefit upon the death of a victim unless clear and convincing evidence proves that the victim knew of the conviction but expressed or ratified their intent to transfer the property, benefit, or interest to the elder abuser.

Additional Bill Tracking Resources

[ABA Commission on Law and Aging](#)

[Govtrak](#)

[National Conference of State Legislatures](#)



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