



pennsylvania
DEPARTMENT OF HUMAN SERVICES

ADULT PROTECTIVE SERVICES (APS) ANNUAL REPORT

Fiscal Year 2018-2019

Tom Wolf, Governor

Meg Snead, Acting Secretary

Introduction

The Adult Protective Services (APS) Act (35 P.S. §§ 10210.101--10210.704) also known as Act 70 of 2010 (Act 70), (Act of Oct. 7, 2010, P.L. 484, No. 70) requires the Department of Human Services (Department) to prepare an annual report to the Senate Health and Human Services Committee and the House Health and House Human Services Committees on the program and services performed by APS.

Act 70 provides for a uniform statewide system of protective services for adults with disabilities between 18 and 59 years of age. The Department administers the program to provide 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.

Act 70 affirms an individual's right to dignity and person-centered values in the provision of protective services. Act 70 states that "adults have the right to receive services in the most integrated settings and in the manner least restrictive of individual liberties." Furthermore, "adults 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 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 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 remains the current contractor who 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 Act 70 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 activity. Act 70 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. Act 70 also safeguards the rights of adults while providing for the detection, reduction, correction or elimination of abuse, neglect, exploitation, and abandonment. The Department has the 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 PDA, Liberty, and the AAAs to administer the APS program at the local level. The local AAAs are responsible for the intake of reports of need, 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 the 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 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 intellectual disabilities. The coalition advised the Department on Act 70 related to adults with disabilities and provided varied and diverse perspectives on how the regulations should be crafted. The Department incorporated many of their recommendations into the

draft proposed rulemaking.

The Department anticipates the proposed regulations to be published for public comment in the winter of 2022.

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 18 years of age or older but under 60 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 reporter must also immediately make an oral report to local law enforcement and to the Department at (717) 265-7887, 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 FY 2018-2019 was 13,574, for an average of 1,131 reports per month. Of the total reports received, 8,161 (60%) 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.

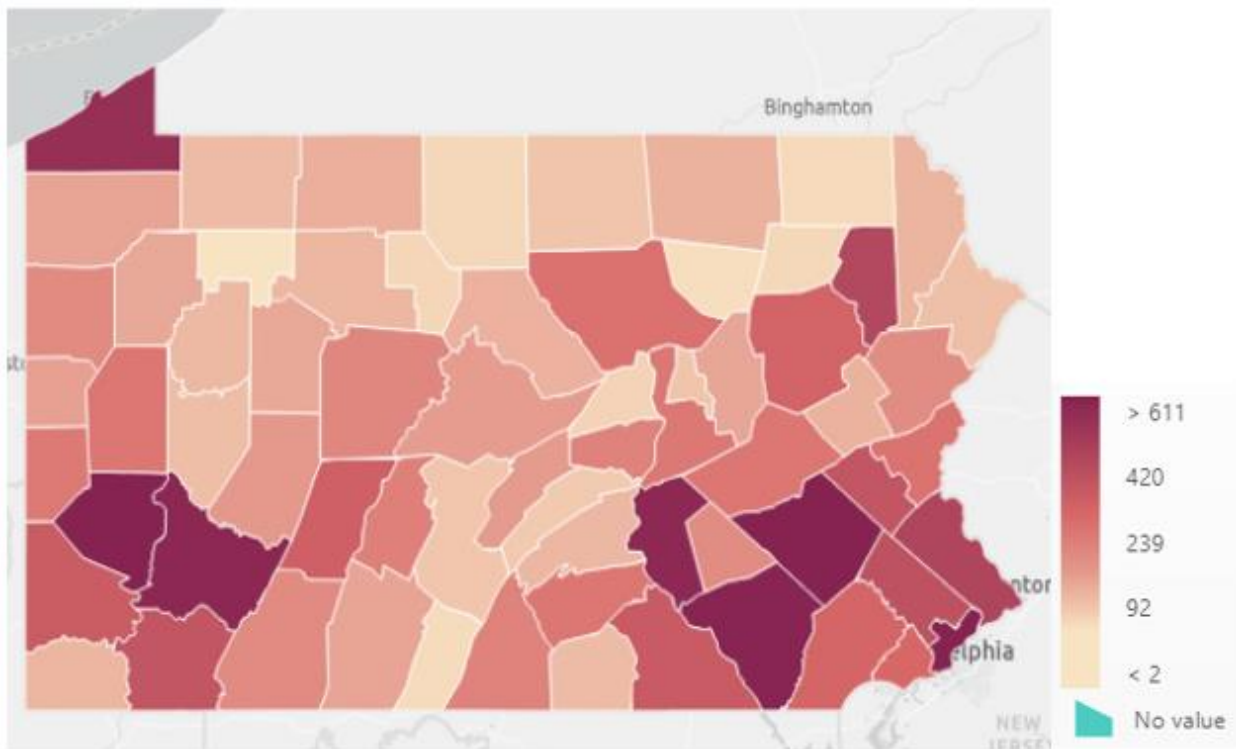
Table 1 – NUMBER OF REPORTS BY COUNTY, SFY 2018-2019

(**Numbers less than 15 have been suppressed to protect confidentiality of individuals)

| COUNTY | TOTAL REPORTS | % | COUNTY | TOTAL REPORTS | % |
|------------|---------------|-------|----------------|---------------|--------|
| Adams | 49 | 0.36% | Lawrence | 84 | 0.62% |
| Allegheny | 1,172 | 8.63% | Lebanon | 129 | 0.95% |
| Armstrong | 47 | 0.35% | Lehigh | 335 | 2.47% |
| Beaver | 186 | 1.37% | Luzerne | 260 | 1.92% |
| Bedford | 79 | 0.58% | Lycoming | 209 | 1.54% |
| Berks | 611 | 4.50% | McKean | 65 | 0.48% |
| Blair | 165 | 1.22% | Mercer | 135 | 0.99% |
| Bradford | 62 | 0.46% | Mifflin | 90 | 0.66% |
| Bucks | 420 | 3.09% | Monroe | 127 | 0.94% |
| Butler | 193 | 1.42% | Montgomery | 355 | 2.62% |
| Cambria | 279 | 2.06% | Montour | 39 | 0.29% |
| Cameron | 18 | 0.13% | Northampton | 207 | 1.52% |
| Carbon | 62 | 0.46% | Northumberland | 189 | 1.39% |
| Centre | 87 | 0.64% | Perry | 54 | 0.40% |
| Chester | 252 | 1.86% | Philadelphia | 1,778 | 13.10% |
| Clarion | 53 | 0.39% | Pike | 45 | 0.33% |
| Clearfield | 143 | 1.05% | Potter | ** | ** |
| Clinton | 61 | 0.45% | Schuylkill | 195 | 1.44% |
| Columbia | 76 | 0.56% | Snyder | 158 | 1.16% |
| Crawford | 79 | 0.58% | Somerset | 133 | 0.98% |
| Cumberland | 195 | 1.44% | Sullivan | ** | ** |
| Dauphin | 576 | 4.24% | Susquehanna | ** | ** |
| Delaware | 239 | 1.76% | Tioga | 38 | 0.28% |
| Elk | 55 | 0.41% | Union | 21 | 0.15% |
| Erie | 541 | 3.99% | Venango | 72 | 0.53% |
| Fayette | 336 | 2.48% | Warren | 49 | 0.36% |
| Forest | ** | ** | Washington | 299 | 2.20% |

| COUNTY | TOTAL REPORTS | % | COUNTY | TOTAL REPORTS | % |
|------------|---------------|-------|--------------|---------------|-------|
| Franklin | 158 | 1.16% | Wayne | 58 | 0.43% |
| Fulton | ** | ** | Westmoreland | 582 | 4.29% |
| Greene | 57 | 0.42% | Wyoming | ** | ** |
| Huntingdon | 37 | 0.27% | York | 310 | 2.28% |
| Indiana | 92 | 0.68% | Out of State | ** | ** |
| Jefferson | 72 | 0.53% | | | |
| Juniata | 32 | 0.24% | | | |
| Lackawanna | 403 | 2.97% | | | |
| Lancaster | 602 | 4.43% | | | |

Chart 1: HEAT MAP REPORTS BY COUNTY, SFY 2018-2019



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 for investigation.

| 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, including a face-to-face with the adult. |
| 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, including a face-to-face with the adult. |
| No Need for Investigation | 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 Liberty 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.

Of the 13,574 reports received in SFY 2018-2019, 1,068 (7.9%) were classified as Priority, 9,126 (67.2%) were categorized as Non-Priority and 3,380 (24.9%) were classified as No Need for Investigation. Since only Priority and Non-Priority reports are investigated, of the total number of reports received, 10,194 (75.1%) were determined appropriate for investigation in SFY 2018-2019.

Chart 2 shows categorizations of reports received during the state fiscal year. For all reports categorized as Priority or Non-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 2018-2019

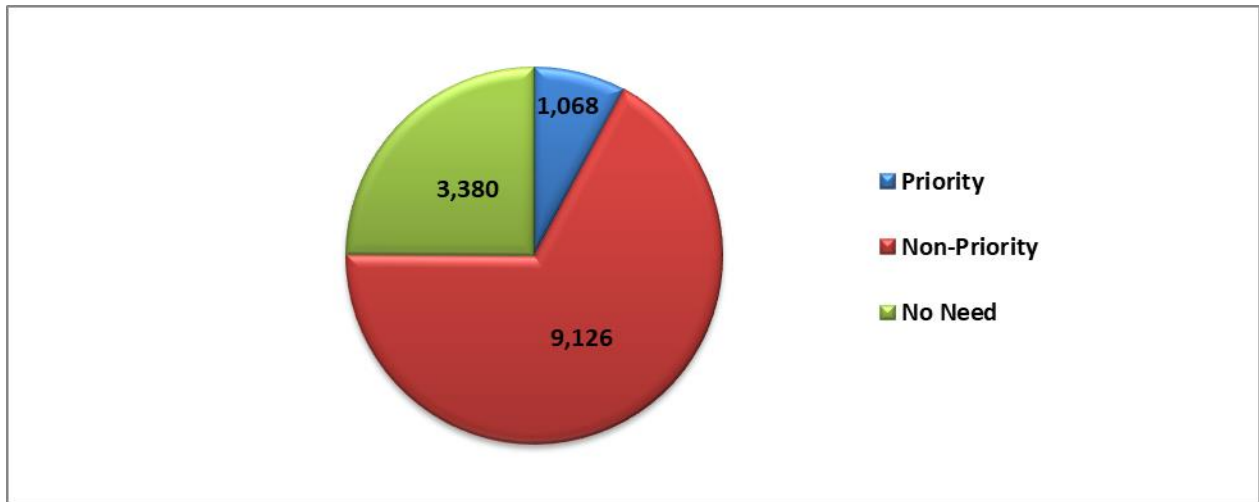


Table 2 outlines the total reports received and investigated by county and Chart 3 provides a heat map of the counties in the commonwealth where the investigations were conducted.

Table 2 - INVESTIGATIONS BY COUNTY, SFY 2018-2019

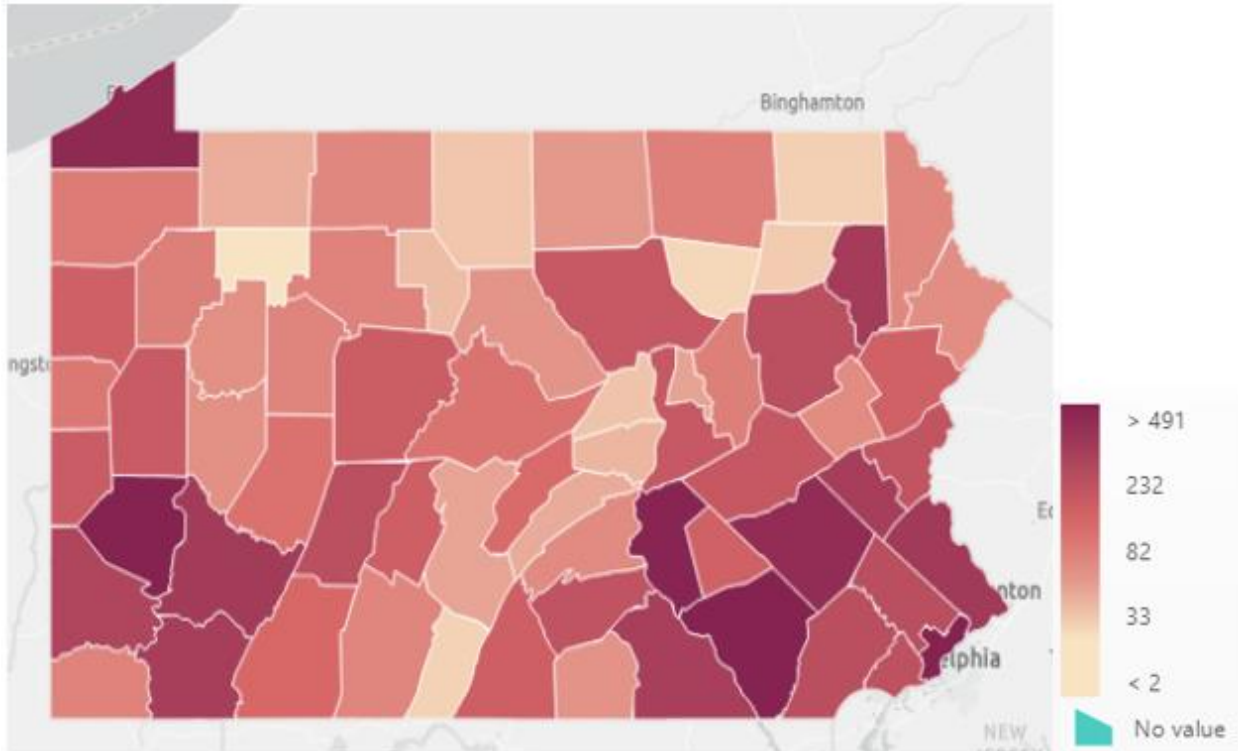
(**Numbers less than 15 have been suppressed to protect confidentiality of individuals)

| COUNTY | TOTAL REPORTS | % | COUNTY | TOTAL REPORTS | % |
|-----------|---------------|-------|----------|---------------|-------|
| Adams | 39 | 0.38% | Lawrence | 66 | 0.65% |
| Allegheny | 804 | 7.89% | Lebanon | 111 | 1.09% |
| Armstrong | 42 | 0.41% | Lehigh | 284 | 2.79% |
| Beaver | 136 | 1.33% | Luzerne | 188 | 1.84% |
| Bedford | 52 | 0.51% | Lycoming | 149 | 1.46% |
| Berks | 414 | 4.06% | Mckean | 50 | 0.49% |
| Blair | 121 | 1.19% | Mercer | 114 | 1.12% |
| Bradford | 57 | 0.56% | Mifflin | 79 | 0.77% |

| COUNTY | TOTAL REPORTS | % | COUNTY | TOTAL REPORTS | % |
|------------|---------------|-------|----------------|---------------|--------|
| Bucks | 319 | 3.13% | Monroe | 113 | 1.11% |
| Butler | 141 | 1.38% | Montgomery | 191 | 1.87% |
| Cambria | 188 | 1.84% | Montour | 29 | 0.28% |
| Cameron | 18 | 0.18% | Northampton | 165 | 1.62% |
| Carbon | 46 | 0.45% | Northumberland | 147 | 1.44% |
| Centre | 70 | 0.69% | Perry | 47 | 0.46% |
| Chester | 192 | 1.88% | Philadelphia | 1,400 | 13.73% |
| Clarion | 42 | 0.41% | Pike | 44 | 0.43% |
| Clearfield | 129 | 1.27% | Potter | ** | ** |
| Clinton | 37 | 0.36% | Schuylkill | 152 | 1.49% |
| Columbia | 58 | 0.57% | Snyder | 21 | 0.21% |
| Crawford | 62 | 0.61% | Somerset | 82 | 0.80% |
| Cumberland | 169 | 1.66% | Sullivan | ** | ** |
| Dauphin | 475 | 4.66% | Susquehanna | ** | ** |
| Delaware | 177 | 1.74% | Tioga | 33 | 0.32% |
| Elk | 55 | 0.54% | Union | ** | ** |
| Erie | 442 | 4.34% | Venango | 58 | 0.57% |
| Fayette | 281 | 2.76% | Warren | 24 | 0.24% |
| Forest | ** | ** | Washington | 232 | 2.28% |
| Franklin | 119 | 1.17% | Wayne | 49 | 0.48% |
| Fulton | ** | ** | Westmoreland | 308 | 3.02% |
| Greene | 55 | 0.54% | Wyoming | ** | ** |
| Huntingdon | 28 | 0.27% | York | 275 | 2.70% |
| Indiana | 72 | 0.71% | Out of State | ** | ** |
| Jefferson | 53 | 0.52% | | | |
| Juniata | 25 | 0.25% | | | |
| Lackawanna | 305 | 2.99% | | | |

| COUNTY | TOTAL REPORTS | % | COUNTY | TOTAL REPORTS | % |
|-----------|---------------|-------|--------|---------------|---|
| Lancaster | 491 | 4.82% | | | |

Chart 3: HEAT MAP INVESTIGATIONS BY COUNTY, SFY 2018-2019



Out of the 13,574 reports received by the Department for the state fiscal year, 882 (6.5%) 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 the Pennsylvania Crimes Code.

Of the 882 reports labeled as one of the serious allegations identified above, 18 (2.0%) reports were for allegations of suspicious death, 172 (19.5%) reports alleged serious injury, 40 (4.5%) alleged serious bodily injury and 652 (73.9%) 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 13,574 reports received, 10,194 were determined appropriate for investigation, of which, 5,457 (53.5%) of the cases were substantiated.

Chart 4: NUMBER OF REPORTS, INVESTIGATIONS AND SUBSTANTIATED REPORTS

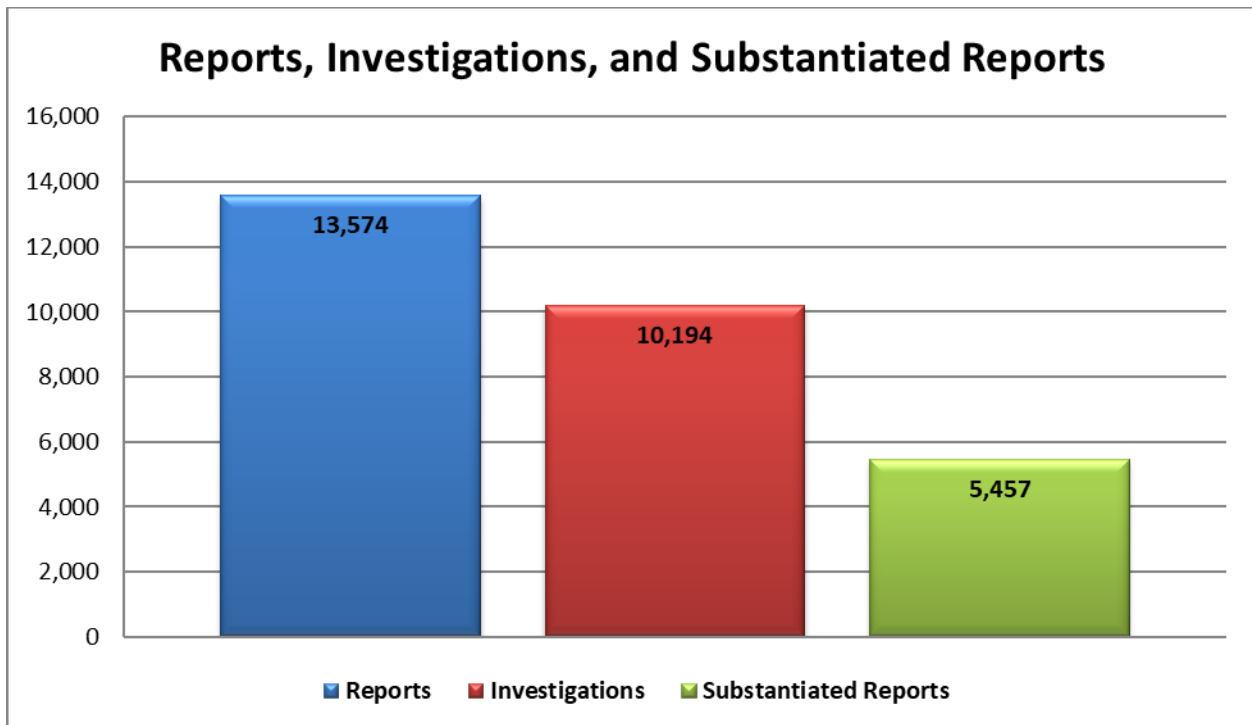


Table 3 displays the types of abuse that were substantiated. The most frequent reports were for neglect (self-neglect 32.1% and caregiver neglect 24.4%) followed by emotional abuse (18.8%).

Table 3- SUBSTANTIATED ALLEGATIONS FOR INVESTIGATED CASES

| Substantiated Allegation | Percentage |
|--------------------------|------------|
| Self-Neglect | 32.1% |
| Caregiver Neglect | 24.4% |
| Emotional Abuse | 18.8% |
| Financial Exploitation | 12.8% |
| Sexual Abuse | 4.9% |
| Physical Abuse | 4.0% |

**The above totals depict below 100% as 174 cases (3.0%) did not identify the type of abuse that was substantiated.

Victim and Alleged 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 (alleged 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 (43%). The majority are Caucasian (70%) and female (55%). It is important to recognize that many victims are single (72%), reside in their own home or apartment (51%) and/or are living with other family members (29%).

Unlike the Older Adult Protective Services Act (OAPSA), the Act 70 does not provide for designation of a perpetrator. However, the data that was collected reveals that 38% of alleged perpetrators were between 30 and 59 years of age and 42% were 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 and services are necessary to reduce or eliminate the identified risk, services are timely offered. 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 \$1,655,875.71. Legal fees accounted for the largest cost of TPSC. Other costs included: guardianship, home health-aide, competency evaluation and respite care. The following chart details the most frequent services provided to adults:

Chart 5: Temporary Protective Services (TPSC)

| Rank | Protective Service |
|------|-----------------------------------|
| 1 | Legal Fees/Expenses |
| 2 | Guardianship |
| 3 | Personal Care Home |
| 4 | Respite Care |
| 5 | Home Health Aide |
| 6 | Competency/Psychiatric Evaluation |
| 7 | Home Support |
| 8 | Lodging |
| 9 | Personal Care |
| 10 | Extermination/Pest Control |

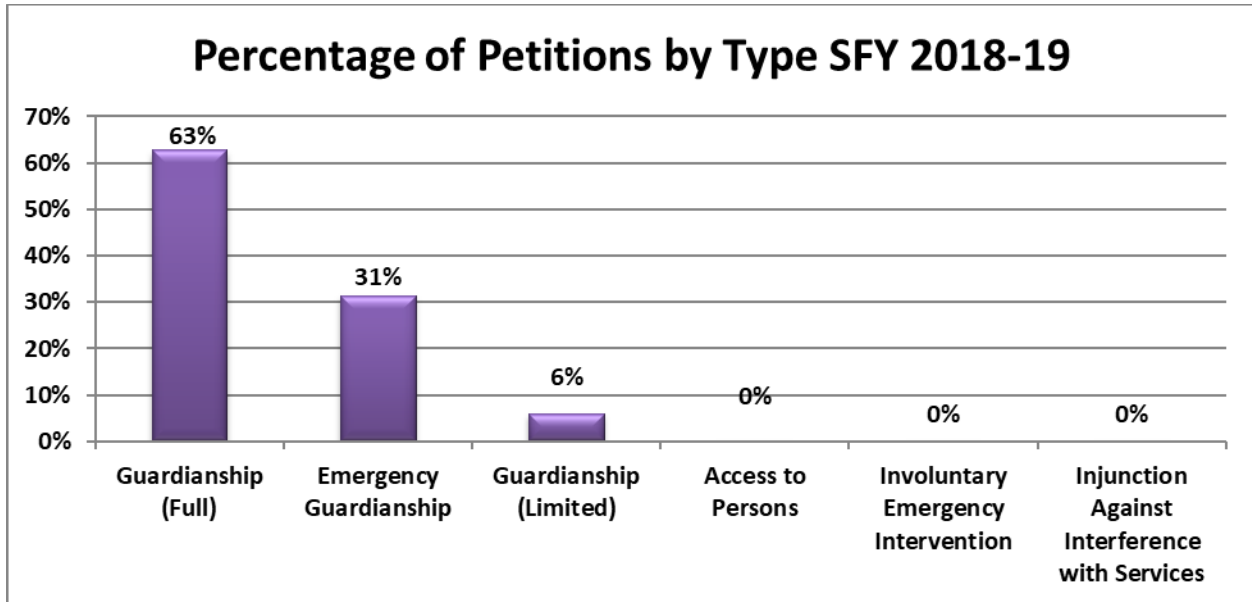
Court Actions

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, to seek protection from abuse orders, to establish guardianship, or for to obtain an involuntary intervention for an adult at risk of death or serious physical harm.

During this state fiscal year, 51 petitions were filed, all of which were granted by the court. Full guardianship petitions were the most common (63%) and emergency guardianship petitions accounted for the second highest number of petitions (31%). Out of all investigated reports received for adults, 51 (0.01%) resulted in some type of legal intervention.

Chart 6: PERCENTAGE OF PETITIONS BY TYPE, SFY 2018-2019



Quality Assurance Monitoring

The Department continues to conduct systematic quality assurance monitoring and provide 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 opportunities related to protective services. These are offered through the Institute on Protective Services at Temple University in Harrisburg.

Education and Training

During the FY 2018-2019, the Department provided training on Act 70 and mandatory abuse reporting at over 21 education and outreach events and monthly webinars. Through these training opportunities, the Department was able to reach over 1,700 individuals and they 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.

Conclusion

The Department maintains its responsibility for the implementation and oversight of the Adult Protective Services Program, contracted to Liberty Healthcare. The Department continues to provide close oversight of Liberty, to ensure all allegations of abuse, neglect, exploitation and abandonment are investigated thoroughly, and appropriate services are offered to individuals determined to be at risk. Through this close oversight, the Department can identify areas where structured guidance can be developed and provided to Liberty.