

LEGAL SERVICES FOR THE ELDERLY, INC.

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February 22, 2023

Testimony of Leo J. Delicata, Esq., Legal Services for the Elderly, in support of L.D. 258"An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025" before the Joint Standing Committee on Appropriations and Financial Affairs.

Senator Rotundo, Representative Sachs and members of the Joint Standing Committees on Appropriations and Financial Affairs, Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services.

Legal Services for the Elderly is a non-profit legal services organization established in Maine following passage of the federal Older American's Act in 1974. Since then, our mission has been to provide free legal assistance to our disadvantaged older adults when their basic human needs are at stake. Our clients are all aged sixty or older and most have very low incomes. Some are the most physically and financially compromised people in our communities.

Today we would like to offer comments in support of the following lines some of which contain new initiatives and some that do not. Each of our comments are preceded by the page number and the budget description of the line.

1. A-356 MAINE RX PLUS PROGRAM 0927

“This program makes prescription drugs more affordable for qualified Maine residents, thereby increasing the overall health of Maine residents, promoting healthy communities and protecting the public health and welfare of Maine residents.”

Program Summary - OTHER SPECIAL REVENUE FUNDS

All Other	135,786	135,786	135,786	135,786
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We hope that you will support this long-standing program. It includes one of the few personal health benefits available even to Maine residents whose incomes are too high to qualify them for any other public program. It allows residents whose monthly family income is up to 350% of the Federal Poverty Level (\$4,253 for 1 person or \$5725 for two) or who spend more than 5% of their family income on drugs or 15% on medical expenses to buy prescription drugs at the same price as those purchased by the State of Maine for the MaineCare program. In some cases, that may represent as much as a 60% discount. Since eligible individuals pay privately and receive no subsidy from the State of Maine, the budget costs are administrative in nature.

2. A-344 Health and Human Services, Department of
LOW-COST DRUGS TO MAINE'S ELDERLY 0202

“This program assists low-income elderly in obtaining prescription drugs.”

GENERAL FUND

All Other	4,445,545	4,971,353	4,971,353	4,971,353
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FUND FOR A HEALTHY MAINE

All Other	6,082,095	6,082,095	6,082,095	6,082,095
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Once upon a time this program just paid for prescription drugs. But over many years, the State of Maine has been able to leverage the same funds to provide better benefits for our older adults by investing in the Medicare Saving Program (MSP) and the Drugs for the Elderly and Disabled Program (DEL). These programs help approximately 87,000 adults who are age 65 and older, or younger disabled adults, pay for their prescription drugs. They also help pay some or all the premiums, deductibles, co-payments and co-insurance related to their Medicare health insurance benefits. This combination of assistance has allowed a significant number of Maine’s older residents to receive the medical care and treatment necessary to maintain their best level of physical and mental health.

These programs make a significant positive difference in the quality of life experienced by older adults. We are truly grateful that this budget again includes this proposal.

3. The next two sections are initiatives that focus on the problem of elder abuse. These initiatives reflect the recommendations contained in the Elder Justice Roadmap.

The Roadmap is a product of a group created by the Governor's Executive Order in 2019. The members have organizational missions that include providing services to older adults who have suffered abuse, neglect or exploitation. Because they work in either the public or private sector and had common purpose they were named the Elder Justice Coordinating Partnership. The Membership List is extraordinary and we add it here because they deserve more than casual mention.

Jaye Martin, Private Sector Co-chair, Executive Director, Legal Services for the Elderly
Judith Shaw, Public Sector Co-chair, Securities Administrator, Office of Securities
Katlyn Blackstone, Chief Program Officer, Southern Maine Agency on Aging, representing the Area Agencies on Aging

Morgan Connolly, Deputy Director, Office of Behavioral Health

Colonel John E. Cote, Chief, Maine State Police

Brenda Gallant, Executive Director, Maine Long-Term Care Ombudsman Program

Bobbi Johnson, Associate Director, Child Welfare Services, Office of Child and Family Services

Patricia Kimball, Executive Director, Elder Abuse Institute of Maine

Jeanne Lambrew, Commissioner, Department of Health and Human Services

Karen Mason, Associate Director, Aging and Long-Term Services and Supports, Office of Aging and Disability Services

Andrew McCormack, Assistant United States Attorney and Elder Justice Coordinator, United States Attorney's Office

Sheriff Joel Merry, Sagadahoc County Sheriff, representing Maine Sheriffs' Association

William Montejo, Director, Division of Licensing and Certification

Emily Moores, Senior Health Program Manager, Maine Center for Disease Control and Prevention

Leanne Robbin, Assistant Attorney General, Office of the Attorney General

Erin Salvo, Associate Director, Adult Protective Services, Office of Aging and Disability Services

Michael Sauschuck, Commissioner, Department of Public Safety

Elizabeth Ward Saxl, Executive Director, Maine Coalition Against Sexual Assault

Officer Candice L. Simeoni, Kennebunk Police Department, representing the Maine Chiefs of Police Association

Kathryn M. Slattery, District Attorney, Maine Prosecutors' Association

Francine Garland Stark, Executive Director, Maine Coalition to End Domestic Violence

The entire Elder Justice Roadmap may be viewed here:
https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/EJCP_Roadmap.pdf

The scope of its recommendations is stated on Page 12 as follows:

“The Roadmap provides recommendations regarding actions that the public and private sectors can take today in the areas of direct victim services, public and professional education, public policy, and data collection and evaluation to: Decrease the incidence of elder abuse in Maine; Increase the number of elder abuse victims who seek and receive help in stopping abuse; and Improve the multi-disciplinary response to elder abuse.”

Two of the Roadmap “top priority” recommendation are contained in this Budget. Top priority means there was broad agreement among members that they have a “high probability of successful implementation and high impact on elder abuse”.

The first top priority recommendation of the Elder Justice Roadmap is “Develop and expand wraparound support services, including case management services, for victims of elder abuse based upon Adult Protective Services pilot.” This is found on page 15 of the Roadmap and is reflected in the Budget as follows:

Page A-389: Department of Health and Human Services, Office Of Aging & Disability Services, Adult Protective Services

“Initiative: Provides funding to continue the elder services connection project per the recommendation of the Elder Justice Roadmap.

GENERAL FUND All Other 600,000 800,000

Initiative: Provides funding to continue the purchased goods and services pilot program per the recommendation of the Elder Justice Roadmap.

GENERAL FUND All Other 75,000 100,000

The elder services connection project is the continuation of a previously federally funded pilot that has proven to be enormously helpful. Adult Protective Services (APS) is charged with the responsibility to investigate allegations of adult abuse, neglect, or exploitation. They will take appropriate action to stop it, if a victim with the capacity to do so gives their

consent. If the victim lacks capacity and no other alternative exists, APS will petition the Probate Court to appoint a public guardian or public conservator. When an individual with capacity has suffered abuse, neglect or exploitation but is unwilling to accept APS's recommendations, which may include a criminal referral to law enforcement, APS normally does not have the resources to offer additional long-term help. However, if the client is willing to receive help that is focused on changing the dynamics that have caused the abuse, the elder services connection is designed to provide APS and the abused adult with an option that offers more than an emergency solution.

With client consent, APS will make a "warm handoff" referral to an organization with advocates experienced in delivering wrap around services to abused older adults and researchers that will evaluate the program's impact. In the pilot, that organization was the Elder Abuse Institute of Maine. Once a referral is received, advocates help clients identify their most immediate needs (e.g., housing, personal assistance with activities of daily living (ADLs), medications, doctor appointments, transportation, legal needs, financial management and access to public benefits like SNAP or MaineCare). Then they help advocate for and coordinate these services. They also help people reestablish relationships with family members and may help explore long-term care living choices if necessary. This may also involve helping with applications and moving into an appropriate level of a long-term care residential setting. The elder services connection has proven to be a successful model and we strongly support its continuance.

The second top priority recommendation of the Elder Justice Roadmap is "Increase the staffing capacity at Legal Services for the Elderly". This recommendation is found on page 15 of the Roadmap and is reflected in the Budget as follows:

Page A-391 Department of Health and Human Services, Office Of Aging & Disability Services, Central Office

Initiative: Provides funding to reimburse Maine Legal Services for the Elderly for a full-time staff attorney and a part-time helpline attorney per the recommendation of the Elder Justice Roadmap.

GENERAL FUND All Other 184,500 184,500

The Elder Justice Roadmap provided the following reason for its recommendation:

“When the Maine Elder Justice Roadmap recommendations are implemented, more victims of elder abuse will be identified and seek help. With additional funding, Legal Services for the Elderly (LSE) would add attorneys to represent these victims and would conduct more outreach to referral sources regarding available legal remedies and resources.”

“If LSE had more resources dedicated to addressing elder abuse, it would decrease the incidence of abuse, increase the number of victims that seek and receive help, and improve the multidisciplinary response.”

Elder Justice Roadmap, p44

The initiative provides funding for a full-time staff attorney and a part-time Helpline attorney. The Helpline is a toll-free telephone line staffed by attorneys (1-800-750-5353). It’s first point of contact with LSE for calls for legal assistance from all over the state. About 75% of the legal problems commonly experienced by older adults can be handled in the Helpline. Often legal advice, a letter, a call to a third party or a referral to another source of human services help will resolve the issue. The rest of the problems require a much more intensive level of service and are assigned to a Staff Attorney. Elder abuse cases involving financial exploitation are some of the most difficult and time consuming cases that we handle and have the greatest consequence for the victim. Especially in cases in which the older victim has some level of cognitive impairment the degree of difficulty increases. We do not expect that reality to change nor do we expect that the need for our services will decrease.

The unfortunate truth is that the low-income older adults that we represent face more frequent legal problems than the general low-income population and are at higher risk of harm when facing a legal problem. A one year legal needs study conducted by the University of Maine Center on Aging in 2011 concluded that 56% of Maine’s older adults with low incomes had experienced a legal problem. That figure went up to 67% for those 70 years of age or older. This is consistent with a very recent national study showing that 56% of older adults with low-incomes experienced a civil legal problem in the past year, and 10% experienced six or more legal problems per year. Before the pandemic LSE was meeting, at best, about 15% of the

need for services. Lack of legal assistance with problems like abuse, foreclosure, eviction, loss of income, loss of public benefits, or unmanageable debt quickly leads to a downward spiral in what had previously been a productive and independent person's life. We appreciate the support offered to us by this initiative and believe that it will make a measurable positive difference in the lives of many older adults.

4. Before you leave Page A-391 of the Budget we ask that you also support the initiative for the five Area Agencies on Aging who are a critical component to the network of service providers authorized by the federal Older American's Act.

A-391 Initiative: Provides funding to the Area Agencies on Aging to enhance Maine's aging and disability resource centers and no wrong door system programs.

GENERAL FUND All Other 500,000 500,000

Maine's five AAAs are designated as Aging and Disability Resource Centers (ADRCs) and provide the entry point for Long Term Services and Support programs offered under State or Federal laws. In that capacity they have expert knowledge of many types of available programs such as: Home and community based or facility based nursing programs, personal care and assisted housing programs, prescription drug programs, nutrition programs, heating programs, tax related exemption or credit programs and many more sources of assistance. Their staff members routinely explain the intricacies of eligibility for all these programs and help people access those that best help them meet their needs. They are truly system navigators. The "Triple As" also make referrals to other organizations like Legal Services for the Elderly or the Maine Long Term Care Ombudsman Program for specialized help for individual cases. They are on a short list of some of the most experienced elder advocacy organizations in our State and we have considered them essential partners from the time we began offering our services to Maine's older adults. We hope that you will support them.

That concludes our remarks. Thank you for giving us the opportunity to present them to you today.