Sacramento County Elder Death Review Team 2015 Report

Acknowledgements

The Elder Death Review Team Committee's 2015 Report was made possible by the efforts of a committee comprised of the staff of the California Department of Health Care Services, Ombudsman Services of Northern California, Sacramento County Sheriff's Department, Sacramento Police Department, Sacramento County District Attorney, Sacramento County Coroner, Sacramento County Adult Protective Services, Sacramento County In Home Supportive Services, Adult and Aging Commission, Attorney General Medi-Cal Fraud and Elder Abuse, Department of Consumer Affairs, Alta California Regional Center, Sacramento County Department of Health and Human Services, Emergency Medical Services Authority, Sutter Medical Center, and Centers for Elders' Independence.

Elder Death Review Team membership includes:

- Dr. Elizabeth Albers, California Department of Health Care Services
- Susan Billings, Ombudsman Services of Northern California
- Sergeant Dean Bowen, Sacramento County Sheriff's Department (retired)
- Sergeant Laura Chase, Sacramento Police Department
- Tate Davis, Sacramento County District Attorney's Office
- Paul Durenberger, Sacramento County District Attorney's Office (Chair)
- Dr. Stephany Fiore, Sacramento County Coroner's Office
- Martha Haas, Sacramento County Adult Protective Services
- Stephanie Hofer, Sacramento County District Attorney's Office
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- Heidi Richardson, Sacramento County Adult Protective Services
- Dr. Christine Rozance, Center for Elders' Independence
- Holly Swartz, California Dept. of Justice, Attorney General, Bureau of Medi-Cal Fraud and Elder Abuse
- Cheryl Simcox, Ombudsman Services of Northern California
- Debbi Thomson, Sacramento County In Home Supportive Services
- Carol Wilhelm, Alta California Regional Center

Executive Summary

The Elder Death Review Team (EDRT) continues to work toward reducing elder abuse and neglect in Sacramento County. The EDRT committee is now chaired by Assistant Chief Deputy District Attorney Paul Durenberger, a prosecutor who has spent years assisting victims of family violence, including the elderly, in the pursuit of justice. We wish to acknowledge our team members' dedication to reducing elder abuse and neglect, and highlight the fact that APS handles over 3,000 in-person investigations of abuse or neglect each year, with an increase in investigations from 2010 to 2014 of 28%.

This report covers the calendar years of 2012 through 2014. In discussions of elder deaths over this time period, it has become apparent that while the understanding of elder abuse has improved among law enforcement, caregivers, and other supportive service agencies, there is much to be done to ensure that all instances of elder abuse are handled appropriately and reported to the proper authorities for review. The recommendations for improvement found in this report address the issues seen in our death case reviews and others repetitive elder abuse problems seen by the committee members in our community over the same time period. Improvements are necessary as the reports received by APS of elder and dependent abuse, neglect, and self-neglect number 7,714 reports for 2013, an increase of 39% since 2010.

EDRT has also observed victims of financial abuse among the cases reviewed. APS reports that in 2013, the unit received 1,339 allegations of financial abuse, up 45% since 2010. In 2014, this trend continued with 1,324 allegations of financial abuse received, up 43% from 2010. EDRT commends the Board of Supervisors for funding a Financial Abuse unit at Adult Protective Services to help prevent the elderly from becoming victims of financial abuse. This is a common occurrence among the cases we discuss, particularly with victims suffering from cognitive impairment. This new unit's actions will help elders retain financial independence and ensure their money is used for their own needs rather than that of any potential abusers.

We anticipate vital services for the elderly will soon be made available through the Sacramento Regional Family Justice Center (FJC), which is a new collaborative nonprofit currently being developed through the partnership of Sacramento State University, Sacramento County, the District Attorney's Office, and a number of community-based family violence organizations. The FJC will provide a multitude of services for victims of family violence in one location. Once the FJC is operating, social workers will be available on site to work with victims and their families by assisting in navigation and coordination of available services.

On behalf of our members, we thank the Board of Supervisors for their continued support of this multidisciplinary group and its mission of preventing elder abuse and untimely elder deaths by identifying system issues and restoring the safety net for seniors.

Sincerely,

ANNE MARIE SCHUBERT DISTRICT ATTORNEY

PAUL DURENBERGER Assistant Chief Deputy District Attorney Elder Death Review Team Chair

Purpose and Implementation

The Sacramento County Elder Death Review Team (EDRT) was created in 1999. This multi-disciplinary team meets six times a year to discuss questionable deaths of elders in Sacramento County. New cases are introduced by members who represent various care agencies including county, state, and nonprofit agencies. Each member signs an annual confidentiality agreement which promotes the free exchange of information between agencies in order to identify areas of improvement, including systemic changes.

Members discuss their agencies' interaction with the decedent and his/her family, and any collaboration undertaken with other agencies in each case. As a result of these conversations, member agencies identify problem areas, and develop new policies and procedures to improve services and prevent additional deaths. The team also identifies areas of improvement and makes formal recommendations to the Board of Supervisors for system change per Penal Code 11174.9:

Recommendations made by the team shall be used by the county to develop education, prevention, and if necessary, prosecution strategies that will lead to improved coordination of services for families and the elder population.

The team discusses systemic needs, such as support agencies, education, and new collaborative efforts. In one example, conversations have recently centered around the new Family Justice Center, focusing on identifying agencies and partnerships for involvement in the center to best provide services to the elderly population.

The Sacramento County elderly population, classified as those individuals age 65 and older, has grown exponentially since the last Census. According to the 5-Year American Community Survey (2009-2013), the Sacramento County population over age 65 comprises 11.6% of the total county population, up from 11.1% from the 2000 Census¹. Community Health Status Report of 2014 statistics reflect an aging Sacramento County population when comparing population from 2003 to 2013: the population aged 85 and older increased 44.7%, and those aged 60 to 69 increased 54.9%. Of those currently over 65 years of age, 9% are below the 100% poverty level, 10.7% are between 100% and 149% of the poverty level, and 80.3% are above 150% of the poverty level.² Issues surrounding elder abuse and neglect will likely continue to grow without significant changes to operation and composition of the safety net system.

Case Summaries

The following cases were chosen to illustrate the common themes present in cases reviewed by EDRT. A common element observed by the team for this reporting period are overwhelmed caregivers who do not possess the requisite education or training to deal with serious medical complications,³ law enforcement and other agencies frustrated by a lack of coordinated evidence documentation and agency cooperation, service gaps, lacking resources, and skilled nursing facilities failing to report suspicious deaths to the Coroner's Office. It should also be noted that while the five cases below represent themes identified in cases of preventable deaths, the majority of the deaths reviewed by the

¹ 5-Year American Community Survey estimates the Sacramento County population for age 65 and older at 166,835 individuals. The 2000 Census counted 135,875 Sacramento County residents over the age of 65. ² 5-Year American Survey, 2009-2013.

³ Caregiver training and education needs are an ongoing concern. These issues have been discussed in detail in the 2006 Elder Death Review Team report, and reviewed in the 2008 and 2012 reports. All reports are available at www.sacda.org/helpingvictims/elder-abuse/edrt/.

team resulted in findings of death due to natural causes with no abuse. Only cases that have been resolved are included in the statistics for this report. If a criminal case is pending, the case was not included in this report, but will be included in a subsequent report once the case is resolved.

(Names and other specific details have been deleted or generalized for confidentiality.)

Agency abbreviations used below:

APS: Adult Protective Services CCL: Community Care Licensing DHCS: Department of Health Care Services IHSS: In Home Supportive Services SNF: Skilled nursing facility SPD: Sacramento Police Department SSD: Sacramento County Sheriff's Department

Case Details	Case #1	Case #2	Case #3	Case #4	Case #5
Age	99	82	88	86	80
Gender	Female	Male	Male	Female	Male
Ethnicity	Asian	Hispanic	Caucasian	Caucasian	Caucasian
IHSS	Yes	No	No	Yes	No
Client	Dementia/	Dementia/	Dementia/	Dementia/	Dementia/
Vulnerabilities	Cognitive	Cognitive	Cognitive	Cognitive	Cognitive
	Impairment	Impairment	Impairment	Impairment	Impairment
	Nonverbal	Elopement	Failure to Thrive		Physical impairment
Abuser	Adult child	Paid care agency	Adult child	Adult child	Paid care agency
Relationship					
to Decedent					
Abuser	Overwhelmed	n/a	Overwhelmed	Overwhelmed	n/a
Characteristics	caregiver		caregiver	caregiver	
Agencies	APS, DHCS, IHSS,	APS, CCL,	APS, Coroner,	APS, SSD, SNF	Alta Regional,
Involved	SPD	Coroner, SSD	SSD, SNF		CCL, paid support agency
Facts	Hospital reported	Decedent with a	Decedent was	Decedent was	Decedent was
	possible neglect	history of	poorly groomed,	reported to APS	reported to Alta
	when decedent	wandering was	malnourished,	by the hospital	Regional and APS
	arrived emaciated	found with blunt	and dehydrated	when admitted	when admitted to
	and with	force trauma	when admitted to	for bruises, brain	the hospital with
	numerous	outside of his care	the hospital;	bleeding, and a	an unstageable
	decubitus ulcers;	facility; the facility	client's son	prolapsed uterus;	decubitus ulcer;
	caregiver claimed	did not respond	reported	caregiver	developed ulcer in
	to care for	to the alarm that	decedent did not	suspected of	board and care
	decedent based	he had left the	require assistance	neglect; client	home while
	on doctor's	facility	until very recently	died at a SNF; four	getting treatment
	instructions for	unattended; CCL	with bathing, etc.;	previous referrals	for pneumonia;
	wound care;	investigated the	decedent died in a	to APS for neglect	died in SNF;
	wounds too	facility and fined	SNF; hospital	were reported;	Coroner was not
	severe for	them for their	reports did not	the Coroner was	notified of his
	surgery; home	actions	mention neglect;	not involved at	death

Case Details	Case #1	Case #2	Case #3	Case #4	Case #5
Facts (cont.)	health nurse only made one visit to assist the family		law enforcement did not complete a report of the incident	the time of decedent's death; law enforcement did not take a report of the neglect at the hospital	
Findings	System failure Doctor neglected to provide treatment and services needed; caregiver was following the doctor's limited instructions; doctor has been sanctioned multiple times by DHCS	Preventable death APS removed their remaining clients from this care home	System failure Proper interventions were not taken to get the decedent the proper care; reporting failures on hospital and law enforcement	System failure Suspicious death; inconclusive evidence Agencies did not communicate or complete necessary follow up; law enforcement did not make a report of neglect in this case; Coroner should have been involved	System failure Lack of communication between agencies involved in decedent's care; Coroner should have been involved at time of death

Findings and Recommendations

EDRT has identified recurring themes and issues during case review discussions. While there are many new procedures developed by participating agencies to improve services as a result of EDRT discussions, some changes cannot be enforced effectively without Board of Supervisors approval and support. Our recommendations could benefit our entire community, not just elders and dependent adults.

Reporting Deaths at Skilled Nursing Facilities

In many of the committee's discussions, we observed the common practice of skilled nursing facility (SNF) doctors signing death certificates and declaring cause of death for their clients. This common SNF practice becomes a problem when suspicious deaths are not reported to the Coroner and are not investigated by law enforcement. EDRT recommends that skilled nursing facilities in Sacramento County be required to report all deaths to Adult Protective Services (APS). APS would determine if there was any prior contact with the decedent, and report suspicious deaths to the Coroner's Office and law enforcement as necessary. Lack of reporting is an unfortunate nationwide issue that we would like to end in Sacramento County. We realize that this may require some type of legislation to enforce.

5150 Holds: Emergency Protective Orders

California Welfare and Institution Code Section 5150 directs officers and other mental health authorities to detain a person who, as a result of mental disorder, is a danger to him/herself and others. In

Sacramento County, the responsibility often falls on law enforcement officers to make the determination of whether to arrest a person for a crime of violence, or to detain them and take them to a hospital emergency room for mental health evaluation and treatment.

While this issue did not come up in the cases included in this report, it was a discussion point because many cases seen by committee members involved violent mentally ill abusers. The committee felt that due to the potential for danger to the community, 5150 holds and releases should be addressed in this report's recommendations.

Although the law allows for observation for 72 hours, we have seen releases of patients after only a few hours. The quick release and lack of notification to the victims at the time of the release, combined with the limited mental capacity of many elders and dependent adults impeding their understanding of the level of danger they are potentially facing, often leaves elderly victims unprepared to handle the return of their abuser. The results have led to serious injury and death. For example, there is a current homicide case involving an elder death; a woman was killed by her adult son after he was released from a 5150 hold. The team recognizes the need for stronger intervention tools in the system to warn elders and law enforcement of these potential dangerous situations. Such warnings would help prevent these types of violent encounters.

California Family Code Section 6250 (d) allows law enforcement agencies to request Emergency Protective Orders when an elder or dependent adult alleges a recent incident of abuse and has a present danger of abuse. In most cases, our county law enforcement agencies do not take advantage of this protective tool when a mental health detention is the chosen option.

EDRT recommends training for all law enforcement agencies on the availability of this tool and requests that this Board encourage local law enforcement to mandate offering protective orders to elders who have been abused, even in mental health 5150 detention situations.

5150 Holds: Release Guidelines and Procedures

Currently, Sacramento law enforcement is not typically informed when a person they detained and brought to a hospital pursuant to W&I 5150 is released. Our case discussions demonstrate that some patients are left at the emergency room and discharged without being admitted to a psychiatric hospital for further mental health services. Sometimes discharge occurs within a matter of hours after being brought to the hospital by law enforcement.

California Welfare and Institutions Code Section 5150.2 states the following:

Each County shall establish disposition procedures and guidelines with local law enforcement agencies as necessary to relate to persons not admitted for evaluation and treatment and who decline alternative mental health services and to relate to the safe and orderly transfer of physical custody of persons under 5150, including those who have a criminal detention pending.

The committee recommends that release guidelines and procedures be determined through discussions between local hospitals and law enforcement. These guidelines will provide notice to law enforcement of pending releases of patients who committed violence against an elder, dependent adult or any other victim. Law enforcement will then determine if a criminal detention or an arrest is warranted upon the patient's release from the hospital.

Training for EMS Responders and Law Enforcement

Many of the Elder Death Review Team's discussions center on the need for more training opportunities for emergency medical services (EMS) responders and law enforcement. Hospitals, board and care homes, skilled nursing facilities, and other agencies report suspected neglect to law enforcement. Law enforcement agencies have experienced budget reductions over the past few years, resulting in staff turnover. New hires at every agency need to be trained with the latest information to evaluate neglect and abuse of elders and dependent adults. Law enforcement is not always aware of the protocols for investigating calls of injury or death at various types of care facilities, all of which are governed by different rules and overseen by different state agencies. Because EMS responders, law enforcement patrol officers and APS workers are often the first to interact with the elders, observe the scene, and interview the family or caregiver, their observations and reports are critical to building a neglect case.

The team recommends setting up formal trainings for all EMS responders and with local law enforcement agencies to ensure that they know the appropriate questions to ask in specific situations to properly identify abuse, take the necessary steps to fully document their observations for use by APS and the District Attorney, and perform appropriate follow up with local, state, and private entities to request additional investigation as necessary to ensure safety for other residents of care homes. The team has also discussed creating an app for use by first responders and law enforcement in order to identify elder abuse in the field, and/or recommending the use of the existing 368+ app available from the Center on Elder Abuse. As a second part of this training recommendation, EDRT would like to see a return to a more cohesive partnership between member agencies and law enforcement officers. During better budget times, this close relationship helped in the investigation and prosecution of many neglect cases.

Conclusion

Much can be done to bring more attention to elder abuse and encourage the community to take action to prevent this abuse and neglect. Continued efforts by this team and member agencies will work to end elder abuse. We encourage the Board of Supervisors to consider our recommendations to improve strategies to prevent elder abuse and deaths in Sacramento County.

APPENDIX

Statistics

Data is based on 24 cases reviewed and resolved from 2012-2014. Cases reviewed with pending criminal charges are not included.











Identifying Neglect

Although there is uncertainty regarding caregivers that are uninformed and often overwhelmed, cases have come forward that appear clearly to be neglect. Neglect is defined as failure by a person in a position of trust to provide care that a prudent person would typically perform. Hallmarks implicating the possibility of neglect include the following:

MALNUTRITION

Elders and disabled persons who are found to suffer from frank malnutrition suggest that they are the victims of abuse and neglect. Malnutrition is identified as not only weight loss but also abnormalities of the body's proteins, as measured by blood tests. Although certain medical conditions can cause malnutrition, the victims of this type of abuse and neglect exhibit severe calorie inadequacy. This may occur because victims are unable to obtain food, prepare meals, or feed themselves.

DEHYDRATION

The victim suffering from dehydration has easily observable findings. The mouth and lips are dry, and the skin has what is termed "poor turgor." This simply means that if the skin on the arm is elevated, it should quickly resume its usual shape when released. If it remains elevated and folded, skin turgor is poor and suggests severe dehydration. Victims who suffer from advanced dementia may lose their thirst drive, and caregivers are expected to provide adequate fluids nonetheless.

FAILURE TO SEEK MEDICAL CARE IN A TIMELY FASHION

When elderly or disabled people require medical attention, the trusted care provider needs to obtain this help. Some conditions require urgent care, such as falls with injuries or severe infections. Failure to get care may lead to serious complications or even death. In neglect cases, not only is there resistance to obtaining care but several days may pass before the victim is brought to medical attention.

MEDICATION DISARRAY

Older victims with multiple medical problems often have numerous prescriptions. Medications need to be given as prescribed. Multiple hazards may make it difficult to properly take prescriptions, known as the FIVE CAN'Ts:

- Can't read the label
- Can't open the prescription bottle
- Can't swallow large tablets

- Can't "stomach" the medicine
- Can't afford it

Although these issues make medication compliance difficult, many sources are available to help care providers provide proper medication assistance. Doctors should also review the patient's record prior to prescribing any new medications, especially for those patients with multiple doctors.

PRESSURE ULCERS

When a person is unable to walk or change position without help, they are at risk for pressure ulcers or as they are commonly known, as bed sores. Other risk factors are moisture on the skin, malnutrition, and impaired sensation. Initially the skin is simply red in areas where there is pressure. As pressure ulcers become more severe the skin is open and may become so deep that underlying muscle and bone are exposed. Infection may occur throughout the body from the site of the pressure ulcer; this severe infection, known as sepsis, may be fatal. An in-depth report in pressure ulcers can be reviewed in the 2008 Elder Death Review Team Report at <u>www.sacda.org/helpingvictims/elder-abuse/edrt/</u>.

Independent Resource Guide

Copies of this guide are also available by contacting Stephanie Hofer at hofers@sacda.org or visiting www.sacda.org/helpingvictims/elder-abuse/edrt/. Additional languages are available online.

English



AT



Spanish



 Ombudsman Services of Northern CA 916-376-8910 OR 1-800-231-4024

Department of Health & Human Services

District Attorney's Office &

Sacramento County

Preguntas respecto al protectorado:

Constant Constant

CALIFORNU

Sacramento Employment and Training

Categorias de Servicio:

916-263-3700 O 1-800-735-2929 TTY

Seguro automovilistico de bajo costo para buenos conductores de escasos recursos:

 Asilo Salud Mental Medico Financiero Legal Reparaciones Servicios a en Casa Domicilio

EN CASO DE EMERGENCIA

MARQUE 911

The Sacramento County Elder Death Review Team Ofrecido por:

EDRT Coordinator@SacCounty.net

Independientemente

Viviendo

Guia de Recursos



PROV

ISION DE CUIDADO

- **IHSS Public Authority** 916-874-4411
- Para asilo:
- Cordova Senior Center 916-366-3133

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- Hart Senior Center 916-808-5462
- 916-971-0893 or Del Oro

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http://www.deloro.org

LEGAL

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Para Asistencia Legal: Legal Services of Northem California

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- 916-551-2150 www.lsnc.net
- Superior California Legal Clinics,

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- 916-972-1188
- 916-551-2102 Voluntary Legal Services Program
- www.vlsp.org
- Superior Court Self Help Center 916-875-3400
- McGeorge Community Legal Clinic

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- 916-340-6080