



N.C. CENTER FOR
PUBLIC POLICY
RESEARCH

From The Center Out

The Newsletter of the North Carolina Center for Public Policy Research

Your voice for good government

July-August-September 2009

CENTER SAYS STATE SHOULD UPDATE LAWS TO PROTECT ELDERS FROM FRAUD

Fraud committed against the elderly is on the rise, and North Carolina needs to do more to protect its seniors, says a new study by the N.C. Center for Public Policy Research. Schemes to rip off unsuspecting senior citizens have been around as long as older citizens with accumulated wealth. What is new, however, is the increasing sophistication and international scope of the fraudulent operations, a growing population of older and wealthier citizens, and the widening role of the Internet and other forms of advanced technology as a means of perpetrating new and often hard-to-detect schemes. The expectation is that fraudulent telemarketers will increasingly use computer technology to contact potential victims because the aging Baby Boomers rely on computers twice as much as the current generation of older Americans.



“The stories of fraud against the elderly are rampant and appalling,” said Mebane Rash, editor of the Center’s journal, *North Carolina Insight*. “It is all the more tragic because often the fraud is carried out by relatives, family friends, and caregivers.”

In one mountain county, an elderly couple started sending money to a California televangelist who said he wanted to spread Christianity to the Middle East. Over time, the televangelist started visiting them at their home in Western North Carolina. When the elderly man moved into a nursing home, the televangelist visited and asked the couple to sign over a general power of attorney, health care powers of attorney, and a real estate deed transfer reserving only a life estate for the couple. The sheriff was called, the documents were shredded, the minister was chased out of the county, and Medicare fraud charges were filed. But the elderly man in the nursing home died, and his wife was deemed incompetent to testify, so the charges were dropped. The minister came back just weeks after the man’s death, and the widow signed all of the documents again. This time, there was no one to protect her and no one to call the sheriff.

The Scammers and Their Schemes

The financial exploitation of the elderly is carried out by two categories of perpetrators: (1) strangers; and (2) relatives, family friends, and caregivers. Examples of fraud by **strangers** include (a) sophisticated, international telemarketing check and sweepstake schemes and (b) Internet-based identity theft through spam emails and illegally acquiring information such as usernames, passwords, and credit card details by pretending to represent a trustworthy organization. Other schemes include (c) the “sweetheart scam,” where an opportunistic con artist befriends an elderly widow or widower and over time feigns false love which they use to gain control of the senior citizen’s estate and finances, and (d) local home repair fraud rings that persuade elderly homeowners to undertake needless repairs.

For example, Debbie Brantley, Chief of the Elder Rights Section of the N.C. Division of Aging and Adult Services, tells how a 92-year-old Army colonel in Raleigh was bilked out of more than \$227,000 by home repair con artists. They convinced him that his perfectly sound attic needed substantial repairs by bringing in rotten pieces of wood and a jar of termites. The colonel admitted at the time that he had been defrauded and wanted to aid in the scammers' prosecution. However, after a hurricane struck his neighborhood, the colonel contracted with the scammers to make repairs again. The scammers then took another \$22,000 of his money.

Unlike strangers, **family members, friends, and caregivers** have a legal, fiduciary, or moral responsibility to take care of, not abuse, the older adults within their care. They also start out from a position of trust. These individuals use methods such as (a) intentional theft of money, property, or valuables from the senior citizen's home; (b) "borrowing" money without any real intent to repay it; (c) withholding services or medical care to conserve and enlarge the elder person's financial estate; (d) selling or disposing of the elderly person's personal property without permission; (e) misappropriating funds from pension or retirement checks received by the elderly; (f) misusing ATM and credit cards; or (g) forcing the senior citizen to part with resources or sign over property.

"In some cases, the caregivers walk away with everything but the kitchen sink," said Rash. In a case involving an elderly man in Clinton, North Carolina, his caretakers took close to \$16,000 worth of jewelry, charged \$14,000 on his credit cards, stole his trailer, and hauled off his computer, refrigerator, and washing machine.

N.C.'s National Rankings in Fraud, Identity Theft, and Internet Fraud and the Effect on the Elderly

North Carolina is no stranger to this crime. According to data collected by the Federal Trade Commission, consumers in the Tar Heel State lodged 14,846 fraud complaints in 2007 and 23,128 in 2008. In 2008, 85 percent of these complaints reported a total loss of \$25.5 million. In addition, North Carolina consumers lodged 6,069 identity theft complaints in 2007 and 7,609 in 2008. In 2008, North Carolina ranked 24th among the 50 states in the number of fraud complaints and 21st in the number of identity theft victims. *Nationwide in 2008, 30 percent of all consumer fraud complaints and 26 percent of identity theft complaints were lodged by individuals aged 50 and over.*

The Internet Crime Complaint Center (IC3), a partnership between the FBI (Federal Bureau of Investigation) and the National White Collar Crime Center, compiles statistics on Internet fraud. In 2007, the IC3 received 4,625 complaints from North Carolina with reported losses exceeding \$3.6 million. *Individuals 50 and older accounted for 27 percent of reported complaints.* The IC3 group also says North Carolina ranks 15th among the 50 states in the total number of perpetrators who reside in this state.

Recommendations by the Center To Reduce Fraud Against the Elderly

Based on its research, the N.C. Center for Public Policy Research made four recommendations to prevent and reduce fraud against the elderly.

1. In 1973, North Carolina enacted the first elder abuse law in the United States. But the "Protection of the Abused, Neglected, and Exploited Disabled Adult Act" has not been updated since 1981. **The Center recommended that the N.C. General Assembly clarify and strengthen the laws to support a broader system of protection for older adults.** We said the definition of abuse should include physical abuse, emotional abuse, sexual abuse, financial exploitation, neglect, and abandonment. And, in keeping with the definition in the federal Older Americans Act, older adults should be defined as those 60 and over.

2. In response to national studies that document the importance of establishing reliable information on mistreatment of elders, **the Center recommended that the N.C. General Assembly require reporting on the statewide incidence and prevalence of mistreatment of the elderly, including statistics on age, gender, and ethnicity of victims and perpetrators, as well as information on outcomes.** Currently, no one knows how many older adults in America suffer from elder fraud, abuse, and mistreatment. Even the definitions vary. In the absence of a uniform reporting system for states or a nationwide tracking system, the Center said North Carolina needs better data if it is going to tackle fraud against the elderly in a meaningful way.

3. **The Center also recommended that the 2009 N.C. General Assembly establish a study commission to examine how the N.C. Commissioner of Banks, the financial management industry, and law enforcement agencies can partner to prevent fraud against the elderly. The study commission should assess whether training for bank employees can help them recognize, report, and reduce the incidence of fraud against the elderly.** The Center said banks are the first line of defense against these scams because they are in the best position to give consumers information at the key moment they need it – when they are depositing checks or withdrawing money to send to crooks.

Efforts in other states have demonstrated the value of bankers' role in preventing fraud. For example, Susan Grant, director of consumer protection at the Consumer Federation of America, said, "West Suburban Bank in Illinois has demonstrated that if you talk to your customers better about these scams, you can really reduce the instances of fraud." In one year, it reduced losses to these scams by 85 percent by doing three things: (1) training the tellers to talk to people more fully when they ask questions and explain the difference between funds "being available" and the check "being good"; (2) handing everybody who comes in to deposit or withdraw \$1,000 or more a flier about fake check scams; and (3) using technology to try to flag suspicious checks. Grant said, "We're encouraged to see that this model has been implemented in a partnership between the Ohio Attorney General and the banks and credit unions of that state, and we hope it will catch on in other states as well." Four states – California, Florida, Georgia, and Mississippi – require bank employees to specifically report financial abuse of elders.

4. **The Center recommended that the N.C. General Assembly consider giving the N.C. Attorney General the authority to initiate prosecutions for fraud against the elderly.** Only five states do not give their Attorney General any authority to initiate local prosecutions of any kind – North Carolina, Arkansas, Connecticut, Texas, and West Virginia. In North Carolina, the Attorney General does not have original criminal jurisdiction. Thus, criminal prosecutions for fraud against the elderly either have to be referred to federal authorities or to local district attorneys. Both of these options, however, can be problematic in prosecuting fraud against the elderly. Many times, the amount of the loss fails to satisfy the minimum amount needed for the federal government to prosecute. And, local district attorneys do not have enough funding or time to handle cases that can be complex and resource-draining in light of the multi-jurisdictional issues. Thirty states give their Attorney General the authority to initiate local prosecutions under certain statutes for particular crimes.

The Center's research on fraud against the elderly received press coverage in an Associated Press wire story and in newspapers from Brevard to Salisbury to Wilson to Greenville and even in Hampton Roads, Virginia. The research also received coverage on 14 TV stations (including Time Warner Cable News channels statewide) and the 90 radio stations in the N.C. News Network. The N.C. Agency for Public Telecommunications devoted an hour-long, live call-in cable TV program called "Open/net" to the topic, featuring the Center's Mebane Rash. This program was broadcast statewide and can still be seen on Time Warner Cable on Demand Channel 1234 and on the Agency's Website at www.ncapt.tv/_opennet.html. The N.C. Division of Aging and Adult Services also distributed the research on its Website on World Elder Abuse Awareness Day on June 15th.

CENTER SAYS RISING AGING POPULATION WILL COMPLICATE FUTURE STATE BUDGET ISSUES

A new study by the N.C. Center for Public Policy Research finds that North Carolina's older population is expected to double by 2030, rising from 1.1 million to 2.2 million. By 2030, one of every five Americans will be 65 or older. The Center said these demographic changes will force North Carolina to deal with four public policy issues: differences in financial well-being among the elderly, the different needs of urban and rural seniors, work force shortages in health professions, and state budget implications.



“The Baby Boomers are the second largest generation in American history, and they are going to start turning 65 in 2011,” said Mebane Rash, editor of the Center’s journal, *North Carolina Insight*. “In 2011, the state will still be recovering from the Great Recession – just when it needs to respond to this demographic shift. Right now, we are not ready.”

North Carolina’s Elderly Population To Double by 2030

In 1900, the United States was an agricultural nation in which half of all Americans were younger than age 22. In 1900, North Carolina had one of the nation’s youngest populations with half younger than 18. Only 3.5 percent of all Tar Heels were 65 and older. Even in 1960, North Carolina was still an extremely young state with just 7 percent of all residents 65 or older. But by 2000, 12 percent of all North Carolinians were 65 or older. And by 2030, the number of elderly will double and rise to 18 percent of the population.

The Center’s study finds that North Carolina’s future older population will differ demographically from the current population in four ways. First, there will be 2.5 times more Tar Heels aged 85 and older. Second, the ratio of older men to older women is expected to rise from 67 men per 100 women to 77 men per 100 women. Third, non-whites are expected to form a larger share of the older population – 21 percent in 2030 compared to 19 percent in 2006. Fourth, for many of North Carolina’s elderly, Social Security will be their only source of income.

The Impact of Changing Demographics on State Policy

In terms of *financial well-being*, the Baby Boom generation should reach older age having earned more money, having built more wealth, and anticipating higher retirement incomes than previous generations. However, this overall prosperity clouds important differences in the distribution of income and wealth, which likely will be much more unequal than in the past.

Conventional wisdom holds that retired Americans derive their incomes from a three-legged stool of Social Security, pension benefits, and personal assets. But for many – especially older women – Social Security is the only leg. The typical older household receives 38 percent of its annual income from Social Security, but this average masks variations in income and age. Older households in the bottom 40 percent in income, for example, derive more than 80 percent of their income from Social Security. Even middle-income households draw two-thirds of their income from that program. The oldest old aged 85 and above rely heavily upon Social Security – some exclusively.

There also are important *rural/urban differences* in North Carolina's older population. In 2006, the state's 85 rural counties were home to 57 percent of the older population – some 611,720 residents. Rural counties have more older residents in sheer numbers and as a proportion of population. In 2030, 53 percent of older North Carolinians will live in rural counties. Of the 20 counties expected to have the highest proportions of elderly, 10 are in the West (Alleghany, Ashe, Cherokee, Clay, Graham, Madison, Mitchell, Polk, Transylvania, and Yancey), and nine are in the East (Bertie, Carteret, Chowan, Hertford, Jones, Northampton, Pamlico, Perquimans, and Washington).

The Center pointed to two important *work force challenges*: the retirement of the Baby Boomers and the impact on work force shortages in critical fields such as health care. With 86 percent of older adults leaving the work force, the impending retirement of the Baby Boom generation may deprive North Carolina of enough workers needed to compete economically. The N.C. Commission on Workforce Development warned in a 2007 report that the “retirement of one-quarter of the state’s workforce . . . has the potential to leave a gaping hole in the supply of workers over the next two decades.” This could worsen work force shortages that are already severe in some fields, such as nursing.

State budget issues include the escalating cost of medical care. Not only have medical costs consistently outstripped the rate of inflation in recent decades, but older adults also are bearing more of the costs. This is due in part to the reduction of employer-sponsored health care coverage for retirees. While most older adults receive health insurance through federal Medicare or Medicaid programs, these programs are struggling to keep pace with the increasing cost of medical treatment, especially end-of-life care. Left unaddressed, medical costs likely will surge with the growth in the older population.

Because North Carolina pays 27 percent of the cost of Medicaid, the state budget will be directly affected if Medicaid continues to function as the main source of long-term care coverage. Medicaid paid for 50.5 percent of all long-term care costs for the elderly in State Fiscal Year 2006-07, up from 44.8 just the year before. Thus, without changes in the way health care is paid for, North Carolina will continue to face state budget challenges as it tries to help older citizens afford health care.

Mebane Rash, editor of the Center's journal, said, “The state needs to be prepared to meet the demand for services in both urban and rural communities across the state. The needs will be different in different communities, and our elderly are part of the solution.”

The Center's research on the state's changing demographics and rising aging population received press coverage in 35 articles in 30 newspapers across the state, including a column by Scott Mooneyham of the Capital Press Association that ran in 20 newspapers. Bob Ashley of the Durham *Herald-Sun* also wrote a column on our research that said, “But there's no slowing the demographic bus, and we had best start preparing.” This research was also the subject of an hour-long “Open/net” program broadcast statewide by the N.C. Agency for Public Telecommunications and a half-hour “Focal Point” public affairs program on WRAL-TV in Raleigh.

The Center's reports on the rising aging population in North Carolina and on fraud committed against the elderly are part of a larger study of key issues facing the state's aging population to be published in the Center's journal, *North Carolina Insight*. The larger study also will include reports on the crisis in the number of caretakers for the elderly, the contributions of the aging to society, the impact of the growing aging population on the state budget, and the need for an aging policy plan for the future. Reports will be released online as they are completed. Any Center Member can obtain copies of these studies by going to our Website at www.nccppr.org and click on the Members section. Then enter the username *member* and the password *insight*.

Preview of Coming Attractions

Over the next few months, we'll roll out the rest of our research on key issues facing the aging. Here's what's coming:

■ **The Caretakers of Our Aging** – North Carolina is estimated to need 9,000 more nurses by 2015. This number alone illustrates our critical need for a larger work force to provide high-quality care to the growing elderly population. This research will investigate how our state can increase its capacity to train an adequate number of professional and allied personnel in medicine, nursing, social work, mental health, pharmacy, dentistry, physical therapy, public health, and other related fields.

■ **Medicaid: A Key State Program Serving the Elderly** – The fastest growing part of the state budget is the Medicaid program, which pays for a large number of services for the elderly. Ten years ago, the Medicaid program was 8 percent of the total state budget, and today it is 16 percent of the state budget. Medicaid now pays for more than 50 percent of all long-term care costs in North Carolina. We plan to address trends in the state Medicaid budget and to outline state Medicaid policies for the future.

■ **The Silver Tsunami** – In 1998, there were 134,000 N.C. state employee retirees. By 2015, that number will almost double. Retirement benefits are expected to quadruple in the next seven years. Also, a 2005 study indicates that the state has a \$28 billion unfunded obligation to its State Health Plan. We plan to study the ramifications the older population will have on the state budget. The state faces a \$4.5 billion budget deficit this year and is not projected to recover until 2011 – the year Baby Boomers start turning 65. This research is designed to try to avoid another budget crisis caused by changing demographics.

■ **The Positive Contributions of the Aging in North Carolina** – The 65-and-over population in North Carolina overall has more education and more discretionary income, and they are more engaged in civic life. We will assess voter turnout, jury duty, volunteering, charitable contributions, and other positive indicators of community involvement for this segment of our society.

■ **Long-Term Care and In-Home Care** – From 1990 to 2000, North Carolina's long-term care spending for older adults increased from approximately \$486 million to \$1.38 billion. Our legislature is considering various incentives to individuals to encourage them to purchase long-term care insurance. North Carolina's families provide at least 80 percent of all long-term care for the elderly. Some 1.7 million adult North Carolinians are caring for an older person – more than 28 percent of our adult population. We want to examine policy options for effective and efficient long-term care and in-home care.

■ **Living Better, Living Longer: Preventive Care and Healthy Behaviors** – Despite having health insurance, 6 percent of the elderly in North Carolina do not have a personal doctor, and 6 percent say they cannot see a doctor because of the cost. Desirable health behaviors – better nutrition, less smoking, and more exercise, for example – are related to continued independence and better health in seniors. But, seniors in North Carolina are ranked third from the bottom in the proportion of the older population (40 percent) that participates in physical activities. We will examine appropriate ways for state policies to encourage healthy behaviors among the elderly.

■ **An Aging Policy Plan** – In 1986, the Center conducted its first study of issues affecting the elderly in North Carolina. Our research led to legislation requiring the development of the first state Aging Policy Plan. Twenty-three years later, these issues are more important than ever for our state. This portion of our study will summarize our research findings in a way designed to improve and shape future state Aging Policy Plans.

A REQUEST TO CENTER MEMBERS

As you may know from your Center newsletters, we are undertaking a major **Technology Initiative**. It will include making all 32 years of our policy research available online in an easily searchable format – a major new benefit for all our Members! In this tough economy, we’re also looking for ways to save money and preserve environmental resources by using the Internet more and printing and mailing less. And, our Board of Directors has asked us to look at whether to increase membership rates, since the last increase was 20 years ago in 1989. So, a lot is going on! But, we don’t want to make any of these key decisions without hearing from you.

Could you take a few minutes and fill out this short survey to give us your thoughts and views? You can either tear this out and mail it back to us at N.C. Center for Public Policy Research, PO Box 430, Raleigh, N.C. 27602, or fill it out online at www.nccppr.org. Thanks so much for your time and help and for your continuing support for the Center!

1. Do you have an email address that we can use to communicate with you? Yes ___ No ___

2. If yes, what is it? _____

3. Within a year, we will make all our publications available online. Tell us how you would prefer to receive your copies of the following products:

	Online	In Print
a. <i>North Carolina Insight</i> journal	___	___
b. “From the Center Out” newsletter	___	___
c. Invitations to Center Events	___	___
d. Notification of release of other Center products	___	___

Full-Service Center Members (\$250 a year) also receive the following products. How would you like to receive your copies?

e. <i>Article II: A Guide to the N.C. Legislature</i>	___	___
f. Rankings of Legislators’ Effectiveness, Attendance, and Roll Call Voting Participation	___	___
g. Rankings of the Most Influential Lobbyists	___	___
h. Book-length research reports, such as our report on <i>Governance of Public Universities in N.C.</i>	___	___

4. We will soon have an indexed searchable archive of all issues of *Insight*, reports, and guides to the legislature – everything we’ve published in our 32-year history. We are considering making publications that are more than a year old available to the public free online. We’d still charge the public for publications up to 1 year from their publication date. (Center Members, of course, receive access to these publications as part of their membership benefits.)

Do you agree or disagree with this possible strategy for disseminating our research further in this way?

Agree ___ Disagree ___

5. If not, is there a better way you can suggest that will help us meet our goals of serving Center members, educating the public, and keeping the Center financially sustainable?

A few other facts:

- * The basic Center membership of \$36 has not increased since 1989.
- * Our printing and mailing costs in the last 3 years have totaled \$27,636, \$30,933, and \$42,239.
- * We have instituted a new Print-on-Demand relationship with Catawba Publishing Co. so that publications can be ordered directly from our website.

6. As we put Center publications online, what is most important to you?

7. Would you use an RSS Web feed to learn about new Center reports? Yes ___ No ___

8. Would you use Facebook? Yes ___ No ___

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A Center blog? Yes ___ No ___

9. If we increase our basic annual individual membership dues from \$36, what seems fair?

\$50 Yes ___ No ___

\$75 Yes ___ No ___

\$100 Yes ___ No ___

\$150 Yes ___ No ___

10. What do you value most about the Center? _____

11. What would you suggest we change? _____

12. Would you consider becoming a Major Individual Donor to the Center and contribute an additional amount above your membership dues? Yes ___ No ___ See p. 10 of this newsletter for a way to do this now.

13. Would you consider putting the Center in your will or consider the Center in your estate planning?

Yes ___ No ___

Would you like us to contact you about this? Yes ___ No ___

Name: _____

Address: _____

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As a reminder and **thank you** for filling out this survey, Center members can go online and receive free electronic copies of these three recent reports:

1. The History of Mental Health Reform in North Carolina,
2. Fraud Committed Against the Elderly, and
3. Changing Demographics and the Increase in the Elderly Population in North Carolina.

Go to our website at www.nccppr.org and click on the Members section. Enter the username *member* and the password *insight* and they're yours. We appreciate you.

Special Thanks to Our Foundation and Corporate Contributors May 15 – July 31, 2009

The Center recognizes and thanks The Citi Foundation, The A.J. Fletcher Foundation, The Warner Foundation, The Janirve Foundation, The John Rex Endowment, and the Mary Norris Preyer Fund for their generous support. **The Citi Foundation** made a grant of \$20,000 for our study of financial aid for students in public and private universities in N.C. It is a tough year economically for nonprofits, so we really appreciate the \$10,000 in general operating support we received from **The A.J. Fletcher Foundation** and from **The Warner Foundation**, the latter thanks to Center Board member Betty Craven. We also thank **The Janirve Foundation** for \$7,500 for our Technology Initiative, **The John Rex Endowment** for \$5,000 for our study of mental health reform, and the **Mary Norris Preyer Fund** for \$5,000 in general operating support. We send our thanks to all these foundations.

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As we celebrate our 32nd Anniversary year, we need 100 Center members to step forward and become Charter Donors in our new Major Individual Donors Program, and 90 members already have done so. We need 10 more! To become a Charter Donor, please make a three-year pledge, preferably at \$500 a year if that's possible for you. We are grateful for all multi-year pledges of any amount. And, please consider putting us in your will or making a bequest. Call Ran Coble at (919) 832-2839 to discuss becoming a Major Individual Donor or complete below:

- I/we want to celebrate the Center's 32nd Anniversary year and become a **Major Individual Donor** with a commitment of:
- \$1,000 a year for ___ years, payable _____ semi-annually or _____ annually
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 - Other: \$ _____ a year for _____ years, payable _____ semi-annually or _____ annually.

Please bill me in this month: _____. Or, make your check payable to the N.C. Center for Public Policy Research, or charge it to your Visa or MasterCard. You can also donate online through Network for Good. Just go to www.nccppr.org and click the Network for Good icon. Call Tammy Bromley at (919) 832-2839 if you want to charge it to your credit card or for more information.

- I/we will make provisions **in my will** for a deferred gift to the N.C. Center for Public Policy Research.
- I plan to **donate stock** to the Center's account. Please call Nancy Rose at (919) 832-2839 for Center account information.
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