



Testimony

House Aging and Older Adult Services Committee

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Good Morning,

Chairman Day, Chairman Samuelson, and members of the committee. Thank you for this opportunity to testify before you and address elder abuse in Pennsylvania. My name is Tatia Cooper, and I am the President and CEO of Home Care Associates. HCA provides caring, reliable support to individuals in their homes. Our aides are trained and certified paraprofessionals. As a worker-owned cooperative, HCA's home care aides have an important stake in their work and their futures and take great pride in providing excellent care for each client. Our agency serves about 200 seniors in the five southeastern PA counties, and our goal is to keep members of our neighborhoods active in their communities. I am also a member of the Pennsylvania Homecare Association (PHA), a statewide membership association representing more than 700 organizations that bring medical care, personal care, and end-of-life care into thousands of people's homes every day across the Commonwealth.

I will begin today's discussion by providing you with a brief overview of home-based care – what it is, who we serve, and then I will discuss some issues and concerns relating to elder abuse. Finally, I will discuss the challenges faced by homecare providers in providing care to Pennsylvania's elderly population. I am more than happy to answer any questions about my testimony following my remarks.

OVERVIEW

As members of the Pennsylvania Homecare Association, we know that there is no place like home. Most people want to age in the comfort of their homes and communities and receive care and supports at home. Pennsylvania has one of the fastest growing aging populations in the nation, and many individuals need help to remain active and independent in their communities. People want to stay at home, in the neighborhoods where they raised their families, and where they visit their favorite coffee shops and know their neighbors, whenever possible. Our older adults should not be relegated into institutions if they are otherwise able to remain in the community.

The Department of Health, which licenses all home-based care providers, reports that there are 2,799 non-medical homecare agencies providing assistance with activities of daily living (bathing, grooming and meal preparation), 607 home health agencies providing skilled nursing services, and 186 licensed hospices in Pennsylvania. This does not include hospitals and skilled nursing facilities that also provide care to thousands of our seniors.

There are two models of homecare in the provision of personal assistance (non-medical) services in Pennsylvania – the agency-based model and the consumer-directed model. Under the agency model, a consumer hires an agency like mine, and we hire caregivers, provide training, and manage their care. Under the consumer-directed model, the consumer manages their own care, hiring an individual caretaker that they often already know. Both models are critical to serve the growing personal care needs of Pennsylvania's seniors, but it is important to understand the differences between the two.

ELDER ABUSE

Elder abuse remains an important issue in Pennsylvania and nationally, and one that we must take all reasonable steps to prevent. In 1987, Pennsylvania's Older Adult Protective Services Act (OAPSA) became law. Among other things, OAPSA required background checks for caregivers and prohibited the employment of certain agency caregivers who had been convicted of a specified list of crimes. In 2015, Pennsylvania's Commonwealth Court ruled that the lifetime employment bans in OAPSA were unconstitutional, in that they did not allow for a waiver process for someone who had been rehabilitated. The court focused on the consideration of factors such as the nature of the crime; facts surrounding the conviction; time elapsed since the conviction; the evidence of the individual's rehabilitation; the nature and requirements of the job and the performance of individualized risk assessments, in determining whether someone should be able to provide care as an agency caregiver.

Since that time, a number of OAPSA bills have been introduced, in an attempt to respond to the Peake Court's concerns, and also to expand upon protections for seniors, prevent financial exploitation, and add additional requirements for agency caregivers. It is important to note that many of the OAPSA amendments would not apply to the consumer-directed model or caregivers, despite the fact that they make up a significant percentage of homecare providers in Pennsylvania. For example, although background checks are required for both agency and consumer-directed caregivers, any employment bans being contemplated by OAPSA amendments would apply only to the agency caregivers and would not apply to consumer-directed caregivers.

Under the law as it stands today, the Department of Aging is responsible for administering OAPSA and providing protective services through the Area Agencies on Aging (AAAs). A year ago, the Office of Inspector General released a report that noted there was a 40% increase in elder abuse that could get worse as the Baby Boomer population continues to age. The report also identified four main areas of concern:

- The importance of conducting timely in-person interviews with seniors to follow-up on reports of alleged abuse.
- The need for front line AAA staff to quickly and accurately categorize "reports of need" to determine appropriate next steps.
- The necessity of adequate training for those front-line intake staff and for their supervisors and other participants in the protective services system.
- The necessity to monitor and review the triage of incoming reports of need for uniformity and accuracy.

Today, your committee is receiving testimony regarding a package of bills intended to address elder abuse. PHA appreciates your commitment to protecting the individuals our members serve. The concept of financial exploitation has become more and more prevalent in recent years. We hear stories about seniors being the target of Social Security and IRS scams on a regular basis; we've read about grandchildren stealing from grandparents, and more. PHA strongly supports legislation to strengthen financial exploitation laws and to better protect our seniors.

Chairman Day's proposal would create a private right of action against individuals who financially exploit seniors. A similar provision is contemplated in the current OAPSA legislation. Additionally, Chairman Day's legislation creates a Senior Trust Fund that would help senior victims of financial exploitation recover lost income. As this particular bill moves through the process, PHA welcomes the opportunity to act as a resource for this committee.

Additionally, Rep. Culver has introduced a bill that would create the crime of financial exploitation in the crimes code, grading it as a felony and creating concurrent jurisdiction with the Attorney General's office. Legal deterrents such as this prioritize our seniors and are intended to keep unscrupulous individuals from preying on our most vulnerable.

Although the broader OAPSA bills are not the subject of today's hearing, PHA hopes to be a continued resource as conversations continue regarding OAPSA. We have long supported stronger protections for Pennsylvania's seniors and urge this Committee – while it is considering OAPSA amendments - to also ensure and protect access to quality care for seniors in need of care across the Commonwealth. It is important for this committee to understand that current OAPSA proposals would significantly change the background check process, timing, hiring rules, and employer protections. They also would, for the most part, apply only to agency caregivers and not the consumer model.

I cannot overstate the workforce crisis in the direct care worker field today. We struggle to recruit, hire and retain quality caregivers, and it is absolutely critical that any changes to OAPSA do not result in unanticipated, inappropriate obstacles in a way that would negatively affect our ability to provide quality care to our growing senior population. As Pennsylvanians continue to age, the demands for homecare continue to increase. There

simply are not enough qualified care workers to fill the shifts and meet demand today, and needs are only increasing.

As we move towards June and the budget, I would also note that part of ensuring our vulnerable populations are safe is responsibly funding the programs that are in place to protect their health and welfare. Please consider an increase in funding to the protective services program as well as the reimbursements under the Medical Assistance program. At about \$11.50 an hour, the average wage for Pennsylvania's direct care workers does not keep us competitive or meet the needs of today's marketplace. We are only as strong as the resources we have.

In conclusion, I would like to commend Chairman Day and Rep. Culver for their proposals to combat financial exploitation. We need to protect our elderly and ensure that they maintain their dignity throughout the aging process.

I thank you for the opportunity to address the issue of elder abuse today. We need to do our best to protect those who cannot protect themselves and ensure that they are able to maintain their dignity and have access to quality care. I am happy to answer any questions that you may have regarding the issues discussed today.