July 20, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Re: Emergency Support for Nursing Homes and Elder Justice Reform Act of 2020

Dear Majority Leader McConnell and Minority Leader Schumer,

On behalf of the American Bar Association (ABA), which is the largest voluntary association of lawyers and legal professionals in the world, I write to express support for inclusion of S. 4182, the Emergency Support for Nursing Homes and Elder Justice Reform Act of 2020, in the next COVID-19 economic relief bill. This legislation reauthorizes the Elder Justice Act (EJA) and provides much needed resources to nursing homes to help cope with the devastating effects of the pandemic.

The EJA authorizes funding for state demonstration programs that promote the accountability of court-appointed guardians. These grant support programs assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings and require collaboration with the highest state court, the state unit on aging, and adult protective services. With minimal funding, 25 states across the country have established Working Interdisciplinary Networks of Guardianship Stakeholders (WINGS) or similarly organized collaborative groups of stakeholders who volunteer their time to work towards the goals of these demonstration grants. In 2016, the Administration for Community Living awarded an Elder Justice Innovation grant with funding authorized by Title IV of the Older Americans Act to the ABA Commission on Law and Aging. This grant enhanced, expanded, and supported WINGS, and we have the potential to accomplish much more with additional funding.

The ABA also supports the expansion of state demonstration grants to address three vital areas of guardianship reform: data collection, court visitors, and information sharing on guardians. These efforts will continue to increase public awareness and expand financial resources for responding to a nationwide problem of elder abuse, especially in the face of the COVID-19 pandemic. The nation’s elderly population is growing at a much greater rate than any other segment. As people live longer, frailty and vulnerability increase. Older persons typically have fewer options for resolving or avoiding abusive situations due to their age, health, or limited resources.

Elder abuse in the United States is a problem that respects no boundaries. It is not defined by socio-economic, racial, gender or ethnic status, and it occurs with alarming frequency in every state. The reauthorization of this bill would provide personal protective equipment and testing, as well as promote transparency regarding COVID-19 in nursing homes; establish strike teams to correct deficiencies in care and ensure the prompt reporting of abuse and neglect in long-term care facilities; promote televisitation for residents of nursing homes; protect individuals with
dementia; enhance federal oversight of nursing homes participating in Medicare or Medicaid; aim to reduce racial and ethnic disparities in care; and continue to fund critical elder justice programs.

The ABA appreciates Chairman Grassley’s leadership on this bill and other elder justice related issues, and we respectfully urge you and your colleagues in the Senate to incorporate S. 4182 into the next stimulus bill. If you or your staff have any questions, please contact ABA Legislative Counsel David Eppstein at 202-662-1766 or david.eppstein@americanbar.org.

Sincerely,

Judy Perry Martinez