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Cases of Abuse By Home Aides Draw Scrutiny

**Thefts, Neglect, Even Killings
Underscore Lack of Regulation;
Addicts, Criminals on Payroll**

By **PHILIP SHISHKIN**
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(See *Corrections and Amplifications* item [below](#).)

In late 2006, 85-year-old Priscilla Stovall, a bedridden survivor of three heart attacks, was killed in her Clovis, Calif., home. Her killer: the aide hired to help her around the house.

Earlier this year, Kelly Jones was convicted of involuntary manslaughter and sentenced to three years in prison for the death of Ms. Stovall. The state says Ms. Jones, who had a prior criminal record, was on drugs when she gave Ms. Stovall a lethal overdose of morphine and methadone and ransacked her house.

VICTIMIZING THE ELDERLY

- As employment in home care rises, so is abuse of the elderly who receive home care.
- Most abuse cases involve nonmedical aides hired to help around the house.
- Many states don't require criminal background checks of home aides.
- Older people are sometimes afraid to report abuse.

Killings by home-care providers remain rare, but they are only the most extreme examples of what prosecutors and advocates for the elderly say is a growing number of cases of abuse, neglect or fraud in which home caregivers take advantage of the frail and the ill. And that's prompting calls for better oversight of an industry that's expanding fast as more Americans age and try to avoid nursing homes.

About 1.6 million people are employed in home care, split about equally between those who provide basic health services, and those who provide housekeeping, cooking and nonmedical help. The two kinds of jobs are the second- and third-fastest growing

occupations in America, behind only data processors, according to the Department of Labor.

The trend toward home care has generally been hailed as a way to keep seniors happier and healthier, and at a lower cost, than they would be in an institutionalized setting. Nonmedical home aides typically receive only \$10 to \$15 an hour, and often work part-time. It costs the government's Medicaid program about \$6,000 per person per year for home care, versus about \$20,000 for care in a nursing home, according to Joshua Wiener, an analyst at RTI International, a research institute in Research Triangle Park, N.C.

Taking Care

Researchers and advocates for the elderly suggest the following for those seeking to hire a caregiver:

- **If you hire through an agency**, ask exactly what the caregiver has been screened for. Most care providers aren't authorized to access the national criminal database run by the FBI. A state police check is usually the best option available.
- **Using www.eldercare.gov**, a Web site run by the U.S. Administration on Aging, you can locate services for the elderly in your area and contact state regulatory bodies.
- **If you hire directly**, without going through an agency, you are on your own. You can check references and can still conduct a background check by contacting state police directly or going through a commercial firm that will do this for you.
- **You can also check the name** of your caregiver against state and national sex-offender registries. Available at www.fbi.gov/hq/cid/cac/registry.htm

Health aides are often certified nursing assistants, who are generally licensed and regulated. But the bulk of the abuse cases involves caregivers hired to provide nonmedical assistance. These caregivers, who aren't required to receive specialized training, are only loosely overseen.

In California, Florida, Connecticut and at least 19 other states, nonmedical aides don't have to be licensed or pass a criminal background check to get a job. In other states where employment agencies are required to do some type of checks, applicants with criminal records can slip through the cracks, some research has found.

As part of a seven-state pilot program sponsored by the Centers for Medicare & Medicaid Services, researchers at Michigan State University screened 214,167 people who held or sought jobs working with the elderly, including home care, between April 2006 and November 2007. Of those, 5,462 had criminal histories that should have disqualified them, says Lori Post, a professor who led the study.

Although Michigan requires background checks of caregivers for the elderly, Dr. Post says problems with prospective employees could go unnoticed because personnel registries aren't centralized. Michigan state agencies, the first place most employers would check, don't always have, or seek access, to police, federal or each others' records, she says.


Elder advocates advise consumers to ask an employment agency exactly what a prospective caregiver has been screened for, and require at a minimum a state police criminal background check. If you hire directly, be sure to check references. You can also contact your state's police directly to run a background check.

For families, keeping tabs on an older relative's spending patterns is important, as unscrupulous caregivers have been known to steal, while the elderly are often too scared to report abuse. The U.S. Administration on Aging runs a Web site, www.eldercare.gov¹, and a toll-free number, 1-800-677-1116, to provide resources for older adults, including how to find caregivers.

Paul Greenwood, deputy district attorney in San Diego County, Calif., says he has prosecuted at least 25 home caregivers in the past year, mostly for stealing from elderly clients. Incidents like these are "definitely on the upswing," he says. In tiny Lake County, Calif., 80% of the 74 prosecutions of elder abuse in the past year involved home aides, the district attorney's office says. "People who work in the field are seeing more of these cases," says Lisa Nerenberg, a former director of the San Francisco Consortium for Elder Abuse Prevention.

A number of cases have gone to trial. One involved Bruce Hammer, a disabled Vietnam veteran, who was often locked up by his home aide in a room that had no access to a bathroom. "It stank like a deathtrap in there," says Sam Laird, director of the victim-

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witness division at the Lake County, Calif., district attorney's office.

The nonmedical caregiver, William Marvin, used Mr. Hammer's money to buy a television, and at one point withdrew \$1,200 from Mr. Hammer's account in three days, Mr. Laird says. In 2005, Mr. Marvin was sentenced to four years in prison for elder abuse and ordered to pay \$14,500 in restitution. Mr. Marvin had a previous criminal record, including charges of burglary and grand theft, according to Sonoma County district attorney's office. At one point, investigators say, he was employed through In-Home Supportive Services, a state-government program. IHSS said it couldn't verify Mr. Marvin's employment.

Mr. Hammer died in 2006 at the age of 56, for reasons unrelated to the abuse.

In another case, a California firm called Central Coast Senior Services Inc. agreed in March to pay \$175,000 to settle prosecutors' allegations that it had falsely claimed to screen its employees for possible criminal records. Central Coast didn't admit wrongdoing, but told clients in a letter that "we mistakenly hired a few employees who had criminal records which should have disqualified them from employment." The case stemmed from a theft of a laptop and misuse of a client's credit card, says Monterey County deputy district attorney John Hubanks.

In Ms. Stovall's case, her son George is suing two home-care agencies for wrongful death, alleging they failed to check the background of Ms. Jones, the caregiver, before sending her into his mother's home. Mr. Stovall says he was told by one of the agencies, Fresno Senior Care Inc., that Ms. Jones had been through "extensive background checks" and turned up clean.

In fact, Ms. Jones, 42, had been arrested several times, including once for domestic assault, was convicted for drug smuggling, and had served time behind bars. While on probation, she relapsed into heroin use, prosecutors said. Fresno Senior Care initially screened her for crimes committed only in Fresno county, says Michael Ball, an attorney for Murray Veroff, the agency's owner. He says that other background checks after Ms. Stovall's death still revealed nothing.

Ron Perring, who defended Ms. Jones in her trial, says she never intended to kill Ms. Stovall and had been doing a good job until she cracked under the pressure of caring for the ailing woman.

At the time of the killing, the Fresno agency was a franchisee of Living Assistance Services Inc., also known as Visiting Angels, a privately owned Havertown, Pa., company with 350 franchises nationwide. On its Web site, Visiting Angels says it "runs a comprehensive background screening on each new caregiver," a claim that Mr. Stovall says gave him confidence to approach the Fresno franchisee.

In a written deposition for the wrongful-death lawsuit, Visiting Angels Chief Executive Larry Meigs said "our franchise agreement did not specify the hiring requirements applicable to Kelly Jones." In an interview, Mr. Meigs says that Visiting Angels' screening requirements are nonbinding on the franchisees, but that after Ms. Stovall's death they have begun to be written into all new franchise agreements.

In many states, nonmedical caregivers often don't need licenses. "For a whole number of years they hadn't been monitored or watched by anyone," says Bill Bell, deputy director of regulation at the Illinois Department of Public Health. Starting in September, Illinois is requiring all home-care agencies to be licensed and screen their employees, after lawmakers received reports of theft and neglect by home aides. Indiana recently adopted similar rules.

California State Assemblyman Dave Jones drafted a bill last year requiring licensing and background checks for nonmedical home-care agencies. But fellow lawmakers rejected it mainly because it would have cost the state too much to run the licensing regime, he says.

Some counties in the state are trying to take matters into their own hands. The Napa County Commission on Aging is pushing for a local ordinance that would require all caregivers to go through background screening, following frequent reports of theft.

Caregivers themselves say they don't mind being screened, but don't want to have to pay for it, says Tyrone Freeman, president of California United Homecare Workers. He also says that old or minor crimes shouldn't disqualify caregivers from the job. "That's like creating a permanent underclass of individuals who've done something wrong at a young age," he says.

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Corrections & Amplifications

Employers and state analysts in Michigan used a system to do background checks on people who held or sought jobs working with the elderly as part of a pilot project. This article incorrectly stated that researchers at Michigan State University did the screening. The article also said that Michigan state agencies don't always have access to police, state or federal crime databases. Michigan state agencies always have access to those databases, according to the Michigan Department of Community Health.

URL for this article:

<http://online.wsj.com/article/SB121608526216553105.html>

Hyperlinks in this Article:

(1) <http://www.eldercare.gov>

(2) <mailto:philip.shishkin@wsj.com>

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