



pennsylvania
DEPARTMENT OF HUMAN SERVICES

ADULT PROTECTIVE SERVICES (APS) ANNUAL REPORT

*Fiscal Year
2016-2017*

Tom Wolf, Governor

Teresa Miller, Secretary

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.

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 Act states that "adults have the right to receive services in the most integrated settings and in the manner least restrictive of individual liberties". Furthermore, "Adult have the right to make choices, subject to the laws and regulations of this Commonwealth, 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).

Although the commonwealth has had protective services systems in place to address the needs of children and older adults, prior to the enactment of Act 70, the commonwealth 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 the Pennsylvania Department of Aging (PDA), Liberty, and the Area Agency on Aging's (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.

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 disabilities, intellectual disabilities and brain injuries; provider associations for in-home care, long-term living, and county commissioners; a mental health consumers' association; a planning and advisory group for people 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 also provided varied and diverse perspectives on how the regulations should

be crafted. The department has incorporated many of their recommendations into the proposed rulemaking.

The department anticipates the proposed regulations to be published for public comment in the third quarter of 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 be in need of protective services. Such communication builds a network to coordinate services that better serve recipients.

Reporting

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 “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 at (800) 490-8505 followed up within 48 hours with a written report to Liberty. 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 option 3, followed up within 48 hours with a written report to law enforcement.

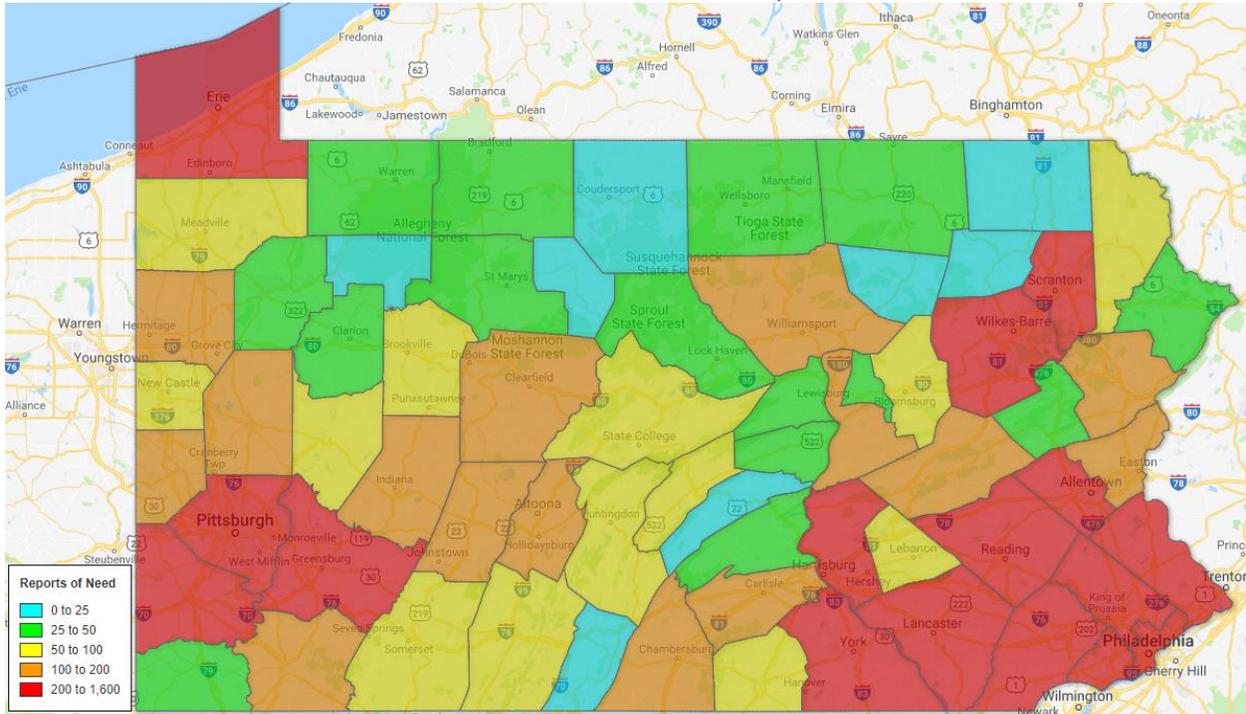
The total number of reports of abuse, neglect, exploitation, or abandonment received by APS for state fiscal year (SFY) 2016-2017 was 10,818, for an average of 901.5 reports per month. Of the total reports received, 5,301 (49 percent) were

from mandatory reporters. Table 1 outlines the reports received by county while Chart 1 provides a heat map for the counties where the reports were received.

Table 1 - NUMBER OF REPORTS BY COUNTY, SFY 2016 - 2017

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Adams	57	0.53%	Lawrence	99	0.92%
Allegheny	1,014	9.37%	Lebanon	99	0.92%
Armstrong	54	0.50%	Lehigh	269	2.49%
Beaver	174	1.61%	Luzerne	209	1.93%
Bedford	56	0.52%	Lycoming	142	1.31%
Berks	513	4.74%	McKean	28	0.26%
Blair	167	1.54%	Mercer	170	1.57%
Bradford	35	0.32%	Mifflin	66	0.61%
Bucks	223	2.06%	Monroe	113	1.04%
Butler	131	1.21%	Montgomery	462	4.27%
Cambria	133	1.23%	Montour	25	0.23%
Cameron	1	0.01%	Northampton	138	1.28%
Carbon	41	0.38%	Northumberland	174	1.61%
Centre	87	0.80%	Perry	47	0.43%
Chester	209	1.93%	Philadelphia	1,572	14.53%
Clarion	30	0.28%	Pike	36	0.33%
Clearfield	133	1.23%	Potter	19	0.18%
Clinton	40	0.37%	Schuylkill	178	1.65%
Columbia	62	0.57%	Snyder	29	0.27%
Crawford	52	0.48%	Somerset	90	0.83%
Cumberland	121	1.12%	Sullivan	4	0.04%
Dauphin	464	4.29%	Susquehanna	15	0.14%
Delaware	228	2.11%	Tioga	28	0.26%
Elk	30	0.28%	Union	29	0.27%
Erie	327	3.02%	Venango	47	0.43%
Fayette	196	1.81%	Warren	39	0.36%
Forest	5	0.05%	Washington	267	2.47%
Franklin	115	1.06%	Wayne	50	0.46%
Fulton	5	0.05%	Westmoreland	383	3.54%
Greene	30	0.28%	Wyoming	13	0.12%
Huntingdon	55	0.51%	York	272	2.51%
Indiana	114	1.05%	Out of State	4	0.04%
Jefferson	54	0.50%			
Juniata	20	0.18%			
Lackawanna	227	2.10%			
Lancaster	499	4.61%			

Chart 1: HEAT MAP REPORTS BY COUNTY, SFY 2016-2017



Reports of Abuse: Intake, Investigation, and 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.

Report Categorization	Description	Agency Response Time
Priority	A report placed in this category will require 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 or serious injury or serious bodily injury.	Investigation must be initiated within 24 hours.
Non-Priority	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.
No Need	A report is placed in this category when the person reported to be in need of protective services meets either of the following criteria: <ul style="list-style-type: none"> ➤ Has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health; or ➤ Is not at imminent risk or danger to his/her person or property. 	Not Applicable

All reports placed in the No Need referral category are reviewed by a Liberty

supervisor and all steps necessary are taken to confirm or reject the categorization. If the Liberty 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 can not 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.

Of the 10,818 reports received in SFY 2016-2017, 404 (3.7 percent) were classified as Priority, 5,801 (53.6 percent) were categorized as Non-Priority, 4,613 (42.6 percent) were classified as No Need for Investigation. Since only Non-Priority and Priority reports are investigated, of the total number of reports received, 6,205 (57.4 percent) were determined appropriate for investigation in SFY 2016-17.

Chart 2 shows categorizations of reports received during the state fiscal year. 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.

Chart 2: CATEGORIZATIONS OF REPORTS RECEIVED, SFY 2016-2017

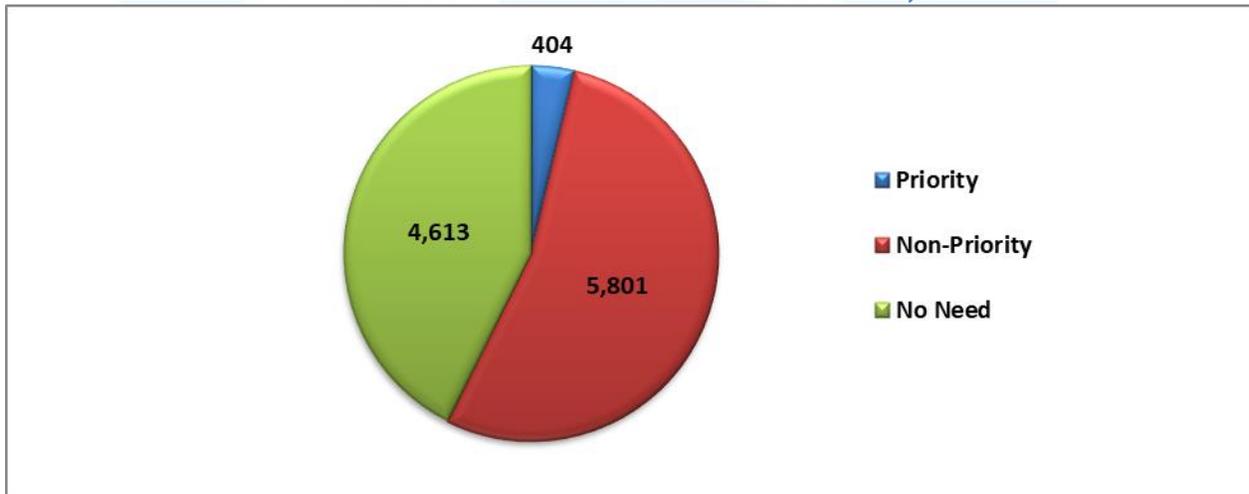
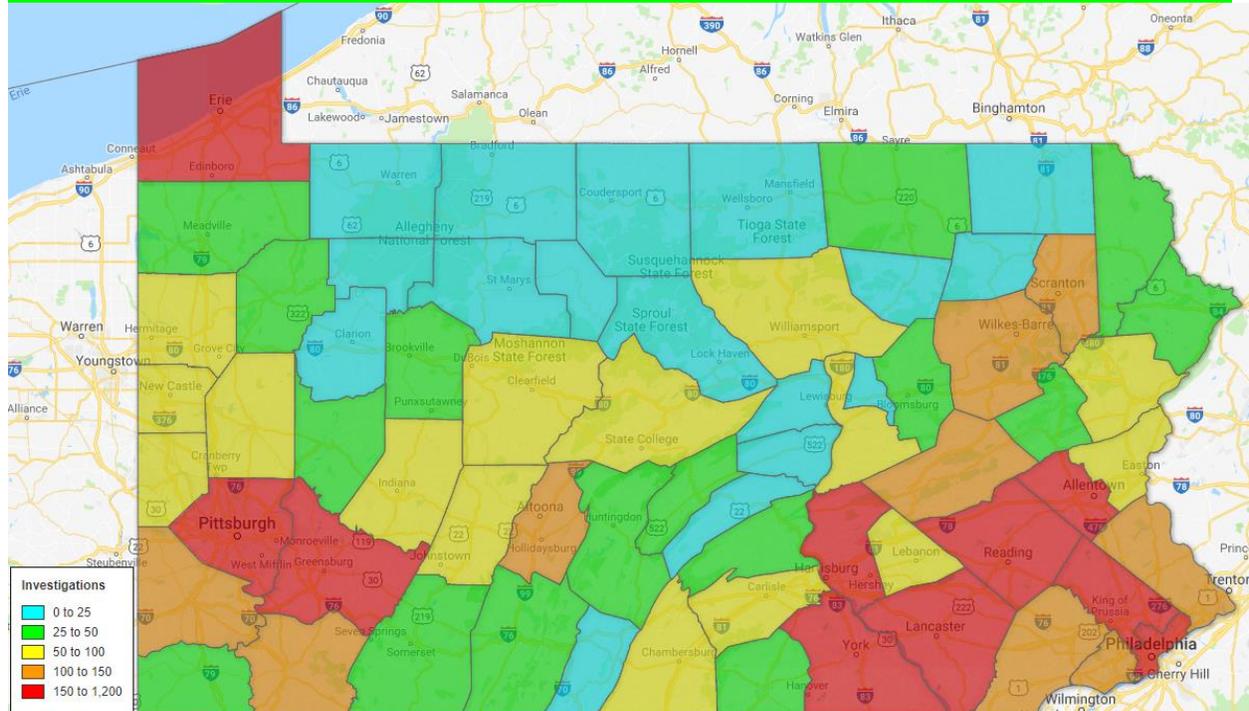


Table 2 outlines the total reports investigated by county and Chart 3 provides a heat map of the counties in the commonwealth where the investigations were conducted.

Table 2 - INVESTIGATIONS BY COUNTY, SFY 2016 - 2017

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Adams	39	0.63%	Lawrence	61	0.98%
Allegheny	511	8.24%	Lebanon	70	1.13%
Armstrong	28	0.45%	Lehigh	177	2.85%
Beaver	94	1.51%	Luzerne	111	1.79%
Bedford	37	0.60%	Lycoming	61	0.98%
Berks	228	3.67%	McKean	18	0.29%
Blair	101	1.63%	Mercer	54	0.87%
Bradford	25	0.40%	Mifflin	41	0.66%
Bucks	107	1.72%	Monroe	84	1.35%
Butler	65	1.05%	Montgomery	160	2.58%
Cambria	80	1.29%	Montour	16	0.26%
Cameron	1	0.02%	Northampton	90	1.45%
Carbon	29	0.47%	Northumberland	96	1.55%
Centre	58	0.93%	Perry	42	0.68%
Chester	113	1.82%	Philadelphia	1,017	16.39%
Clarion	16	0.26%	Pike	31	0.50%
Clearfield	90	1.45%	Potter	13	0.21%
Clinton	15	0.24%	Schuylkill	126	2.03%
Columbia	44	0.71%	Snyder	14	0.23%
Crawford	29	0.47%	Somerset	47	0.76%
Cumberland	82	1.32%	Sullivan	2	0.03%
Dauphin	311	5.01%	Susquehanna	13	0.21%
Delaware	121	1.95%	Tioga	21	0.34%
Elk	24	0.39%	Union	20	0.32%
Erie	171	2.76%	Venango	35	0.56%
Fayette	122	1.97%	Warren	13	0.21%
Forest	2	0.03%	Washington	147	2.37%
Franklin	80	1.29%	Wayne	34	0.55%
Fulton	3	0.05%	Westmoreland	163	2.63%
Greene	25	0.40%	Wyoming	5	0.08%
Huntingdon	34	0.55%	York	174	2.80%
Indiana	54	0.87%	Out of State	1	0.02%
Jefferson	35	0.56%			
Juniata	14	0.23%			
Lackawanna	140	2.26%			
Lancaster	320	5.16%			

Chart 3: HEAT MAP INVESTIGATIONS BY COUNTY, SFY 2016-2017



Out of the 10,818 reports received by the department for the state fiscal year, 741 (7 percent) involved the following serious allegations:

1. Suspicious death (not investigated by APS, but law enforcement and the coroner are 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 741 reports labeled as one of the serious allegations identified above, 26 (3.5 percent) reports were for allegations of suspicious death, 167 (22.5 percent) reports alleged serious injury, 25 (3.4 percent) alleged serious bodily injury, and 523 (70.6 percent) reports alleged sexual abuse.

During an investigation, all potential types of abuse (abuse, neglect, exploitation, and abandonment) are explored. An investigation is determined to be substantiated when the adult is found to be in need of protective services at the time of the investigation. Of the 10,818 reports received, 6,205 were determined appropriate for investigation of which 2,872 (46.3 percent) of the cases were substantiated.

Chart 4: NUMBER OF REPORTS, INVESTIGATIONS, AND SUBSTANTIATED REPORTS

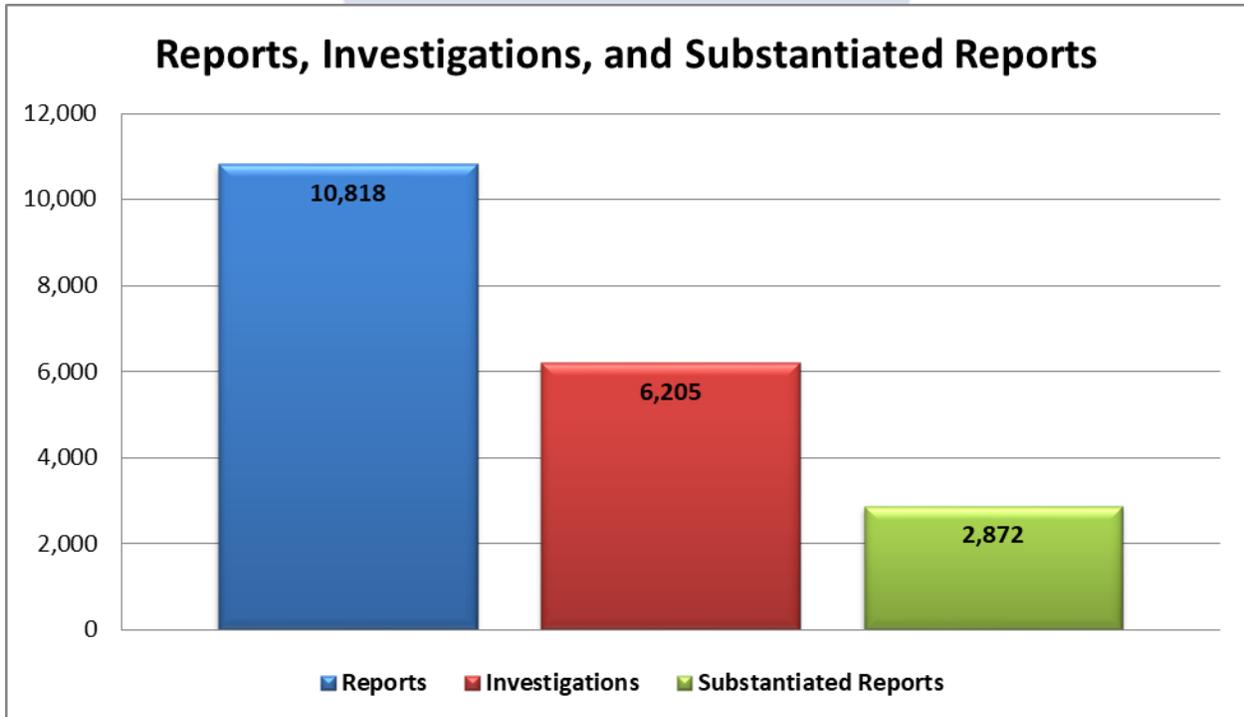


Table 3 displays the types of abuse that were substantiated. The most frequent reports were for neglect (self-neglect 38.1 percent and caregiver neglect 23.1 percent) followed by emotional abuse (19.7 percent).

Table 3- SUBSTANTIATED ALLEGATIONS FOR INVESTIGATED CASES

Substantiated Allegation	Percentage
Self-Neglect	38.1%
Caregiver Neglect	23.1%
Emotional Abuse	19.7%
Financial Exploitation	11.1%
Sexual Abuse	7.3%
Physical Abuse	5.3%

**The above totals depict above 100% due to the potential for more than one area of abuse to be substantiated per investigation.

Victim and Perpetrator Characteristics

Throughout the course of a protective services investigation, information is gathered concerning the characteristics of an individual (victim) reported to need protective services 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 (46 percent). The majority are Caucasian (69 percent) and female (55 percent). It is important to recognize that many victims are single (70 percent), reside in their own home or apartment (57 percent), and/or are living with another family member (29 percent).

Unlike the Older Adult Protective Services Act (OAPSA), APS Act 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 30-59 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.

Provision of Services

Once a case is determined to be substantiated, services are offered to the adult 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 state fiscal year totaled \$792,818.52. Legal fees accounted for the largest cost of temporary protective services. Other costs included: lodging, home supports, and home health care services. The following chart details the most frequent services provided to adults:

Rank	Protective Service
1	Legal Fees/Expenses
2	Personal Care
3	Lodging
4	Assessment-Competency Evaluation
5	Home Health-Nursing
6	Home Support

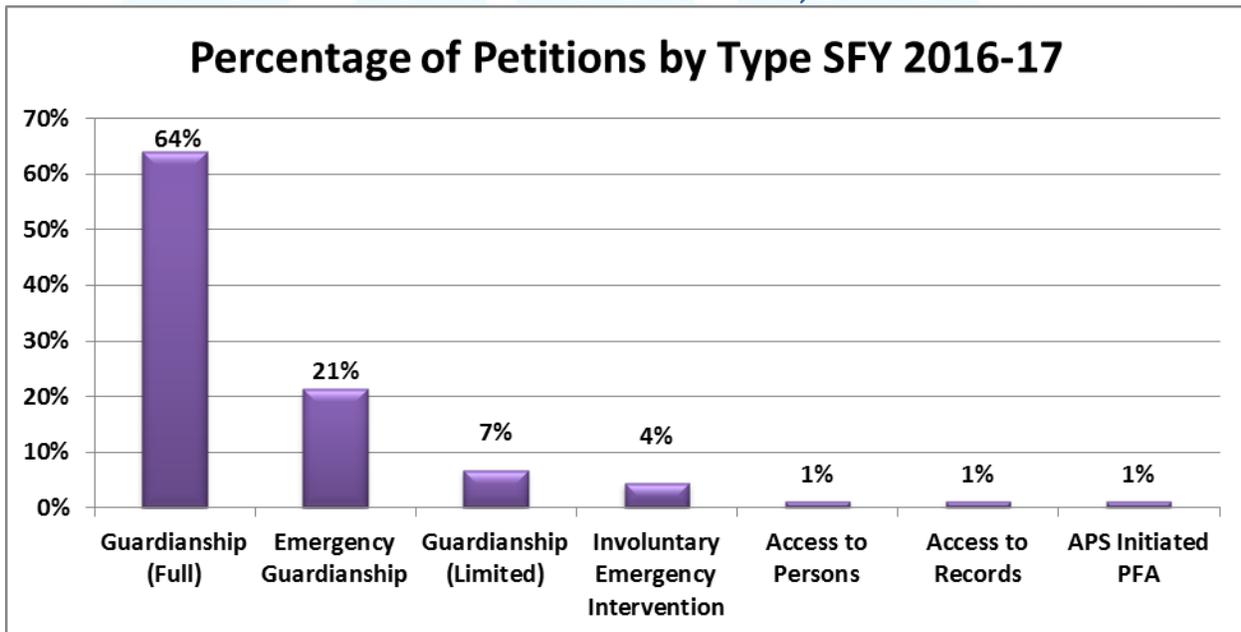
7	Companion Services
8	Pest Control/Fumigation
9	Guardianship
10	Home Health-Aide

Court Actions

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 this state fiscal year, 89 petitions were filed, all of which were granted by the court. Full guardianship petitions were the most common (64 percent) and emergency guardianship petitions accounted for the second highest number of petitions (21 percent). Out of all investigated reports received for adults, 89 (0.3 percent) resulted in some type of legal intervention.

Chart 5: PERCENTAGE OF PETITIONS BY TYPE, SFY 2016-17



Quality Assurance Monitoring

The department continues to conduct systematic quality assurance monitoring and technical assistance to Liberty. Compliance with the statutory requirements is examined and a sample of cases is reviewed to enhance the program. Support is

given to Liberty by conducting onsite 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 and Training

During the state fiscal year, the department, in coordination with Liberty, provided training on the APS Act and mandatory abuse reporting at over 40 education and outreach events including statewide conferences and trainings. The department held eight webinars in which more than 2,000 sites participated and were given the opportunity to ask questions regarding Act 70 and mandated reporting.

In addition, the department, through a Memorandum of Understanding with PDA, Aging's 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. These entities work together to uncover, investigate, and prosecute crimes against adults and older adults.