

Interim report to combat the abuse of elder persons and other vulnerable adults

State Elder Abuse Task Force

Tennessee Commission on Aging and Disability
1-15-2021

Introduction

In April 2019, the Tennessee General Assembly unanimously passed legislation creating the Elder Abuse Task Force (Chapter 135 of the Public Acts of 2019). The Governor signed the bill on April 8, 2019 (see Appendix A).

This Act established the Task Force, administratively attaching it to the Tennessee Commission on Aging and Disability (TCAD), and set out the purpose of the task force:

- Assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act related to financial exploitation, compiled in this part;
- Examine the existing barriers, services, and resources addressing the needs of these elder persons and vulnerable adults; and
- Develop recommendations to address problems associated with the financial exploitation of these elder persons and vulnerable adults.

The Act required the task force to develop and submit a report to the general assembly by January 15, 2021. This report to the general assembly was to identify the impact of financial exploitation of older adults, review best practices, and include recommendations to address gaps in service.

The task force members included representatives from departments and agencies who address financial exploitation of the elderly. To date, the Council has met seven times. The early meetings focused on the first charge in the law, to “assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act related to financial exploitation”. Over the past several years, the Tennessee General Assembly strengthened state laws to protect the state’s elderly population from financial exploitation; the task force spent time at those early meetings reviewing and discussing the State’s current legislation, including Tenn. Code Ann. § 45-2-1201 et seq., Tenn. Code Ann. § 71-6-103 et seq., and Tenn. Code Ann. § 45-2-1203. Subsequent meetings focused on existing barriers and what resources are available to address the needs of older and vulnerable adults. The last meeting of the group started the lengthy process of going through, step-by-step, a detailed review of what happens (including agency actions) if an individual is the victim of financial exploitation as well as what happens if the exploitation is stopped before it occurs (and the steps that are currently followed to make sure that no further action is needed).

Due to the COVID-19 pandemic, the process of meeting to discuss financial exploitation slowed. The recent release of the Comptroller’s Report on Financial Elder Abuse also brought forth a new series of items that the Task Force expressed interest in reviewing. Because the Task Force feels that additional work needs to be done, it is respectfully requesting that the General Assembly grant the Task Force an extension of time to more fully address the issues with financial elder abuse (legislation is being pursued).

Agendas from each of the meetings can be found in Appendix B. Detailed minutes are available upon request.

Task force Members

Pursuant to statute, certain departments and entities were to be represented on the task force. The following individuals made up the task force:

Jim Shulman, Tennessee Commission on Aging and Disability

Renee Bouchillon, Tennessee Department of Human Services, Adult Protective Services

Sally Pitt, Tennessee Department of Health

Greg Gonzales, Tennessee Department of Financial Institutions

Elizabeth Bowling, Tennessee Department of Commerce and Insurance

Lisa Zavogiannis, District Attorney General

David Rausch, Tennessee Bureau of Investigation

Stacey Langford, Tennessee Bankers Association

Kim Bohannon, Tennessee Credit Union League

Jesse Samples, Tennessee Health Care Association

Current Status

This section reviews the current laws related to elder abuse and financial exploitation of elders and other vulnerable adults.

Public Chapter 961 of 2014. Elevates from a Class E felony to a Class D felony the penalty for knowingly abusing, neglecting or exploiting an adult who is unable to manage his or her resources or carry out the activities of daily living due to mental or physical dysfunctions or advanced age; requires certain notifications. This law also establishes the Elder Abuse Task Force.

Public Chapter 203 of 2015. Extends the elder abuse task force from January 15, 2015, to January 15, 2016.

SJR678 of 2016. Directs the Tennessee Commission on Aging and Disability to conduct a study on the financial exploitation of vulnerable adults.

Public Chapter 1006 of 2016. This requires, by January 1, 2017, the district attorney general of each judicial district to establish, or cause to be established, a vulnerable adult protective investigative team (VAPIT).

Public Chapter 466 of 2017. The Elderly and Vulnerable Adult Protection Act, defines and creates the new offense of financial exploitation of elderly or vulnerable adults, including the use of deception, intimidation, undue influence, force, or threat of force to obtain or exert unauthorized control over an elderly or vulnerable adult's property with intent to deprive them of it. Financial exploitation of the elderly in Tennessee was previously treated as theft under Tennessee law. But with PC 466, the Tennessee General Assembly made financial exploitation of the elderly a stand-alone offense, still punished as theft but as one classification higher than otherwise provided in law when the victim is elderly or vulnerable

Public Chapter 264 of 2017. The Elderly and Vulnerable Adult Financial Exploitation Prevention Act gives financial institutions, including banks and credit unions, money transmitters, mortgage loan companies, and others, the authority to delay or refuse to conduct transactions that permit the disbursement of funds when financial exploitation of elderly or vulnerable adults is suspected. The law provides immunity for the financial services provider from all criminal, civil, and administrative liability for taking any such action. It also permits financial institutions to establish a list of persons the customer would like to have contacted if the bank suspects the customer is a victim of exploitation or theft. PC 264 also requires financial institutions to respond, within 14 business days, to an administrative subpoena issued by APS for access to or copies of records relevant to suspected actual or attempted financial exploitation.

Public Chapter 1050 of 2018. The Elderly and Vulnerable Adult Protection Act of 2018 added increased penalties for aggravated elder abuse. Among its many provisions, it requires APS to provide complete, unredacted copies of investigative files (excluding the identity of the referral source) to district attorneys general once they have begun prosecution for neglect or financial exploitation of an elderly or vulnerable person. It further requires APS to disclose to the district attorney general the identity of the individual who made the original allegation after an indictment has been returned.

Public Chapter 424 of 2017. The Senior Financial Protection and Securities Modernization Act authorizes broker-dealers and investment advisors to voluntarily report to the Commissioner of Commerce and Insurance suspected instances or attempts of financial exploitation of an elderly or vulnerable person and gives them civil and administrative immunity for making such reports. Similar (but not identical) to the provisions of PC 264 for financial institutions, PC 424 authorizes broker-dealers and investment advisors to delay disbursements from an account when they have reason to believe the disbursement may result in exploitation of an elderly or vulnerable adult, and requires them to report the delays to the commissioner.

Summary of Meetings

The Elder Abuse Task Force met a total of seven times in 2019 and 2020. Meetings were open and the public was encouraged to participate

June 19, 2019

The initial meeting took place on June 19, 2019 with the primary purpose of appointing a chairperson and reviewing the purpose and legislative intent of the task force. Ms. Lisa Zavogiannis nominated Mr. Jim Shulman to serve as Chair. With no objections, Mr. Shulman was elected Chair of the Elder Abuse Task Force. Mr. Shulman nominated Ms. Lisa Zavogiannis to serve as Vice Chair. With no objections, Ms. Zavogiannis was elected Vice Chair of the Elder Abuse Task Force. Chair Shulman reviewed the purpose of the task force, led a discussion of expectations, and requested input from task force members on meeting content and structure. Task force members requested a legislative history, legislative review of other states, and a discussion on practical steps to address initial priorities set by the 2019 State Elder Abuse Task force.

August 7, 2019

The next meeting the task force heard a presentation on the “Review of Study on Financial Exploitation of Vulnerable Adults in Tennessee Final Report” and elder financial exploitation law by Charles Ferguson, General Counsel, Tennessee Commission on Aging and Disability. Mr. Ferguson presented an overview of Public Chapter 961 of 2014 and Senate Joint Resolution 678. Next, he listed the previous recommendations and reviewed complete, ongoing, or incomplete status. The task force discussed and commended the General Assembly on the enactment of the PAUSE Law and the Emergency Contact Form. Task force members agreed these laws seems to be an effective way to limit or deter financial exploitation. The task force recognized that ongoing training might be necessary for employees of banks and credit unions in TN on how to detect, prevent, and respond to elder financial exploitation. Additionally, the task force recognized ongoing education of the public is needed on the prevalence of scams.

Next, the task force heard a case presented by the Phillip Calahan, CEO & President of the Peoples Bank & Trust Company in Manchester, TN. The case involved an older adult, caregivers, local bank employees, local law enforcement, and state agencies. Ultimately, the case was not investigated but a referral was made to the vulnerable adult protective investigative team (VAPIT) and a referral made to the Collaborative Response to Elder and Vulnerable Adult Abuse (CREVAA) program. Mr. Calahan suggested expanding investigations to include all funds, rather than only investigating crimes government funds. Additionally, he gave the following recommendation to the Task Force to develop and/or publish the following : 1) A roadmap or flow chart of who to contact and when; 2) Contact information of support groups and/or access to services for those who have faced similar situations; 3) Informational website or pamphlet with yes or no answers to frequently asked questions; 4) Ongoing education and sharing through a State forum.

Finally, the task force heard a case presented by Lisa Thompson, Vice President, ORNL Federal Credit Union. A recent example of financial exploitation included a customer withdrawing cash and sending funds to her new boyfriend. The customer is 80+ years old and was asked to withdraw \$12,000 which would be used to fly her boyfriend to see her. The credit union recognized this as a potential scam and

filed a report with APS. Lisa Thompson stated she appreciates the VAPIT teams and the laws that have been enacted by the state legislature. The staff at ORNL Federal Credit Union deny or pause transactions on a weekly basis due to potential fraud, abuse, or exploitation but many of these cases do not meet the criteria for APS investigation or SARS. Lisa Thompson gave the following recommendations including: 1) Establish a reporting mechanism for financial institutions; 2) Provide education for leadership on the magnitude of this problem; 3) Provide training material addressing real life situations; 4) Develop additional resources and tools for financial institutions related to elder abuse and financial exploitation.

November 6, 2019

The task force heard a presentation from Renee Bouchillon and Patti Tosti on the Statewide Coordinated Community Response (CCR) to Protect Vulnerable Adults initiative. The CCR is a group of professionals from various disciplines and state agencies which share a broad vision of a community responsibility for enhancing safety to victims. The statewide CCR focuses on the following concepts: 1) Improve communication and coordination between agencies via the APS 1215 notification form; 2) Streamline investigations as it relates to prosecution and abuse registry placements; 3) Improve the coordination and communication among all organizations that serve vulnerable adults; and 4) Identify all unlicensed facilities and reduce the unsanitary and abusive ones. Another initiative to address elder abuse is the Vulnerable Adult Protection Investigation Team (VAPIT) which require each DA around the state to review APS's 1215 forms, hold quarterly meetings, and submit an annual report to the legislature.

Next, the task force heard a presentation on senior exploitation reporting and records from Elizabeth Bowling, Assistant Commissioner, Tennessee Department of Commerce and Insurance ("TDCI"). In 2016, the model, known as an "Act to Protect Vulnerable Adults from Financial Exploitation," was developed by a special NASAA committee established to tackle a wide range of challenges confronting senior investors, regulators, and securities industry professionals. The model is designed to be enacted by state governments as legislation or implemented through regulation. In 2017, the Model Act legislation was introduced and adopted in Tennessee. The Senior Financial Protection & Securities Modernization Act, enacted as [Public Chapter No. 424](#), aims to safeguard senior adults (age 65 or older), and others at increased risk of diminished capacity or other cognitive impairment, by providing the Tennessee Department of Commerce and Insurance's (TDCI) Securities Division and the securities industry with greater tools to help detect and prevent financial exploitation.

The Act urges members of the securities industry to report suspected financial abuse of seniors and other vulnerable adults by providing civil and administrative immunity to broker-dealers, investment advisers, agents, representatives, and other qualified individuals for reporting the suspected abuse or exploitation to the Tennessee Securities Division. It also allows those financial professionals to delay disbursements from an account for up to 15 days if financial abuse or exploitation is suspected and authorizes notification to third parties in instances where a designated adult has previously designated the third party to whom disclosures should be made.

Additionally, the Act provides for the ability to impose enhanced civil penalties when victims are 65 years of age or older or 18 years of age or older who, because of mental or physical dysfunction, is unable to manage such person's own resources, carry out activities of daily living, or protect such person from neglect, hazardous or abusive situations without assistance from others. The updated penalties are double the amount of former civil penalties.

The legislation simplifies the process of securities registration for industry members and provides necessary revisions to the 1980 Tennessee Securities Act that are more consistent with both federal regulation and other states' securities laws, including the implementation of fees for various securities exemption renewal filings which are common in other states, but have not been required in Tennessee. The legislation also modernizes various portions of the 1980 Tennessee Securities Act in order to provide more effective and efficient regulatory oversight of the securities industry. Tennesseans can learn more about the Securities Division by visiting [TDCI's website](#) where they can inspect disciplinary actions and verify licenses of securities and insurance professionals.

January 27, 2020

The task force discussed three case studies related to elder financial exploitation and each member discussed the role of their agency, when their agency gets involved, and any barriers faced for each scenario. Each case showcased that the current laws are working well, however, barriers still exist. For example, if the case does not involve government funds APS cannot investigate. Additionally, ongoing education and training is necessary for new staff who might not be familiar with elder abuse laws. Finally, members of the task force discussed the need for increased information on programs and services the state provides for victims of financial exploitation.

July 20, 2020

The task force heard a presentation on the West Tennessee Senior Protection Coalition by District Attorney General Amy Weirich. The Senior Protection Coalition (SPC) includes elected officials, law enforcement, healthcare executives and non-profit leaders who focus on elder abuse policy. The SPC meets regularly and discusses what's working well and barriers that need to be addressed. General Weirich mentioned the following recommendations to be potentially reviewed by the General Assembly. They included (1) fast track conservatorships for older Tennesseans who have been abused and (2) preventing perpetrators from using their victim's money to make bail.

Next, the task force heard a presentation from members of the East TN Elder Abuse Coalition. The East Tennessee Elder Justice Coalition functions to Empower consumers advancing Prevention through Awareness, Education, and Community-Based Activity. The coalition reviewed documents which streamline reporting between consumers, banks, and law enforcement. Detective Wendy Zolkowski recommended ideas of how to notify older adults about potential and current fraudulent activity through a variety of communication techniques. Additionally, the coalition stated under reporting is still an issue. Task force members discussed the issue of under reporting. For example, some credit unions are still concerned about when it is or is not appropriate to report elder abuse. Bank and Credit Union education has been consistent, however, a state-level public awareness campaign to send out clear messaging or promote the importance of reporting could be beneficial.

October 22, 2020

The task force heard an overview of the Comptroller's report "[Review of Elder Financial Exploitation in TN.](#)" The Comptroller's office was asked by members of the General Assembly to research elder financial exploitation and offer recommendations. The report defines elder financial exploitation as the wrongful or unauthorized use of the assets, funds, or property of elderly individuals. Recently, the General Assembly has strengthened state laws including the Elderly and Vulnerable Adult Protection Act (2017),

the Elderly and Vulnerable Adult Financial Exploitation Prevention Act (2017), and Senior Financial Protection and Securities Modernization Act (2017). The report offers conclusions and recommendations which the task force needs additional time to discuss (*see Review of Elder Financial Exploitation in TN by the TN Comptroller's Office*). The policy options listed in the report for the General Assembly to consider include:

1. The General Assembly may wish to expand the criteria under which Adult Protective Services conducts elder financial exploitation investigations by authorizing APS to investigate cases involving non-governmental funds and all types of alleged perpetrators.
2. The General Assembly may wish to create additional staff positions at Adult Protective Services to increase its intake capacity, even if the criteria under which it conducts elder financial exploitation investigations is not expanded.
3. The General Assembly may wish to urge the federal government to allow state Medicaid Fraud Control Units to investigate Medicaid fraud that occurs outside of institutional settings, including private homes.
4. The General Assembly may wish to revise the state's law concerning the confidentiality of those who report incidents of adult abuse to more closely resemble the law concerning reporters of child abuse incidents.
5. The General Assembly may wish to fund additional staff positions in the offices of district attorneys general to increase their capacity to investigate and prosecute elder financial exploitation cases.
6. The General Assembly may wish to fund and mandate improvements to data collection of elder abuse cases in the state. A number of improvements could be made, from a statewide system for all stakeholders to improvements for individual agencies. The data improvement options are listed below:
 - Create a statewide system in which each case that has been referred out of or into APS can be tracked across agencies.
 - If a statewide system is not created, data tracking could be improved in the following ways: (1) District attorneys could be required to report the age of victims for each prosecution to the Administrative Office of the Courts (AOC), which could be required to maintain this data; (2) Judicial districts could be required to provide more detailed information in the annual reports about VAPITs.

Chair Shulman encouraged task force members to read the report and be prepared to discuss findings and recommendations at future meeting. Senator Briggs commended the Comptroller's office for the report and asked the task force to review each recommendation. Additionally, Senator Rose asked the Comptroller's office and the task force to provide more information on feasibility of recommendations.

Next, the task force heard a presentation from the Consumer Financial Protection Bureau ("CFPB"), Office for Older Americans. The CFPB was created to provide a single point of accountability for enforcing federal consumer financial laws and protecting consumers in the financial marketplace. The Office for Older Americans ("OA") develops initiatives, tools, and resources to 1) help protect older consumers from financial harm; and 2) help older consumers make sound financial decisions as they age. Deputy Director Michael Herndon gave an overview of the Elder Fraud Prevention and Response

Networks and the recently published report "[Fighting Elder Financial Exploitation through Community Networks](#)." The report laid out some recommendations for forming and sustaining networks. In the report, these are some broad possibilities stakeholders could take on including ideas and potential actions such as training to grow expertise, connecting with possibly untapped stakeholders, and resources to engage the public. Additionally, the OA has created a Network Development Guide. This resource aims to help leaders and key stakeholders create new networks or expand the capacity of existing ones. The web-based CFPB Elder Fraud Prevention and Response Network Development Guide includes extensive materials for putting together network planning retreats/meetings and also trainings. It includes user-friendly planning materials, sample invitations, a facilitator guide, worksheets, and other documents, as well as information to help form and grow Elder Financial Exploitation Prevention and Response Networks. The OA provided fraud prevention resources and activity sheets for states to use including "Protecting Residents: Manual for facilities: and "Money Smart."

December 16

The task force discussed the Financial Exploitation Flow chart (Appendix C). The flow chart sections represent "if financial exploitation is prevented" or "if financial exploitation occurs." The task force decided to focus on the section dealing with occurrence first. If financial exploitation occurs, the SARs are filed by a bank or credit union at the federal level. The SARs reports are put into a database by Financial Crimes Enforcement Network (FinCEN) and made available to federal, state, and local law enforcement. APS does not have access to this database, however, some financial institutions send the SAR to the department as the incident report. The federal requirement is for the SAR to be filed within 30 days of detecting suspicious activity. However, the timeline to file at the federal level does not dictate when a financial institution can take action to hold or delay the transaction. While the SAR needs to be filed within 30 days, the state laws passed in 2017 allow the institutions to immediately take action. There is a duty to report in our state, so the federal requirement and state requirement are functioning at the same time.

The task force discussed some of the communication barriers related to financial exploitation. For example, in some districts financial institutions will call local law enforcement for any suspicious activity related to financial exploitation. However, this is not standard practice and there are not set communication protocols in place. Banks will try to intervene and may call law enforcement to intervene. However, this is situational and there is no formal communication process. The task force raised other concerns regarding communication including the timeliness of when/who receives the initial report of financial exploitation. Senator Briggs and Chair Shulman recommended researching ways to streamline the communication process and potentially shorten the reporting time length.

The flow chart explains that typically law enforcement is notified from the 1215 report generated by APS within 2 days of receiving the report of financial exploitation. The report is then screened and either meets the criteria for investigation (ex: involves government funds) or does not. If the report is screened out/doesn't meet criteria, they system would automatically generate a 1215 which is sent to the DA's and local law enforcement. Additionally, APS will make referrals to necessary programs as needed. For example, if the report meets criteria for the Collaborative Response to Elder and Vulnerable Adult Abuse (CREVAA) program, APS sends the 1215 to the local CREVAA advocate.

The flow chart explains that if the report meets criteria for investigation, a 1215 will be sent within 2 days which will happen before an investigative visit occurs. Depending on where the allegations occurred, APS could send the 1215 to other agencies such as TBI or licensing board.

The task force discussed ways to strengthen communications strategies during investigations between financial institutions, APS, and law enforcement. For example, APS developed a MOU with TBI that states APS must contact them after a 1215 is generated which has improved communications during joint investigations. APS recommended a similar model statewide to follow up after the 1215 is generated. The task force discussed revisiting the flow chart at the next meeting to continue discussions related to communication, training, and streamlining investigation process.

Next, Charles Ferguson gave an overview of a recent grant TCAD received from Office of Criminal Justice Programs (OCJP) which will allow for a Public Service Announcement (PSA) focused on elder abuse to be aired on tv, radio, and social media. The grant requires the PSA to be aired statewide, identify the elder abuse issues, and provide a resource for assistance. The plan includes a partnership with Nashville Public Television (NPT) to develop the PSA, West TN Legal Services, and Legal Aid of East TN. Charles Ferguson introduced Will Pedigo from NPT who gave an update. He stated NPT has recently aired an Aging Matters focused on Elder Abuse. NPT is developing topics for each PSA and will be reaching out to task force members as experts for financial exploitation. Charles Ferguson asked task force members for feedback on outreach for this project.

Barriers

The following is a list of potential issues and barriers, within the current system, identified by the Taskforce;

- Criteria for elder abuse investigations by non-law enforcement agencies that possibly hinders assistance and deters reporting.
- Elder Abuse is under reported to proper channels.
- Multiple organizations serve older and vulnerable adults, which can make it difficult to streamline investigations.
- There is a dearth of training for professions who are not involved in elder abuse, but who are ancillary to exposing it.
- It was stated that there is a general lack of resources to deal with investigating financial exploitation at the state and local level.
- Lack of strong communication lines between agencies, financial institutions, and law enforcement.

Considerations

This section lists considerations the task force heard from presentations and testimony.

- Expand APS investigations to include all funds, rather than only investigating crimes involving government funds.
- Develop and/or publish the following:
 - A roadmap or flow chart of who to contact and when;
 - Contact information of support groups and/or access to services for those who have faced similar situations;
 - Informational website or pamphlet with yes or no answers to frequently asked questions;
 - Ongoing education and sharing through a State forum.
- Establish a reporting mechanism for financial institutions to make reporting potential elder abuse to the proper authorities easier.
- Provide education for financial and governmental leadership on the magnitude of this problem.
- Provide training material addressing real life situations.
- Develop additional resources and tools for financial institutions related to elder abuse and financial exploitation.
- Fast track conservatorships for older Tennesseans who have been abused and prevent perpetrators from using their victim's money to make bail.
- Research best ways to notify older adults about potential and current fraudulent activity through a variety of communication techniques.
- Increase training to grow expertise, connect with possibly untapped stakeholders, and resources to engage the public.
- Utilize the CFPB Network Development Guide to help leaders and key stakeholders create new networks or expand the capacity of existing ones.
- Utilize fraud prevention resources and activity sheets including "Protecting Residents: Manual for facilities" and "Money Smart."
- Research ways to streamline the communication process and potentially shorten the reporting time length.
- Strengthen communications strategies during investigations between financial institutions, APS, and law enforcement.

Next Steps

Due to the COVID-19 pandemic and the recent release of the Comptrollers report on financial elder abuse, the Task Force is requesting an extension of time to more fully address the issues with financial elder abuse. In order to properly finish the Task Force's purpose of developing recommendations to address problems associated with the financial exploitation of these elder persons and vulnerable adults, the Task Force is requesting new authorizing legislation to extend the operation of the Task Force for one more calendar year. A comprehensive report will be submitted to the General Assembly and the Governor at the conclusion of the extension of time.

Specifically, the Task Force will continue to examine the existing barriers, services, and resources addressing the needs of these elder persons and vulnerable adults, including but not limited to the following areas:

- Research ways to expand financial exploitation investigations.
- Increase information, education, and training on financial exploitation.
- Increase state-level public awareness campaigns on financial exploitation, fraud prevention resources, victim resources, and importance of reporting.
- Research best practices on how to notify older adults about potential and current fraudulent activity through a variety of communication techniques.
- Support stakeholder network groups at the local level.

Appendix A



State of Tennessee

PUBLIC CHAPTER NO. 135

HOUSE BILL NO. 249

By Representatives Carr, Whitson, Zachary, Dixie, Jernigan, Ragan, Howell, Byrd, Ogles, Crawford, Holsclaw, Gant, Terry, Thompson, Carter, Sherrell, Littleton

Substituted for: Senate Bill No. 199

By Senators Briggs, Crowe, Akbari, Massey

AN ACT to amend Tennessee Code Annotated, Title 39; Title 71 and Chapter 961 of the Public Acts of 2014, relative to elder abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 6, Part 1, is amended by adding the following as a new section:

- (a) There is created the elder abuse task force.
- (b) The task force is to consist of the following members:
 - (1) The executive director of the Tennessee commission on aging and disability or the executive director's designee;
 - (2) The commissioner of human services, or the commissioner's designee with knowledge of the responsibilities of the adult protective service program;
 - (3) The commissioner of health or the commissioner's designee;
 - (4) The commissioner of financial institutions or the commissioner's designee;
 - (5) The commissioner of commerce and insurance or the commissioner's designee;
 - (6) A district attorney general selected by the district attorneys general conference;
 - (7) The director of the Tennessee bureau of investigation or the director's designee;
 - (8) A representative of the Tennessee Bankers Association;
 - (9) A representative of the Tennessee Credit Union League; and
 - (10) A representative of the Tennessee Health Care Association.
- (c)
 - (1) The task force shall:
 - (A) Assess the current status of elders and other vulnerable adults covered by the Tennessee Adult Protection Act related to financial exploitation, compiled in this part;
 - (B) Examine the existing barriers, services, and resources addressing the needs of these elder persons and vulnerable adults; and

(C) Develop recommendations to address problems associated with the financial exploitation of these elder persons and vulnerable adults.

(2) The task force shall include an examination of the following in its assessment and recommendations:

(A) A determination of the economic and human impact of financial exploitation of elder persons and vulnerable adults in Tennessee;

(B) A review of the remedies to reduce the number of individuals suffering such abuse;

(C) Legislative remedies for consideration in the 112th general assembly; and

(D) Needed state policies or responses, including directions for the provision of clear and coordinated services and support to protect and assist such persons.

(d) Members of the task force serve without compensation or reimbursement for any expenses incurred while participating in the business of the task force.

(e) The appointing authorities shall strive to be inclusive in selecting persons to serve on the task force to best reflect the racial, gender, geographic, urban and rural, and economic diversity of the state.

(f) The executive director of the Tennessee commission on aging and disability shall call the first meeting of the task force, at which time the members shall elect a chair and vice chair.

(g) The commission on aging and disability shall provide necessary administrative support for the task force. The chair of the task force may call on appropriate state agencies for reasonable assistance relating to the work of the task force.

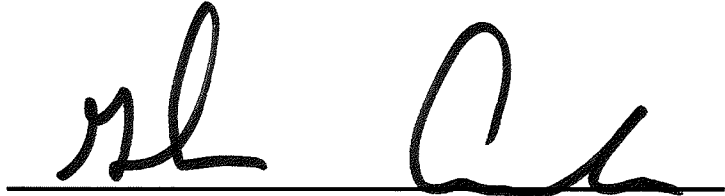
(h) The task force shall hold public meetings and utilize technological means, such as webcasts, to gather feedback on the recommendations from the general public and from persons and families affected by poverty.

(i) The task force shall submit its findings and recommendations to the governor and the general assembly in the form of a state plan to combat the abuse of elder persons and other vulnerable adults no later than January 15, 2021, at which time the task force terminates and stands dissolved and discharged from any further duties.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 249

PASSED: March 18, 2019



GLEN CASADA, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 9th day of April 2019



BILL LEE, GOVERNOR

Appendix B

**Elder Abuse Taskforce
Wednesday, June 19, 2019
10:00 am – 12:00 pm CST**

**Cordell Hull State Office Building
425 5th Ave N, Nashville, TN 37243**

- I. Welcome** –Senator Richard Briggs
- II. Introductions**
- III. Review of Public Chapter 135** – Jim Shulman, Executive Director, Tennessee Commission on Aging and Disability
- IV. Elect Chair and Vice Chair for Taskforce** – Jim Shulman, Executive Director, Tennessee Commission on Aging and Disability
- V. Discussion**
 - a. Purpose**
 - b. Future meeting topics, presentations, and speakers**
 - c. Future meeting logistics**
- VI. Announcements**-all
- VII. Other**
- VIII. Next meeting: Date, agenda items and taskforce member presentation**

Should you have any questions, please contact either Anna Lea Cothron, Aging Commission Liaison, 615-770-3901, annalea.cothron@tn.gov or Ryan Ellis, Legislative Director, 615-253-4083, ryan.j.ellis@tn.gov

**Elder Abuse Taskforce
Wednesday, August 7, 2019
10:00 am – 12:00 pm CST**

**Cordell Hull State Office Building
425 5th Ave N, Nashville, TN 37243**

- I. Welcome – Jim Shulman, Chair**
- II. Roll Call**
- III. Approval of the June 19, 2019 Elder Abuse Task Force Meeting Minutes**
- IV. Review of *Study on Financial Exploitation of Vulnerable Adults in Tennessee Final Report* and elder financial exploitation law –Charles Ferguson, General Counsel, Tennessee Commission on Aging and Disability**
- V. Presentation – Panel, Peoples Bank & Trust Company**
 - a. Philip Calahan – CEO & President
 - b. Sandra Phillips – AVP, Customer Service Manager
 - c. Elizabeth Yackel – Compliance Officer, BSA
 - d. Charlene Tosh – Customer Service Representative
- VI. Presentation – Lisa Thompson, ORNL Federal Credit Union (Oak Ridge)**
- VII. Announcements - all**
- VIII. Other**
- IX. Next meeting: date and agenda items**

Should you have any questions, please contact either Anna Lea Cothron, Aging Commission Liaison, 615-770-3901, annalea.cothron@tn.gov or Ryan Ellis, Legislative Director, 615-253-4083, ryan.j.ellis@tn.gov

**Elder Abuse Taskforce
Wednesday, November 6, 2019
10:00 am – 12:00 pm CST**

**Cordell Hull State Office Building
425 5th Ave N, Nashville, TN 37243**

- I. Welcome – Jim Shulman, Chair**
- II. Roll Call**
- III. Approval of the August 7, 2019 Elder Abuse Task Force Meeting Minutes**
- IV. Presentation - Statewide Coordinated Community Response to Protect Vulnerable Adults initiative –Patti Tosti, Director of Interagency Collaboration and Research, Adult Protective Services**
- V. Presentation – Senior exploitation reporting and records – Elizabeth Bowling, Assistant Commissioner, Securities at Tennessee Department of Commerce and Insurance**
- VI. Announcements - all**
- VII. Other**
- VIII. Next meeting: date and agenda items**

Should you have any questions, please contact either Anna Lea Cothron, Aging Commission Liaison, 615-770-3901, annalea.cothron@tn.gov or Ryan Ellis, Legislative Director, 615-253-4083, ryan.j.ellis@tn.gov

**Elder Abuse Taskforce
Monday, January 27, 2020
10:00 am – 12:00 pm CST
Senate Hearing Room II
Cordell Hull State Office Building
425 5th Ave N, Nashville, TN 37243**

- I. Welcome – Jim Shulman, Chair**
- II. Roll Call**
- III. Presentation – Elder Abuse and Financial Exploitation Case Studies –Jim Shulman**
 - a. Discussion – role of each department/agency/organization, timeline, barriers, etc.
- IV. Announcements - all**
- V. Other**
- VI. Next meeting: date and agenda items**

Should you have any questions, please contact either Anna Lea Cothron, Aging Commission Liaison, 615-770-3901, annalea.cothron@tn.gov or Ryan Ellis, Legislative Director, 615-253-4083, ryan.j.ellis@tn.gov

Elder Abuse Taskforce
July 30, 2020
10:00 am – 11:15 am CST
Webex webinar

- **Welcome** – Senator Briggs and Senator Rose
- **Introductions** – Jim Shulman, Chair
- **Presentation – West TN Senior Protection Coalition (SPC)** - District Attorney General Amy Weirich
- **Presentation – ET Elder Justice Coalition** – Aaron Bradley, Director East TN Area Agency on Aging and Disability

Detective Wendy Zolkowski, City of Oak Ridge PD
Vicki Phillips, BSA Officer, TNBank
Jennifer Reinhard, EVP Risk Management, TNStateBank

- **Announcements**
- **Next meeting: date and agenda items**

Should you have any questions, please contact either Anna Lea Cothron, Aging Commission Liaison, 615-770-3901, annalea.cothron@tn.gov or Ryan Ellis, Legislative Director, 615-253-4083, ryan.j.ellis@tn.gov

**Elder Abuse Taskforce
December 16, 2020
10:00 am – 11:15 am CST
Webex webinar:**

<https://tngov.webex.com/tngov/j.php?MTID=mff515d69bf0e2e9f70a1db39170c0bc3>

- **Welcome** – Senator Briggs and Senator Rose
- **Introductions** – Jim Shulman, Chair
- **Financial Exploitation Flow Chart** – Jim Shulman
 - **Discussion: Department and Agency feedback**
- **Elder Abuse PSA** – Charles Ferguson
 - **Discussion: Department and Agency feedback**
- **Announcements**
- **Next meeting: date and agenda items**

Should you have any questions, please contact either Anna Lea Cothron, Aging Commission Liaison, 615-770-3901, annalea.cothron@tn.gov or Ryan Ellis, Legislative Director, 615-253-4083, ryan.j.ellis@tn.gov

Appendix C

