

Q: What is the state’s new “self abuse” law for elders?

A: Every day in Massachusetts, 19 new reports of elder abuse are made. One hundred and twenty-six workers across the state investigate these reports, and just over one-third of reports turn into open cases. This “elder abuse” law has been on the books for twenty years, and in that time, reports of abuse have increased four and a half fold. As many as one elder in twenty may be a victim of elder abuse. That abuse can be physical, mental, or financial. The typical elder abuse victim is a woman, in her 80s, living alone.

Since the beginning, “elder abuse” in Massachusetts was defined as “an act or omission which results in serious physical or emotional injury or financial exploitation of an elderly person”. Although physical harm of an elder is the typical form of abuse, there are an equal number of neglect cases as well – situations in which an elder is not being fed or other basic care is being withheld. Emotional abuse and financial exploitation are other common types of abuse. Statistics show that elders are most at risk from people known to them, such as family members, spouses, friends, or caregivers.

Of the 45 states that mandate reporting of elder abuse, Massachusetts was one of only 5 states that did not extend the law’s protection to “self abuse”. Up until July of 2004, if any elder was unable to provide for him or herself the necessities essential for physical and emotion well-being, they were not considered part of the elder abuse reporting and service system. That doesn’t mean these elders were being ignored, because 2,820 reports of self-neglect were made last year, and around 40% of these seniors received services to help them. But because of funding shortages, close to 600 otherwise eligible elders were not served.

In July, the state legislature posted an amendment to the elder abuse law, adding language that says “the failure, inability or resistance” of an elder to provide for his or her own basic needs—which leaves such person unable to safely remain in the community- is a form of elder abuse too.

Q: Who is required to report self-neglect?

A: The new law means that all “mandated reporters” are now required by law to report cases of self-neglect as well. Mandated reporters include doctors, physician assistants, medical interns, dentists, nurses, family counselors, probation officers, social workers, police, firefighters, EMTs, psychologists, coroners, physical therapists, occupational therapists, osteopaths, podiatrists, directors and staff of a home care agency, a home health or homemaker agency, and managers of an assisted living residence. “Any other person” can make a report of abuse—but is not legally required to.

To report elder abuse or self-neglect, call toll free anytime: 1-800-AGE-INFO (1-800-243-4636) and press “4”. This will connect you to the local protective service program in your area. #####