



The National
CONSUMER VOICE
for Quality Long-Term Care

AWARENESS TO ACTION: COMBATING ELDER ABUSE & NEGLECT

Hearing Before the U.S. Senate Special Committee on Aging
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Chairman Scott, Ranking Member Gillibrand, and distinguished Members of the Committee, thank you for holding this important hearing. The National Consumer Voice for Quality Long-Term Care is the leading national organization representing consumers on issues related to long-term care. For fifty years, the Consumer Voice has been advocating for quality care, quality of life and protection of rights for long-term care consumers. The Consumer Voice operates the National Long-Term Care Ombudsman Resource Center, funded by the Administration for Community Living, through which we provide technical assistance, support, and training to state and local long-term care ombudsman programs.

With the aging of our population nationally, the potential for abuse and neglect of elders is increasing. 10,000 baby boomers turn 65 each day, and nearly 70% of those individuals will need long-term care and services in their lifetime. Further, 1 in 14 people over age 65 will develop dementia, a likelihood that increases with age.

Abuse and neglect of elders can occur in their own homes and in congregate settings, such as nursing homes and assisted living facilities. Older people can be abused or neglected by family members and their caregivers, as well as by strangers.

Older adults who are isolated, have cognitive or memory problems, or are dependent upon others for care and support are at greater risk of being abused, financially exploited, or otherwise victimized. In fact, recent studies show that nearly half of those living with dementia experienced abuse or neglect.¹ Older adults with cognitive impairment are also at greater risk of being placed under guardianship and moved to a nursing home or assisted living facility under the guise of keeping them safe, and because it is easier for guardians to oversee someone in a facility than to support their independence in the community. But individuals living in facilities can also be victimized and need advocates and support if that occurs.

Further, financial scams and fraud are one of the fastest growing forms of abuse perpetrated against older people. Whether the older adult lives at home or in a long-term care facility, they can become victims of both strangers and people they trust. We've heard many accounts of residents being exploited by family members who refuse to use the resident's

funds to pay their nursing home bill; or an older adult being scammed of their life savings or their monthly Social Security or Disability checks.

A study from the General Accounting Office indicates that resident abuse deficiencies in nursing homes more than doubled from 2013 to 2017 and were categorized at higher levels of harm to residents.ⁱⁱ Additionally, KFF determined in a review of nursing facility characteristics between 2015 and 2024 that despite increasing health needs of residents, nursing care hours declined by 8% during that period; and that the average number of deficiencies cited against nursing facilities, as well as their severity, increased.ⁱⁱⁱ

Yet abuse and neglect of older adults continues to be under-reported and under-investigated. Further, adequate resources are lacking to prevent abuse and to assist those individuals who have been victimized. It is estimated that 1 in 10 older adults experience some form of abuse and neglect, and it is not uncommon for an older person to experience multiple forms of abuse simultaneously. For example, an individual may be both physically and emotionally abused by the same person, or they could be financially exploited while also being neglected.^{iv}

Under-reporting of abuse can be due to several factors. Victims of scams or financial exploitation are often embarrassed or feel shame at being taken advantage of, fear the loss of their independence, or feel that nothing can be done to recover any of what was lost. Nursing home and assisted living residents frequently do not report abuse because of the fear of retaliation by the facility or the caregiver who is abusing them. Critically, those living with cognitive impairment often are unable to report that they have been abused, or when they have reported abuse, their claims are ignored.

We recommend several areas where federal action would be critical in reducing the prevalence of elder abuse, neglect, and exploitation, and supporting older adults who have been victimized.

Adequately Fund the Long-Term Care Ombudsman Program and Elder Justice Programs that Prevent and Respond to Abuse and Support Victims

Increased funding and support for programs that prevent, investigate, and prosecute abuse and neglect, as well as support victims, are necessary to address the rising issue of abuse, neglect, and exploitation of older adults.

The Long-Term Care Ombudsman Program and other important elder justice programs, such as Adult Protective Services, provide critical support and services to protect older adults while promoting their well-being and their access to justice. We must continue to support

the work of these programs, many of which are part of the Older Americans Act, and encourage collaborations through elder justice multi-disciplinary teams and task forces as a means of leveraging their skills, expertise, and resources in the most effective and efficient way possible.

Reauthorization of the Older Americans Act, along with greater investment by Congress in these programs is necessary to ensure the availability of critical services to the growing number of older adults rely on them.

As the only federal program specifically mandated to advocate with and for residents of long-term care facilities, the Long-Term Care Ombudsman program saves money and is cost effective. The Long-Term Care Ombudsman program improves care quality and addresses problems promptly, often before they escalate into bigger issues. The program's focus on quality of care and residents' rights reduces preventable accidents, injuries, and decline, thus reducing healthcare costs.

Long-Term Care Ombudsmen play a critical role in identifying and preventing abuse and neglect, while providing critical advocacy and support to residents who have been victims of abuse. Long-Term Care Ombudsmen frequently intervene in abusive situations and prevent abuse from continuing. In fact, abuse and neglect are among the top complaints addressed each year by the Long-Term Care Ombudsman Program, the others being quality of care, autonomy and choice, and inappropriate discharges.

In addition to investigating and resolving complaints on behalf of residents, Ombudsmen maintain a regular presence in facilities and observe care conditions; educate and empower residents, families, and the community; and advocate for systemic improvements in long-term care.

Some recent examples of Ombudsman intervention on behalf of a resident include:

- Preventing the eviction of a nursing home resident to a homeless shelter.
- Coordinating a referral to legal services to help a resident get out from under an unnecessary guardianship.
- Coordinating with Adult Protective Services and Law Enforcement on behalf of a resident who was being financially exploited by a family member.

Among their work, in FY2024, the Long-Term Care Ombudsman Program:

- Investigated and resolved more than 200,000 complaints; 72% of which were resolved or partially resolved to the satisfaction of the resident or complainant.
- Conducted 380,000 visits to more than 50,000 long-term care settings.
- Attended more than 20,000 Resident Council meetings.

These numbers reflect the program's deep reach and trusted presence in long-term care communities.

Federal funding for the Ombudsman Program is necessary for ensuring its viability in all states, as well as guaranteeing residents have access to an advocate, in accordance with federal law. Despite the increasing instances of resident abuse and neglect and the increased numbers of long-term care facilities due to the growth of the assisted living industry, funding for the Long-Term Care Ombudsman has failed to keep pace. As a result, Long-Term Care Ombudsman programs are forced to address the complex needs of a quickly aging population, without the necessary resources.

Recommendations for improvements in this area include:

- Reauthorizing the Older Americans Act which strengthens and authorizes funding for the critical programs that support older adults and prevent and respond to elder abuse and neglect, including the Long-Term Care Ombudsman Program.
- Funding Elder Abuse Prevention programs in the FY26 budget including:
 - o \$70 million for core Long-Term Care Ombudsman Program activities under the Older Americans Act and at least \$65 million for the Long-Term Care Ombudsman Program in assisted living facilities.
 - o \$100 million in formula funding for Adult Protective Services programs.
 - o At least \$52.5 million under the Elder Justice Act for training and services.
 - o Protect the Social Services Block Grant funding.
- Supporting the Administration for Community Living (ACL) as a separate agency that plays a critical role in the coordination of programs and services for older adults and persons with disabilities, including programs that prevent abuse, neglect, and exploitation against them. At a time when this population is growing significantly, ACL has provided an important focus on the needs of these communities.
- Investing in the expansion of elder justice taskforces to all communities nationwide, and in training and support around elder abuse investigation and accountability, including for long-term care facility surveyors, long-term care ombudsmen, adult protective services, law enforcement, prosecutors, and judges.

Implement and Enforce Federal Standards in Nursing Facilities

Nearly four decades after the passage of the Nursing Home Reform Act and the implementation of corresponding regulations, there continues to be inadequate and uneven

oversight and enforcement of standards in nursing facilities. As a result, persistent care problems and yo-yo compliance continue in far too many homes. Since the COVID-19 pandemic, residents, families, staff, and Ombudsmen have consistently reported that conditions in nursing homes have deteriorated, and far too many residents are not receiving the care and services to which they are entitled. Understaffing leads to avoidable neglect and abuse, as overworked nursing staff are unable to provide all the care that residents need.

Evidence of deterioration in conditions is demonstrated by increases in complaints to State survey agencies and Long-Term Care Ombudsman Programs, as well as an increase in the seriousness of the deficiencies being cited. Since 2015, the average number of deficiencies being cited in nursing homes has increased by 40%, with the percentage of facilities with serious deficiencies increasing from 17% to 28%.^v

Maintaining a strong and responsive oversight and enforcement system is a key factor in preventing and addressing abuse and neglect in nursing facilities. Yet federal funding for the Centers for Medicare & Medicaid Services' nursing home survey and certification program has remained flat for more than decade. Flat funding prevents CMS from performing timely facility inspections and implementing program improvements. Additional funding is critical for ensuring the protection of nursing home residents.

Each year, tens of billions of dollars are paid to the nursing home industry, yet the outcomes from many homes are unacceptable. Substandard providers linger on Special Focus Facility lists and Special Focus Facility candidate lists for years, and poor providers are permitted to buy additional facilities, all while the residents in their facilities go without necessary care and services.

A review of Medicare cost reports showing the widespread industry use of related party transactions raises critical questions about how billions of Medicaid and Medicare dollars are spent and whether the money is going towards direct care or towards profit. A 2024 report estimated that as much as 68% of nursing home industry profits are hidden in related party transactions, which for the average nursing home, comes out to more than \$375,000 each year.^{vi}

The lack of transparency and accountability for how taxpayer dollars are used contributes to the systemic problems in nursing homes, such as inadequate staffing, high turnover, inadequate provision of care, and abuse and neglect. CMS should be more effectively auditing the data and the Medicare cost reports to ensure that Medicare and Medicaid dollars are being used prudently and efficiently, and to protect against fraud, waste, and abuse. An audit report by the HHS Office of Inspector General found that CMS does not review or audit Medicare cost reports to determine whether SNFs comply with long-standing federal disclosure and other requirements for related parties. Its audit of 14 facilities found that

seven facilities did not adjust some of their related-party costs to Medicare-allowable costs, as required, resulting in \$1.7 million in overstated costs for just seven facilities.^{vii}

Recommendations for improvements in this area include:

- Increasing funding for the Centers for Medicare and Medicaid Services for nursing facility oversight and support for survey and certification activities and auditing of Medicare cost reports.
- Requiring facilities to submit audited, consolidated cost reports to CMS; and directing CMS to conduct targeted audits of facilities with unreasonable and excessive related party transactions.
- Requiring CMS to use existing data to evaluate facilities with the same owners and operators and holding them accountable for substandard conditions across facilities and limiting the ability of poor providers to obtain Medicare/Medicaid certification for additional facilities.

Support for Direct Care Staff and Adequate Staffing in Long-Term Care Facilities:

It is incontrovertible that long-term care facilities without the necessary staffing show poorer outcomes for their residents and are more likely to be cited for abuse and neglect. In understaffed facilities, neglected residents are left lying in their own waste, suffering from painful pressure wounds and infections, more likely to fall, and more likely to be chemically restrained. Staff who are responsible for 15, 20, or even 25 residents cannot possibly ensure that they are getting proper care. Understaffing and high workloads create a tremendous amount of stress on caregivers and can lead to abusive situations.

Additionally, on average, long-term care facilities have staff turnover rates of nearly 50%, meaning they are losing at least half their staff on an annual basis. High turnover is related to poor pay, lack of benefits, high workloads, inadequate training, poor management, and lack of career advancement. Facilities with high turnover are more likely to have substantiated complaints and are 1.5x to 2x more likely to be cited for abuse.^{viii}

Other factors that can lead to abuse and neglect in long-term care facilities include, among others, lack of adequate training and staff experience, especially in caring for residents with complex needs, like dementia and mental health needs, and lack of staff accountability due to insufficient leadership or staff management.

Despite enhanced abuse reporting requirements in regulation and a requirement that suspicions of crimes in nursing homes be reported to law enforcement, barriers still exist to full implementation of these provisions including inadequate training and accountability for reporting abuse, as well as caregivers' fear of retaliation by the facility leadership or their co-workers if they do report abuse.

Recommendations for improvements in this area include:

- Funding and supporting programs that encourage staff recruitment and retention, such as providing a living wage and benefits, free training and certification programs, tuition reimbursement, mentorship programs, career advancement opportunities, and other innovative ways to attract people to the field and encourage them to stay.
- Improving requirements for staffing levels that meet residents' needs based on acuity and ensuring adequate staff training.

Support Guardianship Reform

When individuals are victimized by abuse, neglect, or financial scams or exploitation, they may be subject to a petition for guardianship, the system in every state that appoints fiduciaries for individuals who lack capacity to manage their own affairs. Guardians can serve a critical role in protecting an individual from abuse or providing support if they have been victimized. Unfortunately, guardianship can be both the *solution* to abuse and neglect as well as the *source* of a profound loss of individual rights, abuse, neglect, and exploitation. Additionally, a person under guardianship is at increased risk of being placed in a nursing home or assisted living setting^{ix}, and having their property sold to pay for the new living arrangements.^x

Too often plenary, or full, guardianship is imposed against a person when less restrictive alternatives would be sufficient in supporting them. Once full guardianship is imposed, however, it is extremely difficult for the person to assert any control over their lives, and it is even more difficult to have their rights restored. Unfortunately, many individuals facing guardianship do not receive proper notice that a guardianship petition has been filed against them, nor do they have adequate representation by legal counsel to protect their rights.

It is not uncommon for Long-Term Care Ombudsmen to hear from a resident who is struggling with a guardian who is not responsive to their needs, or who is experiencing abuse, including financial abuse or exploitation, at the hands of a guardian. Ombudsmen advocate for the residents and connect them with legal counsel when appropriate. However, standards for guardianship oversight are inconsistent across states. There is much the federal government

can do to support guardianship reform and protect vital civil rights of individuals caught in the guardianship system.

In 2018, this committee issued a report encouraging states to adopt the Uniform Guardianship Conservatorship and Other Protective Arrangements Act, model legislation that, if enacted, would help prevent guardianship abuses. However, as of today, only a handful of states have enacted or introduced the legislation.^{xi}

Recommendations for improvements in this area include:

- Providing federal funding to support state court guardianship reforms that would include guardian and judicial education, require comprehensive guardianship plans, and proper oversight by the courts.
- Supporting research and data collection initiatives around guardianship.

Conclusion

For decades we've talked about the need to better address abuse and neglect of older adults. We are experiencing an explosion in the number of older Americans, and an increase in abuse and neglect. There are established and effective programs that have provided good models for preventing and responding to abuse and neglect. Yet, we have not fully invested in these programs to ensure their effectiveness for all older Americans. One day, all of us will be in a situation where we will need help and support as we age and will rely on the systems and programs that have been established. We must make it a priority to ensure that older adults today, as well as in the future, are able to live with dignity and receive the necessary care and support they require, without becoming victims of abuse, neglect, or exploitation. We ask you to support the investments that are needed to achieve this goal.

ⁱ Shen Y, Sun F, Feng Y, Lichtenberg PA, Meng H. Prevalence of Elder Abuse and Neglect of Persons with Dementia in Community Settings: A Systematic Review and Meta-Analysis. *Gerontology*. 2025;71(5):400-416. doi: 10.1159/000543804. Epub 2025 Mar 28. PMID: 40552876.

ⁱⁱ GAO, *Nursing Homes: Improved Oversight Needed to Better Protect Residents from Abuse*, GAO-19-433, June 2019

ⁱⁱⁱ KFF, *A Look at Nursing Facility Characteristics Between 2015 and 2024*, December 2024

^{iv} [Elder Abuse Vulnerability and Risk Factors: Is Financial Abuse Different From Other Subtypes? - PMC](#)

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- ^v KFF, [A Look at Nursing Facility Characteristics Between 2015 and 2024](#) , December 2024
- ^{vi} Ashvin Gandhi & Andrew Olenski, *Tunneling and Hidden Profits in Health Care*, National Bureau of Economic Research, (Sept. 2024).
- ^{vii} HHS Office of Inspector General, *Some Selected Skilled Nursing Facilities Did Not Comply with Medicare Requirements for Reporting Related-Party Costs*, A-07-21-02836 (Dec. 2024)
- ^{viii} National Consumer Voice for Quality Long-Term Care, [High Staff Turnover: A Job Quality Crisis in Nursing Homes](#), September 2022
- ^{ix} Naomi Karp & Erica Wood, *Choosing Home for Someone Else: Guardian Decisions on Long-Term Services and Supports*, AARP Public Policy Institute (Aug. 2013)
- ^x Nina A. Kohn & David M. English, [Netflix's 'I Care A Lot' Should Worry You](#), "THE HILL
- ^{xi} [Guardianship, Conservatorship, and Other Protective Arrangements Act - Uniform Law Commission](#)