



PENNSYLVANIA
DEPARTMENT OF AGING

FINANCIAL EXPLOITATION OF OLDER ADULTS

TASK FORCE REPORT

JUNE 2021



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Introduction

In September 2020, the Pennsylvania Department of Aging (PDA) published its first statewide report on the financial exploitation of older adults. The report contained five initial recommendations, including the formation of an interdisciplinary Financial Exploitation Task Force to discuss the issue of financial exploitation and determine specific actions that could be taken to help prevent the exploitation of older adults.

Brief Overview of Financial Exploitation Study Report

The goal of creating the Financial Exploitation Task Force was to identify barriers, opportunities, and potential solutions across a variety of industries and government agencies to improve the identification and prevention of financial exploitation against older adults. Recognizing that financial exploitation takes many forms and occurs under a variety of circumstances, the Financial Exploitation Task Force included members from the government, aging, legal, financial, law enforcement, and healthcare sectors to create a holistic, comprehensive approach to finding practical solutions in preventing financial exploitation.

PDA's report on the financial exploitation of older adults found that the most prevalent types of financial exploitation occur through unauthorized bank withdrawals, scams, and fraudulent loans. Losses due to financial exploitation are nearly impossible to recover. In addition, exploitation is challenging to prosecute because over 60% of exploitation is perpetrated by the family members of the older adult. Furthermore, eligibility for government benefits, for such programs as Medicaid, may be impacted significantly due to fraudulent asset transfers. Pennsylvanians collectively suffered an estimated loss of \$56 million during fiscal year 2017-2018 to financial exploitation in reported cases alone.

Composition of Task Force

Members of the Financial Exploitation Task Force:

Governor's Office of Policy and Planning
PA Department of Aging (PDA), Chair
PA Department of Human Services (DHS)
PA Department of Health (DOH)
PA Department of Revenue (DOR)

PA Department of State (DOS)
PA Office of Attorney General (OAG)
PA Department of Insurance (PID)
PA Department of Banking
and Securities (DoBS)



PA State Police (PSP)	PA Bankers Association
PA Department of Military and Veterans Affairs (DMVA)	PA Society of Tax Professionals
PA Commission on Crime and Delinquency (PCCD)	Temple University Institute on Protective Services
PA Office of Victim Advocate (OVA)	PA Medical Society
PA Office of Advocacy and Reform (OAR)	PA Psychological Association
AARP Pennsylvania	Berks County District Attorney's Office
Alzheimer's Association of Greater Pennsylvania	University of Pennsylvania, Penn Memory Center and The Penn Program on Precision Medicine for the Brain (P3MB)
PA Association of Area Agencies on Aging (P4A)	PA Institute of Certified Public Accountants
SeniorLAW Center	PA Chiefs of Police Association
PA Bar Association - Elder Law Section	Allegheny County Area Agency on Aging
Cross State Credit Union Association	Blair County Area Agency on Aging
PA Association of Community Bankers	Lackawanna County Area Agency on Aging
	PA District Attorneys Association

Overview of Financial Exploitation Task Force Meetings

The Financial Exploitation Task Force met a total of five times, beginning in December 2020 and concluding in April 2021. Over the course of these meetings, Financial Exploitation Task Force members were provided with information regarding the impact of financial exploitation, testimony from victims' family members, challenges with information sharing, underreporting, law enforcement and cognitive decline. Members then discussed and outlined barriers to reporting elder financial exploitation and identified potential solutions, recommendations, and action items for stakeholders to pursue moving forward.

December 2020 – The task force received an overview of the Financial Exploitation Study, a briefing on the recommendations of the state Interagency Workgroup, a summary of the Financial Exploitation Task Force charter, insight into some of the common cases of financial exploitation, and a briefing on existing elder abuse task forces across the commonwealth.

January 2021 – Members participated in a panel discussion with family members of older adults who were victims of financial exploitation. They participated in an educational presentation on capacity and cognitive decline from the University of Pennsylvania's Penn

Memory Center, discussed and identified barriers to reporting financial exploitation, and were briefed on the proposed updates to the Older Adults Protective Services Act (OAPSA). Financial Exploitation Task Force members were then asked to identify potential solutions and recommendations to prevent financial exploitation of older adults.

February 2021 – Financial Exploitation Task Force members submitted recommendations around training, education, operational and legislative initiatives for consideration and discussion by the entire Financial Exploitation Task Force. Many of the submitted recommendations highlighted training and educational opportunities for physicians, law enforcement, financial services providers, and consumers. Operational recommendations focused on improving data sharing channels between law enforcement, state agencies, long term-care facilities and Area Agencies on Aging (AAAs), and recommendations in the legislative space highlighted the imperative need to update OAPSA and provide stronger civil and criminal penalties for financial exploitation.

March 2021 – Financial Exploitation Task Force members discussed several instances in which older adults were financially exploited, identified opportunities in which a variety of interventions could have prevented initial or further exploitation and identified potential gaps for the Financial Exploitation Task Force to consider as recommendations. Financial Exploitation Task Force members discussed the final recommendations and potential action steps. Members were offered leadership opportunities to guide the implementation of the recommendations.

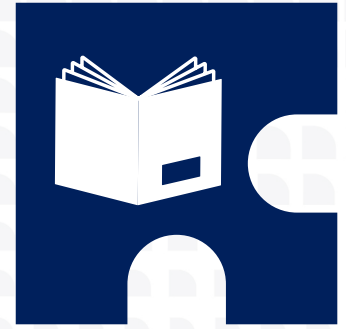
April 2021 – The Financial Exploitation Task Force reviewed and discussed the final recommendations and were provided an overview of the implementation of the recommendations and action items moving forward. These steps concluded the regularly scheduled Financial Exploitation Task Force meetings.

Recommendations

The following outline presents recommendations in four category areas – Education, Training, Operations and Procedures, and Legislative Actions – along with strategies and key Financial Exploitation Task Force member leads needed to implement these objectives.

EDUCATION

RECOMMENDATION: Increase public awareness, early detection and diagnosis of cognitive impairment, Alzheimer’s or other dementias, and its relation to financial exploitation, and educate professionals who routinely work for or with older adults.



■ STRATEGIES:

- Convene a small workgroup of Financial Exploitation Task Force members to review and inventory existing resources and develop an information repository on PDA’s website. Explore additional training for Protective Services caseworkers related to working with older adults living with cognitive impairment, Alzheimer’s or any other dementia, and/or their family members or caregivers. Identify educational opportunities for attorneys concerning Powers of Attorney (POA) and the implications to all types of elder abuse.

Key Lead(s): PDA, Alzheimer’s Association and SeniorLAW Center

- Create a small workgroup that includes communications staff from PDA and other interested Financial Exploitation Task Force members to develop an outreach plan. This plan will identify key public and stakeholder audiences and present creative and public relations messaging and tactics to activate each of those audiences, including rollout of tools developed through other Task Force activities.

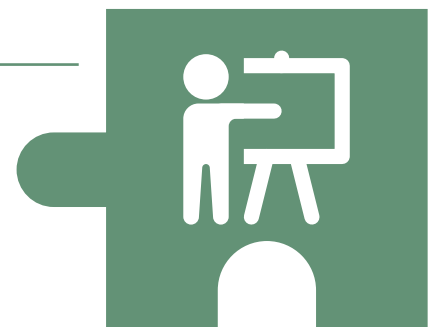
Key Lead(s): Alzheimer’s Association and SeniorLAW Center

- Review partnerships to develop media resources around the who, what, when, where and how of preventing financial exploitation.

Key Lead(s): PDA and Office of Attorney General

TRAINING

RECOMMENDATION: Bolster Adult Protective Services Worker and Ombudsmen training and education and develop a model training program for financial services providers and employees for reporting financial exploitation.



■ STRATEGY:

- Review and inventory current financial exploitation training resources to determine if they can be used for training financial services providers and employees.

Key Lead(s): PDA and Temple University Institute on Protective Services

RECOMMENDATION: Create a feedback loop between law enforcement and long-term care facility staff to help identify possible missed opportunities/evidence during an investigation. It may help improve investigations in long-term care facilities to have the assistance of a trained detective to identify any areas missed during the investigation.

■ **STRATEGY:**

- Convene meeting with law enforcement, P4A, DOH, DMVA and DHS to discuss creation of formal process for feedback mechanism.

Key Lead(s): DMVA

RECOMMENDATION: Offer training to law enforcement on how to identify, investigate, and prepare a case of Older Adult Financial Exploitation for prosecution.

■ **STRATEGY:**

- Subcommittee has drafted an outline of training and will continue to collaborate to develop training.

Key Lead(s): PA Office of Attorney General and Temple University Institute on Protective Services

OPERATIONS AND PROCEDURES

RECOMMENDATION: Design an online reporting portal that will provide a simple, easy to understand form to use in reporting suspected older adult financial exploitation.

■ **STRATEGY:**

- Work with AAAs to develop online Report of Need (RON) and provide opportunity for stakeholders to review and provide feedback prior to finalization.

Key Lead(s): PDA

RECOMMENDATION: Develop an Older Adult Financial Exploitation online “Investigator’s Toolbox” to provide law enforcement the resources needed to conduct an investigation and to guide them while preparing a case for prosecution.

■ **STRATEGY:**

- Review current law enforcement training resources and create inventory to determine if current training can be leveraged in toolbox.

Key Lead(s): OAG and Temple University Institute on Protective Services



RECOMMENDATION: Develop formal relationships between AAAs and financial institutions.

■ **STRATEGY:**

- Convene meeting between PDA, AAAs, P4A, PA Bankers Association, Community Bankers, CrossState Credit Union Association to discuss and develop process to create formal relationships and explore data sharing opportunities.

Key Lead(s): CrossState Credit Union Association and P4A

RECOMMENDATION: If a RON is made by an agency, rather than a private party, the outcome of the investigation should be shared between agencies.

■ **STRATEGY:**

- Enhance training for AAA network to provide clarification that sharing of information with mandated reporters is permitted under OAPSA.

Key Lead(s): PDA

RECOMMENDATION: Address issues that may arise when there are multiple POA.

■ **STRATEGY:**

- Provide long-term care facilities staff with education around POA and opportunities to prevent financial exploitation.

Key Lead(s): PDA and SeniorLAW Center

RECOMMENDATION: Identify ways to combat perpetrator use of life insurance policy/annuities.

■ **STRATEGY:**

- PDA and PID will meet to discuss potential opportunities to identify and report financial exploitation when life insurance and annuity policies are surrendered by a POA.

RECOMMENDATION: Identify potential financial exploitation at the County Assistance Office (CAO) level.

■ **STRATEGY:**

- PDA and DHS will meet to discuss opportunities to identify and report elder abuse.

RECOMMENDATION: Develop guidance on protecting assets of older adults intended to educate healthcare professionals and facilities.

■ **STRATEGY:**

- Identify opportunities for the provision of training to medical professionals regarding elder abuse prevention and/or reporting.

Key Lead(s): PA Bar Association – Elder Law Section

RECOMMENDATION: Strengthen and increase elder abuse task forces across PA.

■ **STRATEGY:**

- Encourage current elder abuse task forces to develop and implement policies to formalize procedures; discuss additional opportunities with PSP and the District Attorney’s Association to identify and report elder abuse.

Key Lead(s): PDA and Temple University Institute on Protective Services

LEGISLATIVE ACTION

RECOMMENDATION: Update OAPSA to protect older adults from abuse, neglect, exploitation, and abandonment. Amendments include a definition of financial exploitation, providing trainings to financial institutions, and outlining a reporting process when financial institutions suspect financial exploitation.



■ **STRATEGY:**

- Continue to work with Rep. Tim Hennessey and Sen. Bob Mensch to introduce identical legislation. Continue to communicate and advocate with the House Aging & Older Adult Services and Senate Aging & Youth Committees on the importance of passing this legislation.

Key Lead(s): PDA

RECOMMENDATION: Advocate for statutory changes in criminal and civil statutes to allow for increased prosecution around perpetrators of financial exploitation.

■ **STRATEGY:**

- Develop recommendations of potential amendments to Crimes Codes.

Key Lead(s): PA Bar Association – Elder Law Section and SeniorLAW Center



Implementation of Recommendations and Reconvening of the Financial Exploitation Task Force

Over the course of the next several months, key Financial Exploitation Task Force leads will convene with other interested Financial Exploitation Task Force members to begin reviewing their individual recommendations for development and implementation. PDA has advised all Financial Exploitation Task Force members that in September 2021, which marks the one-year anniversary of the Financial Exploitation Study, the Financial Exploitation Task Force will reconvene to review and discuss the progress made on each recommendation. The Financial Exploitation Task Force looks forward to continuing this important work and making significant progress in combatting financial exploitation.