

Protection against elderly mistreatment



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Elder Mistreatment Laws

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Elder mistreatment is an issue that receives more recognition every year, but what many may not know on the subject are the laws and actions taken against elder mistreatment. In the United States, they take this issue quite seriously and have several acts that contribute to the research and prevention of elder mistreatment. They also provide services to help those who are victims of elder abuse and give justice to those who have been hurt. These laws include the Older Americans Act, the Omnibus Budget Reconciliation Act, and the Elder Justice Act. Each of these acts have their own personal mission and provide services to the elders who have been abused or mistreated, whether at home or in a healthcare setting. What is very concerning is that not many people, adults and elders alike, know about these laws and do not reach out for help when it is there for them. Older Americans should be aware of these laws and what each of them provides in terms of protection from abuse and also justice for the abuse done unto them.

The first act is the Older Americans Act (OAA) that was passed in 1965. This act is what created the Administration on Community Living (ACL) whose mission is to, “ develop a comprehensive, coordinated, cost effective system of home and community-based services that helps elderly individuals maintain their health and independence in their homes and communities” (Dong, 2012, p. 2152). But what does this entail exactly? Well the OAA gives grants to the states and local agencies for research and community planning programs for aging and elder abuse. The act has four parts to it that relate to

elder mistreatment including Titles II, III, IV, and VII. Title II of the OAA states that the ACL must select someone to be in charge of the research, planning, and developing of elder abuse programs. Title III says that states must have a plan for the grants before they can receive them and then provides them with the grant. Title IV allows the ACL to give grant money for outreach programs and projects that relate to elder abuse. Lastly, Title VII makes the ACL give grants to state agencies to educate the community on elder abuse, including caregivers and other professionals. This title also makes the state have someone to take care of the legal services associated with elder abuse and protection. Overall, what the OAA act does is mandates these elder abuse programs in the states and provides the funding for them (Dong, 2012, p. 2152-2153).

The second act is the Omnibus Budget Reconciliation Act, or known as the Nursing Home Reform Act, and was passed in 1987. This law was made to ensure the highest quality care for the elderly living in nursing homes. “ The law ‘ provides federal statutory protection for residents in certified nursing facilities...Residents have the right to privacy, information on medical changes, the right to voice grievances without discrimination, and accommodation of physical, emotional, and social needs,’” (Watson, 2013, p. 41). Because of this protection, this law is considered to be the most important law that deals with elder abuse. This seems plausible, because many reported cases of elder abuse occur in long term care facilities and nursing homes. This law is substantial because it makes it okay for the elderly living in nursing homes to protect themselves and receive the highest quality care that they deserve (Watson, 2013, p. 41).

The most recent and last act is the Elder Justice Act, which was passed in 2010 as part of the Patient Protection and Affordable Care Act. This act allows a federal response to elder abuse through community services to help with the prevention, detection, and treatment of it. This act was the first time that Congress addressed elder mistreatment at the federal level. One of the several great parts of this act is the creation of a Nation Training Institute for Surveyors and the provision of grants to the state survey agencies. These surveys are conducted on long-term care facilities for their care of the patients and the health of the residents to make sure that the minimum standards are being met. This is great because these agencies could detect elder abuse in the facility and take necessary action to protect the residents living there. Hopefully this act will lead to bigger and better things in terms of justice for elder abuse in the United States (Colello, 2014, p. 2-9).

Now we know what is being done in present time to prevent elder abuse and give justice to those who have been abused, but what needs to be done in the future? First of all, more research needs to be done on the population of the United States to look at the incidence of elder abuse and the risk factors associated with elder abuse. New research should focus on the risk factors associated with the elderly, like dementia, and also the risk factors associated with the abuser, like the work setting. Secondly, the United States must look at elder mistreatment across all cultures and minorities in the country. Again, this research needs to focus on the risk factors and the incidence of elder abuse within each minority. Another factor that needs to be looked at is the rates for which elder abuse is being reported in each minority. With this information we can hope to get a better understanding of

elder abuse across the United States, including all of the different minorities and cultures that coincide there. With a better understanding, we can raise awareness in all cultures about elder abuse and what can be done to prevent it and give justice to the victims of abuse (Dong, 2012, p. 2153-2154).

In conclusion, these three laws are there to protect and give justice to elders that have been abused, and our elderly population should be educated on each of these laws. Each act is associated with elder abuse, but has different actions. The Older Americans Act provides the funding and helps with the planning of elder abuse programs and research in every state. The Omnibus Budget Reconciliation Act, or Nursing Home Reform Act, gives elders the right to receive the highest care in nursing homes and helps to protect them with these rights. The Elder Justice Act allows the federal government to respond to elder abuse through community services that help prevent, detect, and treat elder abuse. With future research, the United States can also help to bridge the gap with elder abuse in the different minorities across the nation and get a better overall incidence rate of elder abuse. These laws help to create better protection for the elderly and with future research and understanding, the United States may be able to significantly decrease the rates of elder abuse in the country.

References

Colello, K. (2014, September 3). The Elder Justice Act: Background and Issues for Congress. Retrieved June 28, 2015, from <https://fas.org/sgp/crs/misc/R43707.pdf>

Dong, X. (2012). Advancing the Field of Elder Abuse: Future Directions and Policy Implications. *Journal Of The American Geriatrics Society* , 60 (11), 2151-2156. doi: 10.1111/j.1532-5415.2012.04211.x

Watson, E. (2013). Elder Abuse: Definition, Types and Statistics, and Elder Abuse (Mistreatment and Neglect) Laws. *Journal Of Legal Nurse Consulting* , 24 (2), 40-42.