

# Legal Services and Disaster Assistance for Older Adults

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Legal aid organizations are quickly mobilizing to help older adults impacted by recent hurricanes, wildfires, and volcanoes. Older adults are at increased risk of disease and death during disasters due to a higher prevalence of chronic conditions, physical disability, cognitive impairment, and other functional limitations.<sup>1</sup> Potential limitations in mobility, access to transportation or limitations can further exacerbate the challenges older adults face during emergencies.<sup>2</sup> Several resources are available to legal aid programs looking to help older adults during and after a disaster.

## National Disaster Legal Aid Resource Center

The [National Disaster Legal Aid Resource Center](#) is a centralized resource for legal aid, pro bono and criminal defenders attorneys across the country working on legal issues related to all types of disasters. The center is a collaborative effort of Lone Star Legal Aid, the American Bar Association, the Legal Services Corporation, the National Legal Aid and Defender Association, the Texas Legal Services Center and Pro Bono Net, and includes valuable guides and trainings such as:

- [Disaster-Related Manuals & Resources by Jurisdiction](#): State-by-state manuals for active disasters and an archive of resources from other jurisdictions
- [Disaster Training](#): Training on FEMA Assistance & Appeals, Disability Rights, Veterans, Housing Mortgages and Foreclosures
- [Plain Language Info Sheet](#): Adaptable information sheets for agencies to use when helping disaster survivors

## Administration for Community Living (ACL): National Preparedness Month

September is [National Preparedness Month](#). ACL created several downloadable materials with tips on emergency preparation for older adults, people with disabilities, and community-based organizations. The [poster is free to download](#) and available to the public for use.

## Centers for Disease Control (CDC): Identifying Older Adults and Legal Options for Increasing their Protection

This [CDC guide](#) offers public health officials, the Aging Services Network, emergency management personnel, and other partners strategies to improve planning and protection for older adults during emergencies. The guide includes a summary of relevant legal authorities that form the basic foundation for disaster preparation, including relevant sections (306-307) of the Older Americans Act.

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1 Centers for Disease Control and Prevention. *Identifying Vulnerable Older Adults and Legal Options for Increasing Their Protection During All-Hazards Emergencies: A Cross-Sector Guide for States and Communities*. Atlanta: U.S. Department of Health and Human Services; 2012. [cdc.gov/aging/emergency/pdf/guide.pdf](http://cdc.gov/aging/emergency/pdf/guide.pdf).

2 Id., citing *We Can Do Better: Lessons Learned for Protecting Older Persons in Disasters*. Washington, DC: AARP; 2006. [assets.aarp.org/rgcenter/il/better.pdf](http://aarp.org/rgcenter/il/better.pdf).

## Medicare & Medicaid

### Medicaid and CHIP (MAC) learning collaborative

The [Disaster Preparedness Toolkit for State Medicaid Agencies](#) toolkit is geared for state agencies, with guidance on strategies to employ during a disaster, such as: allowing self-attestation for Medicaid eligibility, increasing eligibility levels for specific categories, adopting presumptive eligibility for eligible populations, and extending redetermination timelines. The [full toolkit](#) includes relevant legal authority and state examples for each strategy.

### Medicare's guide to receiving care in a disaster or emergency

Medicare has several informational sheets on receiving care and services during a disaster, with guidance on:

- [Getting care and drugs in a disaster or emergency](#)
  - » [Getting prescriptions in disaster or emergency](#)
  - » [Seeing your doctor in a disaster or an emergency](#)
  - » [Replacing lost equipment in a disaster](#)

### Special enrollment period for hurricane victims

A special enrollment period is available for all Medicare beneficiaries and certain individuals seeking health plans offered through the Federal Health Insurance Exchange. Here is information from the Centers for Medicare and Medicaid Services (CMS) about the [special enrollment periods](#).

## Consumer Protection: Avoiding Fraud

Older adults can be targets for fraud, and unfortunately, during times of crisis, potential for fraud and identity theft can increase. Older adults should be alert for phony requests for post-disaster donations and identify theft. Here are some fraud protection resources:

- US Department of Justice, [how to report fraud](#) and [identity theft](#)
- Federal Trade Commission, [phone scams and what to do](#), [10 Things You Can Do to Avoid Fraud](#), [email phishing](#), and [identity theft](#)
- Better Business Bureau, [finding trusted contact information for charities](#)
- Department of Homeland Security, [information on helping disaster survivors](#)

### Housing: helping older homeowners

The [National Center on Law & Elder Rights](#) recently produced a webinar training on [Assisting Older Homeowners after a Natural Disaster](#). Attorneys from the National Consumer Law Center and Lone Star Legal Aid presented advice for attorneys working with older adults as they recover post-disaster. The [webinar recording](#) and [Chapter Summary](#) have more information.

**Please contact [ConsultNCLER@acl.hhs.gov](mailto:ConsultNCLER@acl.hhs.gov) for free case consultation assistance. Sign up for our email list and access more resources at [NCLER.acl.gov](http://NCLER.acl.gov).**