

SUSPENSION

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS GRANT, MILLER-WILLIAMS, BURKE & SAVAGE

RE: Exploring Increased Video Surveillance to Protect the Most Vulnerable in Nursing Homes and Care Facilities

WHEREAS, recent reports have highlighted abuse of elderly and disabled residents of nursing homes and care facilities, and such heartbreaking abuse calls for the discussion of ways to combat this troubling trend, including increased video surveillance where appropriate; and

WHEREAS, abuse of the elderly, as well as people with disabilities, can be intentional or unintentional, can take various forms, and includes but is not limited to physical, psychological, emotional, or sexual abuse, neglect, abandonment, and financial exploitation; and

WHEREAS, the NYC Elder Abuse Center defines elder abuse as a single or repeated act, or lack of appropriate actions, which causes harm, risk of harm, or distress to an individual 60 years or older and occurs: within any relationship where there is an expectation of trust; or when the targeted act is directed toward an elderly person by virtue of age or disabilities; and this definition could clearly be applied to such maltreatment at any age in any care facility including nursing homes, day care centers, group homes, hospitals and mental health facilities, as well as other facilities that provide care for the most vulnerable; and

WHEREAS, according to the National Center on Elder Abuse, one out of ten Americans age 60 and over has experienced some form of abuse, and the New York State Elder Abuse Prevalence Study determined that for every case of abuse that was reported, nearly 24 cases went unreported; and

WHEREAS, the Elder Justice Act, part of the more comprehensive Patient Protection and Affordable Care Act, allows the federal government to impose civil monetary penalties against nursing home employees who fail to report suspected criminal acts, including abuse, to appropriate federal agencies and law enforcement officials; and

WHEREAS, video surveillance has been utilized by families, law enforcement, and by the facilities themselves to capture incidents of abuse and could be explored and expanded to include more locations for such cameras, where appropriate, to ensure a safe and protected environment; and

WHEREAS, nursing home and care facility residents are some of the most vulnerable members of our community and they deserve to be treated in a humane, dignified and respectful manner.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature request that the commissioners of the Departments of Health, Senior Services, Social Services, Mental Health, and the Director of the Division for the Disabled, and a representative of Erie County Medical Center Corporation and the Alzheimer's Association Western New York Chapter attend a Health and Human Services Committee meeting to update this Honorable Body on initiatives and protocols on preventing abuse in Erie County; and be it further

RESOLVED, that this Legislative Body directs that discussions also be held concerning video surveillance – starting with those facilities that receive government funding and where appropriate and in accordance with all federal HIPAA regulations – in nursing homes and care facilities, day care centers, group homes, hospitals and mental health facilities to prevent abuse and neglect by employees or anyone else; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Western New York Delegation to Congress and the NYS Legislature; to the County Executive; to the Commissioners of the Erie County Departments of Health, Senior Services, Social Services, and Mental Health; to the Director of the Division for the Disabled; to the CEO and Board of Directors of Erie County Medical Center Corporation; and the Alzheimer's Association Western New York Chapter (c/o Leilani Joven Pelletier, MS, Executive Director, 2805 Wehrle Drive, Suite 6, Williamsville, NY 14221).

FISCAL IMPACT: None for resolution.