Chapter 8
Older Americans Act (OAA)
Title VII

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Section I: Overview of the Elder Abuse Prevention Program

A. The purpose of Title VII (the Prevention of Elder Abuse, Neglect and Exploitation Program) is designed to develop, strengthen and carry out programs for the prevention, detection, assessment and treatment of, intervention in, investigation of, and response to elder abuse, neglect, and exploitation, including financial exploitation by:

- Providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation;
- Providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals;
- Conducting training for individuals, including caregivers, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation; and
- Developing collaborative relationships with community organizations and multidisciplinary groups.

Section II: Legal Authority

- CFDA 93.041, Title VII, Older Americans Act of 1965, as amended; Title VII, Subtitle A, Chapter 1 and Chapter 3 (Section 721), and Subtitle C.
- 42 USC §§ 3058(a) – (i).

Section III: Services Provided Under the Elder Abuse Prevention Program

To achieve the goals of the Elder Abuse Prevention Program, the Contractor shall ensure the following service tasks are performed. Program activities may include:

- Public education or public service announcement media outreach activities;
- Professional trainings addressing identification, prevention, and treatment of elder abuse;
- Establish collaborative relationships with community organizations;
- Conduct Department-approved educational outreach events;
- Host, co-host, or sponsor an event or series of activities in recognition of World Elder

Abuse Awareness Day on or around June 15 of each year.

Section IV: Program Requirements

A. General Client Eligibility Criteria:

Individuals sixty (60) years of age and older, as well as any person in need of information on the identification and reporting of elder abuse, neglect, and exploitation (including frauds and scams) are eligible under this program.

B. Targeted Groups

The Elder Abuse Prevention Program outreach efforts are to be targeted to elders who live in rural areas or who are of a minority or low-income status.

This program serves to empower elders on the issues of elder abuse, neglect, and exploitation. The program also serves those who work directly with the aging population.

C. Use of Allotments

Allotments are made to states under Title VII of the OAA to pay for the cost of carrying out vulnerable elder rights programs. The State Unit on Aging (Department of Elder Affairs) is required to work to enhance and improve the state's overall system for the prevention and treatment of elder abuse, neglect, and exploitation (including financial exploitation), and protection of older individuals' dignity and rights in the delivery of protective services. In this way, the Department is an ally of the state protective services agency in working for more effective services for vulnerable older people.

The Department and/or AAAs may design services to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including:

- Providing for public education and outreach to identify and prevent elder abuse, neglect, and exploitation (including financial exploitation);

- Conducting training for individuals, professionals and paraprofessionals, in relevant fields on the identification, prevention and treatment of elder abuse, neglect and exploitation (including financial exploitation), with focus on prevention and enhancement of self-determination and autonomy;

- Providing technical assistance to programs that provide or have the potential to provide services for victims of elder abuse, neglect and exploitation (including financial exploitation) and for family members of the victims;

- Providing for public education and outreach to promote financial literacy and prevent identity theft and financial exploitation of older individuals; and

- Conducting special and on-going training sessions for individuals involved in serving victims of elder abuse, neglect, and exploitation (including financial exploitation), on the following topics:
    1. Self-determination,
    2. Individual rights,
    3. State and Federal requirements concerning confidentiality requirements, and
    4. Other topics determined by the State agency to be appropriate.

Section V. Collaboration

Development of Collaborative Relationships with Community Organizations and Multidisciplinary Groups. The Contractor, through the designation of an Elder Abuse Prevention Program Coordinator, shall be responsible for the following collaborative relationship building activities:

- Forming a minimum of one (1) or more new collaborative relationship(s) with community organizations and multidisciplinary groups each quarter in order to augment abuse prevention services and activities and strengthen ties among community groups.

- Collaborations with SHINE, and other Department volunteers, to ensure all volunteers are trained on how to identify and report abuse, neglect, and exploitation (to include fraud/scams) and the Senior Medicare Patrol program with efforts to provide education and outreach on how to identify and report Medicare fraud.

- Documenting status of new and existing collaborative relationships. (A few suggested agencies and organizations include the following: District APS, local law enforcement, local CARES staff, local State Attorney, SHINE, the Long-Term Care Ombudsman Program and other Department volunteers).

- Identifying existing task forces or similar councils in the planning and service area served by the Area Agency on Aging, including multidisciplinary groups, and advocating for the need for such groups.

- Seeking state and/or federal grants (i.e., Victims of Crime Act/VOCA Grants) and other sponsorships and local resources to augment funding.

- Distributing Department, state and/or federal surveys, as needed, to agencies and organizations in multidisciplinary groups; and

- Retaining applicable documentation of the established collaboration (i.e. emails and/or correspondence, to include all appropriate contact information

for the new collaboration).

Section VI. Dissemination of Information

The program is intended to provide information to the public on ways to conduct outreach, identify and prevent elder abuse, neglect and exploitation. Activities may include provision of:

1. Published literature such as brochures, pamphlets and posters;
2. Presentations;
3. Training materials;
4. Public service announcements; and
5. Radio broadcasts.

The above list of activities is not all-inclusive.

Section VII. Education and Training

The program should include education and training for individuals, professionals, and paraprofessionals in relevant fields on the identification, prevention and treatment of elder abuse, neglect and exploitation (including financial exploitation) with the focus on prevention and enhancement of self-determination and autonomy.

Section VIII. Coordination Efforts

Area Agencies on Aging and providers shall be knowledgeable of and coordinate activities with Department of Children and Families, Adult Protective Services staff, as well as with other programs that have as their focus vulnerable older individuals, including:

1. Long-Term Care Ombudsman Program;
2. Protection and advocacy programs;
3. Facility and long-term care provider licensure and certification programs;
4. Medicaid field office staff;
5. Victim assistance programs;
6. State and local systems; and
7. Agencies and courts of competent jurisdiction.

Section IX. Technical Assistance

Area Agencies on Aging shall provide technical assistance to providers on any of the above program functions as they relate to elder abuse, neglect and exploitation (including financial exploitation). Education and training may be conducted in a variety of settings such as:

1. Forums

2. Workshops
3. Seminars
4. Conferences
5. One-on-one, etc.

Section X. Coordination

In developing and enhancing local programs and services for the prevention of elder abuse, neglect and exploitation (including financial exploitation) of older individuals, the state agency shall coordinate the programs with other state and local programs and services for the protection of these vulnerable adults. These services and programs may include coordination with other state and local programs such as:

A. AAA: Area Agency on Aging programs;

B. Department of Children and Families: Aging and Adult Protective Services;

C. Agency for Health Care Administration: Facility and long-term care provider licensure and certification programs under the Agency for Health Care Administration;

- Licensure and certification programs for facility and long-term care providers; and

- Medicaid fraud and abuse services, including those provided by the Medicaid Fraud Control Unit.

D. Victim Assistance Programs:

1. Crime Victim Compensation: Florida Office of the Attorney General, Bureau of Victim Compensation, The Capitol, PL-01, Tallahassee, FL 32399-1050. This office aids victims of crimes.

    a. Access to this assistance is through the toll-free Victim Services Information and Referral Line: 1-800-226-6667.

    b. Types of assistance may include the following:
    - Wage loss;
    - Loss of support;
    - Disability allowance;
    - Funeral/burial related expenses;
    - Treatment expenses;
    - Prescriptions;
    - Eyeglasses;
    - Dentures;
    - Prosthetic devices;
    - Mental health/grief counseling.

- Property loss reimbursement for the elderly (60 years of age and older); and
- Domestic violence relocation.

2. Sheriff's Office: Crime Prevention, Community Services Bureau, in local Sheriff's Office. Educational programs may be available in your area. Contact your local Sheriff's office for information.

3. Law Enforcement: Victim Witness Program. This service provides counseling support for victims of violent crime. Contact your local law enforcement office for information.

Section XI. Overview of Long-Term Care Ombudsmen Program

A. Per Title VII, Section 712 of the Older Americans Act (OAA), a state agency shall establish and operate an Office of the State Long-Term Care Ombudsman. The program shall, without interference by any executive agency, undertake to discover, investigate, and determine the presence of conditions or individuals that constitute a threat to the rights, health, safety, or welfare of the residents of long-term care facilities. The office shall be headed by an individual who shall be as follows:

- Known as the State Long-Term Care Ombudsman; and
- Selected from among individuals with expertise and experiences in the following fields:
  - Long-term care, and
  - Advocacy.

Section XII. Purpose of the Program

A. The Program's primary purpose is to provide ombudsman services to residents residing in long-term care facilities such as:
- Nursing homes;
- Assisted living facilities; and
- Adult family-care homes.

Section XIII. State Requirements:

A. In Florida, Chapter 400, Part I, F.S. establishes the Long-Term Care Ombudsman Program and lists the program's requirements related to the OAA, and how the State of Florida complies with these requirements. These requirements are:

- Establish an Office of State Long-Term Care Ombudsman headed by the state ombudsman;

- Establish a State Long-Term Care Ombudsman Council to serve as an advisory body to the state ombudsman;

- Establish a process for designing local districts covering the state in which individuals certified as ombudsmen carry out the duties of the state ombudsman program; and

- Establish a process for appointment as a certified ombudsman including application, level 2 background screening, 20 hours of initial training, and 10 hours of continuing education.

Section XIV. Responsibilities of the Program

A. Responsibilities of the Long-Term Care Ombudsman Program include the following areas:

1. **Complaints:** Identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities relating to actions or omissions by providers of long-term care services, other public agencies, guardians, or representative payees that may adversely affect the health, safety, welfare, or rights of residents.

2. **Administrative Assessments**: Conduct an annual review of conditions in each long-term care facility noting needed improvements and making recommendations to enhance the quality of life for residents.

3. **State and Federal Compliance**: Analyze, comment on, and monitor the development and implementation of federal, state, and local laws; regulations and policies with respect to long-term care and to the health, safety, welfare, and rights of the residents of long-term care facilities in the state and recommend changes in such laws, regulations and policies as appropriate.

4. **Information:** Provide information to public agencies, legislators, and others regarding the services provided by the program and problems and concerns of residents of long-term care facilities.

5. **Statewide Reporting System**: Establish a statewide reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities.

6. **Support for Family and Resident Councils**: Provide technical support for the development of resident and family councils in long-term care facilities.

7. **Annual Report:** Prepare an annual report describing the activities carried out by the office, the state council, the districts, and the local councils in the year for which the report is prepared. The state ombudsman shall submit the report to the Secretary, the United States Assistant Secretary for Aging, the Governor, the

President of the Senate, the Speaker of the House of Representatives, the Secretary of Children and Families, and the Secretary of the Agency for Health Care Administration at least 30 days before the convening of the regular session of the Legislature. The report shall, at a minimum:

- Contain and analyze the data collected concerning complaints about and conditions in long-term care facilities and the disposition of such complaints.

- Evaluate the problems experienced by residents.

- Analyze the successes of the ombudsman program during the preceding year, including an assessment of how successfully the program has carried out its responsibilities under the Older Americans Act.

- Provide recommendations for policy, regulatory, and statutory changes designed to solve identified problems; resolve residents' complaints, improve residents' lives and quality of care; protect residents' rights, health, safety, and welfare; and remove any barriers to the optimal operation of the State Long-Term Care Ombudsman Program.

- Contain recommendations from the State Long-Term Care Ombudsman Council regarding program functions and activities and recommendations for policy, regulatory, and statutory changes designed to protect residents' rights, health, safety, and welfare.

- Contain any relevant recommendations from the representatives of the State Long-Term Care Ombudsman Program regarding program functions and activities.