



Pennsylvania Office of Attorney General Josh Shapiro

Written Testimony Submitted by Mike Vereb, Director of Government Affairs
to the House Aging and Older Adult Services Committee
on Elder Abuse

Friday February 21, 2020

Chairman Day, Chairman Samuelson, and all members of the House Aging and Older Adult Services Committee, I am Mike Vereb, Director of Government Affairs at the Office of Attorney General. On behalf of Attorney General Josh Shapiro, I appreciate you allowing me to submit my comments on elder abuse. I thank the committee for evaluating this topic.

It is an unfortunate reality that our vulnerable Pennsylvania seniors are preyed upon and taken advantage of, whether it is through scams, neglect, or abuse. Protecting seniors is a priority of the Office and I am excited to share the ways that our team works to assist and protect older Pennsylvanians each and every day.

The Senior Protection Unit within the Office of Attorney General was created in 2006 to investigate and prosecute those who cheat, deceive or abuse older Pennsylvanians. However, until mid-2018, with the passage of HB 1121, we lacked jurisdiction to investigate many of the criminal actions taken against Pennsylvania's senior citizens that were being reported to the Unit. The Unit originally functioned as an education and outreach tool and still works closely with district attorneys, agencies throughout the Commonwealth, and our own Bureau of Consumer Protection to get help to those who report issues.

The Senior Protection Unit received 2,327 contacts during calendar year 2019. This number included 1,992 calls, 95 emails, 80 mailed complaints, and 160 complaints submitted online.

House Bill 1121, now Act 53 of 2018, authored by Rep. Jim Cox gave the Criminal Division the authority to investigate and prosecute abuse and neglect of care-dependent persons. Prior to Act 53, we could only go after cases of neglect. The Medicaid Fraud Control Section employs a specialized care-dependent neglect team comprised of prosecutors, special agents, analysts and a nurse who investigate and prosecute neglect and abuse cases throughout the Commonwealth.

Since taking office, Attorney General Shapiro has expanded this team to the eastern, central, and western regional offices to create additional opportunities for direct contact with local agencies, police departments and district attorney's offices. Following Act 53, we hired a senior prosecutor to oversee the neglect team and ensure that the referrals, investigations and prosecutions are handled consistently across the regions. In addition, a Director of Outreach was named to provide training to various agencies and providers as well as maintain partnerships with regulatory agencies including the Department of Aging, Department of State, Department of Health and Department of Human Services. This team meets on a monthly basis with Adult Protective Services and collaborates with the State Police, local law enforcement and local prosecutors as well as providing feedback on local investigations when asked. The neglect team fields on average 3 to 5 calls or inquiries a week from various sources. In 2019, the team formally reviewed 170 referrals and currently has 41 active investigations and prosecutions.

Additionally, the Bureau of Consumer Protection (BCP) receives and tracks consumer complaints related to scams across the Commonwealth. In 2018, BCP received 4,342 complaints about scams, and nearly half were submitted by seniors. Half of the victims who reported suffering monetary losses were age 60 or older.

While this committee is examining several legislative proposals today, we would like to offer thoughts on House Bill 399, which would establish concurrent jurisdiction for the Office of Attorney General to investigate and prosecute the newly created offense of financial exploitation of an elderly or care-dependent person.

While we agree with the intention of this bill, I would like to share a few concerns. First, the term property is too broadly defined in the bill. As written, the Office would be receiving information and investigating cases on any item that is taken from an individual 60 years of age or older. Property as defined includes “anything of value...tangible and intangible personal property...” which is subjective and could mean something with sentimental value but very little to no monetary value. Perhaps the committee and prime sponsor might consider a monetary threshold for cases that the Office would receive pertaining to this offense. In addition, we believe theft by deception currently covers what this new offense is aiming to address. Finally, we work very cooperatively with Pennsylvania district attorneys, who have primary jurisdiction over cases of theft. If the legislature intends to create a new offense of this nature and seeks to provide the Office with jurisdiction, we recommend limiting this to the most egregious cases. Taking on all thefts related to individuals over the age of 60 would require a tremendous amount of additional resources within the Office of Attorney General.

The sponsor and staff have been engaged and working with us and other stakeholders on this bill and I appreciate the willingness to discuss changes.

In closing, Attorney General Shapiro strongly believes our elderly and care-dependent population must be looked out for. I thank Chairman Day and Chairman Samuelson, and the entire committee for discussing these issues and look forward to working together.