

# Preventing elder financial abuse

Guide for nursing homes and  
assisted living communities



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# About this guide

The Consumer Financial Protection Bureau (CFPB) Office for Older Americans created this guide to help nursing home and assisted living community managers and team members prevent and address financial abuse of their residents.

This guide is based largely on a prior version of the guide, which was created in collaboration with Iris Freeman, MSW, Mitchell Hamline School of Law. The guide is not intended to provide legal advice or serve as a substitute for your own legal counsel. If you have questions or concerns about legal issues and responsibilities, we recommend that you seek the guidance of an appropriate legal professional.

This document includes links or references to third-party resources. The inclusion of links or references to third-party sites does not necessarily reflect the Bureau's endorsement of the third-party, the views expressed on the third-party site, or products or services offered on the third-party site. The Bureau has not vetted these third parties, their content, or any products or services they may offer.

There may be other entities or resources that are not listed that may also serve your needs.

## Purpose and scope

The guide is for nursing home and assisted living community administrators, as well as business office personnel, social service personnel, and any team members involved in the move-in process. Much of the information in this guide may be useful in other residential settings for older adults or people with disabilities.

We outline ways to create awareness, policies, and processes to protect your residents. State laws vary, so you should also become familiar with your state's laws, regulations, mandates, reporting requirements, and systems. We encourage you to add your state-specific requirements, laws, and processes to this guide.<sup>1</sup>

This guide focuses primarily on financial abuse by trusted persons but also includes material about responding to scams and other types of theft.

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<sup>1</sup> Guides with state-specific information should not be designed in a manner that gives the impression that the guide is a CFPB product or has been officially endorsed by the Bureau. The CFPB logo should not be used, nor should the guide include any language to the effect that CFPB produced the material, endorses the final product, or has approved of it. States may indicate that their guide was based on a separate guide produced and distributed by CFPB.



# Introduction

This guide will walk you through four key steps to help protect your residents from financial abuse.

## Four key steps of successful intervention

- **Prevent** - raise awareness by educating your team and community
- **Recognize** - spot the warning signs and take action
- **Record** - document your observations
- **Report** - tell the appropriate authorities and trigger responses

## Why is intervention important?

Financial losses affect the resident, the care team, and the broader community. The primary target, the older resident, may be robbed of economic security and placed at risk of involuntary move-out or loss of housing for nonpayment.

Unfortunately, the people financially abusing older adults are often family members or other trusted people who are handling the financial affairs of a parent, relative, or friend. The financial arrangement may be informal or based on a written document, such as a power of attorney or a guardianship order issued by a court. The financial wrongdoing could have occurred before move-in or begin after.

Intervention, however, rarely begins until the financial abuse causes repeated nonpayment and staggering overdue bills. While most family members or others in positions of trust are worthy of the confidence placed in them, you as a nursing home or assisted living community operator or care provider should act promptly when people violate that trust.

As a care provider, you are in a unique position to help protect older residents from financial abuse. You can prevent or intervene early when the threat is from:

- trusted persons handling financial affairs
- stranger scams
- theft by staff, volunteers, other residents, visitors, or intruders

Your key role in the daily lives of residents enables you to stand guard and jump in when your resident is in jeopardy. This guide can help you to be ready to intervene.





# What is elder financial abuse?

Elder financial abuse—sometimes called elder financial exploitation—is a form of elder abuse.

Neighbors, caregivers, fiduciaries, professionals, and even family or friends may try to take advantage of people as they age.<sup>2</sup> Someone may take money without permission, fail to repay money they owe, charge too much for services, or just not do what they were paid to do.

Under federal law, residents of skilled nursing facilities and nursing homes have “the right to be free from abuse, neglect, misappropriation of resident property, and exploitation.”<sup>3</sup>



## Alma's story

Imagine a scenario where you have concerns about a resident named Alma. Alma's grandchild offers to run errands for Alma. The grandchild takes Alma's debit card and promises to pick up her favorite shampoo. Instead, the grandchild makes several purchases using Alma's debit card, including buying himself a new TV. This is an example of financial abuse.

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<sup>2</sup> This guide uses the terms “financial abuse” and “financial exploitation” interchangeably. Your state's laws that protect older adults may use these or other terms.

<sup>3</sup> 42 C.F.R. § 483.12.

## Elder financial abuse is a significant and growing problem in the United States.

- **Financial abuse is a common form of elder abuse.** A 2017 review of U.S. studies found that about 5.6 percent of older adults living in the broader community had experienced fraud or scams.<sup>4</sup>
- **Elder financial abuse may be reported more frequently in long-term care settings than in the broader community.** About 7 percent of elder abuse allegations reported by nursing homes in FY 2015 involved financial abuse or misappropriation of resident property.<sup>5</sup>
- **Studies suggest that residents in nursing homes and assisted living communities experience abuse at higher rates than older adults living in the broader community.** A 2019 review of studies from around the world estimated that 13.8 percent of older adults living in nursing homes, assisted living communities, and similar settings experience financial abuse.<sup>6</sup>
- **Financial losses due to financial abuse are typically greater when the older adult knows the perpetrator.**<sup>7</sup>
- **Elder financial abuse may affect some racial groups disproportionately.** For example, in a 2010 study, 23 percent of older African American adults reported experiencing financial exploitation, compared with 8.4 percent of other older adults.<sup>8</sup> A 2012 study found that 16.7 percent of older Latino adults self-reported experiencing financial exploitation within the previous year.<sup>9</sup>
- **Timely reporting of elder financial abuse is critical in getting help to residents.** A 2011 New York study found that protective services agencies or programs for crime victims reached only one in 44 cases of financial exploitation.<sup>10</sup>

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4 Burnes, et al., *Prevalence of Financial Fraud and Scams Among Older Adults in the United States: A Systematic Review and Meta-Analysis*, AM. J. PUB. HEALTH (July 12, 2017), [ajph.aphapublications.org/doi/10.2105/AJPH.2017.303821](https://doi.org/10.2105/AJPH.2017.303821).

5 Administration for Community Living, *National Ombudsman Report, Table B-2: Nursing Facility Complaints by Complaint Category and Sub-Category for FY 2015 as of 03/14/2017* (2017), [acl.gov/sites/default/files/programs/2017-04/2015%20B-2%20NF-Comp%20Full%20for%20web.xls](https://acl.gov/sites/default/files/programs/2017-04/2015%20B-2%20NF-Comp%20Full%20for%20web.xls).

6 Yongjie Yon, et al., *The prevalence of elder abuse in institutional settings: a systematic review and meta-analysis*, 29 EUR. J. PUB. HEALTH 61 (Feb. 2019), [pubmed.ncbi.nlm.nih.gov/29878101/](https://pubmed.ncbi.nlm.nih.gov/29878101/).

7 Consumer Financial Protection Bureau, *Suspicious Activity Reports on Elder Financial Exploitation: Issues and Trends* (Feb. 27, 2019), [consumerfinance.gov/documents/7304/cfpb\\_suspicious-activity-reports-elder-financial-exploitation\\_report.pdf](https://consumerfinance.gov/documents/7304/cfpb_suspicious-activity-reports-elder-financial-exploitation_report.pdf).

8 Scott Beach, et al., *Financial exploitation and psychological mistreatment among older adults: differences between African Americans and non-African Americans in a population-based survey*, 50 THE GERONTOLOGIST 744–757 (2010), [ncbi.nlm.nih.gov/pmc/articles/PMC3003550](https://ncbi.nlm.nih.gov/pmc/articles/PMC3003550).

9 Marguerite DeLiema, et al., *Determining Prevalence and Correlates of Elder Abuse Using Promotores: Low-Income Immigrant Latinos Report High Rates of Abuse and Neglect* (June 14, 2012), [doi.org/10.1111/j.1532-5415.2012.04025.x](https://doi.org/10.1111/j.1532-5415.2012.04025.x).

10 Lifespan of Greater Rochester, Inc., et al., *Under the Radar: New York State Elder Abuse Prevalence Study: Self-reported prevalence and documented case surveys final report* 50 (May 2011), [ocfs.ny.gov/main/reports/under%20the%20radar%2005%2012%2011%20final%20report.pdf](https://ocfs.ny.gov/main/reports/under%20the%20radar%2005%2012%2011%20final%20report.pdf).

- **As people age, they may become more attractive targets for financial abuse because they have accumulated savings and assets throughout their lives.** About 80 percent of U.S. household wealth is held by people over 50.<sup>11</sup>
- **Some people, like individuals experiencing cognitive impairment, may be at greater risk of experiencing financial crimes than the general population.** About 16-20 percent of people age 65 and older have mild cognitive impairment (MCI).<sup>12</sup> About one in 10 Americans aged 65 and older has Alzheimer’s disease.<sup>13</sup> However, it is important not to assume cognitive impairment when interacting with older adults. Many people who live into their 70s, 80s, 90s, and beyond continue to manage their own well-being and financial affairs.
- **The percentage of people living in residential care communities who experience cognitive impairment is much higher than the percentage for all older adults.** About 40 percent of residential care residents have a diagnosis of Alzheimer’s disease or other dementia.<sup>14</sup>
- **A risk factor for financial abuse is diminished financial capacity, which may also indicate possible cognitive impairment.** Financial capacity is “the capacity to manage money and financial assets in ways that meet a person’s needs and which are consistent with his/her values and self-interest.”<sup>15</sup> If an individual’s ability to manage their own money diminishes, they may not be able to recognize a financial problem or protect themselves from financial abuse. Again, financial abuse may occur regardless of age or cognitive disability.

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11 AARP; Oxford Economics, *The Longevity Economy: How People Over 50 Are Driving Economic and Social Value in the US* 8 (Sept. 2016), [aarp.org/content/dam/aarp/home-and-family/personal-technology/2016/09/2016-Longevity-Economy-AARP.pdf](http://aarp.org/content/dam/aarp/home-and-family/personal-technology/2016/09/2016-Longevity-Economy-AARP.pdf).

12 Rosebud Roberts & David S. Knopman, *Classification and Epidemiology of MCI* 4 (2013), [ncbi.nlm.nih.gov/pmc/articles/PMC3821397/pdf/nihms523033.pdf](http://ncbi.nlm.nih.gov/pmc/articles/PMC3821397/pdf/nihms523033.pdf).

13 Alzheimer’s Association, *2019 Alzheimer’s Disease Facts and Figures* 15 (2019), [alz.org/media/documents/alzheimers-facts-and-figures-2019-r.pdf](http://alz.org/media/documents/alzheimers-facts-and-figures-2019-r.pdf).

14 Christine Caffrey & Manisha Sengupta, *Variation in residential care community resident characteristics, by size of community: United States, 2016* 3 (Feb. 2018), [cdc.gov/nchs/data/databriefs/db299.pdf](http://cdc.gov/nchs/data/databriefs/db299.pdf).

15 Naomi Karp & Ryan Wilson, AARP Public Policy Institute, *Protecting Older Investors: The Challenge of Diminished Capacity* 1 (2011) (citing Daniel C. Marson et al., *Assessing Civil Competencies in Older Adults with Dementia: Consent Capacity, Financial Capacity, and Testamentary Capacity*, *FORENSIC NEUROPSYCHOLOGY: A SCIENTIFIC APPROACH* 401-37 (2011)).

## How might elder financial abuse happen?

Financial abuse takes many different forms. Someone with a legal obligation to handle a resident's finances may fail to use the funds for necessities like food, clothing, shelter, and health care, putting the resident at risk of harm. People with legal obligations to handle finances include fiduciaries such as agents under power of attorney, trustees, guardians, conservators, Social Security representative payees, and Department of Veterans Affairs (VA) fiduciaries.

If family or other individuals step in to manage a resident's finances, some may try to take money or assets for themselves, which can seriously impact the resident's finances and may result in an inability to pay their nursing home or assisted living community bills.

In other cases, the perpetrator may have no legal right to manage the resident's money. Someone may take possession of and control the resident's property by pressuring, misleading or lying to the resident, or gain the resident's trust by promising to care for them if they can share a bank account.

## What are some possible consequences?

Elder financial abuse cases are complex. Financial abuse often occurs in relationships where the resident has placed their trust in another person. When family members are perpetrators, there may be unique challenges related to family history, sibling conflicts, and expectations about estate management and inheritance. Financial abuse may be accompanied by other types of mistreatment, such as emotional abuse or neglect.

For a financial abuse survivor, the losses are more extensive than dollars and property. Financial abuse can cause severe emotional distress, depression or anxiety,<sup>16</sup> poor physical health, loss of independence, difficulties with making decisions,<sup>17</sup> loneliness,<sup>18</sup> and a shortened lifespan. Close relationships can be damaged beyond repair if the perpetrator is a friend or family member. Sometimes a financial abuse survivor may continue to feel dependent on or protective of the perpetrator, even after the abuse is discovered.

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16 Peter Lichtenberg, et al., *Providing Assistance for Older Adult Financial Exploitation Victims: Implications for Clinical Gerontologists*, CLINICAL GERONTOLOGIST 42(4), 8 (2019), [ncbi.nlm.nih.gov/pmc/articles/PMC7123962/pdf/nihms-1570919.pdf](https://pubmed.ncbi.nlm.nih.gov/PMC7123962/pdf/nihms-1570919.pdf).

17 *Id.*

18 Jaclyn S. Wong, & Linda J. Waite, *Elder mistreatment predicts later physical and psychological health: Results from a national longitudinal study*, J. ELDER ABUSE & NEGLECT 29(1), 10 (Feb. 23, 2017), [ncbi.nlm.nih.gov/pmc/articles/PMC5322798/pdf/nihms847130.pdf](https://pubmed.ncbi.nlm.nih.gov/PMC5322798/pdf/nihms847130.pdf).

# How to prevent elder financial abuse

Prevention of financial abuse is the number one goal, and awareness and training are keys to prevention.

Steps that can prevent further harm include early recognition, documentation, and reporting. Since financial abuse is often ongoing, early identification of a problem can prevent future losses.

## **Establish and maintain a team approach to financial security**

Assemble a team that will form your front line on financial abuse. Consider including your administrator, business office representative, social work representative, and admissions coordinator as team members. Provide training for the team on your objectives for preventing and responding to financial abuse, the jurisdictions and boundaries of pertinent agencies, and the interactions among these agencies.

The team should implement a system for early, effective responses to suspected financial abuse through regular meetings, case review, and coordinated action. This system should be part of any corporate compliance plan.

Establish which member has the lead responsibility for record-keeping and reporting cases of suspected financial abuse. In nursing homes, the compliance officer would most likely have that role. The administrator should designate a back-up person in case the lead person is unavailable.

Without a solid team approach, led by the administrator, hectic days and periodic changes in staffing can allow a bad situation to endure and financial abuse to continue. An effective team promotes the safety of the resident and the financial security of the nursing home or assisted living community.

## Develop policies and practices that help prevent elder financial abuse

### Objectives:

- Orient new residents and caregivers during move-in
- Work with financial caregivers
- Monitor residents' funds and payments
- Emphasize abuse prevention when hiring

### Help new residents understand your policies at move-in

Moving in can be confusing and emotional for new residents, families, and caregivers. It is important to provide tools for financial protection of residents at the outset. Give the resident, or someone acting on the resident's behalf, the following information written in plain language:

- The team member who will answer billing or coverage questions and how to reach that individual
- Your process for responding to late or missed payments
- In appropriate situations, information on serving as a financial caregiver, such as the CFPB's **Managing Someone Else's Money** guides ([consumerfinance.gov/msem](https://consumerfinance.gov/msem))
- Your policies and procedures for receiving and handling cash from residents or families
- Your policies regarding theft of personal property and systems for reporting and responding to reports of theft and financial abuse
- Recommendations for safeguarding checkbooks and ATM cards, including federal benefit debit cards
- Recommendations for protecting online accounts and virtual valuables, including financial accounts and financial documents saved on a computer or other device ([consumerfinance.gov/about-us/blog/virtual-valuables-consider-your-digital-footprint-you-prepare-future](https://consumerfinance.gov/about-us/blog/virtual-valuables-consider-your-digital-footprint-you-prepare-future))

Unless you expect the resident's stay to be short, the resident or resident's representative should file a change of address notice with the Social Security Administration and any other entities that mail benefits or correspondence. Recipients of Social Security and other federal benefits are now required to receive their benefits electronically, either by direct deposit to a bank or credit union account or to a Direct Express Debit MasterCard card account, with certain

exceptions. For information on electronic payments and how to protect people in your care, see the U.S. Department of the Treasury ([fiscal.treasury.gov/eft](https://fiscal.treasury.gov/eft)), and the Social Security Administration ([ssa.gov/deposit](https://ssa.gov/deposit)) websites.<sup>19</sup>

Recommend that residents safely destroy ATM cards that they are no longer using and that they change the Personal Identification Number (PIN) on any new cards they intend to use.

A few weeks after a new resident moves in, review the information discussed at move-in with the resident or their financial caregiver, when the resident does not have capacity to handle their own financial matters. Identify and document any problems to address.

## Work with financial caregivers

Sometimes, a resident may have a financial caregiver who has legal authority to help manage the resident's finances, such as an agent under a power of attorney, a guardian or conservator, a trustee, or a Social Security representative payee or Department of Veterans Affairs (VA) fiduciary. This person may be the resident's family member or friend, or may be a professional the resident hired to help them.

If a resident has a financial caregiver, it is important for your nursing home or assisted living community to keep a copy of any documentation of the caregiver's authority on file. For example, request a copy of a power of attorney instrument, Social Security representative payee authorization, VA fiduciary appointment document, trust documents, or a guardianship court order. If someone tells you that they are a financial caregiver for a resident, ask for a copy of the documentation or check your records to confirm that they have the legal authority to manage the resident's money before you disclose any information to them.

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<sup>19</sup> For example, see [godirect.org/partners/nursing-homes-and-treasury%E2%80%99s-electronic-payments-requirement](https://godirect.org/partners/nursing-homes-and-treasury%E2%80%99s-electronic-payments-requirement). This link includes a federal government webinar that was developed in conjunction with the American Health Care Association.

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## Definitions

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**Vulnerable adult** or vulnerable person is an individual who is or may be at greater risk of abuse, neglect, or exploitation because of age or disability. Some states include age criteria for vulnerability and others do not. See what definition is used in your state: [justice.gov/elderjustice/prosecutors/statutes](https://justice.gov/elderjustice/prosecutors/statutes).

If there is a financial problem, such as nonpayment of nursing home or assisted living bills or an empty personal needs account, a team member may need to contact the financial caregiver. Keep the contact information for the financial caregiver on file and update it occasionally so you can reach them if needed.

## Monitor residents' payments to the nursing home or assisted living community

Monitoring payments to the nursing home or assisted living community is critical because unpaid bills may be a result of financial abuse of the resident. Early detection and intervention are keys to preventing outcomes like drained resources and involuntary move-out. Other possible causes of nonpayment may include confusion, inaction on an application for public benefits, or a glitch in a third-party payment. Monitor all cases where payment for room and board or other services is behind, so you can meet residents' needs regardless of the cause.

Establish a process for examining all accounts that are delinquent for a certain length of time, such as 60 days or two payment cycles. Be alert for warning signs of financial abuse, but intervene when accounts are delinquent even if you do not spot those red flags.

While possibly a result of financial abuse, **unpaid bills may also be a sign that families are caught in a maze of rules and paperwork.** You can help minimize confusion—and avoid overdue payments—by working with family members and those assisting the resident. People who are confused or uncertain may be more likely to work with you than those who are misappropriating a resident's funds.

Provide support and encouragement during the move-in process and follow up with people who seem to be overwhelmed by their situation or their fiduciary duties. Family members and other authorized representatives often have little knowledge about programs that affect the resident's financial well-being, including:

- Medicare and its limitations ([medicare.gov/coverage](https://www.medicare.gov/coverage))
- Medicaid ([medicaid.gov/medicaid/eligibility/index.html](https://www.medicaid.gov/medicaid/eligibility/index.html))
- Medicaid application process ([acl.gov/ltc/medicare-medicare-and-more/medicaid/applying-for-medicare](https://www.acl.gov/ltc/medicare-medicare-and-more/medicaid/applying-for-medicare)).

Also, they may not understand their financial caregiving duties and may benefit from reading the CFPB's **Managing Someone Else's Money** guides ([consumerfinance.gov/msem](https://www.consumerfinance.gov/msem)).



## Monitor residents' personal funds

Establish and follow policies for releasing funds from resident trust funds and personal needs allowance (PNA) accounts. Policies should clarify when it is appropriate to release funds to someone other than the resident.

Perform periodic quality control reviews on a sample of withdrawals from resident trust funds or PNA accounts maintained by your nursing home or assisted living community.

Be alert to residents who have depleted accounts and lack basic necessities, such as toiletries or undergarments, or who say they cannot participate in special outings because they cannot afford a ticket or fee.

## Monitor gifts from residents to team members or volunteers

Have and communicate policies that prohibit gifts from residents to team members, with exceptions for small tokens of gratitude or holiday gifts. Establish systems to monitor such transactions and ensure compliance. Explain these monitoring procedures to team members and volunteers.

## Screen sales calls and presentations to residents

Establish and follow policies that provide a welcoming "open door" to the community, but be alert for salespeople who pose threats to residents.

Prohibit—or develop vigilant screening processes for—sales events in your community, including those described by an outside entity as informational. Any time you see a retirement or senior seminar advertised as "educational" or as a "workshop," beware. The true goal may be to sell investment, insurance, or financial products at the seminar or in follow-up calls. The CFPB's guide, **Know your financial adviser** ([consumerfinance.gov/about-us/blog/know-your-financial-adviser](https://consumerfinance.gov/about-us/blog/know-your-financial-adviser)), may be helpful to residents and is free to order at [consumerfinance.gov/order](https://consumerfinance.gov/order).

Suggest that residents and families share their concerns with you about telephone calls or visits from salespeople. Encourage them to say "no" or get a second opinion whenever they feel pressured to make a decision or a purchase.

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## Definitions

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### Long-term care ombudsman

is an advocate for residents of nursing homes, board and care homes, assisted living communities and similar adult care facilities, in programs administered by the federal Administration on Aging/ Administration for Community Living. Ombudsman staff and volunteers work to resolve problems and concerns of individual residents. Every state has an Office of the State Long-Term Care Ombudsman, headed by a full-time state ombudsman. You can find information about your Long-Term Care Ombudsman Program here: [theconsumervoice.org/get\\_help](https://theconsumervoice.org/get_help).

## Establish hiring policies that emphasize abuse prevention

Criminal background checks are one tool for determining whether an applicant for a team member or volunteer position may pose a risk of financial abuse. Find out whether your state has a perpetrator registry for elder abuse. If it does, you can use the registry to check the names of prospective new hires.

When orienting and training new employees and volunteers, communicate your expectations and policies on abuse prevention and emphasize that each resident and their property will be protected in your nursing home or assisted living community.

## Build awareness through team member orientation and training

Educating your team members and volunteers can help prevent financial abuse of your residents and encourage compassionate responses. Show team members how the information you are sharing specifically applies to their work. For example, even if a resident does not receive many visitors or travel outside the community, phone and online scammers or family members with access to their financial accounts can still attempt to exploit them. Your management sets the tone that encourages good faith communication between team members and administration.

This guide provides content, such as warning signs, to use as you train your team members. In addition, you can use other resources from the Consumer Financial Protection Bureau (CFPB), such as the **Money Smart for Older Adults** program ([consumerfinance.gov/moneysmart](https://consumerfinance.gov/moneysmart)) and the **Managing Someone Else's Money** guides ([consumerfinance.gov/msem](https://consumerfinance.gov/msem)).

Invite a police officer or other law enforcement official, particularly one with special knowledge of older adults or financial crimes, to participate in a team member training and answer questions. Similarly, Adult Protective Services (APS) representatives, long-term care ombudsman, and social service providers may be able to provide training for your team members.

These are opportunities to open up communication on difficult topics among members of your team as well as between your team and local service providers. Training can help establish a culture in which team members feel safe in expressing suspicions to administrators.

## Possible topics for team member orientation and in-service training about financial abuse

Training Topic	Agency that could help train team members on this topic
Definitions and warning signs of financial abuse	Adult Protective Services (APS), long-term care ombudsman, Area Agency on Aging, law enforcement
Risks of permitting financial abuse to escalate	APS, long-term care ombudsman, Area Agency on Aging, law enforcement
When and how to make reports to Adult Protective Services, licensing agencies and law enforcement	APS, long-term care ombudsman, law enforcement, Area Agency on Aging
Role of the long-term care ombudsman program	Long-term care ombudsman
Residents' legal rights under federal and state law (to access their records, manage their own financial affairs, file complaints, etc.)	Long-term care ombudsman, your management team, legal services attorneys, elder law attorneys
Overview of financial crimes as defined by your state's laws	Law enforcement
Consequences for perpetrators of financial abuse under your state's laws	Law enforcement

## Your policies and practices related to elder financial abuse



Your commitment to preventing and responding to financial abuse



Policies prohibiting accepting money and loans from residents



Policies and internal processes for documenting and reporting suspected financial abuse



Role of the compliance officer



Policy for releasing money from personal accounts and applicable state laws



How you handle financial powers of attorney and health care advance directives



How you keep an “open door” for community involvement while protecting residents from unsuitable or deceptive sales presentations



How you balance residents’ rights to have visitors with security to prevent unlawful intruders

Train everyone on your team who comes into contact with residents. This includes volunteers, nursing team members, social service team members, housekeepers, and maintenance workers. Sometimes those without direct care responsibilities may be the first to notice warning signs of trouble.

Sometimes a team member or volunteer experiencing burnout, or a personal crisis can be more prone to misappropriating resident funds or property. To help prevent issues, evaluate your personnel policies and staffing patterns and make changes that reduce stress in the work environment. Develop ways to recognize and respond to team member burnout and personal crisis. Employee assistance programs provide a resource for addressing these challenges. Train managers and provide resources about signs of burnout or personal crisis so that they can be alert for risks to residents. Provide clear guidance to prevent behavior that may hurt the team member, the residents, and the nursing home or assisted living community.

## **Build awareness among residents and their loved ones**

Training for team members should be coupled with in-person or online programs for residents, family members, and groups such as resident and family councils. For these meetings, too, you can invite a police officer, long-term care ombudsman, Adult Protective Services representative, or social service provider to assist with training and answer questions. Approach financial institutions and financial professionals to see if they can offer free trainings for residents and caregivers on how to prevent fraud or manage their money. These sessions can begin an ongoing dialogue and can help reduce residents' vulnerability to financial abuse.

Keep in mind that some residents may face cognitive, physical, emotional, or social barriers that make it difficult for them to advocate for themselves. Also, residents may feel more comfortable mentioning another resident's problem to a team member than asking for help for themselves. Encourage residents to share their concerns with a team member if they suspect a fellow resident is being financially abused.

## **Possible topics for resident and family programs about financial abuse**

These sessions should include the topics listed above for team member training, with a few additions:

- Contact information for the team member with whom residents or family members can speak if they have a concern
- Strategies for safeguarding private documents and valuables
- Common scams and scam prevention strategies
- Online safety, including creating secure login credentials
- Applicable federal and state laws and your policy on releasing money from residents' personal accounts
- Tips for managing someone else's money

One way to start the conversation is by discussing a financial abuse case from a newspaper story. The Alma scenarios in this guide may also be a starting point. These opportunities can also encourage a resident or family member to confide concerns about financial abuse to a team member and take steps to prevent a situation from worsening.

If you have a newsletter, you can write an article about preventing financial abuse. If you have a closed-circuit television channel, you could display educational videos or PSAs about financial abuse prevention. For even wider impact, a resident and

family council can sponsor a community forum on preventing, recognizing, and reporting financial abuse. For example, a “shred-a-thon” event to safely dispose of personal documents and target identity theft may spur both heightened awareness and local recognition for your resident and family council.

## **Use technology to keep residents connected and informed**

Technology can be used in many ways to help residents stay connected with their loved ones even if they cannot visit in person. For example, residents who have family or friends living far away can chat with them via text messaging or video call on a mobile device or computer. Residents who cannot travel to a wedding or other family gathering may be able to watch a live stream of the event. Residents and their loved ones can keep in touch and share photos, videos, and information with one another using social media.

You can host meetings by phone or video call to allow a resident’s financial caregiver or other individuals to participate when in-person meetings are not feasible. If you have computers and phones available for residents to use, your team members could help set up a video call, phone call, or internet access for residents who are interested.

Using digital tools to visit with relatives can also expose elder financial abuse because maintaining strong connections with their friends and family gives residents more people to talk to about any problems they are having. If a friend or family member notices something that seems suspicious, they can share their concerns with a designated team member or with the appropriate authorities.

As technology advances, new online and mobile services may be useful to help residents manage their finances. For example, residents or their financial caregivers may be able to set up automatic alerts for their bank or credit union account so they receive a notification whenever a transaction occurs or whenever the account drops below a certain balance. Financial institutions typically offer services such as automatic bill pay and direct deposit for checks. Some mobile apps can help remind a resident or caregiver when to pay bills or take other action. The resident’s bank or credit union can share more detailed information about online and mobile options that are available to the resident.

Data privacy is a growing concern for many companies and individuals. To learn more about what to consider when sharing their financial data, residents and financial caregivers can read the CFPB’s blog post on this topic ([consumerfinance.gov/about-us/blog/what-to-consider-when-sharing-your-financial-data](https://www.consumerfinance.gov/about-us/blog/what-to-consider-when-sharing-your-financial-data)).

# How to recognize elder financial abuse

A variety of things you observe or detect may signal that a resident is experiencing financial abuse. This section will highlight some “red flags” that you might spot.

It is important to recognize and record any potential indicators of financial exploitation when a resident interacts with friends, family members, and other visitors.



## Alma's story

A team member is checking in on Alma, and Alma introduces the team member to her new best friend who is sitting in Alma's apartment. The new friend interrupts Alma many times, dismisses Alma's feelings, and says “that's not true” when Alma complains that some of her jewelry has gone missing. The team member gets a bad feeling and wonders if the new friend may be taking advantage of Alma. The team member decides to visit Alma again tomorrow when the new friend is not there, to talk with Alma privately about the situation.

## Warning signs that may indicate financial abuse

### Things a resident tells you or that you observe concerning the resident

- Resident, regardless of cognitive impairment, says someone is misusing or stealing their money or property
- Resident reports a missing checkbook, credit card, or important papers
- Resident is agitated or distraught before or after a family member or friend visits or takes them out for an appointment
- Resident becomes secretive and suddenly starts hiding possessions or hoarding papers

## Things you observe in a resident's room or apartment

- Resident's possessions are replaced with items of lesser value
- Resident lacks basics (e.g. undergarments) but personal needs account is depleted
- Resident leaves blank deposit slips or withdrawal forms in conspicuous places for easy taking
- Resident's medication appears to be missing

## Family dynamics and other observations when the resident is with visitors

- Resident appears pressured to make a financial decision, change a will, deed or trust, or sign a document "now"
- A visitor threatens the resident that unless the resident takes some financial action, the visitor will stop taking care of the resident
- A suspected perpetrator lets others visit only when they are present and insists on speaking for the resident (sometimes called "chaperoning")
- A new acquaintance shows intense affection for resident, isolating the resident from others
- Family members or financial caregivers avoid care plan meetings or fail to return calls from your team members
- Resident, family member, or visitor has a known addiction to gambling, drugs, or alcohol
- Resident's adult children or others with close relationships to the resident have financial conflicts
- A family member, friend, or financial caregiver says they plan to move the resident after questions arise about suspected financial abuse

## Billing issues

- Unpaid nursing home, assisted living community, or pharmacy bills
- Bills paid in cash
- Bills for unnecessary services or medical equipment
- Abrupt or repeated changes in who is responsible for paying resident's bill
- Stalling or broken promises from person handling resident's money



## Checks, charges, and other issues

- Checks or other documents are signed/dated when resident is no longer able to write
- Suspicious signatures (e.g. many versions of a resident's signature; a signature that was shaky is suddenly firm or vice versa)
- Resident's checkbook or check register shows checks frequently made out to "cash" or check numbers used out of sequence
- Credit card charges for items not purchased by the resident
- Gifts (either frequent or costly) to your team members or volunteers
- Sales of valuables to your team members or volunteers

## Problems with a financial caregiver

- Person who says they are the resident's financial caregiver fails to provide necessary documentation
- Multiple financial caregivers are in conflict over responsibility to pay the nursing home or assisted living community bill
- Resident who appears to lack decision-making capacity signs a new power of attorney document
- Existing financial caregiver who has been helping the resident is suddenly replaced with a new person
- Family member or financial caregiver is making erratic use of resident's personal needs allowance
- Agent or family member declines or pressures resident to decline prescribed treatment(s) on the basis of cost, overriding the resident's wishes

## If the suspected perpetrator is a team member, contractor, or volunteer in the nursing home or assisted living community

This guide does not include procedures for handling personnel issues when the suspected perpetrator is a team member. However, be sure to have protocols and processes for responding to suspected cases of financial abuse by a team member, a contractor, or a volunteer.

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## Definitions

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### Adult Protective Services (APS)

are social services programs provided by states nationwide, serving older adults and adults with disabilities who have experienced abuse, neglect, or exploitation or need other types of assistance.

Adult protective services is a generic term, not necessarily the name of the agency in your state.<sup>26</sup> APS workers frequently serve as first responders in cases of abuse, neglect, or exploitation. The **National Adult Protective Services Association** ([napsa-now.org/get-help/help-in-your-area](https://napsa-now.org/get-help/help-in-your-area)) provides information about how to report suspected abuse in each state.

## Fraud and scams that target older people

Scams and fraud by strangers happen even in protected settings like assisted living and nursing homes. Predators with a convincing story are as close as the telephone, the mailbox, or the computer.

Scams are always changing. Typical scams, like a romance scam or tech support scam, are frequently updated with new twists to the scammer's story. CFPB's **Money Smart for Older Adults** ([consumerfinance.gov/moneysmart](https://consumerfinance.gov/moneysmart)) program teaches older adults and caregivers how to recognize and avoid common consumer scams. The Federal Trade Commission has a "scam alert" page with information about the ever-changing ways that scam artists target consumers at [consumer.ftc.gov/scam-alerts](https://consumer.ftc.gov/scam-alerts).



### Alma's story

The next time the team member visits Alma, he notices that she has piles of mail on her table. The team member asks Alma what is going on with all these letters. Alma says she has been winning a lot of contests and sweepstakes lately. She says she has sent checks and cash to several of them to pay for taxes and fees, and she is now waiting to collect her prizes.

The team member remembers hearing about lottery scams during an in-service training and he talks with Alma to explain to her that these letters are scams. He encourages her to stop sending money. He then reports the situation to the appropriate team member so they can follow up with Alma and help her file a police report.

Residents of assisted living communities and nursing homes may be targets of predators who take advantage of people who feel lonely or are experiencing memory loss. For example, scammers may claim to be following up on a bogus order with a "payment" due or may claim the resident forgot to pay a bill. In scams like this, the resident is shamed for "forgetting" and then robbed.

### Here are some warning signs that scammers are targeting a resident:

- The resident receives news about a lottery winning, prize, or other windfall that requires payment of fees or taxes up front
- A caller asks the resident for personal or financial information
- A caller tries to make a financial decision seem urgent, often pressuring the resident to (a) act now or risk losing out on an opportunity or (b) act now before something bad happens

- A caller claims to be from a government agency, financial institution, or other entity and asks for information that they should already have, such as a Social Security number or account number
- A resident receives a lot of mail or email for sweepstakes, contests, questionable health supplements or products, or other scams, suggesting that they have already been swindled and are now being targeted by other scammers

Preventing predatory crimes requires coordinated efforts to raise awareness and ensure prompt response. To avoid identity theft, add safety features, such as antivirus software, pop-up blockers, and password protection, to any computers that you make available to residents for their personal use. Do not confiscate mail or monitor phone calls—those activities violate residents' rights. Distribute alerts, bulletins, pamphlets, and other resources to warn older adults and their families about scams, especially those that are prevalent in your area.

The CFPB has free educational resources you can use, and free resources may also be available from your state Attorney General's office, senior centers, long-term care ombudsman, national organizations, and other federal agencies. Conduct in-person trainings for residents and families. You can use free training programs such as **Money Smart for Older Adults** ([consumerfinance.gov/moneysmart](https://consumerfinance.gov/moneysmart)) or CFPB's **fraud prevention placemats, handouts, and activity sheets** ([consumerfinance.gov/placemats](https://consumerfinance.gov/placemats)).

If you believe that specific residents are the target of a telephone, mail, or online scams, consider talking with their financial caregiver or family about your concern so they can help the resident review and discard deceptive communications.



# How to record elder financial abuse

Consult with your team right away and document warning signs.

When suspicions arise, call a meeting of your financial abuse team. For example, you may want to meet if there is an account that is delinquent for 60 days or if you observe any of the red flags listed in the previous section. Consult with team members and volunteers who may have observed relevant behavior and be sure that they document each instance with the date, time, what was observed, and contact information for any witnesses.

Document all pertinent communications such as phone calls, meetings, and letters or emails. Investigators will need dates, times, locations, observations, or physical evidence, and the names of witnesses. Direct care and housekeeping or maintenance team members may be the most familiar with the resident. Encourage them to talk with you about their concerns and include their observations in the record.

## **Speak with the resident**

Talk with the resident separately from the suspected perpetrator(s). The resident may be hesitant to acknowledge a loved one's actions due to guilt, fear of retaliation, or sympathy for the perpetrator, particularly when the resident has rescued an adult child or other person from trouble repeatedly. Additionally, older adults from historically marginalized groups, such as people of color, immigrants, or LGBTQ individuals, may not feel comfortable reporting abuse due to a history

of discrimination by traditional institutions.<sup>20</sup> However, with support from a trusted advocate, someone who at first refuses to acknowledge financial abuse may later be open to talking about the experience.

When speaking with a resident about suspected financial abuse, it can be helpful to:

- Ask open-ended questions
- Take note of nonverbal cues in your conversation, as well as those you observe when the resident and suspected perpetrator(s) are together
- Note any inconsistencies in the stories

Pay attention to the resident's emotions and behavior during your conversation. Write down your notes immediately after the conversation, to preserve an accurate record.

## Connect the resident with a long-term care ombudsman

The social worker or other designated team member should inform the resident about the regional or local long-term care ombudsman program and help the resident contact that office. If there is an ombudsman visitor who comes to your nursing home or assisted living community periodically, the resident may prefer talking to that individual instead of making a call to the main office for help. Your team members should not contact the ombudsman solely because the resident is at risk of having to move out due to nonpayment.

The long-term care ombudsman's role is to respond directly to the resident and to act on behalf of residents, not providers. If you reach out to the ombudsman for assistance when a resident is cognitively or physically unable to make the request, you should document the resident's incapacity to contact the ombudsman and the actions you have taken to protect the resident from financial abuse.

When a resident cannot consent and does not have a legal representative—or the local long-term care ombudsman determines that a legal representative is not acting in the resident's best interest—the local ombudsman takes guidance from the state ombudsman director on how to proceed. The state ombudsman uses an established protocol to take action on behalf of a resident who cannot make or communicate decisions.

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20 See National Center on Elder Abuse, *Mistreatment of African American Elders* (Oct. 2020), [eldermistreatment.usc.edu/wp-content/uploads/2020/10/NCEA\\_R2P\\_AfAmElders\\_web508.pdf](http://eldermistreatment.usc.edu/wp-content/uploads/2020/10/NCEA_R2P_AfAmElders_web508.pdf); Center for Victim Research, *Elder Abuse Victimization: What We Know from Research- and Practice-Based Evidence* 24 (Sept. 2020), [ncvc.dspace.org/bitstream/handle/20.500.11990/2163/CVR%20Synthesis\\_Elder%20Abuse\\_Synthesis.pdf](http://ncvc.dspace.org/bitstream/handle/20.500.11990/2163/CVR%20Synthesis_Elder%20Abuse_Synthesis.pdf). (citing Laura Litton & Victoria Ybanez, *Reclaiming What is Sacred: Addressing Harm to Indigenous Elders and Developing a Tribal Response to Abuse in Later Life* (2017), [safehousingpartnerships.org/sites/default/files/2017-01/TLS-FINAL.pdf](http://safehousingpartnerships.org/sites/default/files/2017-01/TLS-FINAL.pdf)).

# How to report elder financial abuse

Laws and reporting requirements differ from state to state. Learn what's required in your state.



## Alma's story

Imagine a visitor at your assisted living community walks into Alma's apartment while Alma is at lunch, takes Alma's checkbook, and writes a check to herself for \$1,000. Alma tells a nurse that she saw a strange withdrawal from her bank account, and the nurse documents the situation and helps Alma call the police to report the crime. Depending on the laws of the state where Alma lives, the visitor might be charged with grand theft, forgery, financial elder abuse, financial exploitation of a vulnerable adult, or another type of crime.

## State laws and response systems

Your state's laws include definitions of financial abuse or exploitation, reporting requirements (if any) for suspected elder financial abuse, criminal sanctions, and other important guidance.<sup>21</sup> The primary agencies that investigate reports of suspected elder financial abuse are Adult Protective Services (APS), licensing agencies, law enforcement, and the long-term care ombudsman. Nearly all states require health care providers to report suspected abuse, neglect and exploitation (referred to as mandatory reporters in this guide) to APS or another public authority.<sup>22</sup> APS, however, does not carry out nursing home or assisted living community investigations in every state, so you should know which agency is responsible for investigating financial abuse of residents in your care setting.

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21 The U.S. Department of Justice provides an overview of state civil and criminal laws regarding elder financial abuse. See U.S. Department of Justice, *Elder abuse and elder financial exploitation statutes*, [justice.gov/elderjustice/prosecutors/statutes](https://www.justice.gov/elderjustice/prosecutors/statutes) (last visited Sept. 21, 2020).

22 American Bar Association Commission on Law and Aging, *Adult Protective Services Reporting Laws* (Dec. 2019), [https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/2020-elder-abuse-reporting-chart.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-elder-abuse-reporting-chart.pdf).

Be aware of your state’s laws about reporting suspected elder financial abuse. Learn the following things about your state’s laws:

- Whether you—and members of your team—are mandatory reporters to APS or another public authority
- Whether you have additional reporting obligations to law enforcement and/or licensing agencies
- How soon suspected financial abuse must be reported (e.g., immediately, within 24 hours)
- Who is eligible for protective services
- Which agency investigates financial abuse in your nursing home or assisted living community

It is also critical to understand the immunity provisions in your state’s laws—and reassure your team members that there are “safe harbors” for reporting suspected abuse. Almost all states have provisions providing immunity for good faith reporting of suspected elder financial abuse.<sup>23</sup> This means that you can’t be held liable if it turns out that the activity you observed wasn’t financial abuse, as long as you made the report in good faith (or a similar standard spelled out in your laws). In most states, this immunity extends to civil, criminal, or administrative actions. Generally, this immunity also applies to other activities that may stem from those reports, such as testifying in a court or administrative proceeding. The U.S. Department of Justice provides an overview of state civil and criminal laws regarding elder financial abuse.<sup>24</sup>

## Adult Protective Services (APS)

Frequently, APS workers are the first to respond in cases of abuse, neglect, or exploitation. APS workers evaluate two things before opening an investigation:

1. Whether the alleged victim is eligible for protective services
2. Whether the information reported meets the legal definition of abuse, neglect, or exploitation in their state or locality

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23 American Bar Association Commission on Law and Aging, *Adult Protective Services Reporting Laws* (Dec. 2019), [https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/2020-elder-abuse-reporting-chart.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-elder-abuse-reporting-chart.pdf).

24 See U.S. Department of Justice, *Elder abuse and elder financial exploitation statutes*, [justice.gov/elderjustice/prosecutors/statutes](https://www.justice.gov/elderjustice/prosecutors/statutes) (last visited Sept. 21, 2020).



## Eligibility for protective services

Your state's law specifies the definition of an adult eligible for protective services.<sup>25</sup> In some states, for example, APS will investigate alleged abuse of adults aged 18 or older who are considered vulnerable due to a physical or mental impairment. In other states, APS investigates abuse allegations when the alleged victim is over a certain age, e.g. 60 or 65, regardless of disability. However, most states have both criteria: an age criterion as well as a condition criterion (e.g. physical or mental impairment, dementia, etc.).

## Definition of mistreatment

Similarly, APS workers look at whether the allegations in a given case meet the state's definition of financial abuse or exploitation. You should know how your state defines elder financial abuse.<sup>26</sup> Your APS agency can provide this information. This definition helps you to know what to watch out for and what facts to include when reporting suspected abuse to a local or state agency.

If APS finds that the person has experienced or is at risk of experiencing financial abuse, APS decides what services, if any, are necessary for the person's safety or well-being and recommends a service plan.

Almost all states have some form of mandatory reporting of elder financial abuse to APS.<sup>27</sup> Some states require reporting by specific categories of professionals and providers. Other states require "any person" to report. It is important to review your state laws to learn whether you—and members of your team—have a mandatory obligation to report.<sup>28</sup> Talk to your lawyer or corporate compliance department to get updated information about reporting requirements. Even if reporting is not mandated, any concerned person may and should voluntarily make a report when he or she suspects financial abuse.

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> In addition to Adult Protective Services laws, there may be other state or federal laws that require you and your team members to report suspected abuse or suspected crimes.

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## Definitions

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**Mandatory (or mandated) reporters** are people required by law to report their suspicions about elder abuse to a specified public authority.

Individuals who are offered APS services have the legal right to decline help, if APS determines they have decision-making capacity. An older person has a right to refuse services even when a mandated reporter, service provider, advocate, and the APS investigator believe services may be appropriate. Talk to APS personnel in your state about how they determine whether a resident has the capacity to decline help.

## Law enforcement

Reporting suspected financial abuse to law enforcement is also critical. In some states, reporting to law enforcement is mandatory.<sup>29</sup> Financial abuse may violate an array of criminal laws. Some states have enacted laws making elder financial abuse a specific crime. But often law enforcement personnel investigate and prosecutors charge people with other crimes such as theft, larceny, embezzlement, forgery, fraud, and money laundering.

Your lawyers or compliance officers should be able to provide details about your state's criminal code provisions. Local law enforcement agencies and local prosecutors also may be able to help. Communicating and coordinating with law enforcement will help ensure that you report suspected criminal acts effectively. You can also get help with training your team and enhancing working relationships.

## Federal reporting requirements

In addition to state mandatory reporting laws, federal law requires long-term care facilities<sup>30</sup> that receive at least \$10,000 in federal funds during the preceding year to report suspected crimes against a resident to state regulatory agencies and to local law enforcement.<sup>31</sup> Understanding how your state defines crimes involving financial abuse will help you fulfill this reporting obligation.

Specifically, federal law requires that the owner, operator, employee, manager, agent, or contractor of a covered long-term care facility report "any reasonable suspicion of a crime," as defined by local law, committed against a resident of, or someone receiving care from, the facility.<sup>32</sup>

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29 See American Bar Association Commission on Law and Aging, *Adult Protective Services Reporting Laws* (Dec. 2019), [https://www.americanbar.org/content/dam/aba/administrative/law\\_aging/2020-elder-abuse-reporting-chart.pdf](https://www.americanbar.org/content/dam/aba/administrative/law_aging/2020-elder-abuse-reporting-chart.pdf).

30 The term "long-term care facility" means a residential care provider that arranges for, or directly provides, long-term care. The term "long-term care" means supportive and health services specified by the Secretary of the Department of Health and Human Services for individuals who need assistance because the individuals have a loss of capacity for self-care due to illness, disability, or vulnerability. 42 U.S.C. § 1397j.

31 42 U.S.C. § 1320b-25; See 42 C.F.R. § 483.12.

32 42 U.S.C. § 1320b-25(b)(1).

If the resident has serious bodily injury, covered individuals must report immediately upon suspicion, no later than two hours after forming the suspicion.<sup>33</sup> Other reports must be made no later than 24 hours after forming the suspicion.<sup>34</sup>

Covered individuals are subject to penalties for failure to fulfill these obligations. Penalties may include paying a fine or being barred from participating in any federal health care program.<sup>35</sup> Long-term care facilities must notify covered individuals (e.g. employees and contractors) of their duties annually. In addition, long-term care facilities must post conspicuous notice of employees' rights, including protections from retaliation for carrying out their responsibilities under this law.<sup>36</sup>

## **Make a report: who, what, where, when, and how**

It is critical to report financial abuse of a resident in accordance with state and federal law. When you report suspected elder financial abuse to local authorities, state that you are requesting an investigation of financial abuse of a vulnerable adult, or whatever terminology your state uses.

Your report should include facts that illustrate the situation. Be as thorough as you can, but remember that you are reporting a reasonable suspicion, not investigating a crime or proving a case. Think of the reporter's role as sharing your observations in order to enable an investigator to step in. Keep notes to the degree possible on the "who, what, where, when, and how" of the situation.

Your state's law may list the things you should include in your report. Below are some basic components of a complete report. However, you should still make a report even if you do not have some of this information:

- Time and date of the report
- Time, date, and location of the incident(s)
- Name(s) of the persons involved, including but not limited to the alleged victim, alleged perpetrator(s), and witness(es)
- Whether you believe there is a risk of imminent danger to the resident

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33 42 U.S.C. § 1320b-25(b)(2).

34 *Id.*

35 42 U.S.C. § 1320b-25(c)(1)-(2).

36 Department of Health & Human Services, Centers for Medicare & Medicaid Services, *Reporting Reasonable Suspicion of a Crime in a Long-Term Care Facility (LTC): Section 1150B of the Social Security Act* (June 17, 2011), [cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/downloads/SCLetter11\\_30.pdf](https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/downloads/SCLetter11_30.pdf).

- Description of the suspected financial abuse and signs of any other type of abuse or neglect
- The resident’s disabilities and/or health conditions, if known, including any information on cognitive abilities
- The relationship of the alleged perpetrator to the resident, if known
- Whether a report has been made to any other public agency, and
- Whether the nursing home or assisted living community has conducted an internal investigation and the contact information for the individual(s) responsible for the investigation

In addition to the specific federal requirements for long-term care facilities to report financial crimes directly to law enforcement, team members should report suspected exploitation, theft, and any other financial crime. Sometimes staff at a protective services, law enforcement, or licensing agency will claim that a discharge notice is required before you may make a report. This is not true. Regardless of whether a resident has a delinquent account or is being asked to move out of the nursing home or assisted living community, the agency should accept a report and assign the case for investigation.

Keep a record of any reports you make to local authorities, including the date, time, and the reference number and name of the person you spoke with, if applicable. Examples of documentation include a copy of a signed incident report or a copy and confirmation of submission of an online report or fax.

## **Follow-up can make a difference**

If you are not satisfied with a public agency’s response to your report, you may be able to strengthen your report by providing additional information. Ask the agency directly whether additional information would help trigger or support an investigation. Ask to discuss the case with a supervisor. Document each conversation you have with agency officials for future reference, noting the names of contacts and the dates and times of your conversations. Contact your state’s provider or professional organization for advice on how to work more effectively with the public agency. You may not have to accept “no” as the one and only answer.

Be aware, however, that the agency may be bound by confidentiality restrictions that preclude it from sharing information. APS may not be able to share any information about a case without the client’s express permission. It may appear to you and others in the community that APS did not respond, offer, or provide services, when in fact the agency did as much as it could.

## Responding as a community

Addressing elder financial abuse would be more straightforward if each community, county, and state shared universal protocols and resources. However, procedures and sources of help vary widely in different jurisdictions. In some communities, networks of professionals from different agencies and organizations collaborate to help prevent and respond to elder abuse and financial exploitation. These networks may be called Financial Abuse Specialist Teams (FASTs), multidisciplinary teams (MDTs), task forces, coalitions, or something else.

You can look at the U.S. Department of Justice's map of elder justice networks ([justice.gov/elderjustice/elder-justice-network-locator-map](https://justice.gov/elderjustice/elder-justice-network-locator-map)) to see if there is one in your community. Consider joining your local network or contacting them to see if they can help with your residents' cases. If there is no network in your area, you can use the CFPB's Network Development Guide ([consumerfinance.gov/eldernetworks](https://consumerfinance.gov/eldernetworks)) to create one.

## Additional resources for specific situations

**If you suspect a Social Security representative payee is misusing a resident's Social Security benefits, contact the local Social Security office.** You can find contact information at [ssa.gov/locator](https://ssa.gov/locator). You may also call the Social Security Administration to report possible misuse at (800) 772-1213.

If the resident needs a new Social Security representative payee, try to help identify an alternative family member or trusted person who can offer to serve. Representative payee applications are available at the local Social Security office. As a last resort, the nursing home or assisted living community can be the representative payee, unless prohibited by state law. As a general principle, there is an inherent conflict of interest when one entity has the simultaneous authority to bill for payment and to pay the bills. For more information, consult the Social Security Administration's guide for organizational representative payees ([ssa.gov/payee/NewGuide/toc.htm](https://ssa.gov/payee/NewGuide/toc.htm)).

**If you suspect financial abuse by a fiduciary appointed by the Department of Veterans Affairs (VA), contact the VA.** The VA provides contact information at [iris.custhelp.va.gov/app/answers/detail/a\\_id/3029](https://iris.custhelp.va.gov/app/answers/detail/a_id/3029). For more information about the VA fiduciary program, visit [benefits.va.gov/fiduciary](https://benefits.va.gov/fiduciary). If the resident needs a new VA fiduciary, try to help identify an alternative trusted person who can serve.

**If you suspect that a guardian or conservator is misusing the resident's funds or property, contact the court that appointed the resident's guardian or conservator.** Many courts have protocols for receiving and investigating complaints.

**If the financial abuse involved a financial account, contact the resident's bank, credit union or other financial services provider.** Direct your call to a security officer at the bank or financial institution. Your notification may trigger an internal investigation and further action by the financial institution. If you believe a staff member at the financial institution may be the perpetrator, find out which federal and state agencies regulate the financial institution and make a report to those agencies. The resident may have remedies under federal laws and regulations, and prompt reporting can be essential to help them recover money for certain electronic transactions.<sup>37</sup> However, it is important to recognize that without authorization by the owner of the account or a legally authorized fiduciary, you are not entitled to receive any information or follow-up to your "report." Also remember that your first call should be to the local authorities who investigate suspected financial abuse of vulnerable adults in your state and your type of nursing home or assisted living community.

## Understand your state civil laws

In some states, there are remedies beyond local APS intervention and criminal sanctions.<sup>38</sup> These states have laws to help survivors of financial abuse and their attorneys bring cases in civil court and recover assets. Some states have processes to freeze remaining assets or make it impossible for property transfers to proceed.<sup>39</sup> In some states, financial institutions can delay a disbursement of funds or place a hold on a transaction when elder financial abuse is suspected.<sup>40</sup> In many states, financial institutions are required to report suspected elder financial abuse to Adult Protective Services or law enforcement.<sup>41</sup>

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37 See 15 U.S.C. 1693 et seq., Electronic Fund Transfer Act (EFTA) (1978); see also 12 C.F.R. 1005, Electronic Fund Transfers (Regulation E) (amended July 21, 2020), [consumerfinance.gov/rules-policy/regulations/1005/](https://consumerfinance.gov/rules-policy/regulations/1005/)

38 See U.S. Dep't of Justice, Elder abuse and elder financial exploitation statutes, [justice.gov/elderjustice/prosecutors/statutes](https://justice.gov/elderjustice/prosecutors/statutes) (last visited Sept. 21, 2020).

39 For example, Florida law provides for an injunction for protection against exploitation of a vulnerable adult, where the court can provide various types of relief under certain circumstances. See Fla. Stat. § 825.1035 (2018), available at [leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0800-0899/0825/Sections/0825.1035.html](https://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0800-0899/0825/Sections/0825.1035.html).

40 Consumer Financial Protection Bureau, *Reporting of Suspected Elder Financial Exploitation by Financial Institutions: An update to the 2016 Advisory and Recommendations for Financial Institutions on Preventing and Responding to Elder Financial Exploitation 7* (July 2019), available at [files.consumerfinance.gov/f/documents/cfpb\\_suspected-elder-financial-exploitation-financial-institutions\\_report.pdf](https://files.consumerfinance.gov/f/documents/cfpb_suspected-elder-financial-exploitation-financial-institutions_report.pdf).

41 *Id.*

Additionally, the resident or resident's representative may be able to work with a legal services attorney or private attorney to file a case in civil court to request a "restraining order" or "order of protection" that prevents the perpetrator from contacting the resident. This type of intervention can help separate the perpetrator from the resident and prevent further harm.

Learn about the legal options available in your state and provide general information to survivors of financial abuse and others acting on their behalf. Suggest that residents and those acting on their behalf consult an attorney to explore whether they have civil remedies. Local civil legal services programs, often known as "legal aid," may be able to represent the resident, or the resident may need to hire a private attorney. You can search for legal services programs in your area by using the resources at [usa.gov/legal-aid](https://www.usa.gov/legal-aid).





# Review of key concepts, terminology, and additional resources

Together, we can work to combat financial abuse of older adults, wherever they live.

Visit [consumerfinance.gov/elderabuseresources](https://consumerfinance.gov/elderabuseresources) to get more help with responding to elder financial abuse.

## Keys to success in assisted living and nursing homes:

- Understand what elder financial abuse is and know the warning signs.
- Learn to spot scams that can target older people, especially those living in long-term care communities.
- Establish and maintain a well-coordinated team approach to preventing and reporting elder financial abuse.
- Provide practical information to team members, residents, families, and caregivers to help them prevent and respond to suspected financial abuse.
- Respond quickly to delinquent accounts—for example, after 60 days or two billing cycles—and to unauthorized use of residents' funds, such as personal needs allowance accounts PNA.
- Become skilled at documenting and organizing information about suspected financial abuse.
- Understand the responsibilities of mandated reporters, how to make a report, how soon a report must be filed, and how to follow up on reports.
- Know the roles of the long-term care ombudsman, Adult Protective Services, law enforcement, legal services programs, and other service providers in your area.
- Have resources and contact numbers close at hand—and use them to prevent, recognize, record, and report.

## Terminology and usage

In this guide, we use the words and phrases defined below. Your state's terminology may differ.

**Adult Protective Services (APS)** are social services programs provided by states that serve older adults and adults with disabilities who are in need of assistance. APS workers frequently serve as first responders in cases of abuse, neglect, or exploitation. The National Adult Protective Services Association website provides information about how to report suspected abuse in each state: [napsa-now.org/get-help/help-in-your-area](https://napsa-now.org/get-help/help-in-your-area).

**Assisted living** refers to residential care facilities offering 24-hour staffing and assistance with activities of daily living. Assisted living is regulated by states. Over two-thirds of states use the licensure term "assisted living" or a very similar term.

**Elder abuse**, often referred to as "abuse, neglect and exploitation," includes many types of mistreatment of older adults. The National Center on Elder Abuse describes seven types of elder abuse:<sup>42</sup>

- Physical Abuse
- Sexual Abuse
- Emotional or Psychological Abuse
- Neglect
- Abandonment
- Financial Abuse or Exploitation
- Self-neglect

Terminology for these types of elder abuse varies in state law.

**Elder financial abuse** (also called **elder financial exploitation**) is when a person takes or misuses an older adult's money or assets for the benefit of someone other than the older adult. For example, neighbors, caregivers, professionals, and even family or friends may take money without permission, fail to repay money they owe, charge too much for services, or not do what the older adult paid them to do. Financial abuse is a form of elder abuse.

**Financial caregivers** are people who manage money or property for a person who is unable to make their own financial decisions. For example, a financial caregiver could be an agent under a power of attorney, trustee, guardian, or conservator, or Social Security representative payee or Veterans Affairs fiduciary. For the purposes of this guide, the term "financial caregiver" includes resident representatives.<sup>43</sup>

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<sup>42</sup> National Center on Elder Abuse, Types of Abuse, [ncea.acl.gov/Suspect-Abuse/Abuse-Types.aspx](https://ncea.acl.gov/Suspect-Abuse/Abuse-Types.aspx)

<sup>43</sup> 45 C.F.R. 1324.1.

**Long-term care ombudsman** is an advocate for residents of nursing homes, board and care homes, assisted living facilities, and similar adult care facilities, in programs administered by the federal Administration on Aging/Administration for Community Living. Ombudsman staff and volunteers work to resolve problems for individual residents. Every state has an Office of the State Long-Term Care Ombudsman, headed by a full-time state ombudsman.

**Mandated reporters** are people required by law to report their suspicions about elder abuse to a specified public authority.

**Nursing home** means a residential care facility subject to state licensure requirements as a “nursing home,” “nursing facility,” or “intermediate care facility,” or providing similar levels of care. Most are also subject to federal standards as providers of Medicaid and/or Medicare covered services. Nursing homes generally offer a higher level of care than assisted living communities.

**Perpetrator** means a person who is suspected of financially abusing an older adult.

**Vulnerable adult, vulnerable person, or vulnerable resident** means an individual who may be at greater risk of abuse, neglect, or exploitation because of age or disability.

## Additional resources

The CFPB Office for Older Americans released four easy-to-understand booklets to help financial caregivers. The **Managing Someone Else’s Money** guides ([consumerfinance.gov/msem](https://consumerfinance.gov/msem)) are for fiduciaries—people named to manage money for someone else. There are separate guides for agents under powers of attorney, guardians and conservators, trustees, and Social Security representative payees and Department of Veterans Affairs (VA) fiduciaries.

The guides help people acting as fiduciaries in three ways:

- Walk them through their duties
- Explain how to watch out for financial abuse, and what to do if their loved one is a target
- Tell them where to go for help

You can download the guides at [consumerfinance.gov/msem](https://consumerfinance.gov/msem). You can also place free bulk orders at [consumerfinance.gov/order](https://consumerfinance.gov/order). You could distribute the guides at a family or resident program at your nursing home or assisted living community.



# About the Consumer Financial Protection Bureau (CFPB)

The Consumer Financial Protection Bureau (CFPB) is a 21st century agency that helps consumer finance markets work by making rules more effective, by consistently and fairly enforcing those rules, and by empowering consumers to take more control over their economic lives.

The CFPB Office for Older Americans develops initiatives, tools, and resources to help protect older consumers from financial harm and help older consumers make sound financial decisions as they age.

For more information about the CFPB, visit [consumerfinance.gov](https://consumerfinance.gov).

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