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House Bill 4316 (Substitute S-2 as reported)

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Sponsor: Representative Floyd Clack**House Committee: Senior Citizens and Retirement****Senate Committee: Human Resources and Senior Citizens****Date Completed: 5-23-88****RATIONALE**

Reportedly, recent studies have shown that an increasing number of older persons who are dependent upon others for their care are being subjected to various forms of mental and physical abuse or neglect, as well as financial exploitation. In Michigan, the Department of Social Services (DSS) is authorized by the Social Welfare Act to report and investigate suspected cases of abuse, neglect, endangerment, or exploitation of persons at least 18 years of age who are unable to act on their own behalf because of mental or physical impairment, or because of the frailties or dependence brought about by advanced age. Many people contend, however, that government's responsibility to the elderly should go farther: rather than dealing with abuse and neglect after the fact, programs should be established to prevent abuse, and alert the public to the forms that adult abuse can take, the reasons it occurs, and the community services that are available to assist families in order to avoid abusive situations. What is needed, it is felt, is an outreach program evolving around a community-based access center, such as a senior citizens center, a township hall, or another facility that seniors feel comfortable going to, as well as efforts to educate the community.

CONTENT

The bill would amend the Older Michiganians Act to establish the Older Person's Abuse Prevention Fund, and require the Office of Services to the Aging in the Department of Management and Budget to create an older persons' abuse prevention project, implement two pilot programs, and approve grant proposals. "Abuse of older persons" would include physical, emotional, social, financial, or environmental abuse involving an older person.

The Fund would consist of monetary contributions from individuals, corporations, or other associations, and any money appropriated to it. No State General Purpose or General Fund money could be appropriated to the Fund. With the Fund, the Office would have to create the older persons' abuse prevention project, for which the Office would have to do the following:

- Administer the Fund for the purpose of implementing the project.
- Develop an older persons' abuse prevention program in cooperation with the Departments of Social Services, Public Health, Mental Health, and State Police, the Office of Substance Abuse Services, and representatives of local police agencies.
- Disseminate information about the aging process.
- Evaluate and approve proposals from community organizations for grants from the Fund. Proposals could be submitted directly to the Office or to any Area Agency

on Aging, which would have to send the proposal to the Office. A grant would have to be for a purpose consistent with the older persons' abuse prevention program and spent as determined by an interagency review panel, which would be chaired by the Director of the Office or the Director's designee.

If sufficient contributions had been made to the Fund, the Office also would be required to develop and implement two pilot programs for the bill's purposes. The pilot programs would have to be established in cooperation with community organizations that provide services to older persons and have adequate facilities, staff, and expertise to provide services for the prevention of abuse of the elderly. The pilot programs would have to be implemented within 18 months after the bill's effective date. Within two years of the programs' implementation, the Office would have to report to the Legislature on their results.

The bill would take effect after 90 days following its enactment.

Proposed MCL 400.586k

SENATE COMMITTEE ACTION

The Senate Human Resources and Senior Citizens Committee adopted a substitute (S-2) that would prohibit appropriation to the Fund of General Fund or General Purpose money; require the Office to disseminate information about the aging process; make the pilot projects contingent upon sufficient contributions; and include effective date language.

FISCAL IMPACT

New administrative and program costs to the Office of Services to the Aging resulting from the bill's passage would be absorbed by anticipated donations from private sources which would be deposited in the Older Person's Abuse Prevention Fund. The Fund would consist of any money contributed by individuals, corporations, or other associations, and any money that would be appropriated to the Fund. The bill would expressly prohibit State General Purpose or General Fund money from being appropriated to the Fund.

ARGUMENTS**Supporting Argument**

Elderly citizens who are abused are an especially vulnerable segment of our society. Often, they are afraid to report abuse, particularly when soliciting help may involve "reporting" their abusers—the same people they are dependent on for support—to a government agency. In addition, many elderly persons avoid contact with the

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DSS because they associate the Department with "hand-outs" or they view governmental agencies as cold and impersonal. The State's present protective services laws cannot get to the root of the problem, since they only provide for "crisis intervention" in a situation that already is out of hand. The bill would address this situation by providing the statutory framework for a coordinated, community-based system of resources designed to meet the needs of both the abuser and the victim. The proposed pilot projects would allow the State to test different ways of coordinating services before implementing the program statewide.

Supporting Argument

With technological advances in the medical field prolonging life, and the advancing age of the large segment of the population born during the "baby boom", the problem of abuse of the elderly may be expected to increase. The bill would provide a method of combating this problem. Further, as the placement of mental health clients into community settings increases, and as those individuals age, the bill would allow additional safeguards against abuse by emphasizing cooperation between the various State departments involved in human services.

Opposing Argument

Under the bill, only community organizations could submit grant proposals and establish pilot programs. While these organizations would certainly be one appropriate source of proposals, there are other potential sources, such as universities, private research groups, and county programs, that should not be overlooked.

Opposing Argument

The bill would not go far enough: funding and staffing for the program have not been adequately defined. What is needed is a legislative appropriation for start-up costs and an analysis of minimum staffing requirements.

Response: Although all money for the Office—including private grants—must go through the legislative appropriations process, the Office of Services to the Aging does not contemplate the need for or use of State funds. In fact, it is reported that the Office already has some foundations lined up to contribute to the proposed Fund.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.