

# SECTION VII

## ELDER RIGHTS/ ABUSE & FRAUD



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## Elder Abuse includes:

- Mental, emotional or verbal abuse
- Sexual abuse
- Neglect
- Self-neglect
- Financial exploitation

## Signs of Abuse

- Cuts, burns, bruises or welts
- Dehydration or malnutrition
- Lack of food, water or utilities
- Fear, anxiety, agitation or anger
- Isolation, depression or ambivalence

## ABUSE, NEGLECT AND EXPLOITATION

Getting older should earn you more respect, not less. No one at any age should be subjected to physical or mental abuse. If you are a senior and believe you are in an abusive situation, it is important for you to know that you have legal rights and that elder abuse is a crime. You have the right to live your life free from abuse, neglect and exploitation.

The Department of Elder Affairs is committed to working with the network of social services and law enforcement agencies throughout the state to protect Florida's elders from abusive situations and environments. The Adult Protective Services Act (Chapter 415 of Florida Law) requires the state to have specific procedures to report and investigate instances of suspected abuse, neglect or exploitation of disabled adults and the elderly. The Department of Children and Families Adult Protective Services Office serves as the lead agency for handling reports and investigations of abuse. To report abuse, neglect or exploitation, call the Florida Abuse Hotline toll-free at 1-800-96-ABUSE (1-800-962-2873).

### FREQUENTLY ASKED QUESTION:

#### **How do I know if someone has been or is being abused?**

Abuse can take many forms. Any willful act or threat that causes (or is likely to cause) significant physical, mental or emotional harm is considered an act of abuse. Common forms of abuse include hitting, pushing, shaking, beating, yelling, verbal harassment, coercive behavior, intimidation and other acts that cause harm. Unfortunately, many seniors know their abusers well – reports of abuse committed by adult children, grandchildren, friends and neighbors, or in-home health care providers have become commonplace.

Neglect occurs when caregivers fail to provide elders with the essentials they need to maintain their physical and mental health. A person could be a victim of neglect anytime someone in charge of their care deprives them of food, clothing or medical care. In most cases, neglectful behavior is repeated over a period of time.

Self-neglect is the most common type of abuse reported to Adult Protective Services. Self-neglect is a form of neglect in which an elder can no longer perform essential daily activities such as providing his or her own food, clothing, shelter and medical care. Self-neglect also includes situations in which a person can no longer obtain goods and services necessary to maintain physical health, mental health, emotional well-being or general safety, or can no longer manage his or her financial affairs.

Exploitation involves the unauthorized handling or use of an elderly person's money, property or other valuable resources. Unfortunately, unsuspecting elders can be exploited in many different ways. Those who misuse their power of attorney or their guardianship status in a way that results in the unauthorized appropriation, sale or transfer of property or personal assets is guilty of exploitation. To report fraud or financial exploitation, contact your local law enforcement office or the Florida Division of Financial Institutions consumer helpline at 1-800-848-3792.

To report elder abuse, neglect or exploitation, contact the Florida Abuse Hotline toll-free at 1-800-96-ABUSE (1-800-962-2873).

For additional information on elder abuse, neglect and exploitation, contact your Area Agency on Aging or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

### **Signs of Neglect**

- Unsafe living conditions
- Body odor, dirty clothing and hair
- Unexplained weight loss
- Bedsores
- Lack of medical/personal care
- Confusion or cognitive impairment
- Wandering or social isolation
- Hoarding

### **Signs of Exploitation**

- Unusual transfer of assets
- Unable to pay bills
- Forged signatures
- Personal belongings missing
- Unusual credit/debit card usage

## ADVOCACY/OMBUDSMAN SERVICES

An ombudsman is a specially trained and certified volunteer who identifies and investigates complaints related to the quality of care and life for residents in long-term care facilities. Each ombudsman has been approved by the Department of Elder Affairs, certified by the State Long-Term Care Ombudsman and given investigative authority under state and federal law.

Florida’s Long-Term Care Ombudsman Program consists of 17 district councils and one statewide council. Each district council is responsible for identifying, investigating and resolving complaints made against facilities located in its area. The objective of the Long-Term Care Ombudsman Program is to protect the health, safety, welfare, and human and civil rights of long-term care residents.

Complaints may be filed against a facility, employees, service providers, guardians or other persons in a position to threaten or interfere with the rights, health, safety or welfare of a resident. Complaints may range from emotional and/or physical abuse and inadequate services to complete disregard of a resident’s individual rights.

The following is a listing of Florida’s 17 Long-Term Care Ombudsman district councils and the counties in each district. Contact the district council in your area if you need assistance.

### Florida’s Long Term Care Ombudsman Councils

<p><b>Northwest Florida Council</b> Gulf Breeze, FL 850-916-6720</p>	<p>Escambia, Santa Rosa, Okaloosa and Walton</p>
<p><b>Panhandle Council</b> Tallahassee, FL 850-921-4703</p>	<p>Holmes, Jackson, Washington, Bay, Calhoun, Gadsden, Liberty, Gulf, Franklin, Leon, Madison, Taylor, Jefferson and Wakulla</p>
<p><b>North Central Florida Council</b> Gainesville, FL 352-955-5015</p>	<p>Hamilton, Suwannee, Columbia, Lafayette, Dixie, Levy, Union, Putnam, Alachua, Bradford and Gilchrist</p>
<p><b><i>Withlacoochee Area Council</i></b> Ocala, FL 352-620-3088</p>	<p>Marion, Citrus, Hernando, Sumter and Lake</p>

<p><b>First Coast Council</b> Jacksonville, FL 904-391-3942</p>	<p>Nassau, Baker, Duval, Clay and St. Johns</p>
<p><b>First Coast South Council</b> Daytona Beach, FL 386-226 7846</p>	<p>Volusia and Flagler</p>
<p><b>Mid &amp; South Pinellas Council</b> Largo, FL 727-588-6912</p>	<p>Mid and South Pinellas (Belleair Road in Clearwater, plus South)</p>
<p><b>Pasco &amp; North Pinellas</b> New Port Richey, FL 727-376-2788</p>	<p>Pasco and North Pinellas (North of Belleair Road in Clearwater)</p>
<p><b>West Central Florida Council</b> Tampa, FL 813-558-5591</p>	<p>Hillsborough and Manatee</p>
<p><b>East Central Florida Council</b> Orlando, FL 407-228-7752</p>	<p>Orange, Seminole, Brevard and Osceola</p>
<p><b>Southwest Florida Council</b> Fort Myers, FL 239-338-2563</p>	<p>Charlotte, Glades, Sarasota, DeSoto, Lee, Hendry and Collier</p>
<p><b>Palm Beach County Council</b> West Palm Beach, FL 561-837-5038</p>	<p>Palm Beach County</p>
<p><b>Treasure Coast Council</b> Fort Pierce, FL 772-595-1385</p>	<p>Martin, St. Lucie, Indian River and Okeechobee</p>
<p><b>Broward County Council</b> Sunrise, FL 954-747-7919</p>	<p>Broward</p>
<p><b>South Dade &amp; Florida Keys</b> South Miami, FL 305-671-7245</p>	<p>Monroe and South Miami-Dade (South of Flagler St., all SE and SW addresses)</p>
<p><b>North Dade Council</b> Miami, FL 786-336-1418</p>	<p>North Miami-Dade (North of Flagler St., all NE and NW addresses)</p>
<p><b>South Central Florida Council</b> Lakeland, FL 863-413-2764</p>	<p>Polk, Highland and Hardee</p>

**Location of Florida's 17 Long-Term Care Ombudsman Councils**

- Gulf Breeze
- Tallahassee
- Gainesville
- Ocala
- Jacksonville
- Daytona Beach
- Largo
- New Port Richey
- Tampa
- Lakeland
- Orlando
- Fort Myers
- West Palm Beach
- Fort Pierce
- Sunrise
- North Miami
- South Miami

**FREQUENTLY ASKED QUESTION:  
“Who can use ombudsman services?”**

Residents of long-term care facilities and older, friends and relatives of residents, facility administrators and employees who have resident-related concerns about the rights and treatment of facility residents may use Ombudsman Program services.

For additional information on the Long-Term Care Ombudsman Program, contact the district council office nearest you, call your Area Agency on Aging or call the Elder Helpline at 1-800-96-ELDER (1-800-963-5337).

## SCAMS

A “scam” is a dishonest plan in which a criminal tries to gain your confidence in order to take something from you. Scam artists see you as a target, not a consumer. Common types of scams happen with home repairs and with sales through the mail, over the telephone (telemarketing) and over the internet. Once the criminal gains your trust he can get you to purchase useless items or pay for overpriced and poor quality repairs. He may also convince you to give him sensitive financial information or money for worthless investments. Seniors are frequently targets of scams, because scam artists perceive them as trusting and vulnerable.

### Remember:

- If it sounds too good to be true, it probably is.
- No one is going to give you something for nothing. If you have to give credit card or bank account information to secure your “prize,” DON’T DO IT.
- Never give any sensitive personal financial information, such as your Social Security number or bank account information, to anyone. Often a scammer will ask for this information to “prove” that you can be trusted or that you are really interested.
- Reputable home repair companies never buy too many supplies for a job and then have extra supplies left over to do your job for a “discount.”
- Be especially careful if you are offered “discount repair jobs” following a hurricane or other natural disaster. You may be more vulnerable due to the stress of the situation.
- Just because a person seems nice and honest doesn’t mean they are. Scammers wouldn’t be successful if they looked and sounded like criminals.

### QUICK FACT:

**The Division of Consumer Services provides help with a wide variety of complaints, including those dealing with car repair shops, telephone scams, and charity fraud. The Division can be reached at 1-800-435-7352.**

### How to Avoid Financial Scams

- Ask for written materials before you commit to any offer
- Check out companies with the Better Business Bureau or the Attorney General’s Office
- Don’t give credit card or checking account numbers to strangers
- Walk away from a “deal” if you feel you are being pressured

- Don't be afraid to offend someone by choosing not to do business with him or her. Scammers will pretend you are personally insulting their honesty or feelings if you ask to check them out. They use many well-rehearsed tricks to make you feel badly about asking them questions. Assume that anyone who acts offended because you want to check them out is probably nothing more than a thief. Get rid of them and don't deal with them for any reason, even if they apologize.
- Scammers will tell you things they think you need to hear so you will trust them – for example, that they practice the same religion as you or have a dear, older relative you remind them of.
- Legitimate business people want to do business with you and understand if they haven't met your comfort level. They aren't afraid to prove themselves, and they want to earn your trust. Only scammers get offended at being checked out.

According to the Florida Attorney General's Office, many older people don't ever report that they have been victims of fraud or economic exploitation because they may be embarrassed or afraid that the perpetrator may retaliate. To help seniors, the Office sponsors the Seniors vs. Crime Program, which has 2,800 "Senior Sleuth" volunteers and uses a peer-to-peer approach to help elders who have been swindled. Since 2001, the Seniors vs. Crime volunteers, who make phone calls or mediate disputes on behalf of victims, have recovered approximately \$8 million for seniors.

### **FREQUENTLY ASKED QUESTION:**

**"What should I do if I am presented with a deal that sounds too good to be true?"**

If it sounds too good to be true, chances are it is. Experience has shown that people who think they are getting a good deal are often at high risk of becoming victims of financial scams. Do not be reluctant to say that you are "not interested" or "no, thank you."



Each year, the Federal Trade Commission receives tens of thousands of complaints about fraudulent activities committed by dishonest salespeople. The Commission enforces federal antitrust and consumer protection laws by working to eliminate deceptive and unfair practices.

Increasingly, federal and state law enforcement officials are forming task forces to help combat the rise in consumer fraud.

For additional information on financial fraud and scams, contact your local law enforcement office. You may also use these toll-free numbers to contact:

- Florida Department of Financial Services Consumer Hotline at 1-800-342-2762;
- Florida Division of Consumer Services at 1-800-435-7352;
- Seniors vs. Crime at 1-800-203-3099;
- Florida Attorney General's Office at 1-866-966-7226; and
- Federal Trade Commission at 1-800-876-7060.

### **QUICK FACT:**

**If you have been the victim of a scam, or if you want to become a better-informed consumer, call the Florida Division of Consumer Services toll-free at 1-800-HELP-FLA (1-800-435-7352) or 1-800-FL-AYUDA (Spanish).**

## HEALTH CARE PRACTITIONER COMPLAINTS

If you or a loved one has a major complaint about medical care you have received, there is a system in place to help you. The Department of Health's Division of Medical Quality Assurance is responsible for analyzing complaints and reports involving potential misconduct by licensed health care practitioners in Florida.

The boards and councils within the Division of Medical Quality Assurance determine whether probable cause exists and if disciplinary action should be taken in cases involving misconduct by state medical practitioners. To file a complaint, you must contact the Division and ask for a complaint form for general health care professionals, dental professionals or psychiatric/ psychology professionals. Once your completed forms are submitted, the division determines if your complaint involves a possible violation of Florida law and decides whether to further investigate your complaint. Following a legal review, the Department of Health will refer the complaint to the appropriate regulatory panel to determine if a violation of the law has occurred. Patient identity and patient records remain confidential at all times.

To file a complaint against a health-care practitioner, contact the Division of Medical Quality Assurance toll-free at 1-888-419-3456.

### **Complaint Issues Not Handled by the Division of Medical Quality Assurance Include:**

- Billing disputes
- Fee disputes due to broken or missed appointments
- Personality conflicts
- Bedside manner or rudeness of practitioners

**FREQUENTLY ASKED QUESTION:**

**“What happens to the health care practitioner as a result of my complaint?”**

If the proper proceedings determine that the practitioner has violated the law, the regulatory board may impose a range of penalties that includes formal reprimand, a fine, restriction of practice, refund of fees billed or collected, probation, license suspension or license revocation.

For additional information on making a complaint about a health care practitioner or to verify a license, contact the Division of Medical Quality Assurance toll-free at 1-888-419-3456.

**QUICK FACT:**

**Chapter 456, Florida statutes, allows the Division of Medical Quality Assurance to investigate anonymous complaints if the complaint is in writing and addresses a possible violation of the law.**

## HOME REPAIR FRAUD

American homeowners spend billions of dollars each year to repair and improve their homes. If you are planning to make repairs or improvements to your home, selecting the right person or company to do the job is very important. By making the right choice, you reduce the risk of becoming a victim of home repair fraud.

Always read a home repair contract before you sign it. If you don't agree with all the terms, ask for changes before you sign it. **Never sign a contract if part of your agreement is missing.**

Once you sign a contract, you are responsible to do all the things you agreed to do in the contract. **Promises that are made but not written into the contract usually cannot be enforced.**

Most contracts do not have a “cooling-off” period that gives you an opportunity to change your mind and back out of the agreement without penalty.

If you do not understand what the contract says or what you are agreeing to, ask someone – a friend, relative or preferably an attorney – to review it for you before you sign.

**Your strongest power as a consumer is your ability to walk away from an agreement.**

Always hire licensed/bonded/insured contractors. Call the state or county to verify that the contractor has a valid license.

It is usually better to hire a contractor referred by someone you know and whose work you can see for yourself. If this isn't possible, ask for references and check them out.

You can also ask about a contractor through your local Better Business Bureau, and check to see if he has been sued by searching county court records.

### **QUICK FACT:**

**Homeowners are more susceptible to home repair fraud after a natural disaster, such as a hurricane, flood or tornado.**

Never pay in full before the work is done; don't allow your contractor to bully you! Always make timely installment payments when the work is finished.

If you have the resources, you may want to hire your own inspector while your project is ongoing to make sure the contractor is following county code and contract requirements.

If you need repairs to your home that are going to be paid by your insurance company, have an insurance adjuster inspect the work before making payment.

Avoid in-home sales. It's always best to go see a seller's place of business. It is easier for you to walk out of a business than it is to get someone to leave your home. If you feel threatened in any way, do not hesitate to call the police.

When you buy expensive items (for example, medical beds, water softeners, sun rooms, alarm systems, or air conditioner service contracts) that have to be paid by credit, the company that sells you the product is usually not the same company that gives you the credit. After the sale is complete, the financing company will not take any action to help you if you are not happy with what you bought. Their only interest is in getting paid.

Never give any sensitive personal financial information, such as your social security number or bank account information, to people who come into your home or call you on the phone to sell you something.

### **Signs of Home Repair Scams**

- Out-of-state workers with no local connections
- Cash payment demanded
- Offer is only good for a day or two
- Materials used are supplies "left over" from another job
- Work is done quickly and poorly
- Final price is much higher than the original estimate
- Worker refuses to provide references or a warranty

Co-signing a loan makes you just as responsible for the payments as the primary signer. Remember that you wouldn't be asked to sign if the primary signer had good credit!

### **FREQUENTLY ASKED QUESTION:**

**“I am living on a fixed income. Where can I go to get help obtaining quality home repairs?”**

Help is available for low-income homeowners whose homes need substantial improvement or repair. Contact your local Community Action Agency to find out if it offers a weatherization program (see Weatherization section) and if you qualify for assistance.

For additional information on home repair fraud or to verify a license, contact the Department of Business and Professional Regulation at 850-487-1395.

### **QUICK FACT:**

**The Florida Division of Consumer Services is Florida's clearinghouse for consumer information, protection and complaints. It provides help with all consumer fraud and abuse matters. Call 1-800-HELP-FLA (1-800-435-7352) or 1-800-FL-AYUDA (Spanish).**

## IDENTITY THEFT

Advances in modern technology have made it even easier for thieves and con artists to rob seniors of their hard-earned assets and life savings. Today's thieves don't have to rely on pick-pocketing as the primary method of robbing their victims. They can use data – such as your name and social security number – to open false credit card and bank accounts and make various purchases in your name, leaving you as the fall guy for their crime sprees.

Identity theft is on the rise and ranks as one of the top consumer fraud complaints in the nation, according to the Federal Trade Commission. This kind of crime occurs when an imposter uses your name, social security number, or other personal information without your knowledge. Unfortunately, many people don't even know their identities have been stolen until:

- They receive bills for credit card accounts they never opened;
- They see charges on their bills they did not authorize and do not know anything about;
- Billing cycles pass without their receiving a statement; or
- Their credit report includes debts they didn't know they had.

If you believe someone has stolen your identity, you should take several steps immediately. First, contact the fraud departments of each of the three major credit bureaus (see below). Tell them to flag your file with a fraud alert and include a statement that creditors should get your permission before opening any new accounts. Next, ask the credit bureaus for copies of your credit reports. Review the reports carefully to make sure no additional fraudulent accounts have been opened or unauthorized charges made on your existing accounts.

### QUICK FACT:

**According to a study by Javelin Strategy and Research, approximately 11 million Americans were victims of identity theft in 2009 at a cost of \$54 billion to the economy.**

## Prevent Identity Theft

- Do not leave your name and address on discarded mail
- Use a shredder to destroy papers with personal information
- Store important papers in a secure location
- Never leave mail in your mailbox overnight

Credit Company	Report Fraud	Credit Report*
Equifax	1-800-525-6285	1-800-685-1111
Experian	1-888-397-3742	1-888-397-3742
Trans Union	1-800-680-7289	1-800-916-8800
*Numbers to call for copies of your credit report.		

Then, speak with your creditors about any accounts that have been tampered with or opened without your permission. Speak with someone in the security or fraud department and be sure to follow up your phone conversations with a written account of what was said. NOTE: Following up with a letter is one of the procedures spelled out in the Fair Credit Billing Act for resolving errors on credit billing statements.

Florida law prohibits the fraudulent use of personal identification information (also known as identity theft). Be sure to file a report with your local police or the police in the community where the identity theft took place. Keep a copy of the police report in case your creditors need proof of the crime.

**FREQUENTLY ASKED QUESTION:**

**“If my identity has been stolen, will I ever be able to get my credit restored?”**

Yes, it is possible to have your credit restored. You will be asked to provide creditors with notarized affidavits identifying all fraudulent accounts and requesting that they be closed. The consumer information center has a form that can be downloaded from its website at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

For additional information on identity theft, contact your local law enforcement office or call the Federal Trade Commission at 1-877-ID-THEFT (1-877-382-4357) or TDD 202-326-2502.



## LEGAL AID/ASSISTANCE PROGRAMS

Sometimes seniors face problems that they cannot resolve themselves. At these times, they often need legal assistance from a trained attorney. Not all seniors can afford their own attorney or even know where to turn to find one. A number of legal resources are available in Florida to help seniors with civil (not criminal) legal issues.

**Florida Senior Legal Helpline** – The Senior Legal Helpline provides free legal advice and brief services by telephone to low-income and other vulnerable Florida residents age 60 and older, for civil legal problems. The Senior Legal Helpline (1-888-895-7873) also provides solutions to seniors to help them resolve their legal problems, makes referrals to state and local regulatory agencies and, when it is determined that court representation is necessary, helps seniors find legal assistance providers in their communities.

Eligible callers are scheduled for a free telephone consultation with an attorney or paralegal. Most callers will receive answers to their legal questions during the initial telephone appointment or may receive fact sheets and other information relevant to their legal issues. Clients may also qualify for referrals to free legal services providers in their local communities. These providers work in partnership with the Senior Legal Helpline and the Department of Elder Affairs to ensure that low-income and other vulnerable elderly Floridians have equal access to legal remedies.

**Legal Services Programs Without Income Eligibility Requirements** – Title III of the Older Americans Act makes funds available specifically for legal assistance to the elderly. The Title III Legal Services provider for a particular area can be identified through the local Elder Helpline. Eligibility for these services is based on age, not income, so elders should provide their age if they call. Priorities are established on the types of legal matters handled.

### QUICK FACT:

**Local Elder Helplines are listed by county in the back of this guide. They may also be found on the Department of Elder Affairs website, or you may call the statewide Elder Helpline at 1-800-96-ELDER (1-800-963-5337).**

**Legal Services Programs With Income Eligibility Requirements** – Legal services for Floridians who would not otherwise have the means to obtain a lawyer are provided by a network of federal, state and local grants, and the courts. The client eligibility standard for legal assistance providers in Florida is 125 percent of the federal poverty level. However, some individual provider programs often have special grants that enable them to serve certain populations with incomes that exceed the general eligibility standard, such as the elderly and victims of domestic violence. Therefore, it is important to contact the provider program directly to determine possible eligibility for assistance.

**FREQUENTLY ASKED QUESTION:**

**“How can I find the legal aid provider for my county?”**

You can contact the Senior Legal Helpline at 1-888-895-7873.

Also, in the Resource Directory section at the back of this guide, under the county resources listing, you can find the name, address and telephone number of your local legal aid provider. If you have internet access, you can download a directory of providers by county at [www.floridalegal.org](http://www.floridalegal.org).

**Elder Law Practitioners** – Elder law is a recognized area of practice in Florida. Attorneys specializing in elder law are familiar with the special needs and problems facing elders and can be located in the yellow pages of the phone directory under “Attorney – Elder Law.”

**“Certified” Elder Law Practitioners** – Attorneys who are certified by the Florida Bar in “elder law” can be located on the Bar’s website at [www.flabar.org](http://www.flabar.org). You may also phone the Florida Bar at 850-561-5600. However, please note that certification is not required to practice elder law.

**Academy of Florida Elder Law Attorneys (AFELA)** – Elder Law attorneys are listed on the website of the Academy of Florida Elder Law Attorneys at [www.afela.org](http://www.afela.org). Select “Locate a Florida Elder Law Attorney” from the left side of the page and specify a city. A directory of all AFELA members for that city will be displayed, including addresses and phone numbers. You can also call the organization at 850-701-1002.

**Lawyer Referral Service (LRS) of The Florida Bar** – The Florida Bar Lawyer Referral Service covers those counties where the local bar association does not operate a lawyer referral service. You can reach the service toll-free at 1-800-342-8011 or at 850-561-5844. There is a \$25 charge for a 30-minute consultation with an attorney, except for referrals to attorneys on the specialty panels. The Florida Bar has four specialty panels: Low-Fee, Elderly, Disability and AIDS.

**Elderly Law Panel** – The Elderly Law Panel of the Florida Bar Lawyer Referral Service provides a free 30-minute consultation with an attorney. After the first 30 minutes, fees are negotiable, based on the client's ability to pay.

**QUICK FACT:**

**There are special legal aid programs for residents of rural areas. For information, call Florida Rural Legal Services, Inc., at 1-800-476-1837.**

## Tips for Medicare Recipients

- Protect your Medicare card like a credit card
- Review all forms and hospital bills to verify services received
- If you become a victim of fraud, report the scam to authorities

## MEDICARE FRAUD

The Senior Medicare Patrol (SMP) Program serves all of Florida, operating a toll-free fraud hotline at 1-866-357-6677. Members of the public can ask questions and report suspected fraudulent activity on their health care accounts, request a SMP presentation, or become an SMP volunteer.

SMP is administered by the Area Agencies on Aging through a grant from the U. S. Administration on Aging. The program's goal is to educate and empower beneficiaries to take an active role in detecting and preventing health care fraud and abuse, with a focus on the Medicare and Medicaid programs.

In order to accomplish this, the program recruits, trains and guides retired professionals as volunteers to help seniors become better health care consumers. The volunteers work in their own communities where seniors congregate. They help educate beneficiaries on how to monitor what is paid on their behalf and to identify deceptive health care practices, such as bundling charges to hide non-covered fees, filing bogus claims for products or services never rendered, altering billing codes to inflate Medicare and Medicaid claims, and ordering unnecessary or inappropriate products or services to increase revenues.

SMP staff and trained volunteers:

- Partner with the aging services network, law enforcement and others to promote community awareness of health care error, fraud and abuse;
- Develop and distribute consumer education materials about Medicare, Medicaid, and fraud, error and abuse through presentations, health fairs and press events (see below);
- Provide consumer counseling, and when necessary serve as consumer advocates to resolve billing disputes or issues;
- Make appropriate referral to health care agencies and law enforcement for suspected cases of error, fraud or abuse; and
- Support technical assistance efforts designed to share and replicate common strategies and successful practices.

## Remember these 3 R's

**Record** visits, lab work and hospital stays in a journal or calendar.

**Review** your Medicare Summary Notice or health care billing statement. Your Medicare Summary Notice is the piece of mail marked, "This is Not a Bill" that arrives after you get medical care. Compare your Notice to your journal entries, and check your statement or Notice for:

- Charges for services or products you did not receive;
- Double billing for a product or service; and
- Services not ordered by the doctor

**Report** suspected errors, fraud or abuse you find on your Medicare or Medicaid account, gather the facts and call the SMP toll-free fraud hotline at 1-866-357-6677.

### **FREQUENTLY ASKED QUESTION:**

**"My husband recently lost his Medicare card. Can he use mine until he gets a replacement?"**

No, using another person's Medicare card to receive medical care is considered to be a fraudulent activity.

For additional information on Medicare fraud, contact your Area Agency on Aging or call the U.S. Department of Health and Human Services Medicare Fraud Hotline at 1-800-447-8477.

## STATEWIDE PUBLIC GUARDIANSHIP OFFICE

Not to be confused with the Guardian ad Litem program, guardianship protects the property and personal rights of vulnerable persons who lack the capacity to make decisions on their own behalf and lacks the appropriate advanced directives.

Before a guardianship can be established, a court must determine that a person lacks the capacity to make decisions on their own behalf. If the court determines that the person lacks this capacity and does not have the appropriate advance directives, then the court appoints a guardian.

Generally, there are three types of guardians in Florida. If a person has family or friends who can serve, then the court may appoint a family member or friend. These people are considered nonprofessional guardians. If the incapacitated person does not have a loved one who can serve but does have assets, the court may appoint a professional guardian. If the incapacitated person does not have family or friends and is of limited financial means, then the court may appoint a public guardian, if one is available.

The Statewide Public Guardianship Office is responsible for the registration and education of professional guardians in Florida and designates the public guardians in the state. Current lists of both professional and public guardians can be found at the Statewide Public Guardianship Office section of the Department of Elder Affairs website at [elderaffairs.state.fl.us](http://elderaffairs.state.fl.us).