

**MEMORANDUM**

Agenda Item No. 11(A)(21)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

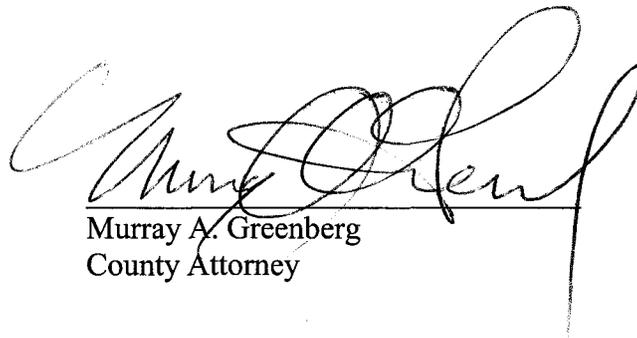
**DATE:** June 6, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution relating to the  
recommendations of the Elder  
Abuse Task Force

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.



Murray A. Greenberg  
County Attorney

MAG/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** June 6, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A) (21)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(21)

Veto \_\_\_\_\_

6-6-06

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MANAGER TO  
STUDY THE FEASIBILITY OF IMPLEMENTING THE  
RECOMMENDATIONS OF THE ELDER ABUSE TASK  
FORCE

**WHEREAS**, Resolution R-1311-03 authorized the County Manager to form what would become the Elder Abuse Task Force to make recommendations to the Board of County Commissioners (the "Board") on issues addressing the detection and prevention of elder abuse and/or neglect in Assisting Living Facilities, nursing homes, convalescent homes, or other facilities that house or care for the elderly in Miami-Dade County; and

**WHEREAS**, representatives from state and local governing bodies, as well as the private sector were invited to participate as Elder Abuse Task Force members; and

**WHEREAS**, the Elder Abuse Task Force met a total of ten times and formulated a series of recommendations, attached hereto as Exhibit A, which were presented to the Community Outreach Safety and Healthcare Administration Committee on February 15, 2006 (as Agenda Item 7(B)); and

**WHEREAS**, Miami-Dade County seeks to determine the feasibility of the recommendations and implement the applicable recommendations by coordinating with the various state agencies and County departments,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that:**

**Section 1.** The County Manager is directed to study the feasibility of the recommendations submitted by the Elder Abuse Task Force.

**Section 2.** The County Manager shall submit a written report to the Board of County Commissioners within ninety (90) days of the effective date of this resolution addressing the feasibility of the recommendations.

**Section 3.** Certain of the Elder Abuse Task Force recommendations calling for the Board to urge the state legislature to enact legislation may be presented to the Board prior to the submission of the feasibility report to this Board.

The foregoing resolution was sponsored by Commissioner Rebeca Sosa and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of June, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.  
Glenn A. Saks





Stephen P. Clark  
 Government Center  
 111 N.W. 1st Street  
 Miami, FL 33128

# MASTER REPORT

File Number: 060271

<b>File Number:</b> 060271	<b>File Type:</b> Report	<b>Status:</b> Before the Board
<b>Version:</b> 0	<b>Report:</b>	<b>Control:</b> Community Outreach, Safety & Healthc
<b>File Name:</b> ELDER ABUSE TASK FORCE		<b>Introduced:</b> 1/31/2006
<b>Requester:</b> County Manager	<b>Cost:</b>	<b>Final Action:</b>
<b>Ag. Date:</b>	<b>Ag. Item:</b>	
<b>Notes:</b> PROCESS BY EG	<b>Title:</b> RECOMMENDATIONS OF THE ELDER ABUSE TASK FORCE	

<b>Indexes:</b>	<b>Sponsors:</b>
<b>Sunset Provision:</b> No	<b>Effective Date:</b>
	<b>Expiration Date:</b>
	<b>CAO:</b>

<b>History of Legislative File</b>		060271					
Ver	Acting Body	Date	Action	Sent To	Due Date	Returned	Pass/Fail
0	County Manager	1/31/2006	Assigned	Tony Crapp	1/30/2006		
0	County Manager	1/31/2006	Referred	Community Outreach, Safety & Healthcare Admin Cmte	2/15/2006		
0	Community Outreach, Safety & Healthcare Admin Cmte	2/15/2006	Report Received				P

**Body:**

**Other:** On December 4, 2003, the Board of County Commissioners passed Resolution No. 1311-03 (Attachment 1: R-1311-03) sponsored by Commissioner Rebeca Sosa and Commissioner Jose "Pepe" Diaz directing the County Manager to establish an Elder Abuse Task Force. The Elder Abuse Task Force was to report to the Board on recommendations on the detection and prevention of elder abuse and/or neglect in Assisted Living Facilities, nursing homes, convalescent homes, or other facilities that house or care for the elderly in Miami-Dade County.

Appropriate representatives from the state, local governing bodies, and the private sector were invited to participate as Elder Abuse Task Force members (Attachment 2: Elder Abuse Task Force Member List). The initial meeting took place on March 25, 2004. The Elder Abuse Task Force met a total of ten times and concluded their regular meetings on July 11, 2005 (Attachment 3: Elder Abuse Task Force Meeting Schedule). The following recommendations were developed by the Elder Abuse Task Force.

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RECOMMENDATION #1: Training on elder issues be provided to the County's new "311" operators.

Recommended that operators of the County's new "311" system be provided additional training on elder issues relating to pertinent laws, elder abuse and neglect, and important phone numbers and contact information for local police departments.

RECOMMENDATION #2: A coordinated public information campaign.

In response to the Task Force's charge to examine "the efficacy of developing and implementing a program to utilize interdisciplinary teams that would involve community level activities to promote available services to the elderly and their caregivers," the Task Force has identified the need for a coordinated public information and awareness program focusing on available services for the elderly. The program should include information on the reporting mechanisms for elder abuse, with dissemination of information through the existing communication systems in the 45 Miami-Dade County departments. Examples include:

- \* Acquisition of designated space on public transit vehicles and in public facilities to post educational materials. Miami-Dade Transit currently records over 207,698 boarding each day on its unified system – Metrobus, Metrorail, and Metromover, as well as, averaging 4,043 weekday boarding on Special Transportation Services. Additionally, there are 22 rail stations and 9 mover stations. (Miami-Dade Transit Facts at a Glance).
- \* The placement of posters and brochures in County facilities, particularly those with a high volume of citizen traffic.
- \* The use of "hold time intervals" on public response telephone lines to provide abbreviated or short message information (e.g. "Volunteer as a Senior Companion, call number.").
- \* The inclusion of information in departmental newsletters, brochures, mailings etc, such as The Employee Source, the official newsletter for County employees which is published quarterly, and the Miami-Dade Water and Sewer's Pipeline Newsletter which is distributed to approximately 391,000 customers quarterly.

RECOMMENDATION #3: The use of cameras (Nanny Cams) as a method of recording/documenting abuse and/or neglect in identified facilities.

The Ombudsman Council, Agency for Health Care Administration (AHCA), Miami-Dade Guardianship Program, local police departments and the State Attorney's Office have all reported that there are shortages of inspectors and staff responsible for investigating reports of elder abuse and neglect. Further, a number of agencies have voiced concerns with the delays in the transmission of complete and accurate reports pertaining to the documented abuse and neglect in identified facilities.

Present technology allows for telephone communications together with video. This type of electronic transfer of pertinent information can expedite appropriate responses and save on both labor and time, thereby avoiding additional abuse. The Task Force noted that there should be a mechanism for the instantaneous electronic transfer of information that provides efficiency in securing timely determinations and provides assistance to staff given the need for urgency in

responding appropriately.

Additional research on the rights of privacy would be required before one could effectuate the use of electronic mediums for the transfer of abuse and neglect documentation and video. However, it should be noted that the Ombudsman Council, AHCA, representatives, and police officers would only be photographing situations that they have the right to inspect. The Task Force felt that these officials should be able to transfer information, at the least, to others who would also have the same right of inspection. Further, rights of inspection should also be granted to staff supervisors, liaisons or other designated persons in the Police Department, State Attorney's Office, and Ombudsman Council's Office, or the State and/or local offices of AHCA.

The cost of a Nanny Cam ranges from approximately \$500 to \$800. At an average cost of \$650 per cam for 1/3 of the current ALF population (250), it would cost approximately \$162,500.

**RECOMMENDATION #4:** Initiate a requirement that all Assisted Living Facilities (ALF's) have a formalized transfer form of vital medical information made available 24 hours a day for emergency responders.

Recommend changing the State of Florida Administrative Code to include a requirement that all ALF's have a formalized transfer form that captures vital medical information pertaining to the patient's medical history, list of current medications, contact information and demographics, that is available 24 hours a day for emergency responders and encourage its uniform adoption.

**RECOMMENDATION #5:** Continued funding for the Miami-Dade County Guardianship Program and the creation of a statewide database to track vendors, index payments, monitor performance, and analyze guardians' expenditures.

Recommend the continued funding of the Miami-Dade County Guardianship Program and seek alternative funding through the State that will fund the creation of a statewide database to track vendors, index payments made to ALFs, monitor performance, and analyze guardians' expenditures statewide.

**RECOMMENDATION #6:** Allow Miami-Dade College to become an ALF testing facility.

Currently, the State only allows the University of South Florida to administer the ALF examination. The revised proposal would recommend that Miami-Dade College be recognized and accredited as an alternative ALF Testing Center.

**RECOMMENDATION #7:** Administration of the ALF examination in a more accessible format and alternative language.

The current ALF examination is only provided in English. The Task Force recommends that testing be administered in a format accessible to persons with disabilities and be made available in alternative languages such as Spanish and Creole.

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RECOMMENDATION #8: Miami-Dade County further subsidize training for ALF providers based on Optional State Supplementation (OSS) occupancy rates.

Recommend that the current reimbursement rate structure be modified to encourage ALF providers to maintain a higher OSS occupancy rate. The modified rate structure would provide 50% reimbursement of the current cost of \$250 for 50-74% occupancy rates and 100% reimbursement for rates of 75-100%. Occupancy rates less than 50% would not receive any reimbursement. Based upon the current census of approximately 750 ALFs Countywide, with an average of the ALFs having a 50-74% occupancy rate, the estimated cost to the County would be \$93,750 per year.

RECOMMENDATION #9: Each police department within Miami-Dade County designate at least one officer to serve as a liaison to the State of Florida, Department of Children and Families' Adult Protective Services Program.

The State of Florida, Department of Children and Families' Adult Protective Services Program provides services to protect vulnerable adults from harm. These services include investigating allegations of abuse, neglect and financial exploitation that are reported to the Florida Abuse Hotline.

Adult Protective Investigators (API) are the program's first responders and it is their responsibility to determine if there is evidence of abuse, evaluate the immediate and long-term risk to the victim and provide services to safeguard the victim. If during the course of a protective investigation, the API has reason to believe that a second party perpetrated the abuse, neglect or exploitation, the law requires that the API notify the appropriate law enforcement agency so that a criminal investigation may be initiated.

Currently, only a handful of the police departments within the County have a designated person that serves as a "point of contact" that the API can call to report cases of suspected abuse. In those police departments that have a "point of contact", the Department of Children and Families advises that they have a good working relationship with those police departments and they would like to enjoy this positive working relationship with every police department in Miami-Dade County. Enhanced communication between the API and police officers results in more thorough investigations, which leads to more arrests and safer environments for victims.

The designation of an officer from each police department, to serve as a liaison to the State Department of Children and Families will facilitate the timely reporting of suspected elderly and disabled abuse cases. The liaison officer will also be able to coordinate cases that require a joint response from law enforcement and the Department of Children and Families.

RECOMMENDATION #10: Mandatory training for designated police liaison officers.

It is further recommended that designated officers attend a training course that will help them become familiar with the needs and problems of the elder community. The course will also focus on introducing the designated officer to the many other agencies that are involved in issues of elderly and disabled abuse such as the Agency for Health Care Administration, the Adult Protection Team, the Miami-Dade County Guardianship Program, the Eleventh Judicial Probate Court and the Long-Term Care Ombudsman.

As the designated officer becomes more educated about elder abuse and available community resources, the designated officer will be able to act, as a "point of contact" within his/her own department, providing information and guidance to other officers that have questions or problems in handling a case involving an elder. The designated officer will also be able to act as a resource for citizens within his/her city that may have questions concerning such abuse.

RECOMMENDATION #11: Development of an organized body to continue investigating ways of preventing elder abuse.

Information ascertained by this body should be shared with an existing or newly created body developed for the purpose of investigating ways of preventing elder abuse.