

# RAHALL *Report*

## THE ELDER ABUSE PREVENTION AND TREATMENT ACT

BY CONGRESSMAN NICK RAHALL

IN APRIL OF 1981, THE HOUSE SELECT COMMITTEE ON AGING RELEASED A REPORT ENTITLED ELDER ABUSE: AN EXAMINATION OF A HIDDEN PROBLEM, THE END PRODUCT OF MUCH RESEARCH AND MANY HEARINGS AND THE FIRST COMPREHENSIVE ANALYSIS OF ELDER ABUSE. THE COMMITTEE FOUND THAT ELDER ABUSE IS A FULL-SCALE NATIONAL PROBLEM, EXISTING WITH A FREQUENCY ONLY SLIGHTLY LESS THAN CHILD ABUSE. ONE OUT OF EVERY 25 OLDER AMERICANS, OR ROUGHLY ONE MILLION OF OUR ELDERLY, MAY BE PHYSICALLY, FINANCIALLY, AND/OR PSYCHOLOGICALLY ABUSED EACH YEAR.

ONE OF THE MAJOR POLICY OPTIONS CONTAINED IN THE COMMITTEE'S REPORT REGARDING ELDER ABUSE URGES THE FEDERAL GOVERNMENT TO ASSIST THE STATES IN THEIR EFFORTS TO DEAL WITH THE PERVASIVE PROBLEM OF ELDER ABUSE. INCENTIVES MUST BE PROVIDED FOR STATES TO ENACT APPROPRIATE LAWS TO ENABLE HEALTH AND HUMAN SERVICE WORKERS TO DEAL WITH THE PROBLEM; SUCH INCENTIVES, HOWEVER, NEED NOT INVOLVE LARGE EXPENDITURES OF FEDERAL FUNDS. H.R. 769, A BILL I HAVE CO-SPONSORED, ADDRESSES THESE CONCERNS.

THIS BILL WOULD:

Fund State programs for elder abuse prevention and treatment if the States meet the following criteria:

1. Provide for the mandatory reporting of known and suspected incidences of elder abuse, neglect, and exploitation;
2. Have in effect a law which provides for immunity from prosecution for persons reporting suspected cases of elder abuse, neglect and exploitation;
3. Provide that upon receipt of such a report an investigation will be initiated and steps taken to protect the abused, neglected or exploited elder person;
4. Have in effect administrative procedures, trained personnel, institutional and other facilities, and multi-disciplinary programs and services to deal effectively with the special problems of elder abuse, neglect and exploitation;
5. Provide for the confidentiality of records;
6. Provide for the cooperation of law enforcement officials, courts and appropriate agencies providing human services, with respect to special problems of elder abuse, neglect, and exploitation;
7. Provide that the least restrictive alternatives are made available to the abused, neglected or exploited elder person;
8. Provide that the abused, neglected, or exploited elder person participate in decisions regarding his/her welfare.