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FISCAL YEAR 2015-2016

ANNUAL REPORT

# ADULT PROTECTIVE SERVICES [APS]

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# TABLE OF CONTENTS

- 3** INTRODUCTION
- 4** EXECUTIVE SUMMARY
- 5** REGULATIONS
- 6** REPORTING
  - 7** *TABLE 1: COUNTY-BY-COUNTY REPORTS & INVESTIGATIONS*
- 8** REPORTING: INTAKE, INVESTIGATIONS, & OUTCOMES
  - 9** *CHART 1: TOTAL REPORTS BY COUNTY*
  - 9** *CHART 2: TOTAL INVESTIGATIONS BY COUNTY*
  - 10** *CHART 3: REPORT CATEGORIES WITH BREAKDOWN OF ALLEGATIONS*
  - 10** *CHART 4: SERIOUS ALLEGATIONS RECEIVED*
- 11** VICTIMS AND PERPETRATORS
- 12** PROVISIONS OF SERVICE
  - 12** *TABLE 2: MOST FREQUENT SERVICES PROVIDED TO ADULTS*
- 12** COURT ACTIONS
  - 12** *CHART 5: PERCENT OF PETITIONS BY TYPE*
- 13** QUALITY ASSURANCE MONITORING
- 13** EDUCATION & TRAINING
- 13** RESOURCES

# INTRODUCTION



## **THE ADULT PROTECTIVE SERVICES (APS) ACT**

**(35 P.S. §§ 10210.101 — 10210.704),**

also known as Act 70 of 2010, (Act of Oct. 7, 2010, P.L. 484, No. 70 Cl. 23) requires the Department of Human Services (Department) to prepare a report on the program and services performed to the Senate Health and Human Services Committee and the House Health and House Human Services committees on an annual basis. This is the first APS report.

The APS Act provides for a uniform, statewide system of protective services for adults with disabilities between 18 and 59 years of age. The Department ensures the consistent and timely investigation of allegations of abuse, neglect, exploitation, or abandonment of adults with disabilities; the prevention of abuse, neglect, exploitation, or abandonment of adults with disabilities; and, when necessary, the provision of services to adults with disabilities who are found to be victims of abuse.

The APS Act affirms an individual's right to dignity and person-centered values in the provision of protective services. The law emphasizes the victim's right to receive "services in the most integrated settings," that services should be delivered in a "manner least restrictive of individual liberties," and that "adults have the right to make choices regarding their lifestyles, relationships, bodies and health even when those choices present risks to themselves or their property."

The Department selected a third-party agency, Liberty Healthcare Corporation (Liberty), through a competitive bidding process, to implement the program statewide on April 1, 2015. Liberty receives allegations of abuse, neglect, exploitation, or abandonment that are referred by a statewide hotline operated and maintained by the Pennsylvania Department of Aging (PDA) through the Area Agencies on Aging (AAA).

Despite having protective services systems in place to address the needs of children and older adults prior to the enactment of Act 70, the commonwealth had lacked the ability to provide for the detection, prevention, reduction and elimination of abuse, neglect, exploitation and abandonment for adults who lack the capacity to protect themselves and are at imminent risk of abuse, neglect, exploitation, or abandonment. The APS program now serves as the bridge between the child and older adult protective services programs.

## EXECUTIVE SUMMARY

**THE DEPARTMENT** is responsible for the implementation and oversight of the APS Act for adults 18 years of age or older, but less than 60 years of age, who have a physical or mental impairment that substantially limits one or more major life activities. The APS Act reinforces the commonwealth's commitment to provide services necessary to protect the health, safety, and well-being of adults who lack the capacity to protect themselves and who are at imminent risk of abuse, neglect, exploitation, or abandonment. APS also safeguards the rights of adults while providing for the detection, reduction, correction, or elimination of abuse, neglect, exploitation, and abandonment. The Department has a responsibility to educate the public as to the availability of services, and create an awareness of issues affecting adults to prevent abuse.

The Department works closely with PDA, Liberty, and the AAAs to administer the APS program at the local level. The local AAAs are responsible for the intake of reports while Liberty is responsible for the investigation of allegations and providing protective services to adults. Within the Department's Bureau of Human Services Licensing (BHSL), the Division of Adult Protective Services is responsible for conducting quality-assurance reviews and providing technical assistance across the commonwealth. For more information regarding various programs available for Pennsylvanians, including the law governing the prevention and protection from abuse, neglect, exploitation, and abandonment, please visit the Department's website at [www.dhs.pa.gov](http://www.dhs.pa.gov).





# REGULATIONS

**ACT 70 OF 2010 REQUIRES THE DEPARTMENT TO** promulgate rules and regulations, in consultation with adults, their families, and advocates and all other departments necessary to implement the act.

The Department commenced 23 meetings with community stakeholders beginning in January 2011 and ending in September 2015. Participants, referred to as the Adult Protective Services Coalition, included: advocates for people with physical and intellectual disabilities and brain injuries; provider associations for in-home care, long-term living, and county commissioners; a mental health consumer's association; a planning and advisory group for individuals with disabilities; a university-based research and advocacy entity; and representatives from department programs that serve adults with physical or mental impairments. The coalition advised the Department on the APS Act related to adults with disabilities and provided varied and diverse perspectives on how the regulations should be crafted. The Department has incorporated many of its recommendations into the proposed rulemaking.

The Department anticipates the proposed regulations to be published for public comment in 2019. The proposed regulations are needed to codify the requirements regarding the safety of adults 18 years of age or older, but under 60 years of age, who have a physical or mental impairment that substantially limits one or more major life activities, and who are at imminent risk. The need for a system of protective services, provided under public auspices, has been well-documented. Such systems have been legislated and regulated across the nation.

The people who will benefit from the regulations include adults in need of protective services, their families and friends, and members of the community who are concerned about them. Public and private organizations that provide community services will benefit from the regulations when recipients of their services are at imminent risk. In addition, the regulations ensure that the Department is notified when recipients are reported to need protective services. Such communication builds a network to coordinate services that better serve recipients.

# REPORTING

## [ REPORTS AT A GLANCE ]

**764** // ADULT PROTECTIVE SERVICE  
REPORTS **PER MONTH**

**THERE ARE TWO TYPES OF REPORTING UNDER APS,** voluntary and mandatory. Both types of reporters have legal protection against retaliation, discrimination, and civil or criminal prosecution under the law. Under the provisions of voluntary reporting, any person who has reasonable cause to suspect that an adult with a physical or mental impairment between 18 and 59 years of age is a victim of abuse may call the statewide Protective Services Hotline number at 800-490-8505. Voluntary reporters may choose to remain anonymous.

A mandatory reporter is defined as “an organization or group of people that uses public funds and is paid, in part, to provide care and support to adults in a licensed or unlicensed setting.” A mandatory reporter is required to make an immediate oral report to the Protective Services Hotline by calling 800-490-8505, followed by a written report to Liberty within 48 hours. In addition, if the allegation involves sexual abuse, serious injury, serious bodily injury or suspicious death, the mandatory reporters must also immediately make an oral report to local law enforcement and to the Department at 717-265-7887, followed by a written report to law enforcement within 48 hours.

The total number of reports of abuse, neglect, exploitation, or abandonment received by APS for SFY 2015-2016 was 9,168 — an average of 764 reports per month. Of the total reports received, 5,222 (57 percent) were reported by mandatory reporters. Table 1 (Page 7) outlines the reports received by county, while Chart 1 (Page 9) provides a map comparing totals between counties where the reports were received.

**[ TABLE 1 ]**

**COUNTY-BY-COUNTY REPORTS & INVESTIGATIONS, SFY 2015-16**

COUNTY	TOTAL REPORTS	%	INVESTIGATED	%	COUNTY	TOTAL REPORTS	%	INVESTIGATED	%
Adams	37	0.4	27	0.54	Lancaster	331	3.61	214	4.25
Allegheny	861	9.39	389	7.73	Lawrence	58	0.63	20	0.40
Armstrong	42	0.46	24	0.48	Lebanon	124	1.35	75	1.49
Beaver	154	1.68	70	1.39	Lehigh	217	2.37	146	2.90
Bedford	62	0.68	35	0.7	Luzerne	175	1.91	96	1.91
Berks	638	6.96	214	4.25	Lycoming	98	1.07	33	0.66
Blair	181	1.97	76	1.51	McKean	41	0.45	26	0.52
Bradford	33	0.36	27	0.54	Mercer	122	1.33	45	0.89
Bucks	197	2.15	119	2.36	Mifflin	53	0.58	21	0.42
Butler	103	1.12	52	1.03	Monroe	62	0.68	44	0.87
Cambria	96	1.05	41	0.81	Montgomery	334	3.64	152	3.02
Cameron	3	0.03	2	0.04	Montour	30	0.33	17	0.34
Carbon	60	0.65	33	0.66	Northampton	89	0.97	56	1.11
Centre	73	0.8	29	0.58	Northumberland	134	1.46	62	1.23
Chester	178	1.94	101	2.01	Perry	39	0.43	31	0.62
Clarion	32	0.35	21	0.42	Philadelphia	1,203	13.12	860	17.09
Clearfield	126	1.37	65	1.29	Pike	27	0.29	22	0.44
Clinton	28	0.31	14	0.28	Potter	4	0.04	3	0.06
Columbia	73	0.8	53	1.05	Schuylkill	117	1.28	62	1.23
Crawford	47	0.51	24	0.48	Snyder	25	0.27	13	0.26
Cumberland	101	1.1	73	1.45	Somerset	70	0.76	39	0.78
Dauphin	435	4.47	275	5.47	Sullivan	2	0.02	1	0.02
Delaware	184	2.01	103	2.05	Susquehanna	6	0.07	4	0.08
Elk	27	0.29	15	0.3	Tioga	22	0.24	19	0.38
Erie	242	2.64	121	2.4	Union	27	0.29	13	0.26
Fayette	191	2.08	95	1.89	Venango	36	0.39	15	0.3
Forest	2	0.02	0	0.0	Warren	58	0.63	9	0.18
Franklin	72	0.79	45	0.89	Washington	197	2.15	119	2.36
Fulton	5	0.05	4	0.89	Wayne	32	0.35	19	0.38
Greene	49	0.53	24	0.48	Westmoreland	367	4.0	172	3.42
Huntingdon	45	0.49	27	0.54	Wyoming	3	0.03	2	0.04
Indiana	77	0.84	37	0.74	York	200	2.18	161	3.2
Jefferson	69	0.75	40	0.79	Out of State	1	0.01	0	0.0
Juniata	21	0.23	6	0.12	Not Indicated	87	0.95	45	0.89
Lackawanna	233	2.54	135	2.68					

<sup>1</sup> County information was not captured at the beginning of the program during SFY 2015-16

# REPORTING INTAKE, INVESTIGATION, & OUTCOME

## ALL REPORTS CALLED INTO THE PROTECTIVE SERVICES HOTLINE

are classified by Liberty and assigned to one of the following referral categories: Priority, Non-Priority, or No Need.

All reports placed in the No Need referral category are reviewed by a Liberty supervisor and all necessary steps are taken to confirm or reject the categorization. If the supervisor confirms the screening categorization, Liberty can offer to make appropriate referrals to other entities. The Department concurrently reviews all reports placed in the No Need referral category and if the Department agrees with Liberty's determination, the case will then be closed. If either the APS supervisor or the Department rejects the No Need categorization, the report is placed in either the Priority or Non-Priority category, and an investigation is initiated within the required timeframes. A report cannot be placed in the No Need category if the adult is temporarily relocated to a safe environment and will return to the original abusive situation or to a new location which has not been determined to be safe.

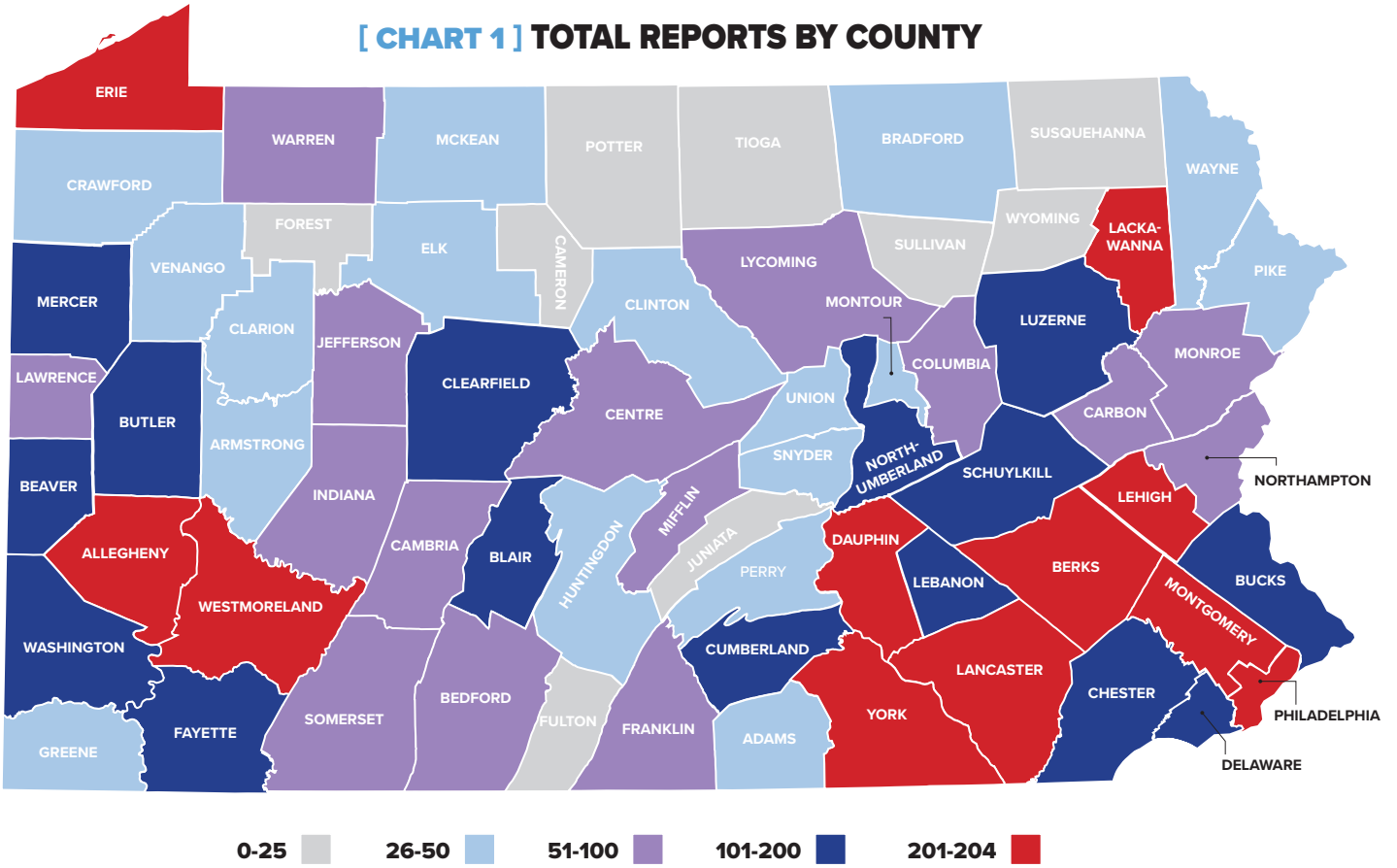
For all reports categorized as Non-Priority or Priority, an investigation is conducted to determine if the adult (victim) named in the report is in need of protective services, which is considered a substantiated report, or is not in need of protective services, which is considered an unsubstantiated report.

### [ INTAKE AT A GLANCE ]

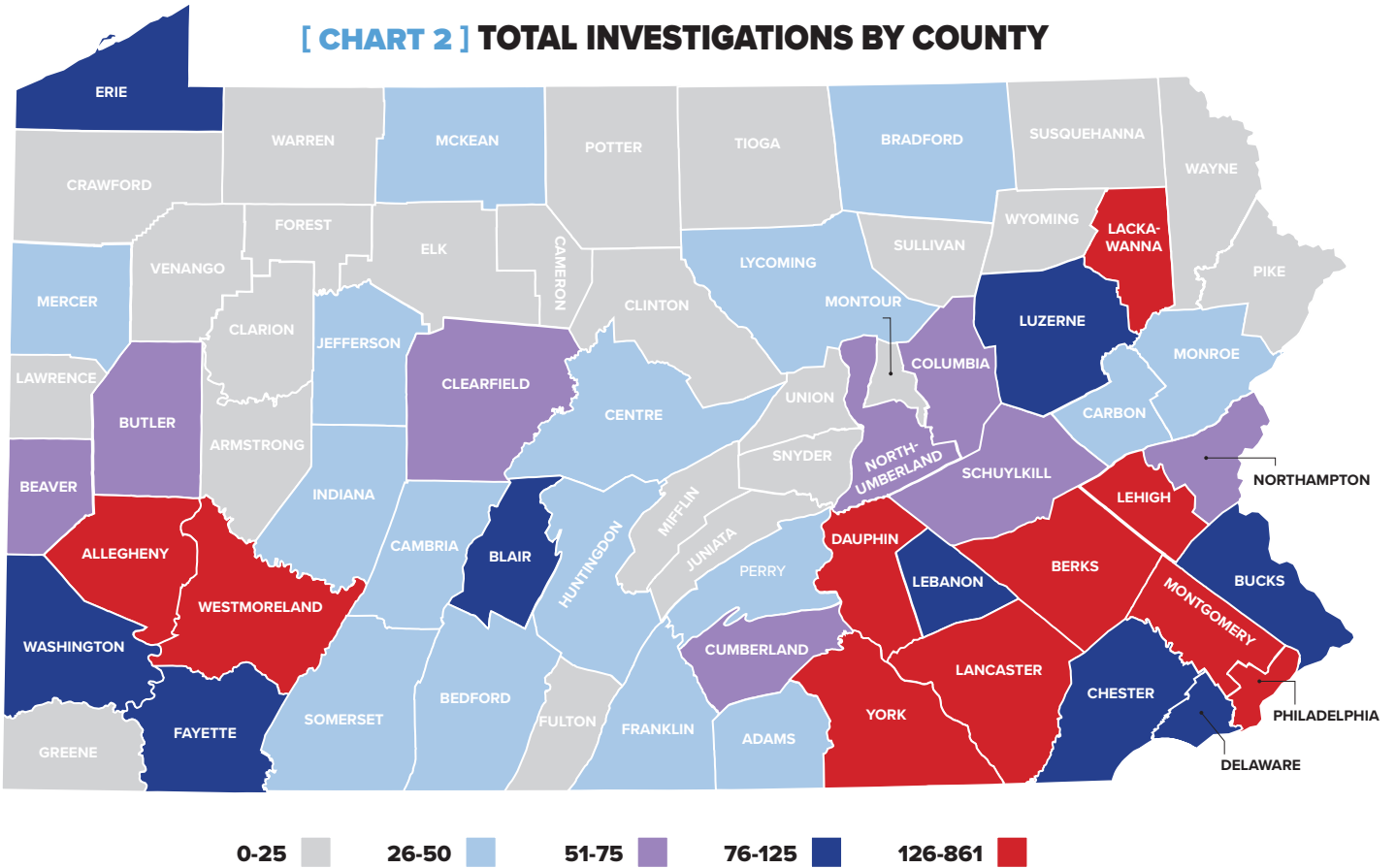
REPORT CATEGORY	DESCRIPTION	RESPONSE TIME
<b>Priority A</b>	A report placed in this category requires immediate attention because specific details in the report indicate the possibility that the adult reported to need protective services is at imminent risk of death, serious injury, or serious bodily injury.	Investigation must be initiated within 24 hours.
<b>Non-Priority A</b>	A report is placed in this category when it does not appropriately fall within the priority category and, therefore, does not require immediate attention by the agency.	Investigation must be initiated within 72 hours.
<b>No Need</b>	A report is placed when the person reported to need protective services meets either of the following criteria: <ul style="list-style-type: none"> <li>• Has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health; or</li> <li>• Is not at imminent risk or danger to his/her person or property.</li> </ul>	Not applicable



[ CHART 1 ] TOTAL REPORTS BY COUNTY



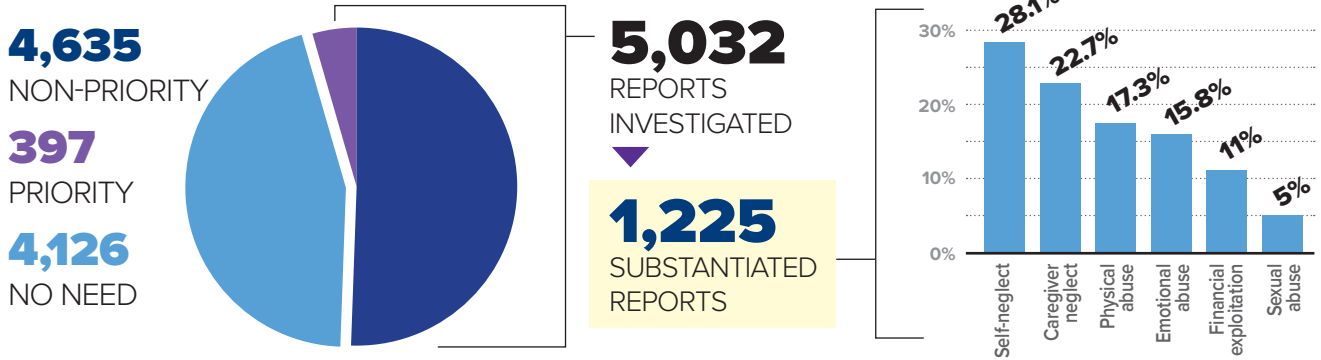
[ CHART 2 ] TOTAL INVESTIGATIONS BY COUNTY



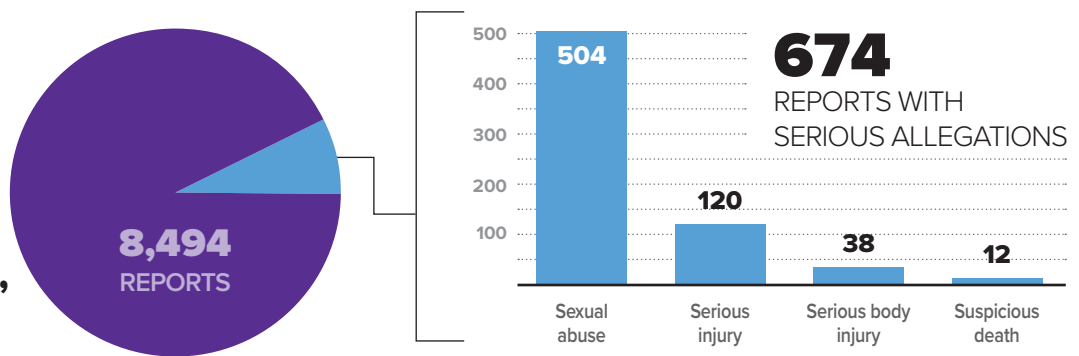
[ CHART 3 ]

REPORT CATEGORIES WITH BREAKDOWN OF ALLEGATIONS

9,168 REPORTS RECEIVED



[ CHART 4 ]  
SERIOUS  
ALLEGATIONS,  
RECEIVED



Of the 9,168 reports received by the department for SFY 2015-16, 674 (7 percent) involved the following serious allegations:

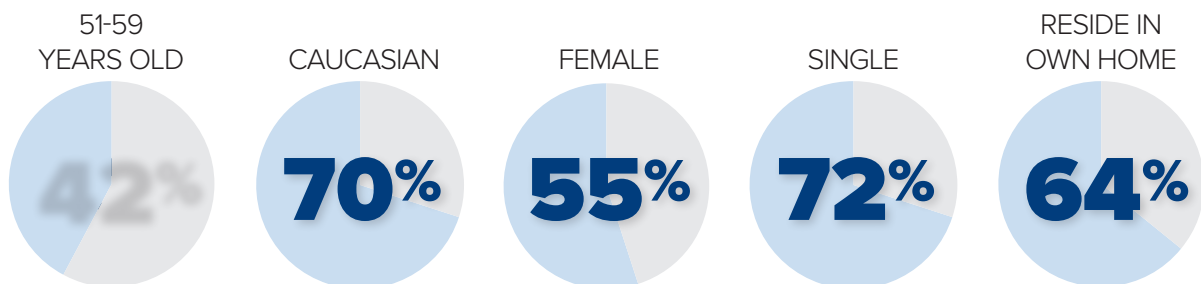
- 1. Suspicious death:** Not investigated by APS, but law enforcement and the coroner were contacted.
- 2. Serious injury:** An injury that causes a person severe pain or significantly impairs a person’s physical or mental functioning, either temporarily or permanently.
- 3. Serious bodily injury:** An injury that creates a substantial risk of death, or causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.
- 4. Sexual abuse:** Intentionally, knowingly, or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, as defined by 18 Pa.C.S. (relating to crimes and offenses).

Of the 674 reports labeled as a serious allegation, 12 reports (1.8 percent) were allegations of suspicious death, 120 reports (17.8 percent) alleged serious injury, 38 report (5.6 percent) alleged serious bodily injury, and 504 reports (74.8 percent) alleged sexual abuse.

During an investigation, all potential types of abuse (physical and emotional abuse, neglect, exploitation, and abandonment) are explored. An investigation is determined to be substantiated when the adult is found to need protective services. Of the 9,168 reports received, 5,032 investigations were conducted, of which 1,225 reports (25 percent) were substantiated. Chart 3 displays the number of reports, investigations, and substantiated reports, as well as the the types of abuse that were substantiated.

# VICTIMS & PERPETRATORS

## [ VICTIMS AT A GLANCE ]



**THROUGHOUT THE COURSE OF A PROTECTIVE SERVICES INVESTIGATION**, information is gathered concerning the characteristics of an individual reported to need protective services (victim) and the alleged abuser (perpetrator). Tracking this data is important as it will help inform public outreach efforts.

The age group most often found in need of protective services is between 51 and 59 years of age (42 percent). The majority are caucasian (70 percent) and female (55 percent). It is important to recognize that many victims are single (72 percent), reside in their own home or apartment (64 percent), and/or are living with another family member (32 percent).

Unlike the Older Adult Protective Services Act (OAPSA), APS does not provide for designation of a perpetrator if there is clear and convincing evidence that the individual was responsible for the abuse of the adult. However, the data that was collected reveals that 55 percent of perpetrators were between the ages of 30 and 59 and were equally male and female. The commonwealth's data is similar to national data in that the largest group of abusers consists of family members. If a criminal act was committed, law enforcement is contacted as part of the protective services care plan.

## PROVISIONS OF SERVICE

**ONCE A CASE IS DETERMINED TO BE SUBSTANTIATED,** services are offered to the individual to reduce or eliminate risk. After exhausting available steps to provide necessary services through existing agency resources, utilization of other providers, and the coordination of public and private entitlements and resources, Liberty may purchase protective services on a time-limited basis.

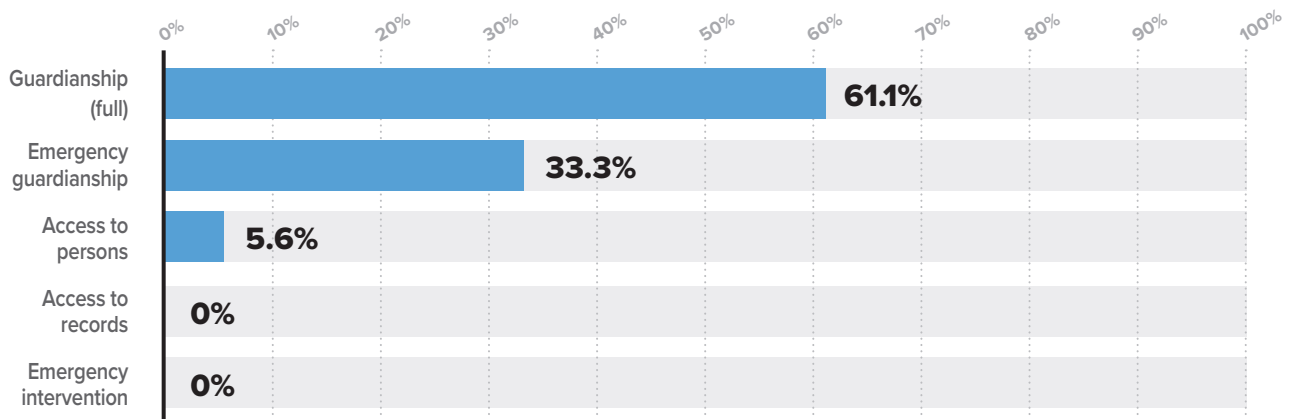
The Temporary Protective Services Costs (TPSC) during the SFY 2015-2016 totaled \$233,950.94. Legal fees accounted for the largest cost of temporary protective services. Other costs included lodging, home supports, and home health care services. Table 2 details the most frequent services provided to adults.

**[ TABLE 2 ]**  
**MOST FREQUENT SERVICES PROVIDED TO ADULTS**

Rank	Protective service
1	Legal fees/expenses
2	Overnight shelter/supervision
3	Companion services
4	Respite care
5	Home supports
6	Assessments
7	Personal care
8	Home health: Aide
9	Pest control/fumigation
10	Home health: Nursing

## COURT ACTIONS

**[ CHART 5 ]**  
**PERCENTAGE OF PETITIONS BY TYPE**



**LIBERTY MAY SEEK COURT ORDERS** to assist in their investigations and ensure the provision of appropriate services. Depending on the circumstances, Liberty may use court orders to access records, protection from abuse orders, guardianship, or involuntary intervention for an adult at risk of death or serious physical harm.

During SFY 2015-2016, 18 petitions were filed — all granted by the court. Full guardianship petitions were the most common (61 percent), and emergency guardianship petitions accounted for the second highest number of petitions (33 percent). Out of all investigated reports received for adults, 18 (.003 percent) resulted in some type of legal intervention. Chart 5 shows the percentage of petitions by type.

## QUALITY ASSURANCE MONITORING

### **THE DEPARTMENT CONTINUES TO CONDUCT SYSTEMATIC QUALITY ASSURANCE MONITORING**

and technical assistance to Liberty. Compliance with the statutory requirements are examined and a sample of cases are reviewed to enhance the program. Support is given to Liberty by conducting on-site visits and providing consultation on an as-needed basis. The Department also supports Liberty by providing basic, advanced, and annual training related to protective services. These are offered through the Institute on Protective Services at Temple University in Harrisburg.

## EDUCATION & TRAINING

**THE DEPARTMENT,** in coordination with Liberty, provided training on the APS law and mandatory abuse reporting at over 50 education and outreach events, including statewide conferences and trainings in SFY 2015-16. The Department held 11 webinars in which more than 2,300 sites participated and were given the opportunity to ask questions regarding Act 70 and mandated reporting.

In addition, through a Memorandum of Understanding with PDA, the Institute on Protective Services continues to provide support, training, resources and consultation to Liberty's investigators, criminal investigators and prosecutors, and other local community organizations.

## RESOURCES



### **PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES ADULT PROTECTIVE SERVICES**

**WEBSITE:** [www.dhs.pa.gov/citizens/reportabuse/dhsadultprotectiveservices/index.htm](http://www.dhs.pa.gov/citizens/reportabuse/dhsadultprotectiveservices/index.htm)

**REPORT ABUSE:** 1-717-736-7116

**ASK A QUESTION:** [RA-PWAPSQuestions@pa.gov](mailto:RA-PWAPSQuestions@pa.gov)



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