## A PANDEMIC RESPONSE GROUNDED IN EQUITY AND JUSTICE.



# AT JUSTICE IN AGING, WE FIGHT FOR ALL OLDER ADULTS TO AGE IN DIGNITY AND JUSTICE.

We believe that as we age, we all have the right to affordable, high quality health and long-term care, age-friendly housing, sufficient income to meet our basic needs, and to remain connected to our families and communities, free from discrimination.

The COVID-19 pandemic has revealed the injustices built into our systems and laws. In our nation's early response to the pandemic, we saw the tragic consequences of allowing racism, ableism, and ageism to fester unchecked and unchallenged, as we witnessed the preventable deaths of thousands of older adults disproportionately older adults of color.

We responded by highlighting the inequities we were seeing to policymakers, partners, and the media, and pushing for policies that would save the lives of and provide relief to those most at risk.

As we mourn the loss of so many older adults in our communities and families, we look forward to building a more equitable future. Read about an exciting new strategic initiative to advance equity in our Letter from Leadership on the next page.

photographs featured throughout this report.



#### LETTER FROM LEADERSHIP

Dear Friends and Supporters,

2020 was a year like no other. The pandemic was unimaginable, particularly for older adults and their families—from the devastating death tolls, to the isolation and the economic disruption. The past year also brought a long-overdue national reckoning with our history and present-day reality of systemic racism, intersecting with ageism and ableism in ways that devalue the lives of older adults of color and exacerbate injustice in our society.

There is no area of our work that was untouched by the COVID-19 pandemic and resulting economic crisis. We met the moment by focusing on the immediate needs of older adults and the advocates who serve them. We developed new training programs for advocates in direct response to the new problems people were facing on the ground. We kept our network of advocates updated with the latest information and guidance from federal agencies. We fought to ensure federal and state responses to the pandemic advanced equitable solutions that targeted relief to those most impacted. As hospitals filled up, we stopped health care providers and states from implementing care rationing guidelines that would discriminate against older adults and people with disabilities.

The hardships so many older adults of color faced this past year were amplified by the institutional racism that exists in our country. While dealing with the immediate threats posed by the pandemic, we knew we also had to look ahead and reimagine a more equitable future for our aging population. To that end, we determined that, as an organization, we needed to do some things differently to help build that future. Earlier this year, we launched a new strategic initiative to advance equity. Under this initiative, we will begin to center all of our advocacy on issues that directly address systemic inequities that older adults of color, older women, LGBTQ older adults, older adults with disabilities, and older adults who are immigrants or have limited English proficiency face, with a focus on racial equity.

The timing is right for this initiative. Our country has never been more aware of what happens when we fail to act. We need our political leaders to take action to invest in human needs and rebuild our neglected economic security and health care systems into more robust, equitable systems—and they are listening. We have so much hope for the year ahead and beyond. We are excited to begin working in new ways with new partners so that we can both rise to the challenges we face and leverage the opportunities this moment brings.

We are so grateful to all of our supporters and friends. We can't wait to see what we can all accomplish together.

Ruch aly

With appreciation,

K PLK

Kevin Prindiville, Executive Director

Richard Alexander, Chair, Board of Directors





# JUSTICE IN AGING PUSHED CONGRESS TO EQUITABLY ADDRESS THE NEEDS OF OLDER ADULTS AND CAREGIVERS DURING THE PANDEMIC.

We urged Congress and the Administration to make racial equity an affirmative goal in the COVID-19 response by expanding and improving access to Medicaid and Medicare programs to address racial disparities and ensuring free and equitable access to personal protective equipment, COVID-19 testing, treatment, and vaccines.

As the deadly virus swept through nursing homes and other congregate living facilities, we educated Congress on the need to increase federal funding to states to sustain Medicaid Home and Community-Based Services (HCBS) and ensure older adults can receive the care and supports they need to remain living in their homes and communities.

As a result of these efforts, states will receive billions of dollars in 2021 to strengthen and expand their Medicaid HCBS programs and the Centers for Medicare and Medicaid Services has taken significant steps to equitably respond to COVID-19.

## JUSTICE IN AGING FOUGHT TO KEEP NURSING HOME RESIDENTS SAFE AND PRESERVE THEIR RIGHTS DURING THE PANDEMIC.

Directing Attorney and nursing facility expert, Eric Carlson, served as a member of the federal Coronavirus Commission for Safety and Quality in Nursing Homes, testified before Congress, and was the sole dissenter on the Commission's final report, which failed to hold nursing homes and federal regulators accountable.

We highlighted the dangers of granting legal immunity to nursing facilities and kept immunity measures out of federal COVID-19 relief legislation.

We pushed the Centers for Medicare and Medicaid Services to require facilities to allow safe visitation for residents' family members and caregivers.

We kept advocates regularly informed about new guidance regarding COVID-19 and nursing homes and updated our popular guide, 25 Common Nursing Home Problems and How to Resolve Them.



### JUSTICE IN AGING FOUGHT AGAINST DISCRIMINATORY CARE RATIONING POLICIES.

When states and health care systems prepared Crisis Standards of Care (CSC) policies to help providers make decisions about rationing scarce medical resources, many of these policies relied on biases about the perceived quality or worth of life of older adults, people with disabilities, people of color, and others, resulting in discrimination, which could be compounded for those who hold multiple marginalized identities, such as being an older person of color with a disability.

Justice in Aging led a nationwide effort to combat these discriminatory policies in partnership with disability rights groups in many states.

Through various strategies, including working with state and health care system leaders and filing complaints with the Office for Civil Rights at the Department of Health and Human Services, we succeeded in fixing discriminatory policies in seven states, creating a model for advocates all over the country working to stop these discriminatory policies.



















## JUSTICE IN AGING ENSURED THAT THOSE FACING BARRIERS COULD ACCESS RELIEF.

Many low-income Social Security and Supplemental Security Income recipients, who were among those most affected by COVID-19, faced barriers to receiving the first stimulus payments. We worked with Members of Congress to compel the Social Security Administration and IRS to make stimulus payments to low-income beneficiaries automatic, without the need to file additional applications or forms. We also created educational materials and provided trainings and individual technical assistance to thousands of advocates to help them connect their older adult clients to stimulus payments.

# JUSTICE IN AGING LAUNCHED A NEW HOUSING AND HOMELESSNESS PROJECT WITH DEDICATED STAFF AND EXPERTISE TO ADDRESS THE AFFORDABLE HOUSING CRISIS.

The COVID-19 pandemic has underscored how safe housing is vital to protecting health and saving lives, especially as we age and our needs evolve. Yet, in many parts of the country, older adults are the fastest growing segment of the homeless population. Decades of racist housing policies mean older adults of color are even more likely to face unaffordable rents, housing instability, and homelessness. Our new project, which launched in the fall of 2020, focuses on breaking down systemic barriers to housing and promoting equitable solutions toward building a world where we can all age safely in our homes and communities.





#### **ALEXANDER V. AZAR**

In March 2020, after a multi-year court fight, we, along with our partners at the Center for Medicare Advocacy, won a nationwide class action on behalf of Medicare beneficiaries to allow thousands of people across the country to challenge large bills for nursing facility care as a result of being classified under "observation status" in the hospital prior to entering the nursing facility. Our lead plaintiff, an 84-year-old woman, was hospitalized for 39 days under observation status and later sent to a nursing facility. Medicare wouldn't cover her nursing home care because she hadn't had the required 3-day hospital stay as an in-patient.

## JUSTICE IN AGING WINS \$4 MILLION IN DRUG CO-PAY REFUNDS

Because of a mistake in classification between 2012 and 2020, some 45,000 low-income Medicare enrollees in California were improperly charged millions in drug co-pays. Justice in Aging advocated for the refunds of these wrongful charges. We avoided taking the issue to court by negotiating with California's Department of Health Care Services and the Centers for Medicare and Medicaid Services to identify individuals wrongfully charged and ensure the return of over \$4 million in refunds to low-income older adults and people with disabilities across the state.



## EDUCATING THE COURTS ABOUT THE IMPACT OF LAWS AND POLICIES ON LOW-INCOME OLDER ADULTS

Justice in Aging uses amicus briefs to educate the courts about the impact of laws and policies on low-income older adults. In 2020 we submitted briefs in federal courts, the Supreme Court of the United States, and various state courts.

#### STOPPING DISCRIMINATION IN HEALTH CARE

We filed multiple briefs in various courts to preserve civil rights in health care settings for people who need translation services, people with disabilities, and LGBTQ+ people, including in a case before the Supreme Court, Fulton v. City of Philadelphia, arguing that private agencies receiving taxpayer dollars should not be allowed to discriminate against LGBTQ+ people and others based on religious objections.

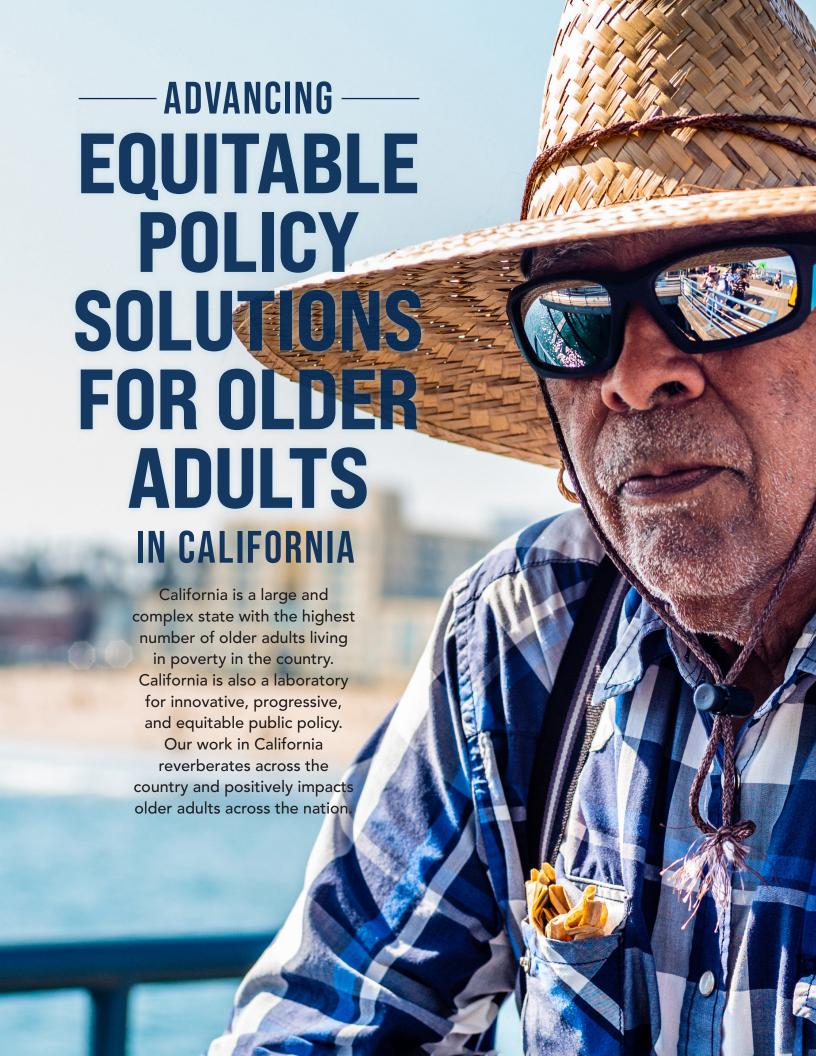


#### CHALLENGING HARMFUL AND DISCRIMINATORY COVID-19 POLICIES

We filed an amicus brief in the Wisconsin Supreme Court, Wisconsin Legislature v. Palm, detailing how the state's plan to reopen during the spring COVID-19 wave would cause disproportionate illnesses and deaths among older adults and people with disabilities. Due to economic oppression and systemic discrimination in health care, employment, housing, and other areas, which lead to chronic disease, poor health, and vulnerability to COVID-19, people of color would be much more likely to contract the disease and die from it.

### SAVING THE AFFORDABLE CARE ACT

We filed a brief in support of states defending the Affordable Care Act in response to a Supreme Court case brought by the State of Texas. That case, Texas v. California, seeks to overturn the landmark health care law, which would cause millions of older adults to lose vital health coverage and consumer protections, and hit low-income older workers of color, caregivers, and women the hardest.





## CREATING A MASTER PLAN FOR AGING

In response to a rapidly aging population and a rise in senior poverty, California's Governor, Gavin Newsom, launched a Master Plan for Aging. Justice in Aging is working with the state and other advocates to execute the plan, which will create new housing options for older adults, expand access to in-home and community-based services, keep older adults engaged in our communities, create high-quality caregiving jobs, and ensure older adults have the economic security needed to age in dignity.

Justice in Aging served on the Stakeholder Advisory Committee charged with developing recommendations for the plan and co-chaired the Equity Work Group to formulate the plan's five key goals: (1) Housing for All Stages & Ages, (2) Health Reimagined, (3) Inclusion & Equity, Not Isolation, (4) Caregiving That Works, and (5) Affording Aging.

We will continue our work on the Master Plan for Aging to make these goals a reality by the year 2030.

#### WHO WE ARE

Kevin Prindiville, Executive Director

Jennifer Goldberg, Deputy Director

Remy Alexander, Program & Communications Associate

Regan Bailey, Litigation Director

Vanessa Barrington, Director of Communications & Individual Giving

Georgia Burke, Directing Attorney

Eric Carlson, Directing Attorney

**Denny Chan**, Director, Equity Advocacy

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Claire Ramsey, Senior Staff Attorney

Gelila Selassie, Staff Attorney

Thomas Smith, Finance & Administration Director

Carol Wong, Senior Staff Attorney

# PREVENTING BUDGET CUTS TO VITAL HEALTH CARE PROGRAMS DURING THE PANDEMIC

To address an expected revenue shortfall due to the pandemic, Governor Newsom proposed cuts to critical Medicaid programs. Those proposed cuts would have forced older adults most at risk of contracting and dying from COVID-19 into isolating and unsafe nursing facilities, where nearly 50% of all COVID-related deaths in California occurred. We played a leadership role in a successful campaign to stop the cuts to many vital programs that would have hit older adults with disabilities and older adults of color, including those with limited English proficiency, the hardest.

## CREATING HOUSING OPPORTUNITIES THROUGH PROJECT ROOMKEY AND HOMEKEY

In coalition with partners, we forced a change in policy for two programs, Project Roomkey (Los Angeles) and Homekey (statewide), so that older adults and people with disabilities living on the streets were no longer denied access to housing simply because they needed help with daily activities.

With older adults accounting for 80% of all COVID-19 deaths in the country, homeless older adults faced even greater danger. Using government funding, these two programs converted hotels, motels, and other vacant buildings into interim, permanent, or long-term housing.

## ENSURING EQUITABLE DISTRIBUTION OF THE COVID-19 VACCINE

As the state began planning for vaccine allocation and distribution, we were appointed to California's Community Vaccine Advisory Committee (CVAC). We negotiated principles to guide California's decision making to ensure the vaccine was distributed equitably to older adults in the state, pushing the state to prioritize access for those who are most at-risk of COVID-19 and who experience language, mobility, transportation, and technological barriers to obtaining the vaccine.





### AS SOON AS THE COVID-19 PANDEMIC HIT, NCLER SHIFTED ITS WORK DRAMATICALLY TO RESPOND TO THE CRISIS.

- NCLER conducted trainings to legal aid organizations on providing remote legal services and outreach to impacted communities to ensure access to legal services even while offices were shut down.
- NCLER offered trainings on trauma-informed lawyering and secondary trauma to combat the devastating impacts of COVID-19 and the economic crisis on both clients and civil legal aid attorneys.
- NCLER trained advocates on eviction defense and connected older adults to stimulus payments to combat the effects of the economic crisis.
- NCLER kept advocates up-to-date on changes to Medicare and Medicaid programs, as the government responded to the crisis with new policies.

### NCLER'S REACH EXPANDED DRASTICALLY DURING THE COVID-19 PANDEMIC.

NCLER provided nearly

2,000 individual case consultations

to legal and aging network professionals in 2020, nearly

doubling

the amount provided in 2019.

The NCLER network increased by

over 10,000 individuals,

growing from 36,900 to

47,600

by the end of 2020.

NCLER & Justice in Aging conducted

146 trainings & webinars

reaching advocates in all

50 states

and attracting

**BO,000** 

attendees.

## AWARDS AND MEDIA

## LEVERAGING MEDIA TO PUSH FOR JUSTICE FOR OLDER ADULTS DURING THE PANDEMIC

Throughout the pandemic and resulting economic upheaval, as the worst crisis in generations upended lives and caused disproportionate suffering and death among older adults already struggling, members of the media turned to Justice in Aging for insight into how our systems failed, and for our expertise on what an equitable response to the crisis would look like.

## CELEBRATING JUSTICE IN AGING AND HONORING AMAZING ADVOCATES

On May 15, 2020, Justice in Aging held a virtual award ceremony, honoring Marty Lynch, former Executive Director and CEO of Lifelong Medical Care, with the Paul Nathanson Distinguished Advocate Award. We thank our partners and event sponsors, who attended our event and supported our work even as the event moved from an in-person to a virtual format. We hope to be seeing you all in person in 2022 to celebrate our 50th Anniversary!



"Because the pandemic was framed as "only" impacting old people, we were slow to act on the policy side, and that hurts all of us... when we treat older people as other, segregate them, and devalue their lives."

#### **Kevin Prindiville, Executive Director**

May 21: Quoted in KQED Forum—"Just" Old People are Dying: Ageism and the Coronavirus Response

"There needs to be some responsibility. You need facilities that are accountable and to make good use of the money they are getting."

#### **Eric Carlson, Directing Attorney**

September 17: Quoted in the Washington Post—Task Force Says Nursing Homes Need More Aid. Critics Say Industry Should Step up

> Justice in Aging was the only member of the Quality and Safety in Nursing Homes Commission that declined to endorse the final report.

"Given the dangers Americans have faced in long-term care facilities, the fact that this funding was stripped is just mind-boggling."

#### Amber Christ, Director, Health Team

December 29: Quoted in Forbes—What Seniors Need to Know about the December Stimulus Package

Congress' year-end deal failed to deliver targeted solutions to save lives in nursing homes.

## FINANCIALS















**Development Expenses** 

Total FY2020

Expenses

\$3,876,724

Justice in Aging operated with a balanced budget throughout 2020 and maintained reserves equal to 31% of operating expenses.

3%

Justice in Aging maintains a 4 Star Rating on Charity Navigator and a gold seal for transparency from Guidestar.

Full audited financial statements for fiscal year 2020 with comparisons to 2019 are available on Justice in Aging's website at www.justiceinaging.org.

#### **PLANNED GIVING**

Justice in Aging welcomes your planned gifts. To notify us of your intent to make a planned gift, or learn how to get started, contact Vanessa Barrington, Director of Individual Giving, at vbarrington@justiceinaging.org.

### WHAT OUR DONORS & PARTNERS ARE SAYING

"Thanks to Justice in Aging for your excellent materials during this chaotic time. It's been hard to catch my breath and I really appreciate being able to read your summaries and recommendations. Just wanted to let you know how much I appreciate your work."

Leslie Fried

"Thank you for all the work you have done over the years, especially the latest budget challenges that saved CBAS. Over the years, you have been voracious in your defense of seniors, and, while you may not see the results every day, it has helped thousands of seniors live more independent and fulfilled lives throughout the state (CA). Kudos to all the Justice in Aging staff."

David Nolan

"As a Montgomery County, MD SHIP Counselor who reads and relies on your many messages, I am pleased to support the work that I have observed in 2020. I hope this will help the organization change the views about the 'aged.'"

Lawrence Friend

"We are stronger together—I hope the expansion of spousal impoverishment protections to community-based Medicaid services will become permanent and I want to support the continued efforts."

J. Scott and Josie Porras Corporon

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