

SENIOR CITIZENS

AGE DISCRIMINATION

As a general rule, there are few civil liberties issues that primarily affect seniors over other individuals. However workers aged 40 and over are protected against age discrimination on the job. The federal Age Discrimination Employment Act (ADEA) applies to employers of 20 or more people. Private businesses, units of government, unions and employment agencies are all subject to its provisions. The ADEA also prohibits age discrimination in programs and activities receiving federal money, such as public agencies, hospitals, nursing homes, day care centers and other social service providers.

The Tennessee Human Rights Act also protects against age-related discrimination with regards to employment practices and public accommodations

NURSING HOMES

Although nursing homes can impose reasonable rules that residents are expected to respect, residents do not give up legal rights or civil liberties upon entering a nursing home. Nursing home residents have the right to:

- Vote
- Marry
- Enter into contracts
- Exercise their first amendment rights, including the right to speak out about conditions at the nursing home.
- Privacy: residents are entitled to privacy in dressing, bathing and using the toilet, and are entitled to keep a reasonable number of personal possessions. Residents may visit privately with their doctors, ministers, family, social worker, lawyer and others. Residents are entitled to send and receive mail unopened, and are entitled to use the phone in privacy. In addition, the nursing home cannot reveal personal, medical or financial information about residents without their permission except where a law expressly authorizes the disclosure.

- Practice their religion
- See their friends and loved ones
- Personal liberty: residents who want to leave are free to do so. Unless a court has declared them legally incompetent, it is illegal for nursing home staff to prevent residents from leaving to take a walk, shop or visit friends. They can advise that the person may not be strong enough, but they cannot physically restrain him/her or give the resident drugs that keep him/her incapable of going.

CIVIL COMMITMENT / RIGHT TO REFUSE TREATMENT

Throughout history, we have locked away many elderly people in mental hospitals against their will because they were forgetful or disoriented. Today's commitment laws, however, require a court finding that the person presents a likelihood of serious harm to him/herself or others before the person can be involuntarily confined. Harm can mean severe self-neglect, to the point that the individual is unable to survive safely in the community. Police or relatives may refer people for involuntary commitment. In addition, courts can remove the personal or financial decision-making rights of a person found to be "incompetent" or "incapacitated." When a person loses all or part of her decision-making ability, those decisions are transferred to a guardian or conservator. A person for whom the state seeks to appoint a guardian or conservator is entitled to a hearing, and even has the right to a jury trial, though it is seldom exercised. The person also has a right to a guardian *ad litem* to represent her interests during the proceedings. Further, the person has a right to appeal a ruling appointing a guardian or conservator. People who have been appointed a guardian or conservator may lose many basic rights:

- Right to contract
- Right to vote
- Right to marry
- Right to hold licenses



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- ❑ Right to execute wills
- ❑ Capacity to sue and be sued

ACLU traditionally advocates the right of individuals to refuse treatment. The right to control one's body is one of the most fundamental rights one has. This is as true for people with mental disabilities as it is for people who do not wish to be kept alive by life-support devices. A competent person may execute a declaration directing the withholding or the withdrawal of life prolonging procedures. If family members disagree with a doctor's decision to remove or maintain life-support equipment, they should proceed through the hospital or institution's dispute resolution or ethics committee procedures, or hire an attorney to pursue a court order. In such cases the court will appoint a guardian *ad litem* to represent the patient's interests.

RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

National Organizations

- [AARP](#)
AARP fights for age 50 and over individuals and their families at the local, state and national levels. AARP works to strengthen Social Security, promote adequate, affordable health care and foster communities with affordable and appropriate housing.

National Office:

601 E St. NW

Washington, DC 20049

Website: <http://www.aarp.org/#>

Phone: 1-888-OUR AARP (1-888-687-2277)

TTY: 877-434-7598

Spanish: 1-877-342-2277

International Calls: 1-202-434-3525

[AARP Tennessee](#)

150 4th Ave North, Suite 180

Nashville, TN 37219

Website: <http://states.aarp.org/region/tennessee/>

Phone: 1-866-295-7274

E-mail: tnaarp@aarp.org

- [Alzheimer's Association](#)

The Alzheimer's Association is the leading voluntary health organization in Alzheimer's care, support and research. Its mission is to eliminate Alzheimer's disease through the advancement of research, to provide and enhance care and support for all affected and to reduce the risk of dementia through the promotion of brain health.

National Office

225 N. Michigan Ave., Fl. 17

Chicago, Ill. 60601-7633

Website: <http://www.alz.org/>

24/7 Helpline: 1-800-272-3900

Phone: 312-335-5886

TDD: 312-335-5886

Fax: 1-866-699-1246

Eastern Tennessee Chapter

1545 Western Avenue, Suite 110A

Knoxville, TN 37921

Mid South Chapter Headquarters

4825 Trousdale Drive, Suite 220

Nashville, TN 37220

Phone: 615-315-5880

Chattanooga Area Office

7625 Hamilton Park Drive, Suite 6

Chattanooga, TN 37421

Phone: 423-265-3600

Johnson City Area Office

207 N. Boone Street, Suite 1500

Johnson City, TN 37604

Phone: 423-928-4080

Memphis Area Office

713 South Mendenhall Road

Memphis, TN 38117

Phone: 901-565-0011



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- **Medicare Rights Center**
266 West 37th Street, 3rd Floor
New York, NY 10018
Website: www.medicarerights.org
Phone: 212-869-3850
Fax: 212-869-3532
Consumer Hotline: 800-333-4114
E-mail: info@medicarerights.org

The Medicare Rights Center is a national, nonprofit consumer service organization that works to ensure access to affordable health care for older adults and people with disabilities through counseling and advocacy, educational programs and public policy initiatives.

- **National Council on Aging**
251 18th Street South, Suite 500
Arlington, VA 22202
Website: <https://www.ncoa.org>
Phone: 571-527-3900

The National Council on Aging (NCOA) is a national leader helping people aged 60+ meet the challenges of aging. NCOA partners with nonprofit organizations, government and business to provide innovative community programs and services, online help, and advocacy.

- **National Institute on Aging**
Building 31, Room 5C27
31 Center Drive, MSC 2292
Bethesda, MD 20892
Website: <https://www.nia.nih.gov/>
Phone: 1-800-222-2225
TTY: 1-800-222-4225
Fax: 301-496-1072

The National Institute on Aging (NIA) leads the federal government in conducting and supporting research on aging and the health and well-being of older people.

- **Older Women's League**
1627 Eye Street, NW, Suite 600
Washington, DC 20006
Website: <http://www.owl-national.org/>
Phone: 202-450-8986
E-mail: info@owl-national.org

The Older Women's League (OWL) is the only organization that works solely on the economic security and quality-of-life issues impacting women over 40.

- **USA.gov Senior Citizens' Resources**
Website: <http://www.usa.gov.edgesuite-staging.net/Topics/Seniors.shtml>

USA.gov provides information and services for seniors about a variety of issues, including consumer protection, health-care, retirement, laws and regulations, employment, and end-of-life issues.

State Organizations

- **Adult Protective Services**
400 Deaderick Street
Nashville, TN 37243-1403
Phone: 1-888-APS-TENN (277-8366)
Report suspected abuse online:
<https://reportadultabuse.dhs.tn.gov/>
E-mail: APS.TechnicalSupport.DHS@tn.gov

Adult Protective Services investigates reports of abuse, neglect (including self-neglect), or financial exploitation of adults who are unable to protect themselves due to a physical or mental limitation.

- **Upper Cumberland Human Resource Agency**

The Upper Cumberland Human Resource Agency aims to improve the quality of life to residents of the 14-county area.

580 South Jefferson Avenue, Suite B
Cookeville, TN 38501
Website: <http://www.uchra.com>
Phone: 931-528-1127
Fax: 931-526-8305
E-mail: info@UCHRA.com



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Cannon County

301 West Main Street
Adams Memorial Building, Room 302
Woodbury, TN 37190
Phone: 615-563-2916
Fax: 615-563-6016

Clay County

500 Dow Avenue
Celina, TN 38551
Phone: 931-243-3674
Fax: 931-243-4402

Cumberland County

73 Methodist Campground Loop
Crossville, TN 38555
Phone: 931-456-0691
Fax: 931-456-6641

DeKalb County (3 Sites)

726 South Congress Boulevard
Smithville, TN 37166
Phone: 615-597-4504
Fax: 615-597-8322

Fentress County

308 Main Street South, Suite 101
Jamestown, TN 38556
Phone: 931-879-8040
Fax: 931-879-9157

Jackson County

238 A North Grundy Quarles Hwy
Gainesboro, TN 38562
Phone: 931-268-9840
Fax: 931-268-3517

Macon County

607 Highway 52 By-Pass East
Lafayette, TN 37083
Phone: 615-666-3377
Fax: 615-666-4604

Overton County

106 West Henson Street
Livingston, TN 38570
Phone: 931-823-7323
Fax: 931-823-7325

Pickett County

105 South Main Street, Room #6
Byrdstown, TN 38549
Phone: 931-864-6540
Fax: 931-864-6793

Putnam County

580 South Jefferson Avenue, Suite B
Cookeville, TN 38501
Phone: 931-528-1285
Fax: 931-372-8754
Transportation: 931-372-8000

Smith County

120 Paulene Gore Way, Suite A
South Carthage, TN 37030
Phone: 615-735-0476
Fax: 615-735-0577

Van Buren County

500 College Street
Spencer, TN 38585
Phone: 931-946-7151
Fax: 931-946-2876

Warren County

201 Locust Street, Suite 16
McMinnville, TN 37110
Phone: 931-473-6652
Fax: 931-473-6655

White County

826 Valley View Drive
Sparta, TN 38583
Phone: 931-738-6255
Fax: 931-836-6386



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▪ **Mid-Cumberland Meals-on-Wheels**

1101 Kermit Drive, Suite 300
Nashville, TN 37217

Website: <http://www.mc-mealsonwheels.com/>

Phone: 615-850-3911

Mid-Cumberland Meals-on-Wheels provides home-delivered meals, outreach, nutrition education, supportive services, and recreational activities for individuals 60 and older.

▪ **Metropolitan Inter-faith Association Meals on Wheels**

910 Vance Avenue
Memphis, TN 38126

Website: <http://www.mifa.org/seniors>

Phone: 901-527-0208

E-mail: ewhitten@mifa.org

Metropolitan Inter-faith Association (MIFA) Meals on Wheels provides hot, nutritious lunches for homebound elderly and seniors at 15 congregate meal sites each weekday.

▪ **Mobile Affordable Meal Service (MAMS)**

2247 Western Avenue
P.O. Box 51650
Knoxville, TN 37950-1650

Website: <http://www.knoxseniors.org/meals.html>

Phone: 865-524-2786

Fax: 865-546-0832

MAMS provides meals five days a week for individuals who pay a fee for the services. There are no public funds involved and no eligibility requirements. The Senior Nutrition Program administers MAMS and meals are delivered by the CAC Transit Program and volunteers.

▪ **Tennessee Commission on Aging and Disability**

500 Deaderick Street, 9th Floor
Nashville, TN 37243-0860

Website: <http://www.tn.gov/aging>

Phone: 615-741-2056

The Tennessee Commission on Aging and Disability is the designated state agency on aging and is mandated to provide leadership relative to aging issues on behalf of older persons in the state.

▪ **TN Bureau of Investigation—Medicaid Fraud Control Unit**

901 R. S. Gass Blvd.
Nashville, TN 37216

Website: <https://www.tn.gov/tbi/article/medicaid-fraud-control-unit>

Phone: 615-744-4000

The Medicaid Fraud Control Unit (MFCU) focuses on cases involving fraud and patient abuse.



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