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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/10

SPONSOR Campos, P. LAST UPDATED _____ HB _____

SHORT TITLE Study Elder Abuse & Prevention SB SJM 28

ANALYST Hanika -Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$5.0 - \$15.0			Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Health Policy Commission (HPC)

SUMMARY

Synopsis of Memorial

Senate Joint Memorial 28 requests that Aging and Long-Term Services Department (ALTSD) conduct a study on how to inform the public about elder abuse and how to avoid it.

The Memorial provides for the following:

- there is a wide scope of elder abuse ranging from physical to emotional, sexual and financial;
- a report commissioned by former New Mexico Representative Tom Udall found that over eighty percent of the nursing homes in New Mexico violated federal health and safety standards during state inspections; and
- almost twenty percent of these homes had a violation that caused actual harm to residents or placed them at risk of death or serious injury.

FISCAL IMPLICATIONS

There will be costs to redirect ALTSD staff from duties and to collect and analyze data and provide reports.

SIGNIFICANT ISSUES

HPC notes that elder abuse includes but is not limited to:

- the inappropriate use of drugs and physical restraints, force-feeding, and physical punishment;
- unwanted touching, all types of sexual assault or battery, such as rape, sodomy, coerced nudity, and sexually explicit photographing;
- verbal assaults, insults, threats, intimidation, humiliation, and harassment;
- the refusal or failure to provide a nursing home resident with food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety, and other essentials;
- abandonment of a nursing home resident by a nursing home worker;
- cashing a nursing home resident's checks without authorization/permission; forging a resident's signature; misusing or stealing a resident's money or possessions; coercing or deceiving a resident into signing any document (contracts or will); and the improper use of conservatorship, guardianship, or power of attorney; and
- self-neglect; excludes a situation in which a mentally competent nursing home resident makes a voluntary decision as a matter of personal choice.

PERFORMANCE IMPLICATIONS

The Memorial is unclear as to how ALTSD will report and use its findings. The Memorial is also unclear as to what other agencies and stakeholders should contribute to the study.

ADMINISTRATIVE IMPLICATIONS

ALTSD will be required to conduct a study of elder abuse and how to inform the public about how to prevent it.

OTHER SUBSTANTIVE ISSUES

HPC further notes that a 2007 report issued by the United States Department of Health and Human Services found that nearly all nursing homes in the U.S. have received citations for health and safety violations. Federal investigators inspected and evaluated complaints from the nation's 15,000 nursing homes.

In most cases, violations cited by federal inspectors consisted of any combination of:

- Infected bed sores;
- Malnutrition;
- Medication mishaps;
- Patient abuse (either psychological or physical); and
- Patient neglect.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

ALTSD will not be requested to conduct a study on how to inform the public about elder abuse and how to avoid it.