

NATI NEWSWIRE

SENIOR SAFETY ISSUES

Protect your pockets: avoiding fraud aimed at older Americans

By Todd Rokita - Indiana Secretary of State

When well-known 20th century bank robber Willie Sutton was asked why he robbed banks, he reportedly responded, "Because that's where the money is." That same thinking results in get-rich-quick scam artists targeting seniors, who, in theory, have accumulated larger nest eggs than younger investors. In fact, people over 60 account for 30 percent of investment fraud victims, with an average loss between \$12,500 and \$25,000.

Some fraudsters target seniors living on a fixed income by preying on their fear of not having enough to cover medical expenses and monthly bills. With promises of guaranteed returns at no risk, a scam artist's sales pitch can appeal to seniors.

The reality is that no investment is guaranteed, and there is always an associated risk.

Other scam artists invite seniors to a "free" lunch seminar marketed as a chance to learn about investment strategies without purchasing anything. Seniors often end up being pressured to make hasty investment decisions on the spot or during follow up phone calls. You can learn more about detecting "free" lunch seminar scams at

www.aarp.org/money.

In general, seniors are often offered investments that may be legal, but may not always be suitable for them. Common types are variable annuities, equity-indexed annuities and viatical settlements.

With variable annuities, investors essentially loan a company money with the expectation that they will be paid back over time with interest. While this investment is generally legitimate, it may not be suitable for many seniors, particularly those of more advanced age. Investors are typically locked in for around seven years and incur very high surrender charges if they try to access their money. With medical expenses and often a fixed income, seniors may need more flexibility with their investments.

Equity-indexed annuities are contracts with insurance or annuity companies that can offer higher returns than CDs and money market accounts. But in many cases, it will take several years for an equity-indexed annuity's minimum guarantee to "break even." You may also have to pay a significant surrender charge and tax penalties if you cancel early.

Viatical settlements are also typically legitimate but are extremely risky. With viatical settlements, investors purchase the life insurance policy of someone who has an illness and is not expected to live very long. When the person passes away, the investor collects the death benefits.

Viaticals are risky because there is no way to know how long a person will live. With advances in medicine and technology, the person could live much longer than diagnosed.

The investor is then stuck paying insurance premiums while losing money on the investment. Also, fraudsters can forge medical records to make someone appear in graver condition than they really are.

With these and any investment opportunities, seniors need to be cautious and consider whether or not the investment is appropriate for their needs. Unscrupulous brokers will often offer investments that have a high commission, despite their unsuitability for seniors. To avoid working with an unscrupulous broker, talk to multiple licensed professionals when considering an investment. You should also make sure the person selling the investment and the investment itself are licensed and registered with the Indiana Securities Division by calling 800-223-8791 or using the searchable databases at www.IndianaInvestmentWatch.com.

Finally, don't be afraid to ask questions or simply end the conversation when offered an investment opportunity that doesn't appear genuine. If the person is legitimate, they should not hesitate to answer any questions you have. If they hold back details or avoid giving written information, tell them you are not interested and walk away.

SCAM ALERT: SENIORS FACE MANY THREATS

THE ISSUE: Elder abuse

HOW BIG IS THE PROBLEM: Elder abuse, one of the largest growing crimes, is one of the most underreported, according to the California attorney general's office. "The true scope of elder abuse is not truly known," said Peggy L. Osborn, with the attorney general's office, Bureau of MediCal Fraud and Elder Abuse. But, she said, it is estimated that one of every 20 seniors is a victim of neglect or physical, psychological or financial abuse. Every year, an estimated 2.1 million older Americans are victims of those or other forms of abuse and neglect, according to information offered by the American Psychological Association.

WHAT CAN BE DONE ABOUT IT: "It's an education process, much like the process that domestic violence and child abuse went through," Osborn said. Elder abuse does not necessarily have to be physical -- it can include financial abuse, psychological abuse, sexual abuse and neglect. Most incidents of elder abuse do not happen in a senior care facility, but in the home, according to the APA. "This is why it is important that we become vigilant of our seniors as a community," Osborn said. Experts ask anyone who suspects elder abuse to contact their local law enforcement agency, Adult Protective Services, local senior services or their local ombudsman.

For a look at past scams, go to www.modbee.com/business/scam.

Website of the Month

The unemployment rate for workers ages 55 to 64 rose to 4.6 percent in November. That's a [70 percent increase](#) for that group, compared to a year ago.

And, according to the AARP Public Policy Institute, workers 55 and older experienced one of the [sharpest increases in unemployment](#) of any age group between September and October.

"When people are cutting back, they're cutting back on a lot of the senior population," said Bob Yakubisin of the [American Association of Retired Persons Foundation Work Search Program](#).

The free program helps seniors submit online job applications, inventory their interests and abilities, and assess their skills. The program has 73 sites across the country, including two in Pinellas County.

Work Search's Pinellas Park location is at 7800 66th Street North. Their [phone](#) number is 727-547-0534. There's another location at 1150A 16th Street in Palm Harbor. The phone number for the Palm Harbor office is 727-785-1309.

The AARP also matches [seniors](#) and [low-income job seekers](#) with community resources that can help them find jobs in their area.

http://www.aarp.org/money/careers/findingajob/jobseekers/aarp_foundation_worksearch.html

Website of Interest

AoA is pleased to provide you with a link to a "Public Policy & Aging Report" on the Aging Services Network that was recently issued by the National Academy on an Aging Society, a policy institute of the Gerontological Society of America. A copy of the report can be found at: http://www.aoa.gov/PRESS/main_news/news/2008/

In light of the Good Morning America listserv posting and the upcoming Astor trial, here's a timely resource. AARP's Public Policy Institute just released *Power of Attorney Abuse: What States Can Do About It, A Comparison of Current State Laws with the New Uniform Power of Attorney Act*. The report, by Lori A. Stiegel and Ellen VanCleave Klem of the ABA Commission on Law and Aging, can be found on AARP's website at http://assets.aarp.org/rgcenter/consume/2008_17_poa.pdf. A two-page summary of the report is at http://www.aarp.org/research/legal/legalrights/inb164_poa.html. A large majority of state laws lack protections for individuals creating financial powers of attorney (POA), the report finds. The new uniform act (UPOAA) enhances the use of this low-cost, flexible planning tool – and at the same time it helps prevent, detect and redress abuse of the POA.

USA Today highlighted the report and the problem of POA abuse on December 4 – see http://www.usatoday.com/money/economy/2008-12-03-power-of-attorney-elderly-abuse_N.htm?POE=click-refer.

The new report provides background on POA abuse, analysis of the UPOAA's consumer protection provisions, detailed charts on how current laws stack up against the UPOAA, and tips for enactment. In 2009, about 12 states are expected to consider adoption. Thus far, New Mexico and Idaho have adopted the Act. We hope the report will aid in enactment efforts.

More Senior Safety related articles are located at www.nationaltriad.org; e-news section

SEX-ABUSE CASES MAY LEAD TO LAW CHANGES

By WARREN WOLFE, Star Tribune

The bizarre and chilling reports of physical and sexual abuse against nursing homes residents in Albert Lea and Montevideo, Minn., may be rare, but some experts and victims' families are poised to ask the Legislature for additional safeguards.

Even those calling for change, however, disagree about the extent of the problem -- and some are fending off what they fear might be draconian proposals for change, such as installing "granny cams" in nursing home rooms and requiring prosecutors to charge abusers with felonies.

"Are people in Minnesota nursing homes safe? I would say most of them are safe -- at least safe from abuse," said Mary Birchard, executive director of the Alzheimer's Association in Minnesota.

But the head of an advocacy group warned that "nobody in a Minnesota nursing home is safe from abuse."

"Some homes do better than others at setting the standard for care, but elder abuse can and does happen anywhere," said Mark Wandersee, executive director of the ElderCare Rights Alliance.

They are among leaders of 51 government and nonprofit agencies, including the Minnesota Board on Aging and the attorney general, that will ask the 2009 Legislature to tighten state laws protecting aged and disabled people.

The group began drafting proposals long before reports of the two abuse cases splashed across the nation.

Among their proposals: standardize reporting and investigating maltreatment of frail aged or disabled people; create a statewide hot line to replace 87 county phone numbers for reporting those cases, and develop a system similar to the Amber Alert to mobilize public response to a missing vulnerable adult.

"The recent cases really illustrate why we need to do a better job," Birchard said.

Abuse in private homes

While there are more reports of abuse, it's not clear that it is widespread among Minnesota's 398 nursing homes.

Reports to the state Health Department of abuse in nursing homes rose 7 percent last year, from 574 to 614. The state substantiated 68 cases.

But reports of abuse in private homes and other community settings appear to be soaring.

Through October, county vulnerable adult hot lines took in 4,395 reports of abuse in the community. That's up 66 percent from 2,650 abuse calls in all of 2007, though up only 21 percent from 3,629 calls in 2006.

Since the state Department of Human Services collects data about the number of calls -- but not how they are resolved -- only officials in each county know how much abuse actually is proven, said David Brown, a department spokesman.

"But those numbers are a little squishy," he said. "It's hard to compare year to year because some counties don't submit reports, even though they're supposed to." In addition, some of the community complaints likely were about abuse in nursing homes, so may have been counted by both the

Health and Human Services departments.

Still, this year's figures may be more accurate than previously because the state now requires counties to report electronically, Brown said.

Under the spotlight

In the Albert Lea case, six young female aides apparently entertained themselves over five months early this year by poking and groping residents' genitals, sticking fingers in their mouths and noses, and taunting them until they screamed.

In Montevideo, the Health Department reported this month that for five months one aide abused six residents, five with dementia. It said she stuck a finger in the cancerous vulva of one resident until she screamed, tossed on the floor stuffed toys that another resident thought were her children and gave lap dances to two male residents, baring her breasts to at least one as she prepared him for bed.

The cases were unusual in the number of victims and, in Albert Lea, the number of victimizers. In both cases, there was no question that abuse occurred. The aides were fired. But county attorneys differed over whether there were crimes they could prosecute.

In Albert Lea, two aides face gross misdemeanor charges for abuse, while four are charged in juvenile court for not reporting suspected abuse, as required by law. In Montevideo, the county attorney did not prosecute because investigators said the aide denied the abuse and the victims did not cooperate or mentally were unable to be questioned.

"I've got questions about both those decisions," Wandersee said. "Should they be felony crimes? Should you assume someone with dementia can't tell you what happened? But I'm not a prosecutor." "Let's standardize investigative procedures, let's increase training," he said. "Abuse is a big problem. But let's think a little more broadly than granny cams and telling prosecutors how to prosecute."

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The U.S. Department of Labor has announced a \$10 million competition to connect workers 55 years and older to career opportunities in local industries. This solicitation for grant applications under the President's High Growth Job Training Initiative is open to local workforce investment boards as well as other entities that have the support of the local workforce investment board or that demonstrate how their activities will connect to regional talent and economic development strategies. Awards are expected to range from \$750,000 to \$1 million.

To view the announcement visit

http://www.doleta.gov/grants/find_grants.cfm or www.grants.gov. The deadline for applications is 4 p.m. EST on Thursday, Feb. 12, 2009. A Virtual Prospective Applicant Conference will be held at a time and date to be announced at the <http://www.workforce3one.org/> Web site.

KING CITY POLICE OFFICER IS NAMED AN OREGON EVERYDAY HERO

BY BARBARA SHERMAN

The Regal Courier

Police officer Ernie Happala recently was named one of Oregon's 2008 Everyday Heroes by the Governor's Commission on Senior Services, and he was honored in Salem along with 11 other individuals, a bank and a Portland fire station.

The commission created the heroes' campaign to raise awareness of elder abuse, increase reporting, reduce tolerance of elder abuse, and find ways to connect individuals and families to community resources.

At the ceremony, Oregon Attorney General Hardy Myers said, "The Oregonians we are honoring today noticed something that was consistent with elder abuse, they did something about it, and their actions kept someone safe or minimized the harm that was done.

"They set an example for all of us of what needs to be done to keep Oregon seniors safe in their communities."

Janet Martin, who is a Washington County Adult Protective Services specialist, nominated Happala after he assisted her with a case of elder financial abuse last summer. Although the crime occurred in another jurisdiction, the police force there would not take a report because the victim lived in King City. Martin lauded Happala for working with her to get the case referred for prosecution.

"This was a difficult case to investigate due to the victim's cognitive challenges, the alleged perpetrator's relationship to the victim and a great deal of resistance from the victim's bank in providing necessary documentation," Martin stated in her nomination.

"Office Happala never gave up and provided the legal assistance necessary to obtain the evidence needed," she added.

Martin said that Happala also helped her with another case involving an elderly individual.

"Officer Happala made regular welfare checks on the client and utilized creative methods to keep the client safe," she said. "... Officer Happala stands out as a professional... officer who is committed (to) the well-being of the community and truly embodies the value of high-quality service."

Happala originally worked as a police officer in Scappoose from 1989 to 1992, when he left law enforcement field to become a golf pro. His last golf

job was as the pro and director of instruction at the Lake Oswego Golf Course, but when he learned it was going to close for three months, Happala decided to get back into law enforcement.

"It was time for a change," he said.

Happala first went back to work in Scappoose, but he had met Chuck Fessler, the current King City police chief, in the early 1990s, and that connection ultimately led to Happala's job here starting a year ago.

Happala likes working in King City "because I can really spend time on calls with people," he said.

"The call load is not so heavy that you can't spend an hour in a house. It's fun to help people out and see it through."

Happala is a self-described war history-buff, so he enjoys chatting with veterans who live here.

"They're cool people," he said. "They're awesome.

And working for Chief Fessler is a 10. He pushes us to do a quality-of-life job. He's probably the main reason I'm here. "You fall in love with a community. You literally know everyone."

As for getting one of the Oregon Everyday Heroes awards, Happala said that he had no idea he had even been nominated.

"Chuck got a letter the same day I got an e-mail from Janet Martin about it," he said. "I had no idea there was such an award. It was a neat thing for Janet and Adult Protective Services to do.

"I talk to them almost daily. Every week I see a case. It's usually a quality-of-life issue."

Happala describes working the case with Martin as a "total learning experience."

Although the case took 10 months to resolve, "now I could probably do it in a month," he said. "Now I have the contacts and the knowledge. It was educational for me and a great learning experience."

Happala describes police work as a never-ending education.

"I've always loved coming to work here," he said.

"I'm still exposed to new issues through working with Tigard and Tualatin. It's not all that dull. There is always something going on in one of our neighboring cities. So many tools are available to you here."

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