



pennsylvania
DEPARTMENT OF HUMAN SERVICES

ADULT PROTECTIVE SERVICES (APS) ANNUAL REPORT

Tom Wolf, Governor

Teresa D. Miller, Secretary

Introduction

The Adult Protective Services Act (35 P.S. §§ 10210.101--10210.704) ("APS Act") 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 APS 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, "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 the APS Act, 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 activity. 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. The APS Act 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 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 APS Act 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

proposed rulemaking.

The Department anticipates the proposed regulations to be published for public comment in the summer of 2020. 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, 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) 2017-2018 was 12,188, for an average of 1,016 reports per month. Of the total reports received, 7,350 (60 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 2017-2018

(**Numbers less than 11 have been suppressed to protect confidentiality of individuals)

COUNTY	TOTAL REPORTS	%	COUNTY	TOTAL REPORTS	%
Adams	54	0.44%	Lawrence	85	0.70%
Allegheny	1,027	8.43%	Lebanon	132	1.08%
Armstrong	65	0.53%	Lehigh	300	2.46%
Beaver	157	1.29%	Luzerne	255	2.09%
Bedford	80	0.66%	Lycoming	192	1.58%
Berks	496	4.07%	McKean	44	0.36%
Blair	183	1.50%	Mercer	157	1.29%
Bradford	58	0.48%	Mifflin	68	0.56%
Bucks	373	3.06%	Monroe	105	0.86%
Butler	173	1.42%	Montgomery	395	3.24%
Cambria	217	1.78%	Montour	32	0.26%
Cameron	**	0.08%	Northampton	173	1.42%
Carbon	62	0.51%	Northumberland	164	1.35%
Centre	95	0.78%	Perry	41	0.34%
Chester	191	1.57%	Philadelphia	1,809	14.84%
Clarion	31	0.25%	Pike	30	0.25%
Clearfield	116	0.95%	Potter	16	0.13%
Clinton	52	0.43%	Schuylkill	185	1.52%
Columbia	77	0.63%	Snyder	55	0.45%
Crawford	77	0.63%	Somerset	90	0.74%
Cumberland	185	1.52%	Sullivan	**	0.06%
Dauphin	531	4.36%	Susquehanna	21	0.17%
Delaware	245	2.01%	Tioga	22	0.18%

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 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 12,188 reports received in SFY 2017-2018, 1,284 (10.5 percent) were classified as Priority, 7,561 (62.0 percent) were categorized as Non-Priority, 3,343 (27.4 percent) were classified as No Need for Investigation. Since only Non-Priority and Priority reports are investigated, of the total number of reports received, 8,845 (72.6 percent) were determined appropriate for investigation in SFY 2017-18.

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 2017-2018

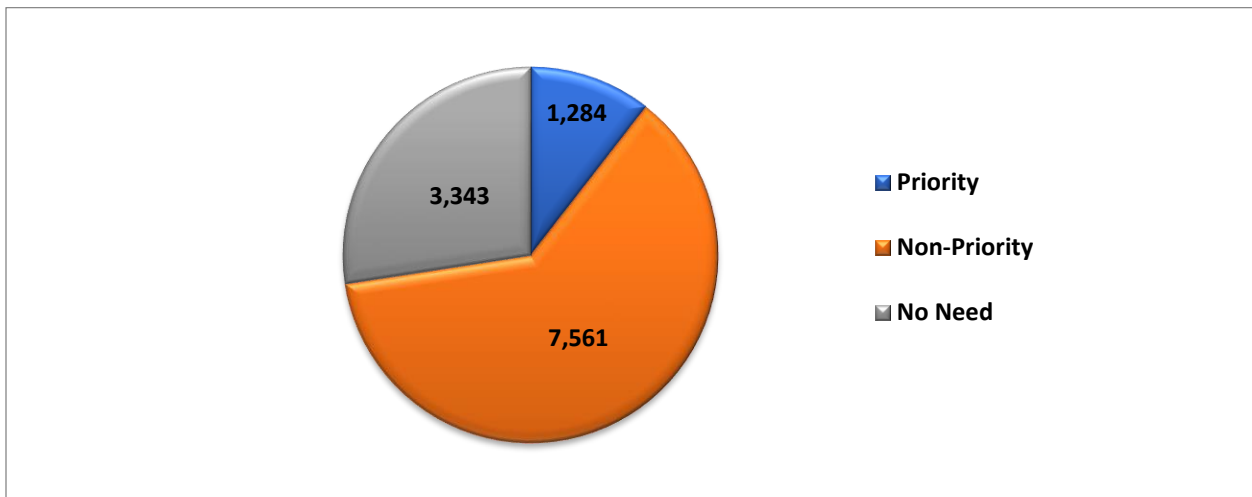


Table 2 outlines the total reports investigated by county and Chart 3 provides a heat map of the counties in the commonwealth where the investigations were conducted.

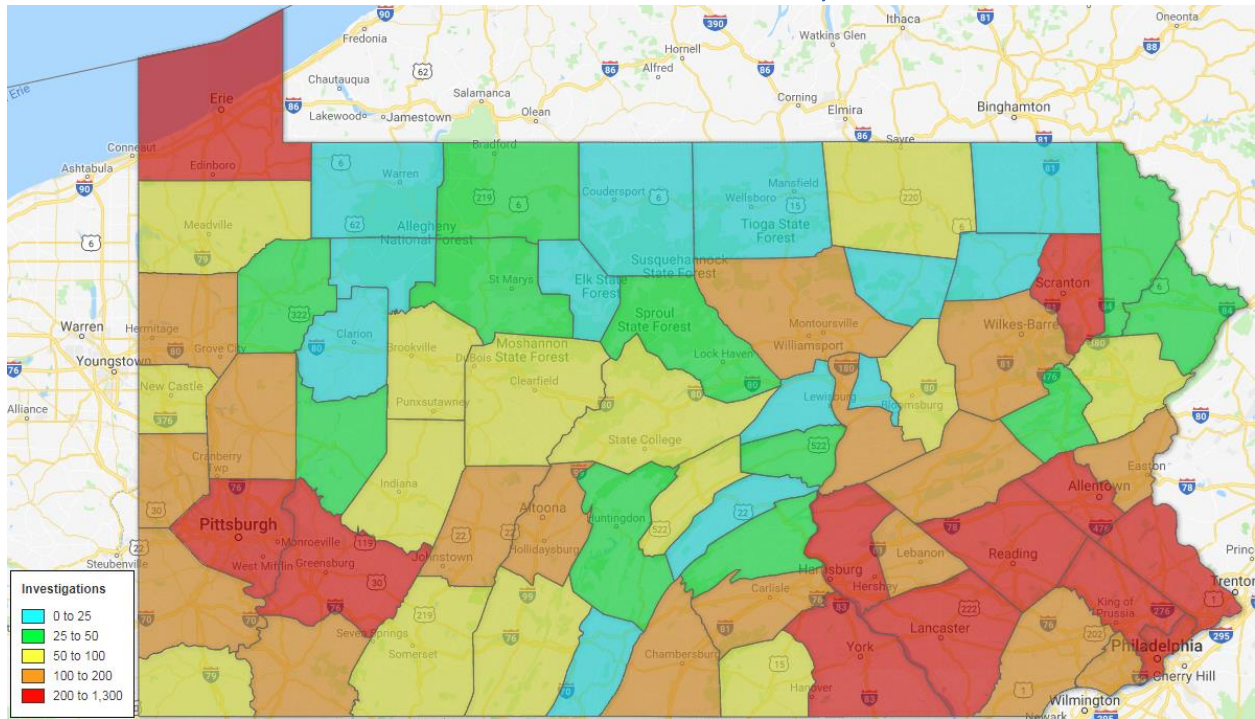
Table 2 - INVESTIGATIONS BY COUNTY, SFY 2017-2018

(*Numbers less than 11 have been suppressed to protect confidentiality of individuals)

Residential County	Reports Received FY17-18	%	Residential County	Reports Investigated FY17-18	%
Adams	54	0.44%	Adams	51	0.58%
Allegheny	1,027	8.43%	Allegheny	659	7.45%
Armstrong	65	0.53%	Armstrong	49	0.55%
Beaver	157	1.29%	Beaver	113	1.28%
Bedford	80	0.66%	Bedford	54	0.61%
Berks	496	4.07%	Berks	362	4.09%
Blair	183	1.50%	Blair	141	1.59%
Bradford	58	0.48%	Bradford	56	0.63%
Bucks	373	3.06%	Bucks	233	2.63%
Butler	173	1.42%	Butler	127	1.44%
Cambria	217	1.78%	Cambria	151	1.71%
Cameron	**	0.08%	Cameron	**	0.10%
Carbon	62	0.51%	Carbon	46	0.52%
Centre	95	0.78%	Centre	67	0.76%
Chester	191	1.57%	Chester	125	1.41%
Clarion	31	0.25%	Clarion	19	0.21%
Clearfield	116	0.95%	Clearfield	97	1.10%
Clinton	52	0.43%	Clinton	29	0.33%
Columbia	77	0.63%	Columbia	71	0.80%
Crawford	77	0.63%	Crawford	64	0.72%
Cumberland	185	1.52%	Cumberland	139	1.57%
Dauphin	531	4.36%	Dauphin	448	5.07%
Delaware	245	2.01%	Delaware	178	2.01%
Elk	34	0.28%	Elk	33	0.37%
Erie	380	3.12%	Erie	242	2.74%
Fayette	250	2.05%	Fayette	192	2.17%
Forest	**	0.05%	Forest	**	0.07%
Franklin	142	1.17%	Franklin	109	1.23%
Fulton	**	0.02%	Fulton	**	0.03%
Greene	55	0.45%	Greene	51	0.58%
Huntingdon	40	0.33%	Huntingdon	35	0.40%
Indiana	114	0.94%	Indiana	65	0.73%
Jefferson	108	0.89%	Jefferson	85	0.96%
Juniata	17	0.14%	Juniata	15	0.17%
Lackawanna	310	2.54%	Lackawanna	228	2.58%
Lancaster	484	3.97%	Lancaster	396	4.48%

Lawrence	85	0.70%	Lawrence	60	0.68%
Lebanon	132	1.08%	Lebanon	116	1.31%
Lehigh	300	2.46%	Lehigh	259	2.93%
Luzerne	255	2.09%	Luzerne	186	2.10%
Lycoming	192	1.58%	Lycoming	159	1.80%
McKean	44	0.36%	McKean	33	0.37%
Mercer	157	1.29%	Mercer	105	1.19%
Mifflin	68	0.56%	Mifflin	56	0.63%
Monroe	105	0.86%	Monroe	92	1.04%
Montgomery	395	3.24%	Montgomery	209	2.36%
Montour	32	0.26%	Montour	22	0.25%
Northampton	173	1.42%	Northampton	150	1.70%
Northumberland	164	1.35%	Northumberland	141	1.59%
Perry	41	0.34%	Perry	31	0.35%
Philadelphia	1,809	14.84%	Philadelphia	1,298	14.67%
Pike	30	0.25%	Pike	29	0.33%
Potter	16	0.13%	Potter	14	0.16%
Schuylkill	185	1.52%	Schuylkill	149	1.68%
Snyder	55	0.45%	Snyder	29	0.33%
Somerset	90	0.74%	Somerset	63	0.71%
Sullivan	**	0.06%	Sullivan	**	0.06%
Susquehanna	21	0.17%	Susquehanna	21	0.24%
Tioga	22	0.18%	Tioga	21	0.24%
Union	28	0.23%	Union	24	0.27%
Venango	39	0.32%	Venango	31	0.35%
Warren	58	0.48%	Warren	20	0.23%
Washington	271	2.22%	Washington	183	2.07%
Wayne	57	0.47%	Wayne	46	0.52%
Westmoreland	516	4.23%	Westmoreland	253	2.86%
Wyoming	22	0.18%	Wyoming	15	0.17%
York	320	2.63%	York	277	3.13%
Out Of State	**	0.01%	Out Of State	**	0.00%
Not Answered	**	0.00%	Not Answered	**	0.00%
Total	12,188	100.00 %	Total	8,845	100.00 %

Chart 3: HEAT MAP INVESTIGATIONS BY COUNTY, SFY 2017-2018



Out of the 12,188 reports received by the Department for the state fiscal year, 847 (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 847 reports labeled as one of the serious allegations identified above, 14 (1.7 percent) reports were for allegations of suspicious death, 183 (21.6 percent) reports alleged serious injury, 31 (3.7 percent) alleged serious bodily injury, and 619 (73.1 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 12,188 reports received, 8,845 were determined appropriate for investigation of which 4,450 (36.5 percent) of the cases were substantiated.

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

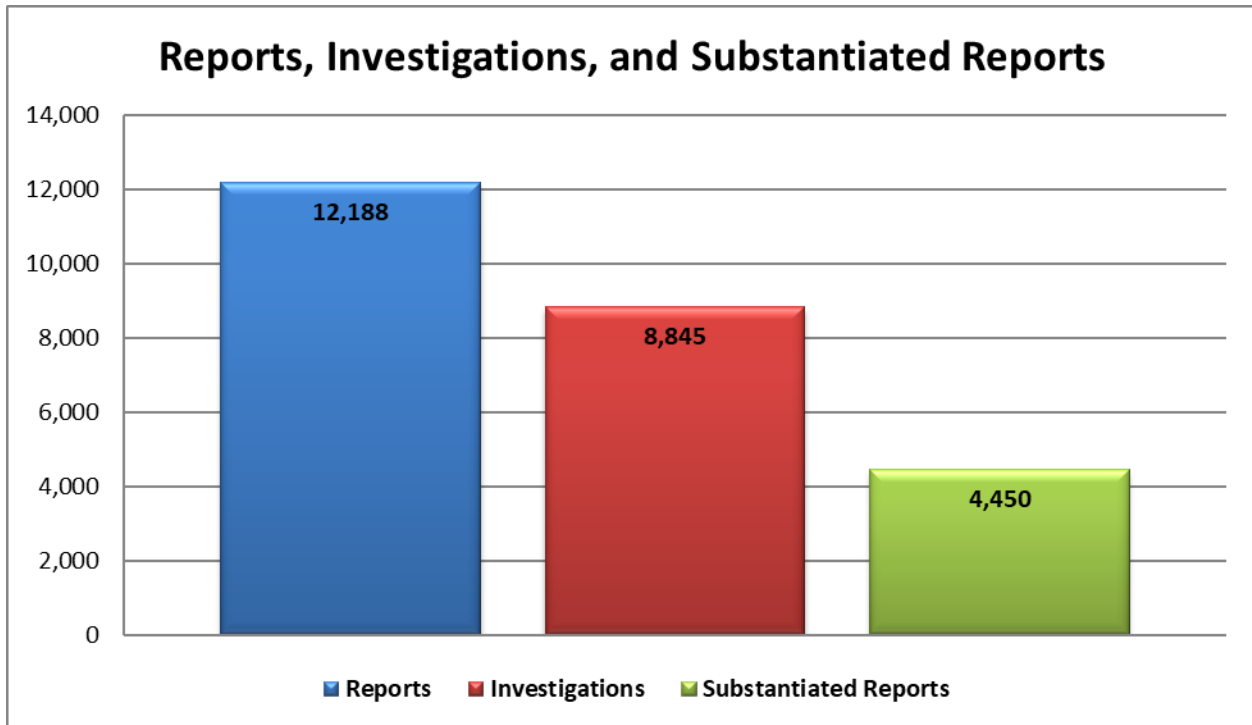


Table 3 displays the types of abuse that were substantiated. The most frequent reports were for neglect (self-neglect 30.4 percent and caregiver neglect 23.4 percent) followed by emotional abuse (21.5 percent).

Table 3- SUBSTANTIATED ALLEGATIONS FOR INVESTIGATED CASES

Substantiated Allegation	Percentage
Self-Neglect	30.4%
Caregiver Neglect	23.4%
Emotional Abuse	21.5%
Financial Exploitation	11.7%

Sexual Abuse	5.3%
Physical Abuse	4.2%

**The above totals depict below 100% as 153 cases (3.5%) did not identify the type of abuse that was substantiated.

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 (42 percent). The majority are Caucasian (72 percent) and female (55 percent). It is important to recognize that many victims are single (72 percent), reside in their own home or apartment (52 percent), and/or are living alone (28 percent).

Unlike the Older Adult Protective Services Act (OAPSA), APS Act does not provide for designation of a perpetrator. However, the data that was collected reveals that 48 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 \$1,214,436.46. 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:

Rank	Protective Service
------	--------------------

1	Legal Fees/Expenses
2	Guardianship
3	Home Health-Aide
4	Competency/Psych Evaluation
5	Respite Care
6	Personal Care
7	Companion Services
8	Home Support
9	Lodging
10	Extermination/Pest Control

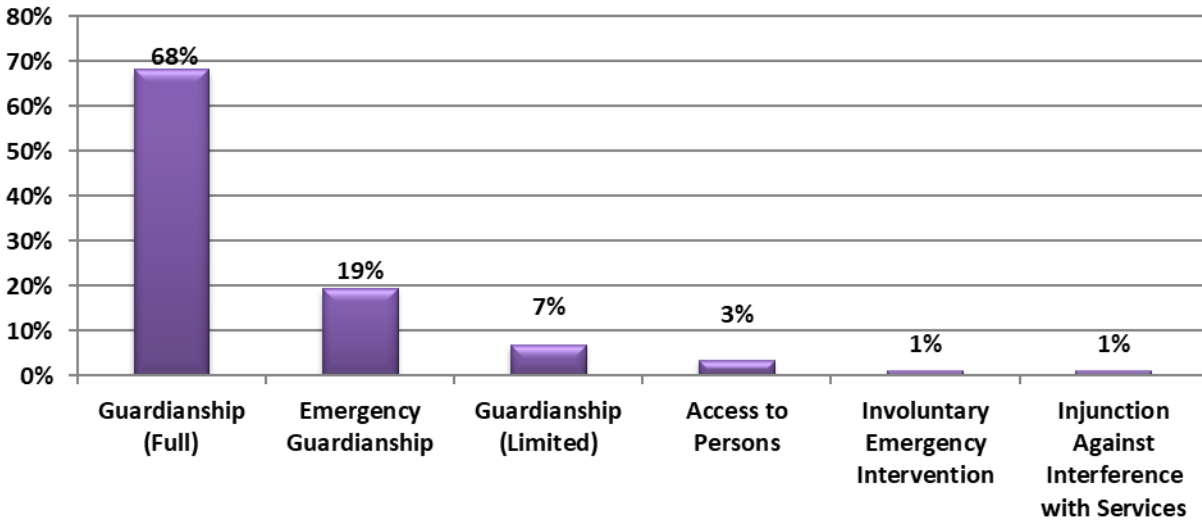
Court Actions

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

During this state fiscal year, 88 petitions were filed, all of which were granted by the court. Full guardianship petitions were the most common (68 percent) and emergency guardianship petitions accounted for the second highest number of petitions (19 percent). Out of all investigated reports received for adults, 89 (1 percent) resulted in some type of legal intervention.

Chart 5: PERCENTAGE OF PETITIONS BY TYPE, SFY 2017-18

Percentage of Petitions by Type SFY 2017-18



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 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 30 education and outreach events including statewide conferences and trainings. The Department held 13 webinars in which more than 1,800 individuals 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.

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.