

NASOP SURVEY

LTCOP COORDINATION WITH LAW ENFORCEMENT AND COURTS

May - June 2001

States Responding: CO, DC, GA, HI, KY, LA, ME, MO, MT, NE, NM, OH, OK, SC, TN, WV, WI (not all states answered every question)

1. Which of the following do you, or someone representing the State LTCOP meet with? How often? For what purpose?

State	Attorney General's Office		Medicaid Abuse, Fraud Control		State Police		State Law Enforcement		State Hearing Officers or Admin Law Judges		Prosecutors		Probate Judges		Criminal Judges		Local Law Enforcement		
	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	
CO	R	Legal help	L (3)	UI, SO										L	SO				
DC	L	UI	R	UI					R								L	UI	
GA	R	UI	R	S, UI, JT, SO			L	S	L	UI	R	JT, UI, SO	R	S, UI			R	JT, SO	
HI	L	UI	R	UI															
KY	R	note					R		R									R	
LA			R	note														R	note
ME		R	R	SO	R		R		R	S, UI, JT, SO	L		L		L		L		
MO	R	UI	R	UI					R	S, UI	See note								
MT	?	UI	R	UI, SO					R	UI									
NE	L	UI	R	UI, SO	L	UI			L	UI	L	UI					L	UI	
NM	L		R	UI	L		L		L		L		L				L		
OH	L	UI	L	UI					L	UI, SO			L	UI					
OK	R	note	R	UI, SO					L, R		L	UI					L		
SC	R	S, UI, JT, SO	R	S, UI, JT, SO	note		R	S, UI, JT, SO	L				R	S, UI, JT, SO			R	S, UI, JT, SO	
TN			R	S, SO	note														
WV	R	UI	R	UI	R	UI	R	UI	L	UI, S							R	UI	
WI	L	UI	L	UI	note														

How Often: L = ≤ once a year
R = on-going or regular

Purpose: S = speak at their meeting UI = updates or issue meetings
JT = joint training SO = speaker for LTCOP

#1 NOTES:

Kentucky: The Office of Attorney General has an Office of Senior Protection. The staff train once a year in all senior citizens centers. The SLTCOP serves on a task force with staff from the AG's Office which was mandated by the last legislative session to improve long-term care for institutionalized persons. We frequently meet with law enforcement through TRIAD and Crime Commission Meetings. The SLTCO is the Vice Chair of the Franklin County TRIAD and is a board member of the Franklin County Crime Stoppers. The SLTCOP frequently discusses hearings with the ALJ.

Louisiana: Medicaid Abuse, Fraud Control: The SLTCO meets regularly with the MFCU investigators and director, Assistant U.S. Attorneys, OIG investigators and the FBI as part of a task force established by the attorney general's office.

Local Law Enforcement: the SLTCO participates on an as needed basis in training officers who have been selected by their sheriffs or municipal chief to participate in a certification program for officers working with issues affecting seniors. We try to encourage community policing. This training is supported by a grant and will likely end after this year.

One of the local programs participates in a training series for police officers held in different parts of the state. This series, however, is not expected to continue.

Missouri: U.S. Attorney's Office: regular contact, Update or issue meetings

Oklahoma:

Attorney General and Medicaid Fraud and Abuse Control Unit: Since our MFCU is in our AG's office, it is a bit duplicative as presented above...although their legislative liaison is in a separate division AND the Attorney General, himself, has met with us, on occasion.

Administrative Law Judges: The person who is ALJ for most Involuntary Discharge cases is an attorney on staff at the State Health Dept. We work with her on Rules, some case issues (other than those in which contact would create an impropriety). However, other ALJs are not so accessible, and we may have virtually no interaction except in a courtroom.

Others: FBI, State Bureau of Investigation (OSBI), Bureau of Narcotics and Dangerous Drugs, US Office of Inspector General . These are mainly case-related discussions, although our contacts with OSBI and AG have also related to changes in rules and statutes to facilitate investigation and prosecutions, and on the issue of fingerprint criminal background checks. Type & Frequency of Contact: Occasional but not routine; Joint investigation or Coordination /participation in cases.

South Carolina: The SLTCO is a member of the Adult Protection Coordinating Council. The Council coordinates the planning and implementation efforts of the entities involved in the adult protection system. Members facilitate problem resolution and develop action plans to overcome problems identified within the system. The council also develops methods of addressing the ongoing needs of vulnerable adults, including increasing public awareness of adult abuse, neglect, and exploitation. The council is made up of individuals from Adult Protective Services, the Attorney General's Office, local law enforcement including the Sheriff's Association, State Law Enforcement Division, Police Chiefs' Association, the Criminal Justice Academy, and other health and human services agencies. The SLTCOP also has a Memorandum of Agreement with the Attorney General's Office to delineate respective responsibilities, identify areas in which we will assist each other to insure maximum efficiency and benefit to the citizens of the state of SC. The SLTCO has also been invited to speak to the SC Sheriff's Association, and likewise had their Executive Director speak at the annual ombudsman meetings. From those meetings, an individual has been identified at each county sheriff's office as the primary contact for referrals from the regional ombudsman programs.

Tennessee:

Medicaid Abuse and Fraud Control Unit: The meetings with the Medicaid Abuse and Fraud Control Unit are in conjunction with the request of the Department of Justice. We meet every other month. We are presently working on appropriate protocol for emergency referrals, or referrals in general.

Wisconsin: US Attorney's office for the purpose of participating in a task force on nursing home and elder abuse, neglect and financial abuse issues.

2. Which of the following do you, or someone representing the Local LTCOP meet with? How often? For what purpose?

State	Attorney General's Office		Medicaid Abuse, Fraud Control		State Police		Hearing Officers or Admin Law Judges		Prosecutors		Probate Judges		Criminal Judges		Local Law Enforcement	
	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose	How Often	Purpose
CO			N	C							N	C				
DC	N	C	N	C			N	C							N	C
GA	N		R	C, P			R	P	R	C, P	R	C, P			R	C, P
KY	N		N		N		R		N		N		N		N	
LA			N	C			N	C							N	C
ME	This is directed through the central LTCOP (state) Office.															
MO	N	C	N	C							N	C				
MT			N	C, P											N	C
NE									N	C					N	C
NM	N		N	UI	N		N		N		N		N		N	
OH			N	C,P, UI,SO			N	C, SO	N	C, P	N	C			R	C,P, UI
OK	N	C, P, UI, SO	N	C, P			N	C, P	N	C, P					N	C, P
TN	N	C, note	N	C, UI			N	C								
WV	N	UI	R	UI	N	UI	N	C, SO	N	C					N	UI
WI	N	C	N	C,P			N	C			N	P				

How Often: N = as needed R = on-going or regular

Purpose: C = complaint handling P = provide information UI = update or issue meetings SO = speaker for LTCOP

NOTE:

Tennessee: Instead of the Attorney General, a local ombudsman has been working with the local Assistant U.S. Attorney with litigation regarding a local nursing home.

Administrative Law Judge: Contact was a meeting for a hearing regarding a local program.

3. Case Referrals to law enforcement or to someone in the judicial system as included in the previous tables by either the State or local LTCOP

State	Type of Case	State (S) or Local (L) Referral	Referred To Whom	At what point? When?	Typical Response
CO	Individual resident	S, L	Private attorneys	Upon request or when other courses of action are ineffective	
DC	Financial exploitation	S	US Attorney; MFCU	Early in the investigation	Fairly good follow-up
GA	Nursing home abuse/neglect	L	MFCU and/or local police	On-going, frequently	MFCU: very responsive, thorough investigation by GBI work closely with omb; Local Police; wide variation among areas
	Guardianship abuse/neglect	L	Probate judges	As issues arise	Wide variation among counties
	Nursing home discharges	L	ALJ	As issues arise	Hearing set; sometimes pre-hearing conferences settle the issue
	Personal care home discharges	L	ALJ	As issues arise	Hearing set; sometimes pre-hearing conferences settle the issue
	LTCO access to personal care homes	L	Sheriff, police	As needed	Most local police will help provide omb access when they read the state/federal law
	Personal care home abuse/neglect	L	Police and prosecutors	As issues arise	In some areas, have been willing to investigate and prosecute
LA	When family contacts omb with an abuse allegation, omb advise of their right to contact local law enforcement. Omb also advises family that the response they receive will depend upon the particular agency's manpower and perception of their role.				
MO	Guardianship	S, L	AG, MFCU	After omb investigation	Usually not able to prove the abuse
	Discharge	S, L	Hearing Officers	Request for hearing	Set up hearing immediately
MT	Theft	S, L	Local law enf.	Upon substantiation	Further investigation
	Abuse	S, L	Local law enf. Or MFCU	Initial referral	Investigation
	Fraud, Exploitation	S, L	Local law enf. Or MFCU	Initial referral	Investigation
NM	Abuse, neglect, exploitation		APS	Referred by APS	Usually none
NE	APS after hours	S, L	Local law enf.	After APS hours	Usually respond
	Guardianship, conservatorship	S, L	Judges or prosecutor	At request of resident or when it's determined that legal intervention is needed	It varies.
	Complaint handling	S, L	Whoever is needed	When information is needed	

3. Case Referrals to law enforcement or to someone in the judicial system as included in the previous tables by either the State or local LTCOP

S t a t e	Type of Case	State (S) or Local (L) Referral	Referred To Whom	At what point? When?	Typical Response
OH	Abuse	S, L	MFCU, prosecutor, police	Early for consultation; then decide jointly when to refer. Sometimes they want LTCO to do an investigation, sometimes they don't - depends on the facts of the case.	It varies but we don't get a lot of police involvement in nursing homes--more in board and care.
	Theft	L	Police	Same as above.	Same as above.
OK	Involuntary discharge	S	Hearing Officer	When notice is not given to client.	ALJ will call facility.
	Criminal conduct by state agency staff	S or L, with permissi on from S	MFCU or FBI	Upon receipt or confirmation; when presented with credible witness or evidence.	They follow through. (Even if they can't, or won't, tell us what they are doing!)
	Abuse or sexual abuse by facility staff.	S	MFCU	With permission from victim; immediately if possible.	They usually accept the case, unless it is too old. They have a good track record for prosecutions and convictions.
WV	Case referrals	S	Law enf. Or someone in the judicial system		
WI	Guardianship	S, L	County corporation counsel	Initial	Case filed
	Criminal	L	Local law enf.	Initial	Varies