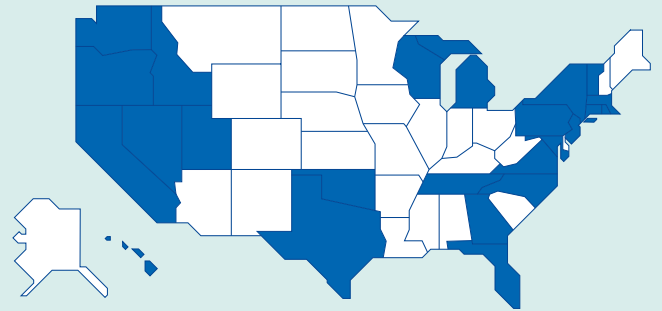


# Elder Justice Policy Highlights

MARCH 2023 – AUGUST 2023

The NCEA's semi-annual elder justice policy compilation surveys national and state legislation for the period of March 2023 through August 2023. This update includes federal and state elder justice legislative activity. Policy highlights are classified below as Enacted Legislation and Pending Legislation.



## Topic Index

The following themes were identified:

Education and Consumer Information: [H.R. 2692](#), [S. 1729](#), [H.R. 4153](#), [New York S.B. 1730](#), [Pennsylvania S.B. 137](#)

Financial Exploitation: [Connecticut S.B. 1088](#), [Florida S.B. 232](#), [Georgia S.B. 84](#), [Nevada S.B. 61](#), [Virginia S.B. 1223](#), [H.R. 2473](#), [H.R. 2593](#), [S. 1481](#), [California S.B. 278](#), [New York S.B. 5708](#), [New York S.B. 5515](#), [New York A.B. 4177](#), [Pennsylvania H.B. 838](#), [Pennsylvania H.B. 438](#), [Wisconsin S.B. 116](#)

General: [H.R. 2718](#), [Michigan H.B. 4320](#)

Guardianship/Conservatorship: [S. 1148](#), [S. 1126](#), [Virginia H.B. 2027](#)

Information-sharing Between Agencies: [Washington S.B. 5370](#), [Pennsylvania H.B. 537](#)

Investigation: [Idaho S.B. 1028](#), [Utah S.B. 140](#), [California A.B. 386](#), [Massachusetts H.B. 3870](#), [Tennessee S.B. 334](#)

Prevention and Intervention: [S. 2429](#), [California A.B. 751](#), [Oklahoma H.B. 2753](#), [Hawaii H.B. 777](#), [Oklahoma H.B. 2741](#)

LGBTQ+: [Texas H.B. 4436](#), [Oregon S.B. 99](#)

Long-Term Care/Healthcare Facilities: [Executive Order](#), [Virginia H.B. 1446](#), [California A.B. 48](#), [Massachusetts H. 3929](#), [New Jersey A.B. 5493](#), [New York A.B. 4616](#), [New York A.B. 7467](#), [North Carolina H.B. 755](#)

Multidisciplinary/Workgroups: [Florida S.B. 1540](#), [Florida S.B. 1542](#), [Maryland H.B. 1191](#), [Nevada A.B. 119](#), [Rhode Island S.B. 720](#), [Texas H.B. 4655](#)

Reporting Suspected Abuse: [Vermont H.B. 171](#), [California A.B. 1417](#)

Research: [New York S.B. 4517](#)

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



EMAIL: [ncea-info@aoa.hhs.gov](mailto:ncea-info@aoa.hhs.gov)



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## Enacted Legislation

### NATIONAL

#### Executive Order

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The President issued an executive order in April 2023 on Increasing Access to High-Quality Care and Supporting Caregivers. Among its provisions, the Order directs federal agencies to increase efforts to support family and professional caregivers, facilitate the provision of high-quality long-term care, expand access to affordable care for families, and provide families with options for high-quality long-term, home, and community-based care. Provisions include improvements in compensation and job quality for long-term care workers and increased communication between federal authorities and individuals providing care, as well as long-term care residents.

### STATES

#### California

##### California A.B. 751

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Approved by the Governor on June 29, 2023, this measure requires a local law enforcement agency that changes its elder and dependent adult abuse policy on or after April 13, 2021, to include specific provisions about procedures for investigating elder abuse.

#### Connecticut

##### Connecticut S.B. 1088

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Enacted on June 27, 2023, this law authorizes financial institutions to report suspected financial exploitation of an older or dependent adult to the appropriate social service agency as well as to banking commissioners, and to place a hold on a transaction from the adult's account. The complainant is authorized to disclose

the incident to a designated third party. Under this measure, entities that make these reports and disclosures in good faith are protected from liability. The law also allows the older or dependent adult /to ask the court to remove a hold that is placed because of suspected elder financial abuse.

#### Florida

##### Florida S.B. 232

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Approved by the Governor on May 25, 2023, this law expands the definition of financial exploitation of adults aged 65 or older to include obtaining, endeavoring, or conspiring to use, through deception or intimidation, the property of a person 65 years of age or older: (1) with the intent to temporarily or permanently deprive that person of the use, benefit, or possession of the property, or benefit someone other than the property owner; or (2) through

the intentional modification, alteration, or fraudulent creation of a will, trust, or other testamentary instrument. The law also prohibits depriving, endeavoring to deprive, or conspiring to deprive, with the intent to defraud and by means of bribery or kickbacks, a person 65 years of age or older of their intangible right to honest services by one with a legal or fiduciary relationship.

#### **Florida S.B. 1540**

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Enacted on June 19, 2023, this legislation authorizes the establishment of Elder and Vulnerable Adult Abuse Fatality Review Teams (EV-FRTs) to prevent certain abuse and abuse-related deaths and improve the system response to these incidents. The bill authorizes EV-FRTs to include open and closed cases from entities other than a state attorney and to directly contact members of a deceased elder's family. Among other included measures, communications, information, and records produced or acquired by the team are not subject to discovery or introduction into evidence under certain circumstances.

#### **Florida S.B. 1542**

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Signed by the Governor on June 19, 2023, this law requires that any confidential information obtained by an Elder and Vulnerable Adult Abuse Fatality Review Teams (EV-FRT) for the purposes of reviewing a case, maintains its confidential status. The bill also exempts identifiable records held by an EV-FRT from public records and public meetings.

### **Georgia**

#### **Georgia S.B. 84**

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Signed by the Governor on May 3, 2023, this measure provides guidelines for protecting disabled or elderly adults from financial exploitation by allowing broker-dealers or financial advisors to withhold disbursements for 15 days if they have reasonable cause to believe that fraud is suspected.

### **Hawaii**

#### **Hawaii H.B. 777**

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Enacted on June 14, 2023, this measure authorizes the Department of Human Services to conduct comprehensive background checks on current or prospective employees, volunteers, and contractors that will work closely with vulnerable persons.

### **Idaho**

#### **Idaho S.B. 1028**

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Approved by the Governor on March 27, 2023, this law amends investigative procedures conducted by Adult Protective Services (APS), specifying that investigations be determined based on factors in the APS report such as the potential for immediate danger, the location of the vulnerable adult, and the nature of the allegations. The law also addresses penalties for employees at state licensed or certified residential facilities who fail to report maltreatment resulting in death or serious physical injury. An APS provider who suspects maltreatment causing serious injury or threatening the rights of a vulnerable adult, shall notify law enforcement within 24 hours.

### **Maryland**

#### **Maryland H.B. 1191**

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Signed by the Governor on May 16, 2023, this law establishes the Task Force on Preventing and Countering Elder Abuse to study existing laws, policies, and practices relating to elder abuse. The measure requires the task force to submit a final report to the Governor and the General Assembly with its findings and recommendations

### **Nevada**

#### **Nevada A.B. 119**

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Approved by the Governor on June 15, 2023, this measure creates the Vulnerable

Adult Fatality Review Committee within the Department of Health and Human Services to review deaths resulting from or related to adult maltreatment. The Committee will prepare and submit a report of its findings to the Department.

### **Nevada S.B. 61**

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Chaptered on June 8, 2023, this legislation states that the possession of an account in joint tenancy does not, in and of itself, convey legal ownership to accountholders. Prosecution of an individual who commits theft of any deposits or proceeds of the account will not be deterred, regardless of when the individual intended to commit the crime.

## **Oklahoma**

### **Oklahoma H.B. 2753**

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Approved by the Governor on May 11, 2023, this measure authorizes the Office of the Attorney General to maintain a Vulnerable Adult Abuse, Neglect and Exploitation registry, available to the public electronically, and updated quarterly. The registry would contain information on individuals who have been found guilty by a court of law or entered a plea of nolo contendere to a charge of abuse, neglect, or exploitation of a vulnerable adult. The registry would include identifiable information, a description of the findings of abuse by a court of law, and the date the individual was listed on the registry.

## **Rhode Island**

### **Rhode Island S.B. 720**

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Enacted on June 20, 2023, this measure amends provisions regarding the Commission for the Safety and Care of the Elderly, a body of 22 appointed older people who liaise between the legislature, safety officials, the office of healthy aging, and the older population of Rhode Island to address elder crimes, injury and fire safety, and protective services.

## **Tennessee**

### **Tennessee S.B. 334**

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Enacted on April 18, 2023, this law expands the duties of the Medicaid Fraud Control Unit of the Tennessee Bureau of Investigation to include investigating the misappropriation of funds or property and abuse of Medicaid recipients.

## **Utah**

### **Utah S.B. 140**

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Approved by the Governor on March 15, 2023, this measure allows Adult Protective Services to access statements, documents, exhibits, and other items related to an investigation, including private, controlled, or protected medical or financial records of a vulnerable adult who is the subject of an investigation, under the condition that the vulnerable adult signs a release.

## **Vermont**

### **Vermont H.B. 171**

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Enacted on June 29, 2023, this measure revises definitions for elder abuse, amends wording in current elder abuse law, and changes assessment and investigation protocols for Adult Protective Services. The measure expands the list of individuals who can report elder abuse to include all employees, contractors, volunteers, or grantees who directly provide health care, law enforcement, caregiving, counseling, education, or social services to adults.

## **Virginia**

### **Virginia S.B. 1223**

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Approved by the Governor on March 23, 2023, this law states that a trial of a person charged with financial exploitation of a vulnerable adult may take place in any county or city in which the vulnerable adult resided at the time of the offense, or sustained a financial loss.

### Virginia H.B. 1446

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Enacted on March 24, 2023, this legislation sets nursing staffing requirements for certified nursing facilities and creates administrative sanctions for certified nursing facilities that do not comply.

### Virginia H.B. 2027

[View Online](#)

Enacted on March 24, 2023, this measure prevents a guardian from restricting an incapacitated person's ability to communicate with, visit, or interact with others, unless such restriction is reasonable to prevent harm or financial exploitation. A guardian is required to provide written

notice to any restricted person and the restriction can be challenged in court.

## Washington

### Washington S.B. 5370

[View Online](#)

Approved by the Governor on April 6, 2023, this measure authorizes the Department of Social and Health Services (DSHS) and law enforcement agencies to share specified information in reports of abuse and neglect of vulnerable adults. The measure modifies the definition of mandated reporter to include an operator of certified residential services and supports agency, an employee of a facility, or certified residential services and supports agencies.

## Pending Legislation

**Introduced** – Members of Congress draft and submit legislation (i.e. policy proposals written in legislative language, often a bill) to the Senate clerk or House. From here the bill receives a designation and number (i.e. H.R. for House bills, S. for Senate bills)

**Referred** – After introduction, the bill is assigned to a committee whose members will research, discuss, and make changes to the bill. During a final meeting, called a markup, the committee will consider proposed changes to the bill and vote to send it before the Senate/House to be voted on.

**Passed** – The bill is then put before that chamber to be voted on. If a majority vote to accept the bill, it has passed and goes to the other body of Congress to go through a similar process of research, discussion, changes, and voting.

**Approved** – Once both bodies vote to accept a bill, they must work out any differences between the two versions and vote on the same version of the bill. If it passes, they present it to the president. The president has ten days to sign the bill, which turns it into law. This bill is now enacted. A similar process happens at the state level, with the governor deciding to sign a bill into law.

**Chaptered** – At the state level, each bill signed into law is given a chapter number and no longer referred to by its bill number.

## NATIONAL

### S. 1148

[View Online](#)

Introduced on March 30, 2023, the Guardianship Bill of Rights Act would establish rights for people being considered for and in protective arrangements, including guardianships and conservatorships to provide decision supports.

**S. 1126**[View Online](#)

Introduced on March 30, 2023, Guardianship Grant Flexibility Act, would amend the Elder Justice Act to make the Administration for Community Living's (ACL) Elder Justice Innovation Grants for Improving Guardianship more flexible by allowing grants to be used for programs that train and recruit law students to help with the guardianship system.

**H.R. 2473**[View Online](#)

Introduced on April 3, 2023, the Protecting Seniors from Health Care Fraud Act of 2023 would require the Office of the Inspector General of the Department of Health and Human Services and the Attorney General to report annually to Congress and to the public on health care fraud that targets older adults. The report would include prevalent health care fraud schemes, steps being taken to combat such schemes, and policy suggestions.

**H.R. 2593**[View Online](#)

The Senior Security Act of 2023 was introduced on April 13, 2023 and passed the House on June 5, 2023. This bill would create a Senior Investor Taskforce to report on topics related to investors over the age of 65, including industry trends and issues impacting such investors, as well as recommendations to address financial exploitation and cognitive decline. The Comptroller General of the United States would complete a study on financial exploitation of older adults and share the results with Congress and the Senior Investor Taskforce.

**H.R. 2692**[View Online](#)

Introduced on April 18, 2023, the Addressing Social Isolation and Loneliness in Older Adults Act of 2023 would provide grants and training for area agencies on aging or other community-based organizations to address social isolation among vulnerable older adults and adults with disabilities.

**H.R. 2718**[View Online](#)

Introduced on April 19, 2023, the Elder Justice Reauthorization and Modernization Act of 2023 would reauthorize the Elder Justice Act and dedicate new funding to programs that safeguard older adults and adults with disabilities from abuse, isolation, and neglect.

**H.R. 4153**[View Online](#)

Introduced on June 15, 2023, the Senior Legal Hotline Act of 2023 would create a national network of statewide senior legal hotlines. These hotlines would provide free legal services, such as counseling, advice, advocacy, information, referrals, and other services to older individuals on a broad range of civil legal issues.

**S. 2429**[View Online](#)

Introduced on July 20, 2023, the Promote Responsible Oversight and Targeted Employee Background Check Transparency for Seniors (PROTECTS) Act would promote responsible oversight in employee background checks for organizations that serve senior citizens, like nursing homes or home health agencies.

**S. 1481**[View Online](#)

Introduced on May 9, 2023, the Financial Exploitation Prevention Act of 2023 would authorize investment companies to postpone the date of payment upon redemption of certain securities, if financial exploitation of an older adult client is suspected. Under this measure, the Securities and Exchange Commission would be required to submit to Congress a report with recommendations to address financial exploitation of older adult security holders.

**S. 1729**[View Online](#)

Introduced on May 18, 2023, the Human-services Emergency Logistic Program Act of 2023 (HELP Act) would improve the



accessibility and coordination of 211 and 988 referral services for social and human services, including strengthening the reliability, accessibility, and responsiveness in providing information and referrals for elder abuse and exploitation.

## STATES

### California

#### California A.B. 48

[View Online](#)

Passed by the Assembly on May 22, 2023, this measure would expand residents' rights in skilled nursing facilities and intermediate care facilities to include the right to informed consent to accept or refuse psychotherapeutic drugs. Residents would be free from the administration of psychotherapeutic drugs used for resident discipline, convenience, or chemical restraint, except in an emergency that threatened to cause immediate harm to the residents or others. Violation of this measure would be punishable as a misdemeanor. The measure is being reviewed by the Senate.

#### California A.B. 386

[View Online](#)

Passed by the Assembly on May 1, 2023, this measure would add Adult Protective Services to the list of entities that can request a bank, credit union, or savings association to provide information regarding a customer account, when investigating the financial abuse of an elder or dependent adult that involves fraudulent use of drafts, checks, access cards, or other orders drawn upon any bank, credit union, or savings association. The measure is awaiting passage by the Senate.

#### California A.B. 1417

[View Online](#)

Passed by the Assembly on May 25, 2023, this measure modifies mandatory reporting requirements. If abuse within a long-term facility is caused by a resident

with dementia who does not inflict serious bodily injury, the mandated reporter would be required to submit a written report within 24 hours to the long-term care ombudsman, local law enforcement, and the corresponding state agency. In all other instances, immediately or as soon as practically possible, but no longer than 2 hours, the reporter would be required to submit a verbal report to local law enforcement, and submit a written report within 24 hours to the aforementioned recipients. The time limit for reporting would begin when the reporter observes, obtains knowledge of, or suspects abuse or neglect.

#### California S.B. 278

[View Online](#)

Passed by the Senate on May 22, 2023, this measure would expand the definition of financial abuse to include assisting, and knowingly aiding and abetting in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both. This measure is awaiting review by the Assembly.

### Massachusetts

#### Massachusetts H. 3929

[View Online](#)

Introduced on June 15, 2023, this measure would improve quality and oversight of long-term care facilities by, among other measures, expanding Department of Public Health authority and enforcement, enabling the state attorney general to file a civil action and impose civil penalties against a person who abuses or neglects a resident, and increasing the statute of limitations for abuse from two to four years.

#### Massachusetts H.B. 3870

[View Online](#)

Introduced on April 25, 2023, this bill would establish a protection and advocacy system for investigating abuse, neglect, and financial exploitation of persons with disabilities.

## Michigan

### Michigan H.B. 4320

[View Online](#)

Introduced on March 22, 2023, this legislation would prohibit an intentionally or knowingly harassing, abusing, threatening, forcing, coercing, compelling, or exploiting the vulnerability of a vulnerable adult in a way that causes them to provide sexually explicit visual material to that person or any other person.

## New Jersey

### New Jersey A.B. 5493

[View Online](#)

Introduced on May 11, 2023, this legislation would require the Department of Health (DOH) to develop minimum standards regarding the physical and mental well-being of residents of nursing homes and operational metrics. In the event a nursing home receives a one-star rating from the Centers for Medicare and Medicaid Services or fails to meet standards imposed by the DOH, a series of scaling actions would be taken.

## New York

### New York A.B. 4616

[View Online](#)

This bill would allow nursing home patients to install an electronic monitoring device in their rooms. The measure was referred to the Assembly Rules Committee on May 16, 2023.

### New York A.B. 7467

[View Online](#)

Introduced on May 24, 2023, this measure would require informed consent and notice to family members before psychotropic medication can be prescribed to patients in nursing homes or adult care facilities. An emergency order for psychotropic medication would be allowed when necessary to protect the life, health, or safety of a nursing home patient or others in the nursing home.

### New York S.B. 5708

[View Online](#)

Introduced on March 13, 2023, this measure would allow prosecutions for financial abuse of senior citizens by amending the Penal Law to add a new crime of financial exploitation of the elderly or disabled.

### New York S.B. 4517

[View Online](#)

This bill would create an elder abuse shelter aftercare demonstration program to evaluate the effectiveness of the program in preventing re-victimization, avoiding readmissions to the shelter, avoiding hospitalizations, and maintaining residence in a community setting. The measure was reported to the Senate Finance Committee on May 9, 2023.

### New York S.B. 5515

[View Online](#)

Introduced on March 7, 2023, this bill would prohibit an individual convicted of a crime involving elder abuse from inheriting from the elder's estate. The measure advanced to a third reading in the Senate on May 15, 2023.

### New York S.B. 1730

[View Online](#)

Passed by the Senate on March 29, 2023, this measure would require the Office for the Aging to develop and provide training on elder abuse prevention, detection, reporting, and counseling for senior service center providers, contractors, and employees. The measure is awaiting passage by the Assembly.

### New York A.B. 4177

[View Online](#)

This legislation would require the superintendent of the Department of Financial Services, in consultation with authorities from disciplines detailed in the legislation, to develop guidelines on reporting suspected financial exploitation. A financial institution representative who acts in good faith and reports suspected financial abuse, would have immunity from civil liability. The measure was referred to the Assembly Committee on Codes on May 23, 2023.



## North Carolina

### North Carolina H.B. 755

[View Online](#)

Introduced on April 18, 2023, this measure would enhance the rights of adult care home residents and nursing home patients. The bill would require coordination between a resident's attending physician and any specialist involved in the resident's care. It would require the facility to respond to information requests from family members within 72 hours, and provide information about a late-stage disease diagnosis.

## Oklahoma

### Oklahoma H.B. 2741

[View Online](#)

The State Elder Exploitation and Abuse Act, which was passed by the House on March 20, 2023, would allow incapacitated persons and vulnerable adults who lack capacity to pursue claims, through their legal representatives, against an individual who abuses them. The district court would encourage self-reliance of the older adult and only make court orders that are necessary. The district court could also issue a restraining order or other injunctive measure to prevent any further harm. A person who has abused a vulnerable adult would be liable for damages. The measure is pending passage by the Senate.

## Oregon

### Oregon S.B. 99

[View Online](#)

Passed by the Senate on June 20, 2023, and by the House on June 22, 2023, this legislation would create a bill of rights for LGBTQIA2S+ older adult residents of long term and community-based care facilities. The bill of rights protects residents from actions that are based on a resident's actual or perceived sexual orientation, gender identity, gender expression or human immunodeficiency virus status. The bill also includes specific procedures to ensure

confidentiality of resident information and informed consent for any nontherapeutic examination or treatment. The measure would ensure access to assessments and treatments for transgender residents that are recommended by their healthcare providers. The measure also includes training for administrators, staff, entities that contract with care facilities, and the Long-Term Care Ombudsman. The measure is awaiting the Governor's signature.

## Pennsylvania

### Pennsylvania H.B. 838

[View Online](#)

Introduced on April 4, 2023, this legislation would add financial exploitation of an older or dependent adult or of a family or household member to the Pennsylvania Consolidated Statutes on theft and related offenses. The measure would allow civil causes of action and penalties in cases of financial exploitation.

### Pennsylvania H.B. 438

[View Online](#)

Introduced on March 15, 2023, this legislation would expand the definition of exploitation under the Older Adults Protective Services Act to include abuse by an individual acting under a power of attorney.

### Pennsylvania H.B. 537

[View Online](#)

Introduced on March 20, 2023, the Robert Raph Act would increase communication between the Department of Health (DOH) and the Department of Human Services (DHS) and the local area agency on aging in responding to reports of abuse of older and dependent adults.

### Pennsylvania S.B. 137

[View Online](#)

Passed by the Senate on April 26, 2023, this measure would require quarterly communication between the Attorney General and the Department of Aging to ensure that consumers aged 60 years and older are informed about preventing

financial exploitation. The Attorney General would communicate with the Secretary of Aging about relevant investigations and would work to determine effective ways to share information. The bill is under review by the House.

## Texas

### Texas H.B. 4436

[View Online](#)

Introduced on March 9, 2023, this bill would create an advisory council on LGBTQ older adults within the Health and Human Services Commission. The advisory council would investigate service needs of LGBTQ older adults and their caregivers. Additionally, the council would examine best practices for increasing access to services, reducing isolation, preventing abuse and exploitation, promoting independence, strengthening caregiving,

eliminating disparities in services, and improving overall quality of life.

### Texas H.B. 4655

[View Online](#)

Passed by the House on May 9, 2023, this measure would establish a 10-member vulnerable adult protection task force to assess the status of vulnerable adults and examine existing services and resources, as well as barriers to the use of these services and resources. The task force would determine the economic and human impact of financial exploitation, review solutions, and develop recommendations to protect vulnerable adults.

## Wisconsin

### Wisconsin S.B. 116

[View Online](#)

Introduced on March 8, 2023, this measure would create a civil cause of action for financial exploitation of a vulnerable person.

## Legislation Tracked in Specific Topic Areas

The following links provide additional information on legislative activity relevant to guardianship and financial exploitation.

**Guardianship:** [American Bar Association, Commission on Law and Aging](#)

**Independent Financial Advisors and Firms:** [The Financial Services Institute \(FSI\)](#) tracks and supports legislation in each state that provides protection and mandated reporting for independent financial advisors and firms when they suspect financial exploitation, as well as the ability to temporarily hold account transactions and support investigation efforts.

**Financial Exploitation:** [National Conference of State Legislatures](#)



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