Bill as Introduced

HB 461 – AS INTRODUCED

2003 SESSION

03-0716
01/09

HOUSE BILL ***461***

AN ACT establishing a commission to study financial exploitation of the elderly and persons with disabilities.

SPONSORS: Rep. Joseph Manning, Ches 28; Rep. Batula, Hills 58; Rep. Itse, Rock 80; Sen. Martel, Dist 18

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill establishes a commission to study financial exploitation of the elderly and persons with disabilities.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 461 – AS INTRODUCED

03-0716
01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a commission to study financial exploitation of the elderly and persons with disabilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Purpose. The general court recognizes that financial exploitation of the elderly and persons with disabilities is a growing problem. Therefore, the general court hereby establishes a commission to study financial exploitation, its causes, penalties and remedies, and the challenges and barriers facing the state in its efforts to protect victims and prosecute offenders.

2 Commission Established. There is established a commission to study financial exploitation of the elderly and persons with disabilities.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of health and human services, or designee.

(d) The director of the division of elderly and adult services, department of health and human services.

(e) The administrative judge of the probate courts, or designee.

(f) The attorney general, or designee.

(g) A representative of the medicaid fraud control unit, appointed by the attorney general.

(h) A representative of the New Hampshire banking industry, appointed by the New Hampshire Bankers Association.

(i) An attorney, appointed by the New Hampshire Bar Association.

(j) A representative of a public guardianship agency, appointed by the governor.

(k) A local law enforcement officer, appointed by the governor.

II. The commission shall solicit information from any source the commission deems relevant.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission's study shall include:

I. Promoting education and greater public awareness of financial exploitation and scams against the elderly.

II. Legal and ethical issues involving people with diminished capacity and the role of the probate courts, including guardianship and alternatives to guardianship and issues of self-determination.

III. Services and supports available to victims and people at risk of becoming victims, including those provided by the division of elderly and adult services, victim-witness programs, and domestic violence programs.

IV. Exploitation through the use of powers of attorney.

V. The role of financial institutions in recognizing and reporting suspicions of exploitation and working with state and local government and law enforcement, and barriers to cooperation.

VI. Challenges facing law enforcement agencies investigating financial crimes and crimes against older people or people with cognitive or physical impairments.

VII. Scams targeting the elderly.

VIII. The impact on the above issues of an aging population and more older people living in the community.

IX. Penalties and remedies.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

7 Effective Date. This act shall take effect upon its passage.

Amendments

Sen. Roberge, Dist. 9
June 5, 2003
2003-2024s
01/05

Floor Amendment to HB 461

Amend subparagraph I(b) of section 3 of the bill by replacing it with the following:

(b) One member of the senate, appointed by the president of the senate.

Committee Minutes

Representative Joseph Manning

COPY

Date: April 23, 2003
Time: 9:00 a.m.
Room: 105-A, Senate House

The Senate Committee on Public Affairs held a hearing on the following:

HB 461 establishing a commission to study financial exploitation of the elderly and persons with disabilities.

Members of Committee present:
Senator Roberge
Senator Larsen
Senator Barnes
Senator Green
Senator Morse

The Chair, Senator Sheila Roberge, opened the hearing.

Senator Sheila Roberge, D. 9: We will open the hearing on House Bill 461, and I will call upon the Prime Sponsor, Representative Joseph Manning.

Representative Manning: May I respectfully request that you call upon Senator Martel, first.

Senator Sheila Roberge, D. 9: Senator Martel, will you begin when you are ready.

Senator Andre Martel, D. 18: Thank you very much, madam chairman, and members of the committee. Thank you for letting me testify in advance, and I thank the prime sponsor-allowing mew to do this as well.

We worked on this situation when I was back in the House in Health and Human Services. By listening too many people who came before us around on how elderly people, and the disabled are the most in need. These people are being really, really exploited as far as phone calling, as well as people coming in and reaching into their pockets and everywhere they could to get them to expend some monies that they really didn't have and they felt obligated they would have to do that.

Also, I will mention this last thing before I refer it to the prime sponsor. If you look at the price of prescription drugs, this also is something that we are looking at. It has been an exploitation of the elderly in some cases. It may not be the primary reason but it's a primary situation it's surely there in a secondary way, and that has to be looked at as well. I thank you very much for the time and I urge you to pass this bill, it's a good bill and I will now turn it over to you. If you have any questions I will answer them.

Senator Sheila Roberge, D. 9: Any questions?

Senator John S. Barnes, Jr., D. 17: Senator Martel would you mind if we changed the three members of the senate on this commission to one member?

Senator Andre Martel, D. 18: I don't mind as long as the prime sponsor doesn't mind.

Senator Richard Green, D. 6: Are you going to serve as well?

Senator John S. Barnes, Jr., D. 17: If he's the number.

Senator Andre Martel, D. 18: Fine, no problem, any time. Thank you.

Senator Sheila Roberge, D. 9: Representative Manning.

Representative Manning: Thank you madam chair and members of the committee.

For the record my name is Joseph Manning, Dist. 28, and I would like to give you a little background on this. We had a bill last year that dealt with the financial exploitation of the elderly, but it also dealt with physical abuse and general well being of some vulnerable elderly people.

The bill encompassed a lot of things, unfortunately it probably encompassed too much and as you know sometimes we get a bill that has so much in it, you kind of throw up the hands, so it didn't fly. This bill has separated out from that, just the financial exploitation of the elderly. There were a great deal of questions, and the reason we needed to study a committee or commission on this thing was that we ran into a good deal of problems about financial exploitation.

Particularly from the banking industry that was greatly concerned with the privacy issues. In order to investigate any kinds of exploitation you have kind of bend the rules in banking. So this is why we wanted to study it to see if we can't even out the bumps and get things through.

I'll tell you what I would like to do with your permission, rather than my telling you about this bill. I'm going to read a letter that I received when this bill was first proposed.

It's from a woman whose name is Martha Bauman from Keene, NH.

> I write in behalf of Monadnock Senior Advocates, the area Committee on aging for Cheshire and Western Hillsborough Counties. We urge the Health, Human Services and Elderly Affairs Committee recommends approval of HB 461, to establish a study commission on financial exploitation of the elderly.
>
> Financial exploitation of the elderly is largely unseen and unexamined. The exploiter may be a trusted person, a relative or guardian of the elder who is providing assistance while he or she spends the elder's resources. Those who suspect a problem may look the other way, fearful of upsetting the care giving arrangement. Sometimes the exploiter is a bogus contractor or charitable cause, playing on the elderly's confusion or sense of guilt. The exploiter may also be a caregiving institution that pads the account of a private patient with inflated prices and services that were not requested.
>
> Financial management becomes more difficult every year. Yet the oldest of our residents may have managed their money with a system of envelopes for regular expenditures. If the elderly is frail or confused and forgetful, the task of coping with insurance and bank accounts will indeed be overwhelming. This is, unfortunately, a fertile ground for exploitation. With more of us living into our nineties, and beyond, the opportunity for financial exploitation will only increase.
>
> We recognize the importance of financial privacy. Putting law enforcement and bank personnel in the role of whistleblowers must be done with great are, both to protect them from charges and to maintain the elderly's right to privacy. Your approach of beginning with a study commission is appropriately. cautious. The financial exploitation of elders is not a pretty picture. We should call it what it is ... stealing from our most vulnerable citizens.

Thank you for your decision to deal with this problem.

I'll leave a copy of this letter for the record.

Senator Sheila Roberge, D. 9: Do you have a problem changing three senators to one on the commission?

Representative Manning: As long as that one shows up.

Senator John S. Barnes, Jr., D. 17: Senator Martel will be happy to do that. Thank you.

Senator Sheila Roberge, D. 9: Senator Barnes:

Senator John S. Barnes, Jr., D. 17: What is elderly in your opinion.

Representative Manning: Somebody that is five years older than I am.

Senator John S. Barnes, Jr., D. 17: No one can explain that on the senate floor to me when they talk about the elderly. The reason I raise that question Would you believe that I hear all of this what you are saying, but I see a lot of young folks who have the same problem. I don't think it's just the elderly that are being exploited, and I don't think because I am 72 years old no one is going to exploit me, I am going to take care of this situation. So when I hit a certain age, I don't become unable to fend for myself, and that is what this sort of stuff rings into my head. I guess that is what is bothering me a little bit. I think that some of the young folks with dropouts out of school and don't have the education, I think those people have a bigger problem being ripped off by rip off artists as people my age.

Somebody comes to my door and wants to ripe me off they are going to have some fun because I will have some fun with them with them before they leave.

Representative Manning: Well, I put myself in the same category as you, and I have a few years on you.

Let me say that amongst other things some of my most intimate contacts with elderly is when I deliver Meals-On-Wheels. I have been doing that for a lot of years, and I have seen good friends of mine that were sharp as you or I consider us to be. But in a very short few years really dropped off the edge and just don't have it anymore.

So I think somewhere along the line we are all going to reach a stage where we are not going to be as sharp as a tack right until we die at ninety-five. A lot of them drop off; I guess its part of the aging process. Thank you.

Senator Sheila Roberge, D. 9: Philip Bradley.

Philip Bradley, Assistant Attorney General: Good morning, I'm Assistant Attorney General, Philip Bradley from the Department of Justice, I have been working with the Medicaid fraud unit over there for the last couple of years.

In my role there I have probably prosecuted about a half a dozen of these cases either civilly or criminally each year. We generally work with the elderly because we are the Medicaid fraud unit and typically to be eligible for the kind of Medicaid, at least the kind we are authorized to prosecute. They are other forms of Medicaid; you have to be of a certain age.

We simply don't have the jurisdiction to work with Medicaid recipients who are younger. They are problems with younger people too. Exploitation of younger people. I don't have that much familiarity with those kinds of cases, but I don't think the attorney general's office would be opposed to expanding a financial exploitation bill.

Particularly with respect to Powers of Attorneys to cover all principals, meaning those who are giving Powers of Attorney, or all wards or guardians, for example. So I don't think the problem is limited to the elderly, I guess the bill was sponsored by the Division of Elderly and Adult services because they see this problem quite often. There could be other potential sponsors out there.

We are in favor of the establishment of the commission to study the problem based on our experiences, and I can relate a few experiences that I have had in the last year. Just last week we prosecuted a case over in Cheshire County in the Cheshire County Superior Court in Keene.

In which women of about 38 years old named Bonnie Blow, became Power of Attorney for an elderly man named Walter Grinner. He actually wasn't that elderly, about 60 years old. He had become partially disabled due to a series of strokes and he needed someone to help and this relatively young woman gained his confidence and she became his Power of Attorney.

As he got sicker he suffered a few more strokes, she proceeded to clean out his bank accounts. Eventually allegations were reported to the Division of Elderly and Adult Services which sent out an investigator. They routinely do

this, they have investigators who look at exploitation cases both physical and financial exploitation. At that time this elderly man was so trusting and his health was so poor that he simply wasn't interested in looking at any financial records. He just said, she's my power of attorney, everything that she is doing is okay.

That investigator got nowhere. Complaints kept coming in and eventually he had to be placed in an Assisted Living Community and from there the exploitation continued and more complaints were made. This time the embezzlement office went out, that's another level of authority that can look at this sort of problem. They went and interviewed the elderly man and he just said, Go see Bonnie, go see Bonnie, he wouldn't cooperate with them either. They even obtained some financial records and he wouldn't look at those. So they referred the case to our office, and we sent an investigator, an certified police officer who's been doing this sort of thing, he got nowhere.

Eventually the man got a new Power of Attorney, he had to leave the Assisted Living Facility, because the Power of Attorney was stealing his money and not paying his bills, he had to leave. His new Power of Attorney was a nice young man who reconstructed what happened to Mr. Grinner and got Mr. Grinner to work with us. We prosecuted that case last week. At trial the defense attorney said, look Ms. Blow had Power of Attorney document it authorized her to do whatever she thought in her opinion would manage Mr. Grinner's affairs. Basically she was taking his money buying an all terrain vehicle, she took about $25,000 in disability insurance checks, didn't pay his nursing home bill, he got kicked out of the nursing home. His house had to be sold to pay his debts, and he is now on Medicaid.

Possibly he could still be in his home, and receiving a lesser form of Medicaid. The attorney argued he said, listen there is no real law in New Hampshire that criminalizes action by Power of Attorneys. There is very little review of them in the courts. If anything the elderly man should have been required to sue in civil court, and we argued about that. There's relatively little law on the books that make abuse through Powers of Attorney a criminal offense. There is something that makes it a civil offense. Fortunately we were able to bring the case to the jury and the jury returned a guilt verdict on all four counts. The law is not as strong as it should be in this area, and we have been confronting this time after time.

In closer cases where its obviously a civil matter we have worked out civil resolutions where Power of Attorney pays the money back and agrees not to be Power of Attorney anymore. We had one of those where we helped the victim get a civil lawyer and recover that money. We had another case over in Sullivan County were a woman stole about $700,000 from her elderly aunt

once the aunt went into the nursing home, and couldn't manage her finances anymore. We prosecuted her and convicted her of a felony and recovered about $600,000. We are concerned about this area; we would like to strengthen the law in this area, and at least has some oversights of Powers of Attorney, which right now are almost completely unregulated.

There is a provision RSA507: 7, that allows an interested party to file a petition in Probate Court, or superior court, to have the court review the actions of Power of Attorney.

Senator Sheila Roberge, D. 9: Senator Barnes.

Senator John S. Barnes, Jr., D. 17: Thank you, I have a couple of questions for you. You are talking about the law and we are talking about a commission. Why don't you folks put a piece of legislation for a law instead of going through the commission process which is going to take a longer period of time to take care of what you are talking about the Power of Attorney, is question #1.

Mr. Bradley: Let me start by answering that question. We have strengthened the Power of Attorney laws a little bit and that has been helpful. I think it is important to bring all the interested parties together to have them weight in on this. For example, if we just wrote up a bill, it's likely that someone would object. Perhaps the banking industry, perhaps the Estate Planning Attorneys. I think it is important to have a commission and to have all interested parties weight in with their respected views.

Senator John S. Barnes, Jr., D. 17: My second question is, I've asked it before, and I've asked it on the senate floor, and you sort of really brought it to a head when you said this man was elderly 60, and I think your words were sort of elderly. How does the Attorney General look at as sort of elderly and elderly?

Mr. Bradley: I don't think elderly has been defined, and I would be hesitant to...

Senator John S. Barnes, Jr., D. 17: Its tossed around a lot.

Mr. Bradley: It is and we do have this entire division called The Division of Elderly and Adult Services, not that elderly is defined as a specific age there.

Senator John S. Barnes, Jr., D. 17: Well you told us on the committee that this fellow was sort of elderly at 60.

Mr. Bradley: Well I guess elderly is subjective and we would be hesitant to have elderly written into a law so that opposing counsel would say, "Well he wasn't elderly."

Senator John S. Barnes, Jr., D. 17: Will the attorney get an answer from the Attorney General's Office so that I can get this cleared up on the floor of the senate tomorrow, because they keep throwing elderly out and nobody can answer what the elderly is.

Mr. Bradley: I couldn't speak on the basis of age, all I can do is get us into hot water. I believe they mentioned right here, people at risk of becoming victims, including those served by the Division of Elderly and Adult Services. So if they are eligible for services, that would be one indication. It also says Victim Witness Programs. Often victims of crimes could be much younger. Domestic Violence Programs, that could cover much younger people. Guardianships could cover much younger people, also.

Senator Richard Green, D. 6: Would you agree that elderly is as Senator Barnes is trying to define it, is not by chronological age, but by state of mind. I understand they law in terms of eligibility, because there is an age to identify, but in terms of defining the word. You have to be a certain age to be eligible for certain benefits, if I understand the law, but this is not the definition of what you are trying to do here. It's the state of mind whether they are capable of handling their own affairs, if I understand it right.

Mr. Bradley: That would be an excellent, well often people who give Powers of Attorney are still capable of handling their own affairs. They are still mentally competent. I think we would be hesitant to put an age limit that would be an excellent matter for the committee to study. Thank you very much.

Senator John S. Barnes, Jr., D. 17: Thank you very much.
Is there anyone else who wishes to speak? Carol, wishes to speak, Philip Bradley, already talked, Senator Martel, the other folks haven't said they wanted to talk on this. Yes, why don't you come up and address this place?

Thank you chair, and members of the committee, my name is Linda Griebsch, I'm with the New Hampshire Coalition Against Domestic and Sexual Violence, and I speak basically in favor of this bill. I have one minor addition that I would like to make and that's because you will notice on page two, lines 1-2-3, they talk about programs, and they mention specifically Domestic Violence Programs, as something that would be studied in this bill. The coalition is the umbrella organization for 14 crisis centers throughout the state that provide services to elderly abused as well as other victims of

domestic and sexual violence. I know it says that the commission would be able to solicit information from any source that they desire, but I think that because whatever recommendations might come out of this committee would have such a direct impact on the crisis center. The kinds of services we may provide and how we provide them, and because we are such an interracial part of any service provision, in fact we may often by the point of contact. We may be the ones that might have to do reporting or respond to this kind of thing. We are very likely to be one of the places where people go to talk about it, where they may not go anywhere else.

Therefore, and because you freed up two seats on the commission, I thought maybe one being available the coalition might be able to get that seat. I suggest that we amend this to add an "L", a representative of the New Hampshire Coalition against Domestic and Sexual Violence appointed by the executive director of the coalition. Thank you very much.

I want to let you move onto other things, but I will say, I also feel that we have had several cases that involved homicides with relative killing off older relatives for monitory gains. We had not long ago, the son in Concord who killed is mother because she was going to sell their house. Right now there is a trial going on with a niece who killed the aunt with an accomplice. I'm not sure if the accomplice was also a relative for financial gain. So this is a problem that is even more serious than losing money, it could involve losing life. I'm glad to see that we are looking into this.

Senator John S. Barnes, Jr., D. 17: Do you believe that money is the root of all evil?

Ms. Griebsch: It's beginning to appear that way, more and more to me.

Senator John S. Barnes, Jr., D. 17: The older you get the closer you get to be an elderly, it looks that way.

Ms. Griebsch: That's right that's right, exactly.

Senator Sheila Roberge, D. 9: Are we finished?

Senator John S. Barnes, Jr., D. 17: Well, there's no one else here that signed to speak?

Senator Richard Green, D. 6: They are people here who want to speak?

Senator Sheila Roberge, D. 9: Everybody that signed up to speak has spoken. We else would like to speak hasn't spoken.

Jeff Czarnec, Manchester Police Department (Retired), Senior Services Unit: Thank you very much for allowing me this time, I will try not to take a lot of time, although to be quite frank, I could. To speak of the cases that I have dealt with as a detective in the City of Manchester, assigned to the Senior Services Unit.

Senator Sheila Roberge, D. 9: Your name for the record?

Jeff Czarnec: I'm sorry my name is Jeff Czarnec. I can speak of a couple of things, shear volume and the lack of teeth that the law enforcement community has with respect to taking care of parties that are vulnerable. I am not going to use the word elderly, I promise, but I can address that as well Senator.

I look at it as the dynamics of victimization, which creates the vulnerability, and I don't assign a particular age. Although my caseload started at age 55. As people approach the ago of retirement, and you alluded to it Senator Green, that people are more subsistent on a variety of different things such as family members and pensions, and the recovery factor becomes an issue. That is where I think the issue of semantics comes in and confuses everybody.

I prosecuted as best I could and I chased down people as best I could, and closed cases as best I could in terms of recovery. I feel comfortable speaking on behalf of the entire law enforcement community in New Hampshire who are as exuberated as I had been before I retired in December. We would get close to resolution on these cases, but we couldn't force anytime for recovery or closure to the satisfaction of the vulnerable or the senior.

Based upon the fact that prosecution was just not to be had. We could be creative, as the Attorney General had spoken of. You can be somewhat creative but it's the time management issue becomes an issue onto itself because you have to invest a great deal of time into examination of a number of different statutes that may or may not apply.

What I am saying is, I would like to see the State of New Hampshire, and this being a perfect start. The State of New Hampshire gets up to speed. As is the case with the State of Maine and the State of Massachusetts which have put together commissions as well as sponsored appropriate legislation which allows recovery to be enhanced on behalf of law enforcement. This gives law enforcement more teeth addressing the issues of state of mind, which creates the issue of vulnerability. This is pretty much indigenous to those people who

are moving on in years which is just the way it happens. So I am here on behalf of law enforcement as a retired police officer and a full professor of criminal justice. That something needs to be done and it needs to be done quick. If you look at demographics alone, the population of people age 60 and over in this country is doubling in the next ten years.

That creates an entire pool for the artists, the scam artists, the con artists, and those people who would prey upon this particular segment of the population by virtual of their vulnerability. They basically are just increasing the numbers and the workload that going to be set for law enforcement.

I'm not sure what else I can say, I thought of a million things that I could say that would be poignant enough to convince you that we in law enforcement are exhausted from the fatality. We are exasperated from the lack of teeth, not to be redundant, but the lack of legislative push that this state does not seem to possess at this time. This commission would be a perfect start as opposed to get addressing one piece of legislation because so many things are –(inaudible) with effect to exploitation.

Tape 1, Side A ended, did not get the end of Mr. Czarnec's testimony.

Tape 1, Beginning of Side B:

Senator Sheila Roberge, D. 9: Is there anybody else who would like to speak?

Carol Stamatakis: I'm sorry I didn't realize I didn't hit the right checkmark. I do have an answer to your question though. I'll give it at the end of my testimony.

Carol Stamatakis legal coordinator for the Department of Health and Human Services, Division of Elderly & Adult Services.

Good morning chairman Roberge, members of the committee. I am Carol Stamatakis, I am legal coordinator for the Department of Health and Human Services, Division of Elderly & Adult Services.

One of the programs that our office administers is the Adult Protection Program. Through which reports of abuse, neglect and financial exploitation are investigated and support of services is also the victims. Of all the cases that we handled, financial exploitation cases are clearly the most challenging and the most difficult to resolve. Very often by the time

financial exploitation has been determined the victim's assets have already been depleted. It's very rare that either the police or we are able to recover assets once they have been lost. Many of the cases that we see do involve Power of Attorney abuse. There are a number of reasons why these cases are so challenging and I would like to highlight just a couple of those reasons.

First of all there are issues of dependency where often times the victim believes that they are dependent on the perpetrator. Very often that is not the case. In fact it's the perpetrator who is often dependent on the victim in terms of living off of their social security check, living in there home and otherwise. The victim believes they are dependent and they believe that they need the care of that person.

Victims are often reluctant to admit that they are being victimized out of fear that others will then believe that they can no longer manage their affairs so they are afraid that they may end up being sent to a nursing home or placed under a guardianship. This is a case often times with scams against the elderly. We find that victims are reluctant to come forward, even the family members out of fear that the result will be that people will believe that they can no longer handle their finances.

Law Enforcement Agencies have historically been reluctant to investigate or prosecute these cases. This has been true because police may assume that a victim would not be found competent to testify, so they haven't wanted to waste their time investigating. This is starting to change, and we have had wonderful experiences with the Medicaid Fraud Unit and also with the Manchester Police, the Nashua Police who take these cases very seriously.

We do find that there is still a need for education among many of the police departments in the state.

Financial exploitation cases are generally very time consuming and costly to investigate and police departments as Jeff Czarnec testified are at times very frustrated in their efforts to obtain financial records or other documentation that they need in order to prosecute a case. Sometimes confidentiality of financial records can be a barrier.

Time is always on the side of the perpetrator as assets may continue to be depleted; lost assets are rarely recovered. So the alleged victim is likely to become more impaired or die the longer an investigation continues, so that is another barrier that faces our law enforcement.

Now in answer to your question regarding the age issue. We do have statutes both state and federal that define elderly in terms of I think somebody else indicated qualification for benefits for different programs. Under the older Americans Act the age is 60. I am always struck by how shocked people are by that. I know last session House Judiciary they heard one of our bills, was really struggling around that age issue. The way I look at it is that thirty years ago, or forty years ago when these statutes were passed people in their 60's tended to be a lot older than they are today. They didn't have the benefit of healthcare that people have today, so that age was seen as older, whereas its no longer the case today.

Senator Sheila Roberge, D. 9: Senator Barnes.

Senator John S. Barnes, Jr., D. 17: You are telling me that 60 is elderly? AARP a group that is too old for me to belong to brings them in at 55. They are expanding their roles, they probably will have it at 45 next year.

Mrs. Stamatakis: It's sixty, because it is what appears in some of the federal statutes, it also appears in some of our state laws. I think this bill in order to recognize that people can be vulnerable for different reasons is not limited to the elderly.

One other point I would make though about age that I think is very interesting is that the frail elderly and people with memory impairments such as Alzheimer's disease or dementia are particularly vulnerable to financial exploitation. We find and studies show that the risk for all forms of mistreatment generally increases with age, and almost half of the victims of financial exploitation are age 80 and older. The studies show that once people get into their 80's is when the risk of financial exploitation really escalates.

It actually happens for two reasons, in all seriousness regarding the age issue is not only is it because some people or many people do become more vulnerable neither because of physical or cognitive impairments. Perpetrators also see them as being more vulnerable. They tend to be targeted more by the scam artist, by the family member who would be looking for somebody to exploit.

It's not only that they are more vulnerable, but also they are seen as being more vulnerable and that makes them targets. I think that you have heard from many witnesses this is an issue. We have worked on for many years and we believe that creating this commission will help move forward on this issue and help us overcome some of the obstacles that it made it a challenge to create stronger laws in this area.

Senator Sheila Roberge, D. 9: Senator Barnes.

Senator John S. Barnes, Jr., D. 17: I do have a serious question for you. The State of Florida must have a real problem, St. Petersburg, and all the towns where people move in at this age. What does Florida have on their books to protect the situation? Arizona perhaps would be two of the biggest rip-off states based on what you are telling us?

Mrs. Stamatakis: I have a document, it was for another bill, but there is something that I can get to you that is put out by the American Bar Association and it summarizes what has been done in different states in recent years. I don't know if there is anyone here that has specific information on Florida. But I know Florida we have looked at, Texas, Wisconsin has very strong laws protecting people from exploitation. I would be happy to provide that. It's just a chart that shows what different states have done in recent years to try to deal with the issue.

Senator John S. Barnes, Jr., D. 17: I'm just kind of curious, what our brothers and sisters are doing here. I think this is a great idea and adding fuel to what we have here, I thought someone might raise that question?

Senator Sheila Roberge, D. 9: Jeff has an answer.

Mr. Czarnec: I would just add to what Mrs. Stamatakis said. Most of these states are more versatile statutorily, they insert more language into their theft statutes do address exploitation, such as state of mind clauses because of shear volume dictated that.

Just as I mentioned before that State of Maine, has a very progressive legislation.

Senator Sheila Roberge, D. 9: That would be for the commission to study on.

Mr. Czarnec: There is enough information out there that we could look into.

Senator Sheila Roberge, D. 9: Nobody else has signed up to speak. Is there anyone here who hasn't spoken who wishes to speak? Thank you very much.

Senator John S. Barnes, Jr., D. 17: Senator when you were gone, a lady over here suggested that we add a member to the commission?

Senator Sheila Roberge, D. 9: Who

Mrs. Griebsch: I am a representative of the NH Coalition Against Domestic & Sexual Violence. If we could get a line "L" to be appointed by the executive director. See Attachment "B"

Senator John S. Barnes, Jr., D. 17: May I ask a question to the sponsor? Mr. Sponsor do you think that if we make that change, if we add that line "L" and if we move it down to 2, is it going to be a problem in the committee of commerce. Is this going to be a problem for your bill, if you do that?

Representative Manning: I wouldn't think so, Senator.

Senator Sheila Roberge, D. 9: The other thing is you know by study All ages, if we broaden this bill probably the commission won't get their work done.

Representative Manning: Well, that is one danger, and as I say that was the problem with our original attempt to address this thing. I think since the greatest majority of the problem dealing with the elderly that if we can come up with something there and get 80% of the action, it is certainly something that we can look down the road to take from that experience and downsize.

Senator Sheila Roberge, D. 9: I prefer to wait. I think they are enough commissions dealing with domestic abuse already, and they can study that if they want to, there is nothing to say that they can't – this group of people can't, but I just don't want to really change this bill at this point.

I don't know how this committee feels but I just as soon leave it alone.

Senator John S. Barnes, Jr., D. 17: I don't want to see it get destroyed.

Senator Sheila Roberge, D. 9: I don't either. There is enough of a group here that they can get into enough of the issues, I think.

Mrs. Griebsch: I just wanted to say our office supports the addition of the member representing the Coalition, because we do know they do serve the elderly victims of exploitation and they are one of the resources out there. I think adding that one member probably would not change the focus of the committee.

Senator Sheila Roberge, D. 9: We will close the hearing on House Bill 461, thank you for coming.

Hearing on House Bill 461 closed at 9:45 a.m.

Respectfully submitted,

COPY

Livia Acdan
Senate Public Affairs Secretary
04/29/03

Attachment "A"
Attachment "B"

Attachment A

joseph p manning

From: "Martha Bauman & Jean Andrew" <jma_mab@prexar.com>
To: <jpmanning@cheshire.net>
Sent: Sunday, February 09, 2003 11:45 AM
Subject: Financial Exloitation

February 9, 2003

To: Representative Joseph Manning
From: Martha Bauman, 305 Roxbury Street, Keene, NH

I write on behalf of Monadnock Senior Advocates, the area committee on aging for Cheshire and western Hillsborough Counties. We urge the Health, Human Services and Elder Affairs Committee to recommend approval of HB 461, to establish a study commission on financial exploitation of elders.

Financial exploitation of elders is largely unseen and unexamined. The exploiter may be a trusted person, a relative or guardian of the elder who is providing assistance while he or she spends the elder's resources. Those who suspect a problem may look away, fearful of upsetting the caregiving arrangement. Sometimes the exploiter is a bogus contractor or charitable cause, playing on the elder's confusion or sense of guilt. The exploiter may also be a caregiving institution that pads the account of a private patient with inflated prices and services that were not requested.

Financial management becomes more difficult every year. Yet the oldest of our residents may have managed their money with a system of envelopes for regular expenditures. If the elder is frail or confused and forgetful, the task of coping with insurance and bank accounts will indeed be overwhelming. This is, unfortunately, a fertile ground for exploitation. With more of us living into our nineties and beyond, the opportunity for financial exploitation will only increase.

We recognize the importance of financial privacy. Putting law enforcement and bank personnel in the role of whistleblowers must be done with great care, both to protect them from charges and to maintain the elder's right to privacy. Your approach of beginning with a study commission is appropriately cautious. The financial exploitation of elders is not a pretty picture. We should call it what it is....stealing from the most vulnerable citizens.

Thank you for your decision to deal with this problem.

Attachment B

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

P.O. Box 353
Concord, NH 03302-0353
Phone: (603)-224-8893
fax: (603)-228-6096

www.nhcadsv.org

MEMBERS:

RESPONSE to Sexual & Domestic Violence
Berlin
Colebrook
Lancaster

Women's Supportive Services
Claremont
Newport

Rape and Domestic Violence Crisis Center
Concord

Starting Point
Conway
Ossipee

Sexual Harassment and Rape Prevention Program (SHARPP)
University of New Hampshire
Durham

Women's Crisis Service of the Monadnock Region
Keene
Jaffrey

New Begininings: A Women's Crisis Center
Laconia

WISE
(Women's Information Service)
Lebanon

The Support Center Against Domestic Violence and Sexual Assault
Littleton
Woodsville

YWCA Crisis Service
Manchester
Derry

Rape and Assault Support Services
Nashua
Milford

Task Force Against Domestic Violence and Sexual Assault
Plymouth

A Safe Place
Portsmouth
Rochester
Salem

Sexual Assault Support Services
Portsmouth
Rochester

Testimony to support Coalition Amendment to HB 461

1) The purpose of the bill is to bring affected and relevant parties to the table.
2) Domestic violence is specifically mentioned in the bill as an item for study, page 2, line 3.
3) In 2001, (the most recent statistics available) member service providers of the Coalition served over 1000 people who would qualify under this legislation.
4) We are a point of contact for the very population addressed by this commission.
5) Recommendations from this committee will effect and directly impact services provided by the crisis centers. If we have no input, we may find ourselves in a difficult position of supporting the concept but being unable to support the recommendation because of a negative impact on our ability to provide services.
6) Other members of the commission may not be aware of the services we already provide to older and disabled citizens and may make recommendations that would duplicate existing services. This would have negative and unnecessary fiscal consequences.
7) Relatives are often the ones responsible for exploiting older and disabled people. Often concerned relatives contact crisis centers for assistance in these situations. We need to be aware of and involved in the solution to this problem.

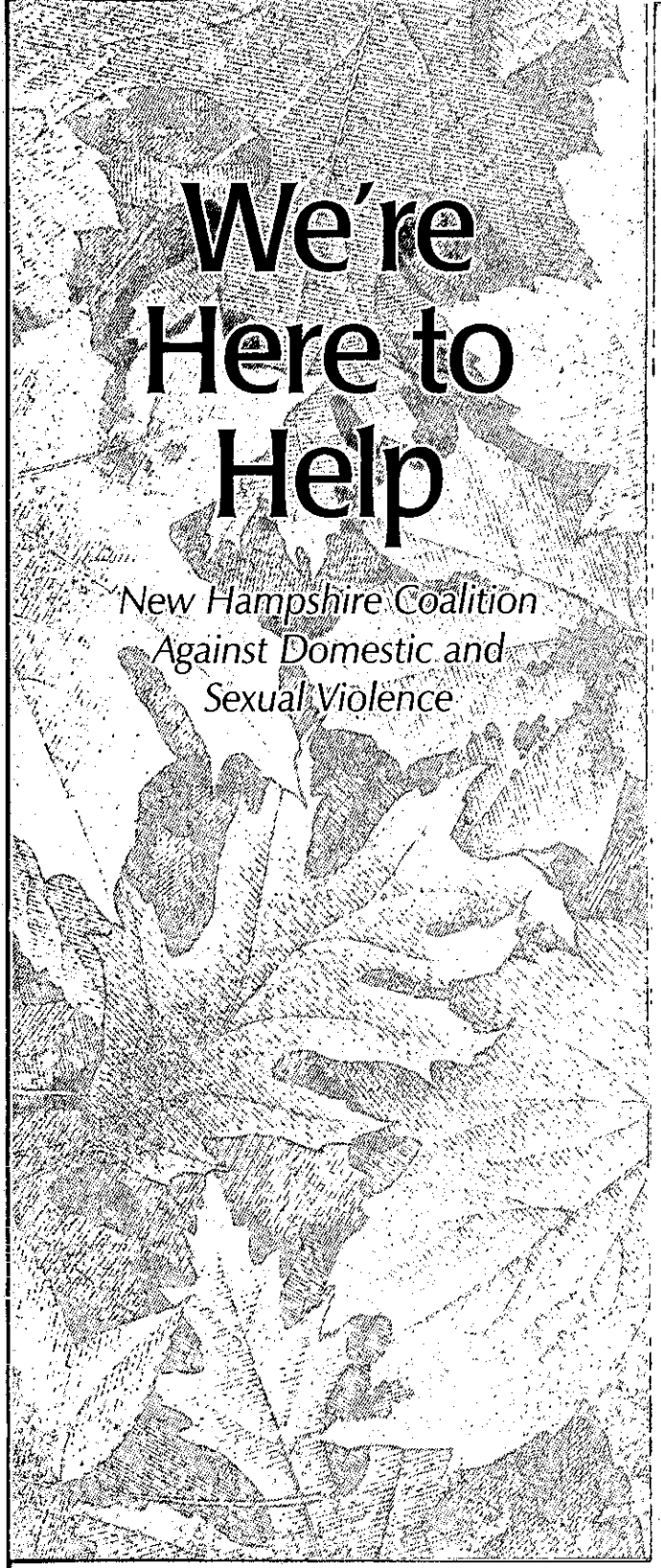
Committee Concerns:

We were unable to attend the hearing on the House side because of the incredible rush of activity getting through all the bills and we knew we would have an opportunity on the Senate side.
The sponsors do not object to our inclusion.
The Division of Elderly and Adult Affairs support our inclusion.
The House will probably concur with this amendment, removing the need for a committee of conference and the Senate is already amending the bill to remove 2 senators.

In summary:
Any commission or committee on which we have served has benefited from the work we have put in and the input we provided.
This is a subject on which we have both experience and knowledge that would benefit the proposed commission.
We humbly request the committee consider this important amendment.

Amendment to HB 461

(l) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the Executive Director of the Coalition.



We're Here to Help

New Hampshire Coalition Against Domestic and Sexual Violence

You Are Not Alone

If you are experiencing domestic or sexual abuse, whether the abuse is happening now or took place long ago, please know you are not alone.

Confidential services are available 24 hours a day 365 days a year, and include:

- 24-hour support and information hotlines
- Emergency shelter
- Assistance in obtaining restraining orders
- Hospital, police, and court accompaniment for rape and assault survivors
- Information and help in obtaining public assistance
- Support groups for victims.

You need not be in crisis to call a crisis line. Any time you want to talk, trained advocates are ready to listen.

Volunteers are an integral part of the effort to end domestic and sexual violence. Please call the Coalition at 224-8893 or call the office number of the crisis center nearest you (listed in this brochure) for volunteer information.

Support Services i

Berlin, Colebrook, & Lancaster:	RESPONSE to Sexual & Domestic Violence 1-800-852-3388 crisis line 752-5679 Berlin office 237-8746 Colebrook office 788-2562 Lancaster office
Claremont & Newport:	Women's Supportive Services 1-800-639-3130 crisis line 543-0155 Claremont office 863-4053 Newport office
Concord:	Rape & Domestic Violence Crisis Center 1-800-852-3388 crisis line 225-7376 office
Conway & Ossipee:	Starting Point: Services for Victims of Domestic & Sexual Violence 1-800-336-3795 crisis line 356-7993 Conway office 539-5506 Ossipee office
Durham:	Sexual Harassment & Rape Prevention Program (SHARPP) 862-3494 crisis and office line
Keene & Jaffrey:	Women's Crisis Services of the Monadnock Region 352-3782 crisis line 352-3844 Keene office 532-6800 Jaffrey office
Laconia:	New Beginnings 1-800-852-3388 crisis line 528-6511 office

n New Hampshire

Lebanon:	Women's Information Service (WISE) 448-5525 crisis line 448-5922 office
Littleton & Woodsville:	The Support Center Against Domestic Violence & Sexual Assault 1-800-774-0544 crisis line 444-0624 Littleton office 747-2441 Woodsville office
Manchester & Derry:	YWCA Crisis Service 668-2299 crisis line 625-5785 Manchester office 432-2687 Derry office
Nashua & Milford:	Rape & Assault Support Services, Inc. 883-3044 crisis line 889-0858 Nashua office 672-9833 Milford office
Plymouth:	Voices Against Violence 536-1659 crisis line 536-3423 office
Portsmouth, Rochester & Salem:	A Safe Place (domestic violence) 436-7924 crisis line 436-7955 Portsmouth office 330-0214 Rochester office 890-6392 Salem office
Portsmouth & Rochester:	Sexual Assault Support Services 1-888-747-7070 crisis line 436-4107 Portsmouth office 332-0775 Rochester office

I would like to help stop domestic and sexual violence by:

- ☐ Making a tax-deductible contribution to NHCADSV, Enclosed is my check for $ _____
- ☐ Volunteering with a local domestic violence or sexual assault crisis center. Please contact me at _____
- ☐ Requesting a speaker on domestic violence, sexual assault, sexual harassment, or domestic violence in the workplace. Please contact me at _____

Name: _____

Address: _____

City: _____ State: ____ Zip: ____

Phone number: _____ E-mail: _____

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

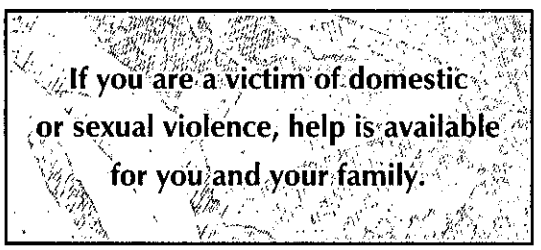
PO BOX 353 • CONCORD, NH 03302-0353
(603) 224-8893 • FAX: (603) 228-6096
WEB SITE: WWW.NHCADSV.ORG

What You Can Do to Help

Volunteer – There is a constant need for volunteers and they are essential to Coalition groups in providing services to domestic violence and sexual assault survivors. Please call 224-8893 for volunteer opportunities

Make a Donation – A financial contribution to the Coalition or its crisis center member programs will help ensure that services for domestic violence and sexual assault survivors in New Hampshire will continue. Donations of food, office supplies, and other staples are also welcome. Call your local crisis center to find out their most pressing needs.

Speak Out – Do not accept violence in the home, community, or workplace. Learn the facts about domestic violence and sexual assault and talk to your friends and co-workers. Let your state and federal legislators know that you support legislation that provides funding for domestic violence and sexual assault programs, and insures that victims are protected from abuse. If you know someone who has experienced domestic or sexual violence, let her or him know you care and that there is help available.



Domestic Violence

Domestic violence is physical, sexual, verbal, or emotional abuse between present or former intimate partners. It can involve threats, pushing, punching, slapping, choking, sexual assault, and assault with weapons. Rarely a one-time occurrence, domestic violence usually escalates in frequency and severity over time.

Abusers batter to control or dominate their partners. Violence is a behavioral choice for which the batterer must take responsibility. No language or other act is provocation or justification for physical violence.

Sexual Violence

Sexual assault is forced, manipulated, or coerced sexual activity. It is a crime in which the assailant uses sex to inflict humiliation on the victim or to exert power and control over the victim.

The victim of sexual assault can be any age, race, or social background.

Rapists can be anyone. Most are married or have ongoing relationships. The rapist is motivated by the need for power and the need to dominate someone who is perceived as weaker.

In over half of all reported rapes, the victim and rapist know each other. Child victims know their rapist in 80% of all cases.

Printing of this brochure was funded in part or in whole by the New Hampshire Department of Health and Human Services and/or the United States Department of Health and Human Services. 2/02

The Coalition

Founded in 1977, the New Hampshire Coalition Against Domestic & Sexual Violence is an umbrella organization for a statewide network of 14 independent member programs committed to ending domestic and sexual violence. To that end we seek to:

- Ensure that quality services are provided to victims/survivors of domestic and sexual abuse;
- Prevent future violence by educating the public;
- Encourage the provision of services for perpetrators.

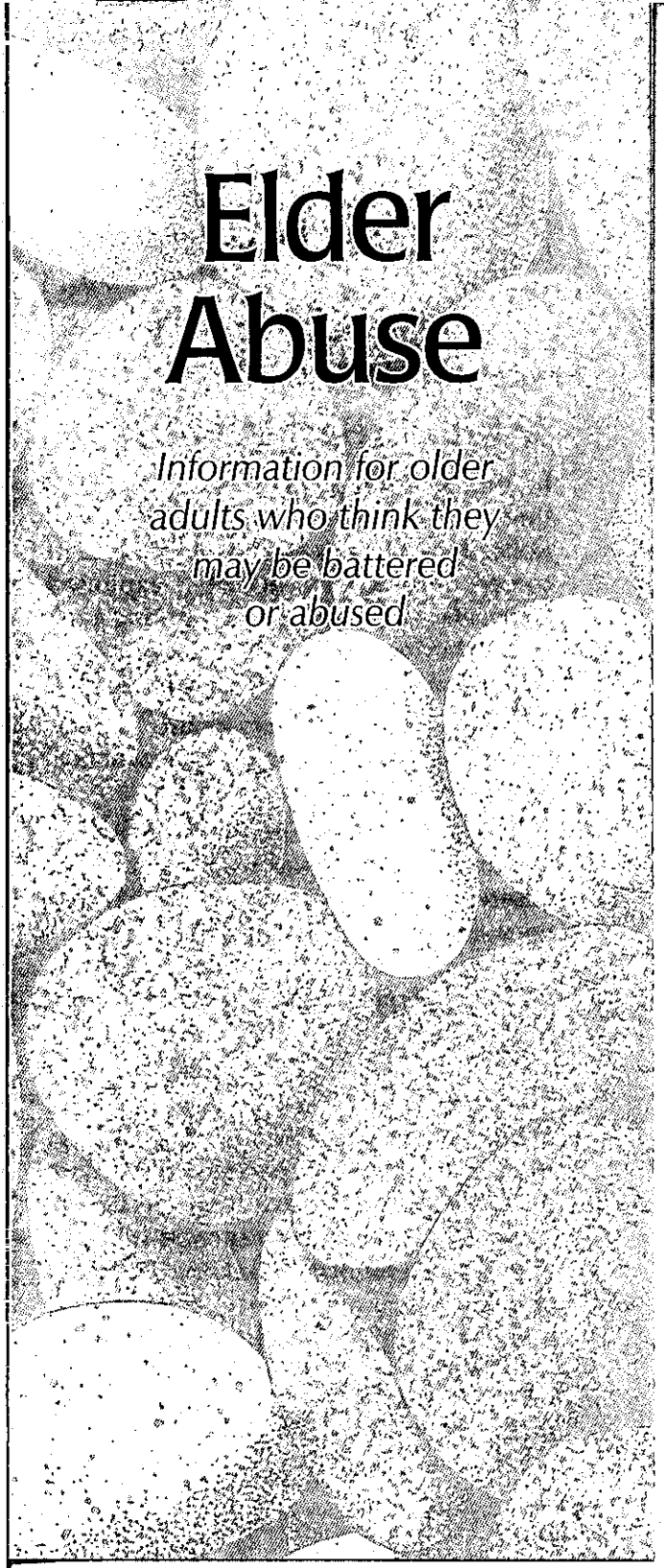
The Coalition supports its network by providing community education, coordination, training, resource sharing, and advocacy for legislative changes that affect victims of domestic and sexual violence.

We recognize that violence and oppression are connected. We promote social change by holding societal systems accountable for their responses to domestic and sexual violence, and through the empowerment of victims.

For 24-hour assistance in New Hampshire, call our state-wide toll-free hotlines at 1-866-644-3574 for domestic violence, or 1-800-277-5570 for sexual assault
1-800-RELAY NH (1-800-735-2964 / TTY/Voice)

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

PO Box 353 • Concord, NH 03302-0353
(603) 224-8893 • Fax: (603) 228-6096
Web site: www.nhcadsv.org



Elder Abuse

Information for older adults who think they may be battered or abused

You may have always thought that spouses or partners had the right to abuse you. They DON'T.

Abuse can Happen to Anyone

If you are being hit, kicked, slapped, threatened, made to feel bad or stupid, isolated from friends and family, coerced or forced into sexual activity, exploited financially, or prevented from getting a job or from having access to money, medication, or medical care, you are being abused.

Anyone can be an abuser: spouse, partner, child, caretaker, companion, acquaintance, lover, or friend.

If you are being abused, you may feel frightened, ashamed, sad, worthless, that you deserve to be hurt, or that you must stay with your abuser.

"This is how it has always been."

Many people experiencing abuse don't think anything is wrong. You may have always thought that spouses or partners had the right to abuse you. You have the right to live without violence. There are people willing to listen and support you. YOU CAN GET HELP.

"What kind of help can I get?"

A number of agencies can assist you, including government agencies and crisis centers. Types of services you can receive include:

- A 24-hour-a-day, 7-days-a-week crisis line, which offers you confidential support and information from a crisis center advocate.
- Domestic violence and sexual assault support groups which offer you the opportunity to talk with other victims who have been or are being abused.
- One-on-one advocacy support, either in person or through a crisis line. Advocates are well-trained and understand the dynamics of abuse and battering.
- Information on legal ways to make your abuser stay away from you and/or move out of your house.
- Assistance in finding a place to live even if you are in a wheelchair or have other special needs.
- Information on and assistance with receiving home care, home delivered meals, and other services to meet your basic needs.
- Additional services available to you that will allow you to live without fear of abuse.

"My partner only abuses me after drinking or taking drugs."

Substance abuse doesn't cause violence, but many abusers use it as an excuse. Without help, drinking and drug use only get worse, and so will the violence.

"The abuse started only recently. Maybe it will just stop."

Many excuses are used for battering or abuse, including illness, financial issues or use of alcohol and drugs. The one thing that is certain is that, without help, the abuse will continue, and possibly escalate.

"Where can I get help?"

- If you are in immediate danger, call 9–1–1.
- Anyone in New Hampshire can call 1-800-852-3388 and ask to be put in touch with the nearest crisis center.

"I'm not quite ready to make the change."

If you are not ready to ask for help, there are still ways to protect yourself:

- Have a safety plan. Know where you can go if you feel your life and well-being have been threatened, or if you feel you are in danger.
- Hide some money and your important papers so you can leave quickly if you need to.
- Keep the phone number of your local crisis center at hand, and keep some change or a telephone calling card with you at all times for emergency phone calls. Consider getting a cellular phone, if possible.
- Talk about the abuse to friends, relatives, neighbors, people at your church – anyone you feel safe confiding in.
- Devise an escape route in case you need to leave the house quickly.

If you are being abused and you are 60 years old or over or are incapacitated, contact your local office of the New Hampshire Division of Elderly and Adult Services at 1-800-351-1888

- Call the confidential hotline to explore options with a crisis center advocate.

Personalized Safety Plan

Suggestions for increasing safety in the relationship:

- I will have important phone numbers available

  Police 9–1–1

  Helpline 1-800-852-3388

  Friends _____

  _____

  _____

  Crisis Center _____
- I can tell _____ and _____ about the violence and ask them to call the police if they hear suspicious noises coming from my home.
- If I leave my home, I can go to (choose a friend or neighbor at whose house you would feel safe, or contact the crisis center to see about shelter)

  _____

  _____
- I can leave extra money, car keys, clothing, and copies of documents with

  _____
- To ensure safety and independence, I can: always keep change for phone calls with me; open my own savings account; rehearse my escape route with a support person; and review the safety plan on

  _____ (date)

Where to Go If You are Being Abused

New Hampshire has 14 crisis centers across the state available to assist you if you are a victim of domestic violence or sexual assault. Crisis center staff and volunteers work with adults and minors who are victims of physical, sexual, emotional, verbal, and psychological abuse. If you are being abused, an advocate from a crisis center is available to assist you.

What Kind of Help You Can Expect from a Crisis Center

Domestic violence and sexual assault advocacy services are available on a 24-hour basis, 7 days a week. An advocate is someone who understands the dynamics of abusive relationships, and can help you find the assistance and support you need. Types of advocacy services include:

- 24-hour crisis line
- Emotional support
- Accompaniment to court or medical service provider
- Social services
- Shelter
- Support groups and peer support

Call your local crisis center for more information on getting the assistance you need to be safe and free from abuse.

Services are available to you regardless of race, gender, sexual identity, religious or political beliefs, or physical ability. To contact the crisis center in your area, refer to the list on the back of this brochure or call the Helpline at 1-800-852-3388.

New Hampshire Coalition Against Domestic and Sexual Violence

The Coalition is a statewide network of 14 independent member programs committed to ending domestic and sexual violence. To that end we seek to:

- Ensure that quality services are provided to victims and survivors of domestic and sexual abuse;
- Prevent future violence by educating the public;
- Influence public policy;
- Encourage the provision of services for perpetrators;
- Provide speakers, films, and videos to community groups and schools.

We recognize that violence and oppression are connected. We promote social change by holding societal systems accountable for their responses to domestic and sexual violence and through the empowerment of victims.

Printing of this brochure was funded in part or in whole by the New Hampshire Department of Health and Human Services and/or the United States Department of Health and Human Services. 2/02

Berlin, Colebrook, Lancaster:	RESPONSE to Sexual & Domestic Violence 800-852-3388
Claremont, Newport:	Women's Supportive Services 800-639-3130
Concord:	Rape & Domestic Violence Crisis Center 800-852-3388
Conway, Ossipee:	Starting Point: Services for Victims of Domestic & Sexual Violence 800-336-3795
Derry, Manchester:	YWCA Crisis Service 603-668-2299
Durham:	Sexual Harassment & Rape Prevention Program (SHARPP) 603-862-3494
Jaffrey, Keene:	Women's Crisis Services of the Monadnock Region 603-352-3782
Laconia:	New Beginnings: A Women's Crisis Center 800-852-3388
Lebanon:	Women's Information Service (WISE) 603-448-5525
Littleton, Woodsville:	Support Center Against Domestic Violence & Sexual Assault 800-774-0544
Milford, Nashua:	Bridges: Domestic & Sexual Violence Support Services Formerly Rape & Assault Support Services 603-883-3044
Plymouth:	Voices Against Violence 603-536-1659
Portsmouth, Rochester, Salem:	A Safe Place (domestic violence) 603-436-7924
Portsmouth, Rochester:	Sexual Assault Support Services 1-888-747-7070 (toll free)

For 24-hour assistance in New Hampshire, call our state-wide toll-free hotlines at 1-866-644-3574 for domestic violence, or 1-800-277-5570 for sexual assault

1-800-RELAY NH (1-800-735-2964 / TTY/Voice)

NEW HAMPSHIRE COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

PO Box 353 • Concord, NH 03302-0353
(603) 224-8893 • Fax: (603) 228-6096
Web site: www.nhcadsv.org

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON HB 461

BILL TITLE: establishing a commission to study financial exploitation of the elderly and persons with disabilities.

DATE: February 11, 2003

LOB ROOM: 205 **Time Public Hearing Called to Order:** 1:15 p.m.

Time Adjourned: 2:30 p.m.

(please circle if present)

Committee Members: Reps. Batula, Dalrymple, Chabot, Joseph Manning, P. Katsakiores, Pilliod, Wendelboe, MacKay, S. Eaton, Barry, C. Brown, Daniels, McMahon, Price, Weldy, French, Seldin, Harris, Sokol, Shultis and Miller.

Bill Sponsors: Rep. Manning, Batula, Itse; Sen. Martel

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Rep. Joseph Manning, prime sponsor. We had a similar bill two years ago. There were many complications that led us to reconsider and re-write the bill. (Submitted written testimony, in file, from Martha Bauman to Rep. Joseph Manning). Rep. Pilliod (Question): Would you believe that there are also other very vulnerable people, youth? (Answer): Yes.

Sen. Andre Martel, co-sponsor – supports the bill. Very important approach to helping vulnerable elderly. Also, addresses the sale of insurance that is not needed. Rep. Dalrymple (Question): What should an individual do if this is known to the commission? (Answer): The Attorney General's Office is on the committee and would be the appropriate people to contact. Rep. Dalrymple (Question): Are 800 numbers useful? (Answer): Yes, if used wisely. Rep. Seldin (Question): As the commission is organized, there are 17 members. Can they get anything done? (Answer): Yes. Rep. Pilliod (Question): What is your vision of the study committee? Can a study group make their findings public? (Answer): The commission can go beyond a study committee. Rep. Pilliod (Question): The bill doesn't provide a mechanism for public release? (Answer): Could be amended to add public release. Rep. Weldy (Question): Would nursing homes come under this? (Answer): Yes. Rep. Katsakiores (Question): The reporting date of 2004 – could it be done earlier? (Answer): The solution will take time. Rep. Chabot (Question): Are you aware that the Attorney General's Office is already doing what this bill requires? Do you agree that the elderly should be protected? (Answer): Yes. Rep. Miller (Question): Who would you seek information from? (Answer): A variety of community resources, including lawyers, physicians, hospitals, social workers, community clinics. Rep. Miller (Question): Would you advertise commission meetings to seek input? (Answer): I wish that I had a better answer. It is essential that we do proceed to protect our unprotected citizens. Rep. Weldy (Question): Wouldn't it be important to move on this bill quickly? (Answer): Of course, but it must be done carefully.

Joe Byron, retired Manchester Police Officer. In my last years, I investigated fraud and theft from vulnerable elders. I strongly support this bill. He gave an example of a nursing home problem. Several of the staff had criminal backgrounds, including prostitution and theft. Some elders are ashamed to admit they have been cheated. Many forms of scams occurred in Manchester – paving, home repair. Rep. McMahon (Question): What will this bill do that isn't already in place? (Answer): Public education is extremely important. Rep. McMahon (Question): What is new that the study will cover? (Answer):Public education is not as available as the public may think. Rep. McMahon (Question): Is there a difference in criminal statute above 65? (Answer): The problem is that many seniors are unwilling to bring complaints. Rep. Shultis (Question): What is available in rural areas? (Answer): I cannot answer that question. Rep. Weldy (Question): Do you see an escalation with prosecution? (Answer): Better education, more reporting, more prosecution. Rep. Miller (Question): Do you see anything in this bill that will bring more prosecution? (Answer): The more I informed people, the crimes were reported, often by family members. Rep. Miller (Question): How does the bill inform? (Answer): By police and other informed persons making public presentations. Rep. Sokol (Question): Is there any way that we can prevent these scams with education? (Answer): It requires constant education. Rep. Chabot (Question): Wouldn't it be helpful if nursing homes were audited as to clients' personal money? (Answer): I'm not sure how that would be done.

Carol Stamatakis, Legal Coordinator, DHHS/DEAS – supports the bill. Adult protection program that we administer. This program is run without reference to income. It is very rare that assets are recovered. (1) Family members are the perpetrators. Perpetrators are truly the dependent ones. (2) Victims are reluctant to admit the scam. The fear is that the victim will lose his or her freedom. (3) Resources are rare. Frail elderly, particularly those with dementia, are very vulnerable. About half of those who are scammed are over 80. The problem is increasing as the population of the aged increases. They also present a challenge for prosecutors/police who may feel they will not be able to be competent to testify in court. There is no comprehensive federal legislation dealing with elderly exploitation, like there is for child abuse. Re: the duties of the commission – DEAS is also involved in public education. Getting knowledgeable people together serves as an educational process which is useful for all involved. Legal and ethical issues around capacity and guardianship are extremely important to be studied. The Chief Judge of the Probate Court supports this bill. No questions were asked by the committee members.

Jeff Cahill, Senior Assistant Attorney General. The Attorney General's Office supports this legislation. The AG has three units that deal with elderly exploitation: (1) Consumer protection office; (2) white-collar crime; and (3) Medicaid fraud unit. The Medicaid fraud unit focuses on nursing home residents. We have 10,000 individuals living in nursing homes. Residents' assets are often handled by a power of attorney. The problem is that frail elderly do not make good witnesses. Often, assets are depleted to lower an individual's assets to qualify for Medicaid coverage for nursing home care. Rep. Sokol (Question): Is prevention and education the most important focus? (Answer): Correct. The power of attorney statute is a good area for review at this time. Rep. Weldy (Question): Is there an ability to have an annual audit? (Answer): Yes, if there is a complaint. Otherwise, no set schedule for audits. Problems are more likely to occur outside the nursing home than in the nursing home. Rep. Harris (Question): Does any of this relate to "spend down"? (Answer): Yes. You can keep $2500 and still stay on Medicaid. Lawful money transfers should not be interfered with. Rep. Price (Question): Is it safe to say that there are no other commissions studying the issue? (Answer): None that I know about.

Pink Cards:

- Rep. Joseph Manning, prime sponsor. Supports the bill.
- Sen. Andre Martel, co-sponsor. Supports the bill.
- Joe Byron, Retired Manchester Police Officer (Senior Services), 73 Goodwin St., Manchester. 232-3235. Supports the bill.
- Carol Stamatakis, DHHS/DEAS, 129 Pleasant St., Concord 03301. 271-0968. Supports the bill.
- Jeff Cahill, Senior Assistant Attorney General, Director, Medicaid Fraud Unit. 271-1246. Supports the bill.

Respectfully submitted,

Rep. James R. MacKay
Committee Clerk

JRM:co

EXEC 2/11 HEARD 2/11/03 senate Tabled 5/8 OTP off-calendar 2024 6/5

HB 461 – AS INTRODUCED

senate 2003 SESSION

4/23/03 Introed

03-0716
01/09

HOUSE BILL **461**

AN ACT establishing a commission to study financial exploitation of the elderly and persons with disabilities.

SPONSORS: Rep. Joseph Manning, Ches 28; Rep. Batula, Hills 58; Rep. Itse, Rock 80; Sen. Martel, Dist 18

6/12 430 GoFC Manning MacKay Bartula Seldon

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill establishes a commission to study financial exploitation of the elderly and persons with disabilities.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

+ JPM into using Martha Bauman's letter

+ Andy Martel – answers misc questions

+ Joe Byron – Manchester P.D. on crime against seniors. Carol Stamatis war stories on, stallion rings, financial abuses, Gypsy pevers etc – most crimes are un reported due to ~~exploit~~ embarrassment in most financial fraud $ are gone before discovered – help shortage leads to bad help. Out lines Dept problems, power of attny, banking – see HB 298

Jeff Cahill Atty Gen's office – medicaid fraud unit. – might want to have 2 or 3 from his office on commission

4/23 Senate – Asst Atty General. – should be AG's appointee – no good laws to recover. – check legislation in MD, MA

HB 461 – AS INTRODUCED

03-0716
01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a commission to study financial exploitation of the elderly and persons with disabilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Purpose. The general court recognizes that financial exploitation of the elderly and persons with disabilities is a growing problem. Therefore, the general court hereby establishes a commission to study financial exploitation, its causes, penalties and remedies, and the challenges and barriers facing the state in its efforts to protect victims and prosecute offenders.

2 Commission Established. There is established a commission to study financial exploitation of the elderly and persons with disabilities.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

4/23 Senate wants one

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of health and human services, or designee.

(d) The director of the division of elderly and adult services, department of health and human services.

(e) The administrative judge of the probate courts, or designee.

(f) The attorney general, or designee.

(g) A representative of the medicaid fraud control unit, appointed by the attorney general.

(h) A representative of the New Hampshire banking industry, appointed by the New Hampshire Bankers Association.

(i) An attorney, appointed by the New Hampshire Bar Association.

(j) A representative of a public guardianship agency, appointed by the governor.

(k) A local law enforcement officer, appointed by the governor.

II. The commission shall solicit information from any source the commission deems relevant.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission's study shall include:

I. Promoting education and greater public awareness of financial exploitation and scams against the elderly.

II. Legal and ethical issues involving people with diminished capacity and the role of the probate courts, including guardianship and alternatives to guardianship and issues of self-determination.

III. Services and supports available to victims and people at risk of becoming victims, including those provided by the division of elderly and adult services, victim-witness programs, and domestic violence programs.

IV. Exploitation through the use of powers of attorney.

V. The role of financial institutions in recognizing and reporting suspicions of exploitation and working with state and local government and law enforcement, and barriers to cooperation.

VI. Challenges facing law enforcement agencies investigating financial crimes and crimes against older people or people with cognitive or physical impairments.

VII. Scams targeting the elderly.

VIII. The impact on the above issues of an aging population and more older people living in the community.

IX. Penalties and remedies.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2004.

7 Effective Date. This act shall take effect upon its passage.

HB 461 – AS INTRODUCED

2003 SESSION

03-0716
01/09

HOUSE BILL ***461***

AN ACT establishing a commission to study financial exploitation of the elderly and persons with disabilities.

SPONSORS: Rep. Joseph Manning, Ches 28; Rep. Batula, Hills 58; Rep. Itse, Rock 80; Sen. Martel, Dist 18

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill establishes a commission to study financial exploitation of the elderly and persons with disabilities.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

intro.
Manning
Rltiod

Supports
Martel
~~Dalrymple~~
~~Seldin~~
Rltiod
~~Weldy~~
~~Katsakiores~~
~~Chabot~~
~~Miller~~
~~Weldy~~

Supports (Police)
Byron
~~McMahon~~
~~Shattuck~~
~~Weldy~~
~~Miller~~
~~Weldy~~
~~Sokol~~
~~Chabot~~

Supports
Stamatakos

Attorney Generals Office
Jeff Cahill
~~Sokol~~
~~Seldin~~
~~Weldy~~
~~Eaton~~
~~Harris~~
~~Price~~

EXEC. Session 2/11/03
Mackay O.T.P.
vote 17 - 0
Consent

attorney general - full support
tighten up laws
Identify areas that need attention

Rec — OTP

(Suggested for committee Manning · McMahon · Daniels)

HB 461 – AS INTRODUCED

03-0716
01/09

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Testimony

joseph p manning

From: "Martha Bauman & Jean Andrew" <jma_mab@prexar.com>
To: <jpmanning@cheshire.net>
Sent: Sunday, February 09, 2003 11:45 AM
Subject: Financial Exloitation

February 9, 2003

To: Representative Joseph Manning
From: Martha Bauman, 305 Roxbury Street, Keene, NH

I write on behalf of Monadnock Senior Advocates, the area committee on aging for Cheshire and western Hillsborough Counties. We urge the Health, Human Services and Elder Affairs Committee to recommend approval of HB 461, to establish a study commission on financial exploitation of elders.

Financial exploitation of elders is largely unseen and unexamined. The exploiter may be a trusted person, a relative or guardian of the elder who is providing assistance while he or she spends the elder's resources. Those who suspect a problem may look away, fearful of upsetting the caregiving arrangement. Sometimes the exploiter is a bogus contractor or charitable cause, playing on the elder's confusion or sense of guilt. The exploiter may also be a caregiving institution that pads the account of a private patient with inflated prices and services that were not requested.

Financial management becomes more difficult every year. Yet the oldest of our residents may have managed their money with a system of envelopes for regular expenditures. If the elder is frail or confused and forgetful, the task of coping with insurance and bank accounts will indeed be overwhelming. This is, unfortunately, a fertile ground for exploitation. With more of us living into our nineties and beyond, the opportunity for financial exploitation will only increase.

We recognize the importance of financial privacy. Putting law enforcement and bank personnel in the role of whistleblowers must be done with great care, both to protect them from charges and to maintain the elder's right to privacy. Your approach of beginning with a study commission is appropriately cautious. The financial exploitation of elders is not a pretty picture. We should call it what it is....stealing from the most vulnerable citizens.

Thank you for your decision to deal with this problem.

HB 461

Dear Representative Manning;

Thank you for agreeing to sponsor legislation to create a commission
on financial exploitation of the elderly and people with disabilities. I
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The purpose of this commission would be to study financial exploitation, its causes, and the challenges and barriers facing the State
in its efforts to protect victims and prosecute offenders. The commission's study would include consideration of the following issues:

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law enforcement, and barriers to cooperation.

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impairments.

7. Scams targeting the elderly

8. The impact on the above issues of an aging population and more older people living in the community.

The commission would, in addition to representatives and senators,
include representation from

A. The Department of Health and Human Services Division of Elderly
and Adult Services,

B. Probate Courts

C. Department of Justice, Medicaid fraud and White Collar Crime units

D. AARP

E. Possible other commission members to consider: NH Bankers' Association, Franklin Pierce Law Center, University of NH, Office of Public
Guardian, local or county law enforcement, NH Coalition against Domestic

and Sexual Violence.

I discussed this proposal with Rep. Batula today. He recommends a
September 2004 reporting date. He also said he was interested in being a
co-sponsor. Judge Maher, chief Judge of the Probate Court system, is very
supportive of this study and interested in participating in this commission
if it is created.

Please call me if you have any questions or concerns after you have
had an opportunity to review this.

Carol Stamatakis
Legal Coordinator
State of New Hampshire
Department of Health and Human Services
Division of Elderly and Adult Services (DEAS)
129 Pleasant Street
Concord, NH 03301

Telephone: (603) 271-0968
E-Mail: "mailto:cstamatakis@dhhs.state.nh.us"

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R copy

HB 461

joseph p manning

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Thank you for your decision to deal with this problem.

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

November 1, 2004

The Honorable Craig Benson
Governor of New Hampshire
State House, Room 208
Concord, NH 03301

The Honorable Thomas Eaton
President of the Senate
State House, Room 302
Concord, NH 03301

The Honorable Gene Chandler
Speaker of the House
State House, Room 308
Concord, NH 03301

Re: Establishing a commission to study financial exploitation of the elderly and persons with disabilities. HB 461, Chapter 227, Laws of 2003

Dear Governor Benson, Senate President Eaton and Speaker Chandler:

Pursuant to HB 461, Chapter 227, Laws of 2003, a commission was established to study financial exploitation of the elderly and persons with disabilities. The final report of the commission is enclosed.

Should you have any questions or comments regarding the report, please do not hesitate to contact me.

I would like to thank those members of the commission who were instrumental in this study. I would also like to acknowledge all those who testified before the commission and assisted the commission in our study.

Sincerely,

Representative James MacKay,
Chairman

Enclosures
cc: Steven Winter, Senate Clerk
Karen O. Wadsworth, Clerk of the House
Michael York, State Librarian
Members of the Committee

FINAL REPORT

Establishing a commission to study financial exploitation of the elderly and persons with disabilities.

HB 461, Chapter 227, Laws of 2003

November 1, 2004

HB 461 (Chapter 227 of 2003) established a commission to study financial exploitation of the elderly and persons with disabilities. The charge of the commission was to study the following issues pertaining to financial exploitation:

- Promoting education and greater public awareness of financial exploitation and scams against the elderly.
- Legal and ethical issues involving people with diminished capacity and the role of the probate courts, including guardianship and alternatives to guardianship and issues of self-determination.
- Services and supports available to victims and people at risk of becoming victims, including those provided by the division of elderly and adult services, victim-witness programs, and domestic violence programs.
- Exploitation through the use of powers of attorney.
- The role of financial institutions in recognizing and reporting suspicions of exploitation and working with state and local government and law enforcement, and barriers to cooperation.
- Challenges facing law enforcement agencies investigating financial crimes and crimes against older people or people with cognitive or physical impairments.
- Scams targeting the elderly.
- The impact on the above issues of an aging population and more older people living in the community.
- Penalties and remedies.

HISTORY:

The commission organized on September 25, 2003 and elected Representative James MacKay as chairman, Atty. Carol Stamatakis as vice-chairman and Jeff Czarnec as

clerk. The commission has met 15 times and has had several presenters, summarized below.

The commission focused on the following issues in its study:

1. The need to protect the assets of victims
2. Criminal Law issues - present the laws and expose the loopholes
3. Examine the need for training in issues involving exploitation
4. Draft and conduct a multi-level survey of entities involved with crimes of this nature
5. Gather information regarding laws in other States to seek out "best practices."

The commission decided to review current initiatives in New Hampshire and examine programs and legislation in other states.

The commission invited **Scott Kirby, Communications Director, Securities Commission, Secretary of State's Office.** He discussed the Integrated Public Education Campaign initiated in the Secretary of State's office aimed at securities fraud. The campaign incorporates educational television public services tapes as well as an outreach program that includes presentations at independent living facilities. The campaign also has established an 800 number to receive calls regarding complaints.

The commission also heard from **Joe Byron, Deputy Sheriff, Senior Services Officer, Hillsborough County Sheriff's Office**. His position is the only one of its kind at a county level in the state of New Hampshire. He also coordinates educational events and receives complaints. The primary responsibility of this position is to deal with complaints by seniors. The commission recognized the need for a coordinated educational policy as well as a training protocol for law enforcement officers when dealing with financial exploitation complaints.

Cheryl Driscoll, New Hampshire Legal Assistance discussed the Senior Consumer Law Project. Legal Assistance was awarded a grant from the federal Administration on Aging to establish the project. While legal assistance has provided advice to seniors for several years, the Senior Consumer Law Project will provide training to police officers, judges and service providers on consumer law issues impacting seniors. She noted that judges do not always understand that social security income is exempt from attachment, and this is an example of the type of issue that can arise and training would help in this area. The training for the police would educate them about the fact that financial exploitation is a criminal matter and not a "civil matter." (Appendix A)

Cindy Chapman, law intern, Attorney General's Office, presented research on practices in other states that promote interagency cooperation in the area of financial exploitation. (Appendix B) She explained that other states have formed coalitions and developed protocols. Some have also developed the idea of a financial exploitation "czar'

or office devoted to financial exploitation. For example, Arizona has an "elder affairs" program in the attorney general's office and Massachusetts has an "elder protection unit" which meets quarterly. The F.A.S.T. (Fiduciary Abuse Specialist Team) started in California and serves as a national model. The teams consist of adult protective services, long-term care ombudsmen, public guardian agencies, law enforcement, prosecutors, public interest and private attorneys, area agencies for aging and provider groups. AARP in Colorado coordinates the "ElderWatch" program that includes representatives from a variety of groups that collaborate on outreach, consumer alerts, educational and training programs and material and data collection.

After the presentation of this research, the commission agreed that the idea of a statewide task force would be valuable for New Hampshire.

Mitchell Simon, Professor at Franklin Pierce Law Center, discussed the ethical position that attorneys are put in certain situations regarding financial exploitation. He is the original author of the adult protective services law and explained the reason why attorneys have special treatment in terms of the reporting requirement. The justification was that there should be one person in the alleged victim's life without paternal judgment. The lawyer is the one person who should not make judgments. Usually there are other people in the individual's life who will make reports such as family and care providers.

He made the point that the best scenario would be if the client can give "informed consent" to share information with agencies that can assist them. Even if the client cannot articulate an understanding of the issues they may be able to give informed consent.

The New Hampshire Bar Association is presently considering a change to the Rules of Professional Conduct that will allow attorneys greater latitude to report concerns that a vulnerable client is being exploited. The commission has written a letter supporting this change to Rule 1.14. (Appendix C)

Detective Mike Webber, Director of Elder Services Officer Program, Office of Attorneys General, Maine presented the current program in Maine that consists of an investigator who investigates crimes against the elderly. He stated that all cases are referred to the AG's office and then sent to the appropriate police department. His office coordinates the training of police officers. They currently have 125 officers in their Elder Crimes Contact Officer Program. Each police chief in the state appoints a liaison to the elder community.

FINDINGS/RECOMMENDATIONS:

The commission finds that two critical concerns repeatedly surfaced over the course of its study, and that focusing remedial efforts in these two areas will significantly improve this State's ability to protect the public and provide better services to victims.

The commission was impressed by the various programs that currently exist, scattered among various State and local agencies that can provide assistance or interventions on behalf of victims who fall within the scope of their particular program. However, it was very clear that there is no single agency that is responsible for

coordination among these various entities and, more significantly, no single place that a victim, potential victim or concerned family member or professional can go and be assured that he or she will be helped or referred to an agency that can help him or her. The members of the commission were extremely impressed with the Elder Services Officer Program in Maine, which provides statewide training and law enforcement coordination as well as community outreach and the coordination of interdisciplinary efforts. The commission was similarly impressed with the work done being by Joe Byron, the Senior Services Officer in Hillsborough County, and appreciated the benefit that would come from having a similar program with a statewide scope.

The commission finds that there is a need for more and better training of police officers at every level of law enforcement focusing on investigating and prosecuting financial crimes as well as learning to better communicate with and understand the special needs and issues of older people and people with disabilities. A survey was conducted of law enforcement agencies throughout the State in an attempt to better understand their needs and what barriers they were experiencing in their efforts to intervene in cases of financial exploitation. The single most common response was that they needed better training. Toward that end, Chris Domian, Chief Investigator of Medicaid Fraud Unit of the Attorney General's Office has met with the director of Police Standards and Training and completed training material on financial exploitation to be included in their curriculum in the future. See Appendix D.

The commission suggests several approaches to meet its charges, findings and recommendations. This includes legislation as well as recommendations to other groups and organizations.

1. Develop legislation creating a statewide Financial Exploitation Coordinator position and job description incorporating the following:

- **Financial Exploitation Coordinator** - There is a need for a full-time investigator located in the Department of Justice who would devote all of his or her time to coordinating local and statewide efforts to combat financial exploitation, assure that victims receive prompt and appropriate assistance, improve and expand services to victims and provide law enforcement and other agencies with state of the art training and technical support. A full-time Financial Exploitation Coordinator would be in the best position to implement many of the recommendations in this report, particularly those listed under #2 below.

2. Strongly encourage the Financial Exploitation Coordinator to coordinate the following efforts. The commission recommends that existing agencies undertake the following initiatives to the extent their resources allow:

- **Expanded Law Enforcement Training** - A law enforcement training program is needed to better prepare police officers to investigate and prosecute cases involving financial crimes against vulnerable adults, and expand the training

provided through Police Standards and Training. A curriculum must be developed to assure that training includes specific components critical to investigating and prosecuting cases involving financial exploitation, such as communicating with victims with communication or cognitive impairments, understanding the dynamics that often exist between victims and perpetrators, strategies for gathering evidence, evidentiary barriers and how to overcome them and best practices for successful prosecution. The responses to the questionnaires sent to law enforcement agencies around the state by the Attorney General revealed that most agencies identified better training as their primary need.

- **Protocol** - An investigative protocol should be established so that law enforcement and other investigative agencies are working together in a coordinated way and utilizing the best practices when investigating financial crimes against elderly or disabled adults.

- **Statewide Task Force** - A statewide task force should be created representing the entities that are involved in responding to abuse, neglect and financial exploitation of vulnerable adults. The task force should meet periodically to identify problems in the systems and issues to address through joint efforts or legislative change.

- **Local FAST (Fiduciary Abuse Specialist Teams) or TRIAD (The Right Information and Direction) Groups** - The commission encourages the development of partnerships and task forces at the local level to bring together senior groups, local law enforcement and/or professionals of varied backgrounds to collaborate on difficult cases, develop local expertise and educate vulnerable populations about scams and how they can protect themselves and obtain assistance. There are several models available, as summarized in the research done by the Attorney General's office, in Appendix B. The Financial Exploitation Coordinator, if that position is created, could facilitate the creation of such local task forces.

- **Bank Reporting Project** - Many states have implemented bank-reporting projects that are cooperative efforts between governmental entities and the banking industry to encourage improved reporting of suspected financial exploitation and the development of reporting protocol. Such an effort coordinated by the Financial Exploitation Coordinator or an existing agency would be beneficial.

3. Assure that victims who have lost their assets have access to legal assistance, and encourage legislation to better enable victims of financial exploitation to recover lost assets.

- The experience of those members of the commission who have worked directly with victims is that they often have difficulty recovering their assets, even in cases where perpetrators are successfully prosecuted. Many members of the

commission felt that legislation should be developed that would shift the burden of proof in civil actions in a manner beneficial to the alleged victim when certain indicia of exploitation or undue influence are present. A Maine statute, entitled "Improvident Transfers of Title," was considered as a model, but several people expressed concerns, and there was not sufficient time to address the concerns or develop alternative proposals prior to the time that the commission was required to complete its work.

- The commission believes that access to legal assistance is critical, and that the work of the Senior Consumer Law Project, Senior Citizen Law Project and other programs providing legal assistance to older people and people with disabilities should be supported.

- The commission would encourage legal services organizations, the Attorney General's Office Consumer Protection Bureau, and others who have experience representing or assisting victims of financial legislation to recover their assets to share ideas for improvements in the civil justice system and to collaborate on future legislative efforts to improve the prospects of victims seeking civil recovery of lost assets.

4. Develop legislation to address the following issues that have been identified as barriers in the criminal investigation and prosecution of crimes involving financial exploitation:

- **Law enforcement access to bank records.** The current process that law enforcement agencies must utilize to obtain the bank records necessary to investigate or prosecute cases involving financial exploitation results in unnecessary delay that can allow perpetrators additional time to further drain the assets of the victim or to hide evidence. RSA 359-C, the state Bank Privacy Act, should be amended to allow more prompt access to records through the grand jury process.

- **Financial institutions reporting of suspicions of criminal activity**. A second concern for some law enforcement agencies is that banks are currently allowed to share information if the bank itself has suspicions of criminal activity by one of its customers with the attorney general or county attorney, but not local law enforcement, the sheriff's office or the State police. It would be beneficial to amend this provision to allow the sharing of information with law enforcement agencies as well as the county attorney and attorney general, and to expand the type of information that can be shared to include information about any person involved in criminal activity, not just customers. This would allow banks to share information if they are concerned that one of their customers is being victimized by a third party who may not be a customer of the bank.

- **Enhanced penalties.** RSA 651:6 provides for enhanced penalties in criminal cases under a variety of circumstances including certain crimes against children and vulnerable adults. RSA 651:6 (d) should be amended to allow enhanced penalties to be applied in cases of financial exploitation against the elderly and people with disabilities. Under current law, enhanced penalties do not apply in crimes against older people or people with disabilities unless the case involves "a felony involving the use of force against a person with the intention of taking advantage of the victim's age or physical disability."

- **Crimes of theft** - Legislation should be developed to revise the sections of the criminal code pertaining to theft as necessary in order to assure that the fact patterns found in most cases of financial exploitation of vulnerable adults would fit within the statutory elements of one or more of the theft crimes.

5. Send a letter to the New Hampshire Congressional Delegation recommending federal legislation along the lines of the "Elder Justice Act."

- **Elder Justice Act** - The commission recommends that the New Hampshire Congressional Delegation sponsor and support legislation at the federal level to provide much-needed federal resources and coordination in the area of financial exploitation and elder mistreatment generally. The Elder Justice Act contained many promising initiatives, however it appears unlikely to pass this session, and new legislation will likely be introduced next session. A letter will be sent to each of our Senators and Representatives enclosing a copy of this report along with a cover letter highlighting the Commission's recommendation of support of future initiatives for a coordinated federal effort.

6. Encourage the development of a Supreme Court Rule change on Reporting by Attorneys

- **Reporting by Attorneys** - The commission recommends that the ABA Model Rule of Professional Conduct 1.14 "Client Under a Disability" be adopted in New Hampshire. Adoption of this rule would allow reporting by attorneys to protect a client under a disability in a wider range of circumstances than currently allowed. This recommendation has been conveyed in writing to the New Hampshire Bar Association Ethics Committee, and should be conveyed to the New Hampshire Supreme Court Committee on Rules when appropriate. Members of this commission are encouraged to follow the development of this proposed rule and to share copies of the commission's recommendations whenever appropriate.

7. Recognize the Hillsborough County Sheriff's Department for its Senior Officer initiative.

- **County Senior Services Officer** - The commission recognizes the Hillsborough County Sheriff's Office for its leadership in taking the initiative of establishing a

senior services officer who serves a function within the county similar to the statewide financial exploitation Coordinator envisioned by the commission. A letter to that effect will be sent by the Commission to the Hillsborough County Sheriff, County Commissioners and Chair of the Hillsborough County Delegation. The commission encourages other counties to follow the model created by Hillsborough County.

APPENDICES LISTING

Appendix A: NH Legal Assistance Senior Citizens Law Project Advice Line and Consumer Law Project for Seniors - 2 brochures.

Appendix B: March 5, 2004 – Practices to Promote Interagency Coordination (Research by Attorney General's Office)

Appendix C: August 11, 2004 Letter to Rolf Goodwin, Chair of NH Bar Association Ethics Committee re: Proposed Professional Conduct Rule 1.14 Client with Diminished Capacity.

Appendix D: Considerations and Techniques for Interviewing the Elderly and Disabled prepared by Chris Domian, Medicaid Fraud Unit, NH Department of Justice.

Appendix E: List of Documents distributed at meetings of the commission.

HB 461, Chapter 227 of 2003
Commission to study financial exploitation of the elderly and persons with disabilities.

COMMISSION MEMBERS:

Representative James MacKay

Representative Joseph Manning

Representative Joseph Miller, M.D., SCOA Representative

Senator Andre' Martel,

Carol Stamatakis, Esq., New Hampshire Developmental Disabilities Council

Doug McNutt, Former Director, Division of Elderly and Adult Services, Health and Human Services

Jo Moncher, Director, Division of Elderly and Adult Services, Health and Human Services

Honorable John Maher, Administrative Judge, New Hampshire Probate Court

David Rienzo, Esq., New Hampshire Attorney General's Office, Consumer Protection Division

Jeffrey Cahill, Esq., New Hampshire Attorney General's Office, Criminal Division, Medicaid Fraud Unit

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Jeffrey S. Czarnec, ABD, Detective (retired) Senior Services Unit, Manchester P.D., Associate Professor, Criminal Justice, Hesser College

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

RECEIVED
NOV 08 2004
By

November 1, 2004

The Honorable Craig Benson
Governor of New Hampshire
State House, Room 208
Concord, NH 03301

The Honorable Thomas Eaton
President of the Senate
State House, Room 302
Concord, NH 03301

The Honorable Gene Chandler
Speaker of the House
State House, Room 308
Concord, NH 03301

Re: Establishing a commission to study financial exploitation of the elderly and persons with disabilities. HB 461, Chapter 227, Laws of 2003

Dear Governor Benson, Senate President Eaton and Speaker Chandler:

Pursuant to HB 461, Chapter 227, Laws of 2003, a commission was established to study financial exploitation of the elderly and persons with disabilities. The final report of the commission is enclosed.

Should you have any questions or comments regarding the report, please do not hesitate to contact me.

I would like to thank those members of the commission who were instrumental in this study. I would also like to acknowledge all those who testified before the commission and assisted the commission in our study.

Sincerely,

Representative James MacKay,
Chairman

Enclosures
cc: Steven Winter, Senate Clerk
Karen O. Wadsworth, Clerk of the House
Michael York, State Librarian
Members of the Committee

FINAL REPORT

Establishing a commission to study financial exploitation of the elderly and persons with disabilities.

HB 461, Chapter 227, Laws of 2003

November 1, 2004

HB 461 (Chapter 227 of 2003) established a commission to study financial exploitation of the elderly and persons with disabilities. The charge of the commission was to study the following issues pertaining to financial exploitation:

- Promoting education and greater public awareness of financial exploitation and scams against the elderly.
- Legal and ethical issues involving people with diminished capacity and the role of the probate courts, including guardianship and alternatives to guardianship and issues of self-determination.
- Services and supports available to victims and people at risk of becoming victims, including those provided by the division of elderly and adult services, victim-witness programs, and domestic violence programs.
- Exploitation through the use of powers of attorney.
- The role of financial institutions in recognizing and reporting suspicions of exploitation and working with state and local government and law enforcement, and barriers to cooperation.
- Challenges facing law enforcement agencies investigating financial crimes and crimes against older people or people with cognitive or physical impairments.
- Scams targeting the elderly.
- The impact on the above issues of an aging population and more older people living in the community.
- Penalties and remedies.

HISTORY:

The commission organized on September 25, 2003 and elected Representative James MacKay as chairman, Atty. Carol Stamatakis as vice-chairman and Jeff Czarnec as

clerk. The commission has met 15 times and has had several presenters, summarized below.

The commission focused on the following issues in its study:

1. The need to protect the assets of victims
2. Criminal Law issues - present the laws and expose the loopholes
3. Examine the need for training in issues involving exploitation
4. Draft and conduct a multi-level survey of entities involved with crimes of this nature
5. Gather information regarding laws in other States to seek out "best practices."

The commission decided to review current initiatives in New Hampshire and examine programs and legislation in other states.

The commission invited **Scott Kirby, Communications Director, Securities Commission, Secretary of State's Office.** He discussed the Integrated Public Education Campaign initiated in the Secretary of State's office aimed at securities fraud. The campaign incorporates educational television public services tapes as well as an outreach program that includes presentations at independent living facilities. The campaign also has established an 800 number to receive calls regarding complaints.

The commission also heard from **Joe Byron, Deputy Sheriff, Senior Services Officer, Hillsborough County Sheriff's Office**. His position is the only one of its kind at a county level in the state of New Hampshire. He also coordinates educational events and receives complaints. The primary responsibility of this position is to deal with complaints by seniors. The commission recognized the need for a coordinated educational policy as well as a training protocol for law enforcement officers when dealing with financial exploitation complaints.

Cheryl Driscoll, New Hampshire Legal Assistance discussed the Senior Consumer Law Project. Legal Assistance was awarded a grant from the federal Administration on Aging to establish the project. While legal assistance has provided advice to seniors for several years, the Senior Consumer Law Project will provide training to police officers, judges and service providers on consumer law issues impacting seniors. She noted that judges do not always understand that social security income is exempt from attachment, and this is an example of the type of issue that can arise and training would help in this area. The training for the police would educate them about the fact that financial exploitation is a criminal matter and not a "civil matter." (Appendix A)

Cindy Chapman, law intern, Attorney General's Office, presented research on practices in other states that promote interagency cooperation in the area of financial exploitation. (Appendix B) She explained that other states have formed coalitions and developed protocols. Some have also developed the idea of a financial exploitation "czar'

or office devoted to financial exploitation. For example, Arizona has an "elder affairs" program in the attorney general's office and Massachusetts has an "elder protection unit" which meets quarterly. The F.A.S.T. (Fiduciary Abuse Specialist Team) started in California and serves as a national model. The teams consist of adult protective services, long-term care ombudsmen, public guardian agencies, law enforcement, prosecutors, public interest and private attorneys, area agencies for aging and provider groups. AARP in Colorado coordinates the "ElderWatch" program that includes representatives from a variety of groups that collaborate on outreach, consumer alerts, educational and training programs and material and data collection.

After the presentation of this research, the commission agreed that the idea of a statewide task force would be valuable for New Hampshire.

Mitchell Simon, Professor at Franklin Pierce Law Center, discussed the ethical position that attorneys are put in certain situations regarding financial exploitation. He is the original author of the adult protective services law and explained the reason why attorneys have special treatment in terms of the reporting requirement. The justification was that there should be one person in the alleged victim's life without paternal judgment. The lawyer is the one person who should not make judgments. Usually there are other people in the individual's life who will make reports such as family and care providers.

He made the point that the best scenario would be if the client can give "informed consent" to share information with agencies that can assist them. Even if the client cannot articulate an understanding of the issues they may be able to give informed consent.

The New Hampshire Bar Association is presently considering a change to the Rules of Professional Conduct that will allow attorneys greater latitude to report concerns that a vulnerable client is being exploited. The commission has written a letter supporting this change to Rule 1.14. (Appendix C)

Detective Mike Webber, Director of Elder Services Officer Program, Office of Attorneys General, Maine presented the current program in Maine that consists of an investigator who investigates crimes against the elderly. He stated that all cases are referred to the AG's office and then sent to the appropriate police department. His office coordinates the training of police officers. They currently have 125 officers in their Elder Crimes Contact Officer Program. Each police chief in the state appoints a liaison to the elder community.

FINDINGS/RECOMMENDATIONS:

The commission finds that two critical concerns repeatedly surfaced over the course of its study, and that focusing remedial efforts in these two areas will significantly improve this State's ability to protect the public and provide better services to victims.

The commission was impressed by the various programs that currently exist, scattered among various State and local agencies that can provide assistance or interventions on behalf of victims who fall within the scope of their particular program. However, it was very clear that there is no single agency that is responsible for

coordination among these various entities and, more significantly, no single place that a victim, potential victim or concerned family member or professional can go and be assured that he or she will be helped or referred to an agency that can help him or her. The members of the commission were extremely impressed with the Elder Services Officer Program in Maine, which provides statewide training and law enforcement coordination as well as community outreach and the coordination of interdisciplinary efforts. The commission was similarly impressed with the work done being by Joe Byron, the Senior Services Officer in Hillsborough County, and appreciated the benefit that would come from having a similar program with a statewide scope.

The commission finds that there is a need for more and better training of police officers at every level of law enforcement focusing on investigating and prosecuting financial crimes as well as learning to better communicate with and understand the special needs and issues of older people and people with disabilities. A survey was conducted of law enforcement agencies throughout the State in an attempt to better understand their needs and what barriers they were experiencing in their efforts to intervene in cases of financial exploitation. The single most common response was that they needed better training. Toward that end, Chris Domian, Chief Investigator of Medicaid Fraud Unit of the Attorney General's Office has met with the director of Police Standards and Training and completed training material on financial exploitation to be included in their curriculum in the future. See Appendix D.

The commission suggests several approaches to meet its charges, findings and recommendations. This includes legislation as well as recommendations to other groups and organizations.

1. Develop legislation creating a statewide Financial Exploitation Coordinator position and job description incorporating the following:

- **Financial Exploitation Coordinator** - There is a need for a full-time investigator located in the Department of Justice who would devote all of his or her time to coordinating local and statewide efforts to combat financial exploitation, assure that victims receive prompt and appropriate assistance, improve and expand services to victims and provide law enforcement and other agencies with state of the art training and technical support. A full-time Financial Exploitation Coordinator would be in the best position to implement many of the recommendations in this report, particularly those listed under #2 below.

2. Strongly encourage the Financial Exploitation Coordinator to coordinate the following efforts. The commission recommends that existing agencies undertake the following initiatives to the extent their resources allow:

- **Expanded Law Enforcement Training** - A law enforcement training program is needed to better prepare police officers to investigate and prosecute cases involving financial crimes against vulnerable adults, and expand the training

provided through Police Standards and Training. A curriculum must be developed to assure that training includes specific components critical to investigating and prosecuting cases involving financial exploitation, such as communicating with victims with communication or cognitive impairments, understanding the dynamics that often exist between victims and perpetrators, strategies for gathering evidence, evidentiary barriers and how to overcome them and best practices for successful prosecution. The responses to the questionnaires sent to law enforcement agencies around the state by the Attorney General revealed that most agencies identified better training as their primary need.

- **Protocol** - An investigative protocol should be established so that law enforcement and other investigative agencies are working together in a coordinated way and utilizing the best practices when investigating financial crimes against elderly or disabled adults.

- **Statewide Task Force** - A statewide task force should be created representing the entities that are involved in responding to abuse, neglect and financial exploitation of vulnerable adults. The task force should meet periodically to identify problems in the systems and issues to address through joint efforts or legislative change.

- **Local FAST (Fiduciary Abuse Specialist Teams) or TRIAD (The Right Information and Direction) Groups** - The commission encourages the development of partnerships and task forces at the local level to bring together senior groups, local law enforcement and/or professionals of varied backgrounds to collaborate on difficult cases, develop local expertise and educate vulnerable populations about scams and how they can protect themselves and obtain assistance. There are several models available, as summarized in the research done by the Attorney General's office, in Appendix B. The Financial Exploitation Coordinator, if that position is created, could facilitate the creation of such local task forces.

- **Bank Reporting Project** - Many states have implemented bank-reporting projects that are cooperative efforts between governmental entities and the banking industry to encourage improved reporting of suspected financial exploitation and the development of reporting protocol. Such an effort coordinated by the Financial Exploitation Coordinator or an existing agency would be beneficial.

3. Assure that victims who have lost their assets have access to legal assistance, and encourage legislation to better enable victims of financial exploitation to recover lost assets.

- The experience of those members of the commission who have worked directly with victims is that they often have difficulty recovering their assets, even in cases where perpetrators are successfully prosecuted. Many members of the

commission felt that legislation should be developed that would shift the burden of proof in civil actions in a manner beneficial to the alleged victim when certain indicia of exploitation or undue influence are present. A Maine statute, entitled "Improvident Transfers of Title," was considered as a model, but several people expressed concerns, and there was not sufficient time to address the concerns or develop alternative proposals prior to the time that the commission was required to complete its work.

- The commission believes that access to legal assistance is critical, and that the work of the Senior Consumer Law Project, Senior Citizen Law Project and other programs providing legal assistance to older people and people with disabilities should be supported.

- The commission would encourage legal services organizations, the Attorney General's Office Consumer Protection Bureau, and others who have experience representing or assisting victims of financial legislation to recover their assets to share ideas for improvements in the civil justice system and to collaborate on future legislative efforts to improve the prospects of victims seeking civil recovery of lost assets.

4. Develop legislation to address the following issues that have been identified as barriers in the criminal investigation and prosecution of crimes involving financial exploitation:

- **Law enforcement access to bank records.** The current process that law enforcement agencies must utilize to obtain the bank records necessary to investigate or prosecute cases involving financial exploitation results in unnecessary delay that can allow perpetrators additional time to further drain the assets of the victim or to hide evidence. RSA 359-C, the state Bank Privacy Act, should be amended to allow more prompt access to records through the grand jury process.

- **Financial institutions reporting of suspicions of criminal activity**. A second concern for some law enforcement agencies is that banks are currently allowed to share information if the bank itself has suspicions of criminal activity by one of its customers with the attorney general or county attorney, but not local law enforcement, the sheriff's office or the State police. It would be beneficial to amend this provision to allow the sharing of information with law enforcement agencies as well as the county attorney and attorney general, and to expand the type of information that can be shared to include information about any person involved in criminal activity, not just customers. This would allow banks to share information if they are concerned that one of their customers is being victimized by a third party who may not be a customer of the bank.

- **Enhanced penalties.** RSA 651:6 provides for enhanced penalties in criminal cases under a variety of circumstances including certain crimes against children and vulnerable adults. RSA 651:6 (d) should be amended to allow enhanced penalties to be applied in cases of financial exploitation against the elderly and people with disabilities. Under current law, enhanced penalties do not apply in crimes against older people or people with disabilities unless the case involves "a felony involving the use of force against a person with the intention of taking advantage of the victim's age or physical disability."

- **Crimes of theft** - Legislation should be developed to revise the sections of the criminal code pertaining to theft as necessary in order to assure that the fact patterns found in most cases of financial exploitation of vulnerable adults would fit within the statutory elements of one or more of the theft crimes.

5. Send a letter to the New Hampshire Congressional Delegation recommending federal legislation along the lines of the "Elder Justice Act."

- **Elder Justice Act** - The commission recommends that the New Hampshire Congressional Delegation sponsor and support legislation at the federal level to provide much-needed federal resources and coordination in the area of financial exploitation and elder mistreatment generally. The Elder Justice Act contained many promising initiatives, however it appears unlikely to pass this session, and new legislation will likely be introduced next session. A letter will be sent to each of our Senators and Representatives enclosing a copy of this report along with a cover letter highlighting the Commission's recommendation of support of future initiatives for a coordinated federal effort.

6. Encourage the development of a Supreme Court Rule change on Reporting by Attorneys

- **Reporting by Attorneys** - The commission recommends that the ABA Model Rule of Professional Conduct 1.14 "Client Under a Disability" be adopted in New Hampshire. Adoption of this rule would allow reporting by attorneys to protect a client under a disability in a wider range of circumstances than currently allowed. This recommendation has been conveyed in writing to the New Hampshire Bar Association Ethics Committee, and should be conveyed to the New Hampshire Supreme Court Committee on Rules when appropriate. Members of this commission are encouraged to follow the development of this proposed rule and to share copies of the commission's recommendations whenever appropriate.

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Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on HB 461

BILL TITLE: **establishing a commission to study financial exploitation of the elderly and persons with disabilities.**

DATE: February 11, 2003

LOB ROOM: 205

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. MacKay

Seconded by Rep. Weldy

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James R. MacKay, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

HEALTH, HUMAN SERVICES & ELDERLY AFFAIRS

Bill #: 461 Title: Studying financial implications

PH Date: 2/11/03 Exec Session Date: 2/11/03

Motion: OTP Amendment #: none

MEMBER	YEAS	NAYS
Batula, Peter L. Chairman	✓	
Dalrymple, Janeen A. V Chairman	✓	
Chabot, Robert F	✓	
Manning, Joseph P	absent	
Katsakiores, Phyllis M	✓	
Pilliod, James P	absent	
Wendelboe, Fran	absent	
MacKay, James R	✓	
Eaton, Stephanie	✓	
Barry, J Gail	absent	
Brown, Carolyn A	✓	
Daniels, Eric M	✓	
McMahon, Charles E	✓	
Price, Pamela G	✓	
Weldy, Norman E	✓	
French, Barbara C	✓	
Seldin, Gloria	✓	
Harris, Sandra C	✓	
Sokol, Hilda W	✓	
Shultis, Elizabeth C	✓	
Miller, Joseph M	✓	
Consent	17	0
TOTAL VOTE:		

Committee Report

COMMITTEE REPORT

COMMITTEE: **Health, Human Services and Elderly Affairs**

BILL NUMBER: **HB 461**

TITLE: establishing a commission to study financial exploitation of the elderly and persons with disabilities.

DATE: February 11, 2003 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Frequently, vulnerable elderly and disabled individuals are cheated out of their savings by a variety of scams. Most often the money or other valuables are never retrieved. Individuals often do not report the crimes due to feelings of shame and fear, or because of confusion. The attorney general's office strongly supports this legislation as it allows for an opportunity to strengthen laws that deal with elderly and disabled individuals who are exploited. This bill provides for a commission that includes legislators, representatives of major departments, judiciary, law enforcement, banking and public guardianship. The commission will focus on preventive and educational efforts, as well as legal and ethical issues.

Vote 17-0.

Rep. James R. MacKay
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Health, Human Services and Elderly Affairs

HB 461, establishing a commission to study financial exploitation of the elderly and persons with disabilities. **OUGHT TO PASS**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: Frequently, vulnerable elderly and disabled individuals are cheated out of their savings by a variety of scams. Most often the money or other valuables are never retrieved. Individuals often do not report the crimes due to feelings of shame and fear, or because of confusion. The attorney general's office strongly supports this legislation as it allows for an opportunity to strengthen laws that deal with elderly and disabled individuals who are exploited. This bill provides for a commission that includes legislators, representatives of major departments, judiciary, law enforcement, banking and public guardianship. The commission will focus on preventive and educational efforts, as well as legal and ethical issues. **Vote 17-0.**

COMMITTEE REPORT

COMMITTEE: **Health, Human Services and Elderly Affairs**

BILL NUMBER: **HB 461**

TITLE: establishing a commission to study financial exploitation of the elderly and persons with disabilities.

DATE: February 11, 2003 CONSENT CALENDAR YES ☒ NO ☐

☒ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

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Vote 17-0.

Rep. James R. MacKay
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT P. B.

Black - HB 461

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Rep. Black

Other Referrals

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD 6/12/03

Comm. Hee of Conference Report

HB 461 - -

Establishing a commission to study financial exploitation of the elderly & persons with disabilities.

The Senate amended the bill by reducing their membership on the commission from three to one.

The conference committee concurs.