



pennsylvania
DEPARTMENT OF HUMAN SERVICES

ADULT PROTECTIVE
SERVICES (APS) ANNUAL
REPORT
Fiscal Year 2019-2020

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 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 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.

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 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 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 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 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 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

The 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 mental impairments. 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 has 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 2021. 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 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 reporters 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 state fiscal year (SFY) 2019-2020 was 13,970, for an average of 1,164 reports per month. Of the total reports received, 8,348 (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.

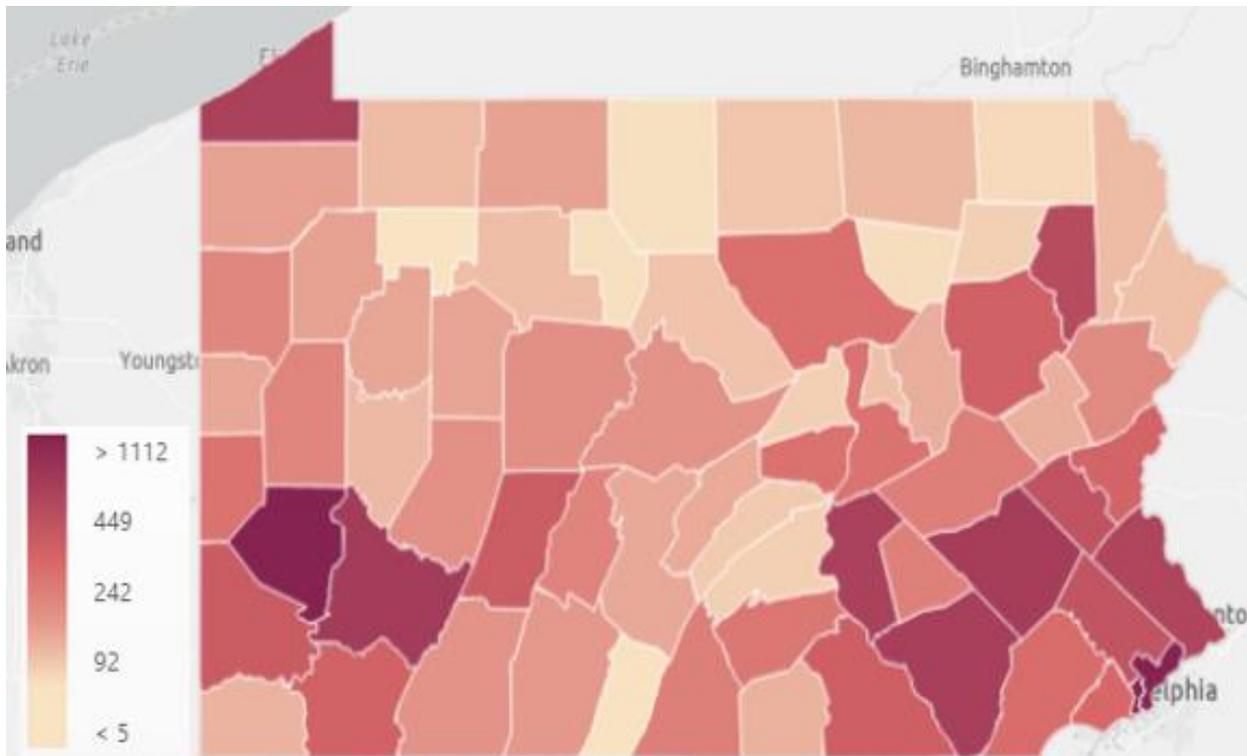
Table 1 – NUMBER OF REPORTS BY COUNTY, SFY 2019-2020

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

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Adams	63	0.45%	Lawrence	75	0.54%
Allegheny	1,112	7.96%	Lebanon	165	1.18%
Armstrong	54	0.39%	Lehigh	364	2.61%
Beaver	208	1.49%	Luzerne	283	2.03%
Bedford	92	0.66%	Lycoming	214	1.53%
Berks	601	4.30%	McKean	82	0.59%
Blair	155	1.11%	Mercer	148	1.06%
Bradford	56	0.40%	Mifflin	71	0.51%
Bucks	449	3.21%	Monroe	133	0.95%
Butler	149	1.07%	Montgomery	359	2.57%
Cambria	309	2.21%	Montour	45	0.32%
Cameron	**	**	Northampton	265	1.90%
Carbon	65	0.47%	Northumberland	207	1.48%
Centre	111	0.79%	Perry	28	0.20%
Chester	227	1.62%	Philadelphia	2,041	14.61%
Clarion	77	0.55%	Pike	45	0.32%
Clearfield	122	0.87%	Potter	**	**
Clinton	43	0.31%	Schuylkill	171	1.22%
Columbia	67	0.48%	Snyder	212	1.52%
Crawford	81	0.58%	Somerset	111	0.79%
Cumberland	193	1.38%	Sullivan	**	**
Dauphin	533	3.82%	Susquehanna	**	**
Delaware	242	1.73%	Tioga	39	0.28%
Elk	48	0.34%	Union	28	0.20%
Erie	526	3.77%	Venango	82	0.59%

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Fayette	278	1.99%	Warren	52	0.37%
Forest	**	**	Washington	311	2.23%
Franklin	169	1.21%	Wayne	51	0.37%
Fulton	**	**	Westmoreland	628	4.50%
Greene	60	0.43%	Wyoming	27	0.19%
Huntingdon	73	0.52%	York	294	2.10%
Indiana	118	0.84%	Out of State	**	**
Jefferson	79	0.57%			
Juniata	34	0.24%			
Lackawanna	410	2.93%			
Lancaster	573	4.10%			

Chart 1: HEAT MAP REPORTS BY COUNTY, SFY 2019-2020



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 13,970 reports received in SFY 2019-2020, 1,751 (12.5%) were classified as Priority, 9,087 (65.0%) were categorized as Non-Priority and 3,132 (22.4%) were classified as No Need for Investigation. Since only Priority and Non-Priority reports are investigated, of the total number of reports received, 10,838 (77.6%) were determined appropriate for investigation in SFY 2019-2020.

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 2019-2020

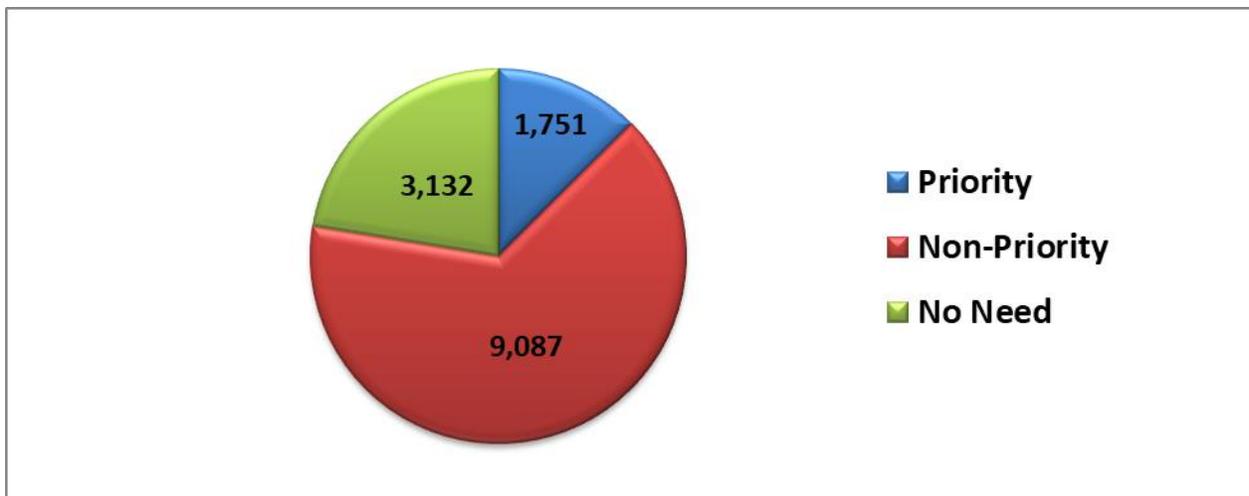


Table 2 outlines the total reports received and investigated by county and Chart 3 provides a heat map of the counties in the commonwealth where the investigations were conducted.

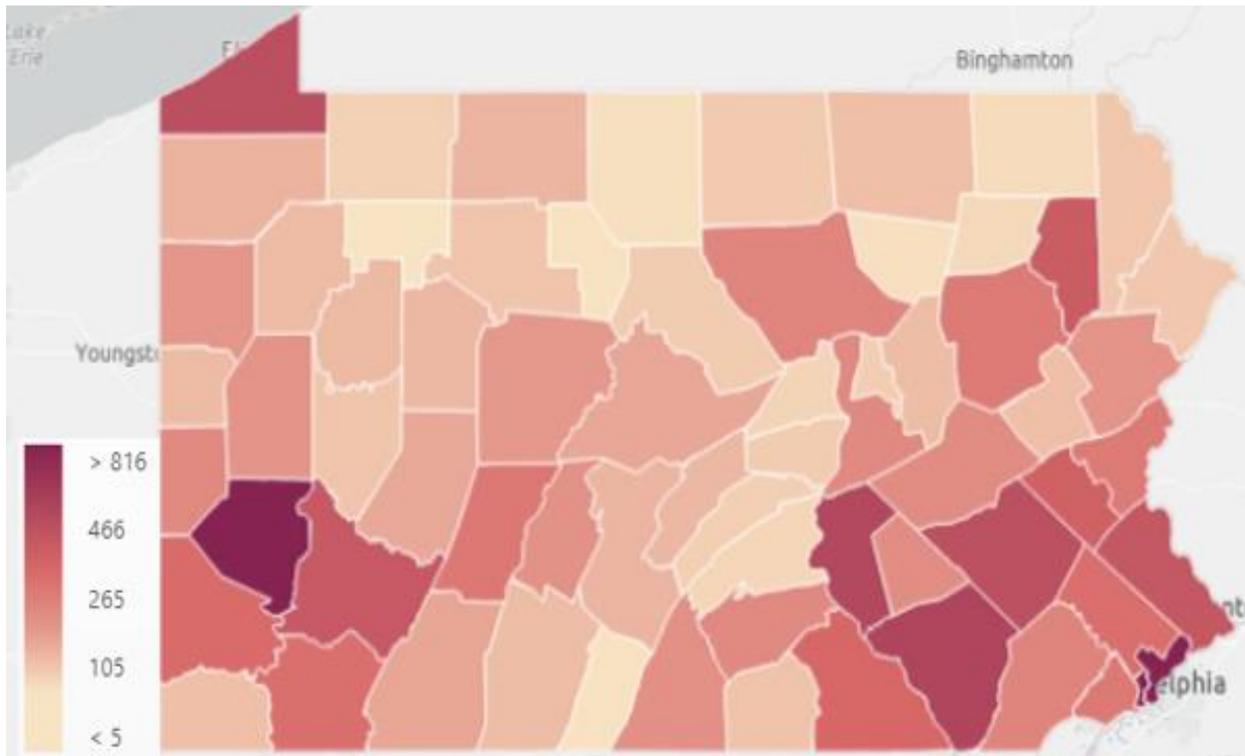
Table 2 - INVESTIGATIONS BY COUNTY, SFY 2019-2020

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

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Adams	48	0.44%	Lawrence	58	0.54%
Allegheny	816	7.53%	Lebanon	140	1.29%
Armstrong	46	0.42%	Lehigh	302	2.79%
Beaver	155	1.43%	Luzerne	203	1.87%
Bedford	57	0.53%	Lycoming	166	1.53%
Berks	402	3.71%	McKean	67	0.62%
Blair	128	1.18%	Mercer	112	1.03%
Bradford	53	0.49%	Mifflin	63	0.58%
Bucks	361	3.33%	Monroe	121	1.12%
Butler	122	1.13%	Montgomery	242	2.23%
Cambria	208	1.92%	Montour	33	0.30%
Cameron	**	**	Northampton	202	1.86%
Carbon	54	0.50%	Northumberland	155	1.43%
Centre	85	0.78%	Perry	23	0.21%
Chester	171	1.58%	Philadelphia	1,746	16.11%
Clarion	61	0.56%	Pike	41	0.38%
Clearfield	105	0.97%	Potter	**	**
Clinton	36	0.33%	Schuylkill	145	1.34%
Columbia	57	0.53%	Snyder	36	0.33%
Crawford	70	0.65%	Somerset	88	0.81%
Cumberland	153	1.41%	Sullivan	**	**

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Dauphin	449	4.14%	Susquehanna	**	**
Delaware	206	1.90%	Tioga	39	0.36%
Elk	45	0.42%	Union	25	0.23%
Erie	407	3.76%	Venango	58	0.54%
Fayette	240	2.21%	Warren	29	0.27%
Forest	**	**	Washington	252	2.33%
Franklin	132	1.22%	Wayne	42	0.39%
Fulton	**	**	Westmoreland	347	3.20%
Greene	53	0.49%	Wyoming	19	0.18%
Huntingdon	67	0.62%	York	265	2.45%
Indiana	83	0.77%	Out of State	**	**
Jefferson	63	0.58%			
Juniata	31	0.29%			
Lackawanna	333	3.07%			
Lancaster	466	4.30%			

Chart 3: HEAT MAP INVESTIGATIONS BY COUNTY, SFY 2019-2020



Out of the 13,970 reports received by the Department for the state fiscal year, 820 (5.9%) 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 820 reports labeled as one of the serious allegations identified above, 20 (2.4%) reports were for allegations of suspicious death, 201 (24.5%) reports alleged serious physical injury, 31 (3.8%) alleged serious bodily injury and 568 (69.3%) 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 13,970 reports received, 10,838 were determined appropriate for investigation of which 6,384 (58.9%) of the cases were substantiated.

Chart 4: NUMBER OF REPORTS, INVESTIGATIONS AND SUBSTANTIATED REPORTS

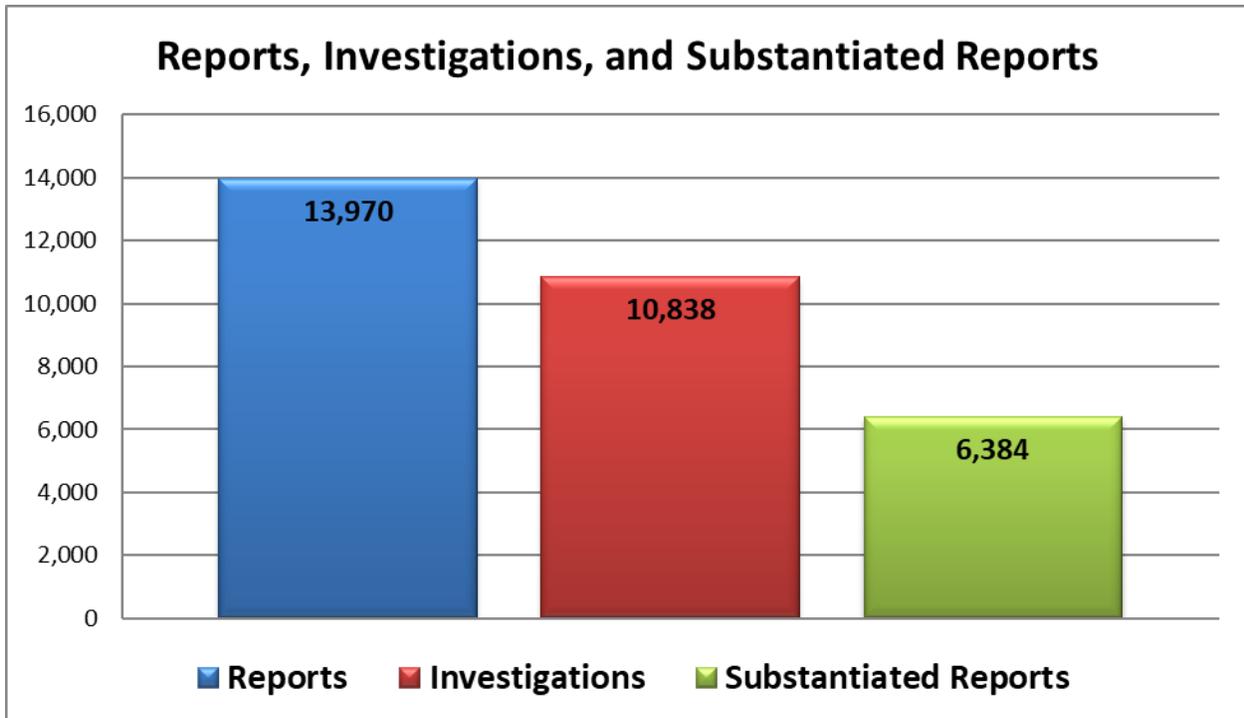


Table 3 displays the types of abuse that were substantiated. The most frequent reports were for neglect (self-neglect 31.0% and caregiver neglect 22.8%) followed by emotional abuse (16.2%).

Table 3- SUBSTANTIATED ALLEGATIONS FOR INVESTIGATED CASES

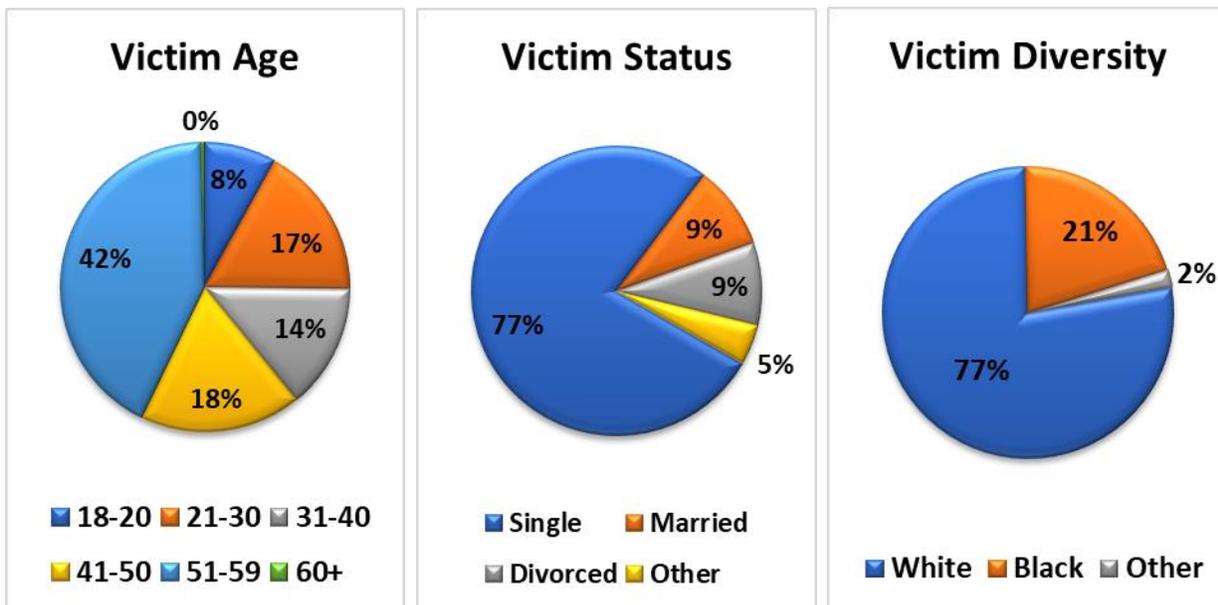
Substantiated Allegation	Percentage
Self-Neglect	31.0%
Caregiver Neglect	22.8%
Emotional Abuse	16.2%
Physical Abuse	14.4%

Financial Exploitation	12.6%
Sexual Abuse	3.0%

Victim and Alleged Perpetrator Characteristics

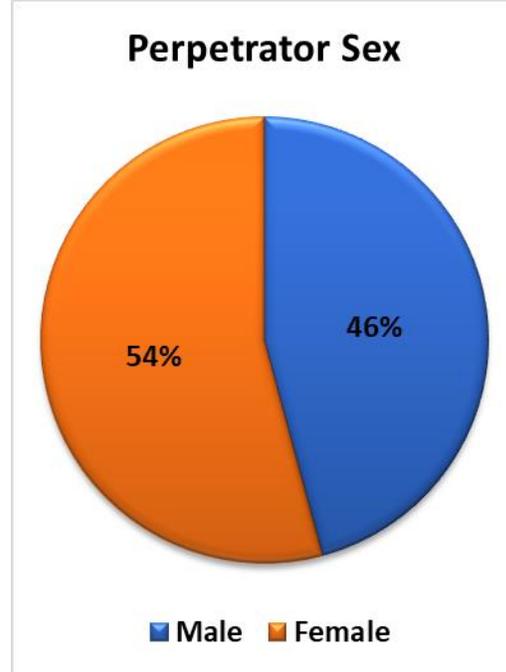
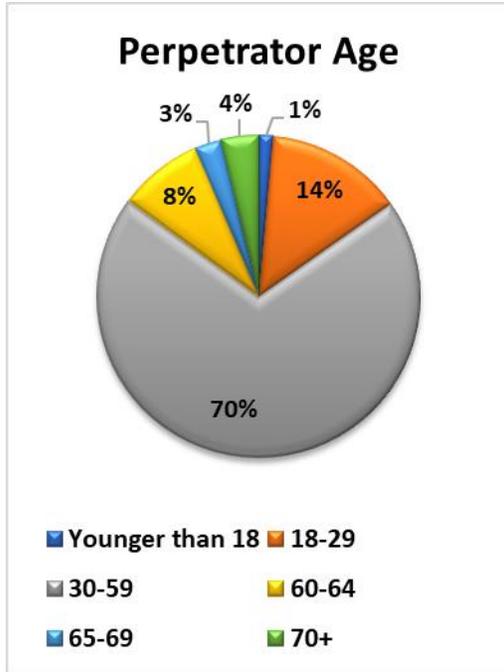
Throughout the course of a protective services investigation, information is gathered concerning the characteristics of an individual (victim) reported to need protective services and the alleged abuser (alleged perpetrator). Tracking this data is important, as it will help inform public outreach efforts.

The age group most often found in need of protective services is between 51 and 59 years of age (42%). The majority are Caucasian (70%) and female (54%). It is important to recognize that many victims are single (74%), reside in their own home or apartment (59%) and live alone or without a roommate (29%).



Other Race includes Asian, Hawaiian, Indian, & Other.

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 70% of alleged perpetrators were between 30 and 59 years of age and 54% 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 \$1,825,238.97. 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 Costs (TPSC)

Rank	Protective Service
1	Legal Fees/Expenses
2	Guardianship
3	Respite Care

4	Home Health Aide
5	Competency/ Psychiatric Evaluation
6	Home Support
7	Lodging
8	Personal Care Home
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 to obtain an involuntary intervention for an adult at risk of death or serious physical harm.

During this state fiscal year, 116 guardianship petitions were filed with the court and 46 investigations had other legal involvement. Out of all investigated reports received for adults, 162 resulted in some type of legal intervention.

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 state fiscal year, the Department provided training on Act 70 and

mandatory abuse reporting at over 18 education and outreach events and monthly webinars. Through these training opportunities, the Department was able to reach over 1,000 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 continues to provide close oversight of the statewide contractor. This is 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 the contractor.