

PENNSYLVANIA DEPARTMENT OF AGING: OLDER ADULTS PROTECTIVE SERVICES ANNUAL REPORT



Executive Summary

The Pennsylvania Department of Aging (the department) is responsible for the implementation and oversight of the Older Adults Protective Services Act (OAPSA) for older adults 60 years of age and over. OAPSA reinforces Pennsylvania's commitment to provide the services necessary to protect the health, safety and welfare of older adults who lack the capacity to protect themselves and who are at imminent risk of abuse, neglect, exploitation or abandonment. OAPSA is victim oriented and safeguards the rights of older adults while providing for the detection, reduction, correction or elimination of abuse, neglect, exploitation and abandonment. The department is responsible to educate the public as to the availability of services and to create an awareness of issues impacting older adults in the area of elder justice in order to prevent abuse, neglect, exploitation and abandonment.

The department works closely with its network of 52 local Area Agencies on Aging (AAA) who administer the older adults protective services program in their respective planning and service area. The local AAAs are responsible to receive reports of abuse, conduct investigations, make a case disposition, and when determined necessary, provide protective services to older adults in order to reduce or eliminate the abuse. Within the department, in order to ensure compliance with federal requirements, the Protective Services Office is now responsible to conduct quality assurance reviews and provide technical assistance to local protective services programs across the commonwealth. Reports may be made on behalf of an older adult whether the individual lives in the community or in a care facility.

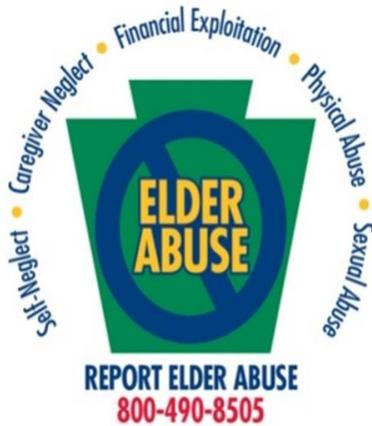
For more information regarding various programs available to older Pennsylvanians, including the law and regulations governing the prevention and protection from elder abuse, neglect, exploitation, and abandonment, please visit the department's website at aging.pa.gov.

Reporting

Reports of abuse, neglect, exploitation, and abandonment under OAPSA continue to rise annually; and investigations are also more complex. The department recognizes the need to continue advocating and building stronger collaboration among providers, community-based organizations, state agencies, law enforcement, the judicial system, and other advocacy systems that may help older adults to age well and safely.

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There are two types of reporting under OAPSA, voluntary and mandatory. Under the provisions of voluntary reporting, any person who has reasonable cause to believe that an older adult may be in need of protective services may report that need to the local AAA directly, or call the **statewide elder abuse hotline number at 1 (800) 490-8505**, 24 hours a day, 7 days a week.

Voluntary reporters may choose to remain anonymous, and have legal protection against retaliation, discrimination and civil or criminal prosecution under the law. Mandatory reporters, which includes any employee or administrator of a facility, are required to report any suspected abuse of a recipient of care to their local AAA. All reports are received by the AAA regardless

of age. If a report of abuse is received for an individual between the ages of 18 & 59, the report of need is taken and immediately referred to the appropriate investigative agency. All reports of need for older adults (60+) are categorized with a response time based on the information provided by the reporter.

The total number of reports of abuse received by the AAAs for fiscal year 2014-2015 was **24,586** (see Appendix A for Frequency Reports by Fiscal Year). Of those reports received, 20,133 reports were for older adults, 60 years of age or older. This represents an increase of **9.7%** from fiscal year 2013-2014. There were 4,453 reports received for individuals under the age of 60.

*Reports of abuse received for older adults, 60 years or older, in FY14/15 totaled **20,133**. This represents an increase of **9.7%** from last year's total reports for older adults.*

Implementation of Adult Protective Services

The passage of the Adult Protective Services (APS) Law (Act 70 of 2010) required the Department of Human Services (DHS) to establish a program of protective services for adults ages 18-59 that have a physical or mental impairment that substantially limits one or more major life issues.

Due to the implementation of Act 70, in April 2014, all APS investigations for individuals between the ages 18-59 have been separated from total number of investigations shown. The numbers provided in Appendix A and B of this report pertain only to reports received and abuse investigations conducted only for older adults (60+).

Mandatory abuse reporting data (page 6) collected during this fiscal year may include duplicate reports due to the statutory requirement to report to both the department and to DHS.

Reports of Abuse: Intake, Investigation & Outcome

Reports of elder abuse are categorized as follows:

- **emergency**—requiring immediate response;
- **priority**—requiring response no later than 24 hours;
- **non-priority**—requiring response no later than 72 hours; or
- **no need**—requiring referral for other resources.

Figure 1 (below) shows categorizations of reports received during this year.

An investigation is then conducted to determine if the older adult (victim) named in the report is in need of protective services (substantiated report) or is not in need of protective services (unsubstantiated report).

Of the total number of over 60 reports received, 74.6% (15,029) were determined appropriate for investigation. See Appendix B, titled "Older Adult Abuse Reports Received This Fiscal Year" at the end of this report. This increase is likely the result of

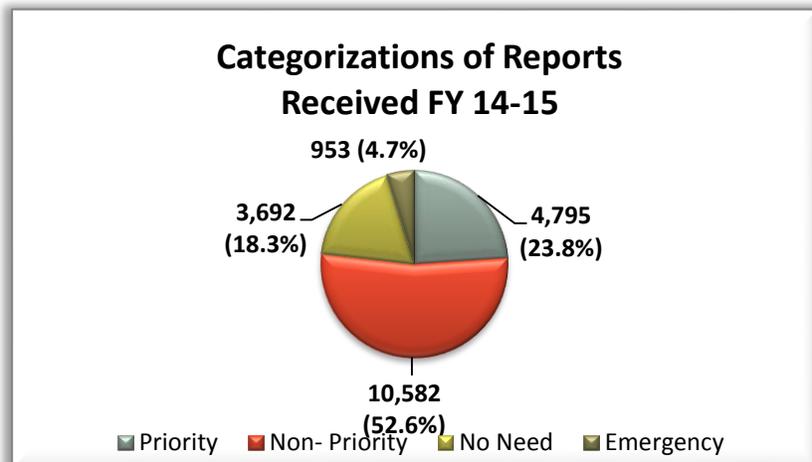


Figure 1

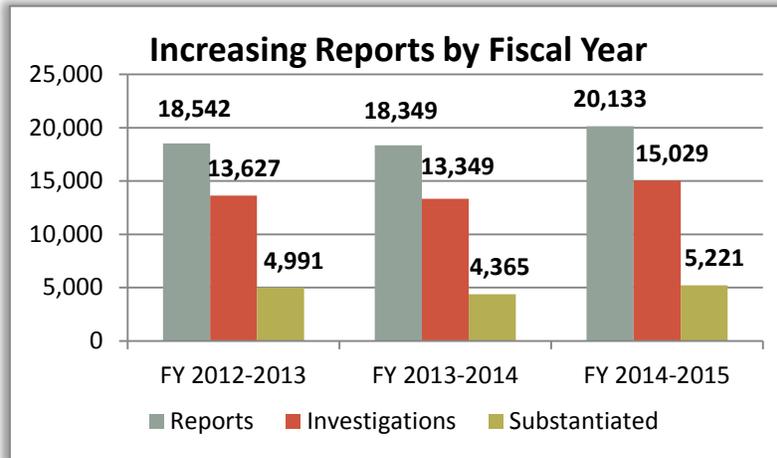


Figure 2

awareness efforts, enhanced trainings, and collaboration with other state agencies and community partners, and improvements in data collection methods.

During an investigation, all potential types of abuse (abuse, neglect, exploitation and abandonment) are explored. An investigation is determined to be substantiated when abuse is found to have occurred or when the consumer is in need of protective services at the time of the investigation. Of the investigations conducted during fiscal year 2014-2015, **5,221 (34.7%) of the cases were substantiated**. Figure 2 provides a comparison of total reports received from previous years.

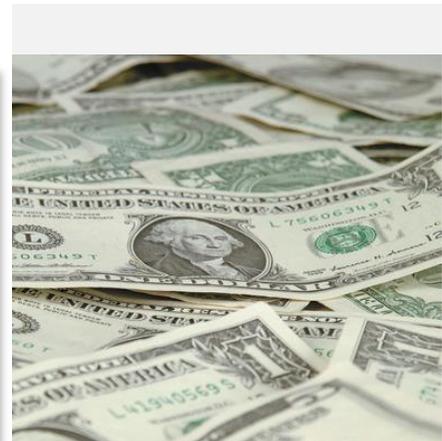
Substantiated Allegation	Percentage
Self-Neglect	44.9%
Caregiver Neglect	18.0%
Financial Exploitation	14.0%
Emotional Abuse	11.9%
Type Not Specified	11.2%
Physical Abuse	3.8%
Sexual Abuse	1.1%

Figure 3

Figure 3 displays the types of abuse that were substantiated. The most frequent reports continued to be those of neglect (self 44.9% and caregiver 18.0%) followed by financial abuse. For more information, see Appendix B, titled "Older Adult Abuse Reports Received This Fiscal Year" at the end of this report.

Provision of Services

Once an investigation is determined to be substantiated, services are offered to the older adult to reduce or eliminate risk. The following chart details the most frequent services provided to older adults:



Victim and Perpetrator Characteristics

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 the ages of 81 and 90 (33.6%). The majority are Caucasian (77%) and female (65%). It is important to recognize that many victims reside in their own homes (47%) and are living alone (39%).

The data also reveals that 51.4% of perpetrators were between the ages of 30-59 and 52.9% were female. Pennsylvania's data is similar to national data, in that the largest group of perpetrators are family members.

OAPSA provides for designation of a perpetrator if there is clear and convincing evidence that the individual was responsible for the abuse of the older adult. If a criminal act was committed, law enforcement would be contacted as part of the protective services care plan.

Top 10 - Rank Order of Services Provided to Protective Services Clients

Rank	By Dollars	Rank	By Claims Units Served
1	Personal Care	1	Personal Care
2	Overnight Shelter/Supervision	2	HDM-Lunch
3	Assessment-Competency Evaluation	3	HDM-Frozen
4	Pest Control/Fumigation	4	HDM-Dinner
5	Home Support-Housekeeping	5	Personal Care-Weekends
6	Personal Care-Weekends	6	PAS-Agency Model- Basic Needs
7	HDM-Lunch	7	Home Support-Housekeeping
8	Guardianship-Competency Evaluation	8	Overnight Shelter/Supervision
9	Legal Advice/Representation to Individual	9	HDM-Lunch-Rate 2
10	PAS-Agency Model- Basic Needs	10	Assessment-Competency Evaluation

Elder Abuse Task Force and Law Enforcement Collaboration

The Department's *Institute on Protective Services* at Temple University has always worked collaboratively with local AAAs and law enforcement to establish county based elder abuse task forces. Successful task forces are built on the premise that to effectively protect older adults, the aging services network and law enforcement must work cooperatively in identifying and responding to elder victimization. Victims need to receive protective services to help them recover and cope with the harm that has been done to them, and they also need to have the ability to pursue a pathway to elder justice, such as seeking restitution. Professionals from the many different agencies that work with victimized older adults bring different but equally valuable knowledge and perspectives to achieve these goals. There are 51 counties involved in some level of task force work: 29 active task forces; 9 law enforcement collaborations, and 12 counties are in various stages of developing a task force.

Court Orders

Through OAPSA, as well as through the availability of other legal tools, an AAA may seek a variety of court orders to assist in their investigation and/or to ensure the provision of appropriate services. Depending on the circumstances, an AAA may petition the court for access to records or persons, to secure a protection from abuse order, petition for guardianship of person or estate, or to seek an emergency involuntary intervention for an older adult at risk of death or serious physical harm.

During this fiscal year, 419 petitions were filed, of which 310 were granted by the court. Guardianship petitions were the most common (65.4%) with 81% granted. Involuntary emergency interventions accounted for the second highest number (15%). Out of all investigated reports received for older adults, only 2.8% result in some type of legal intervention.

Pennsylvania's Department of Aging Quality Assurance Monitoring

The department continues to conduct systematic quality assurance monitoring and provide technical assistance to the AAAs. Compliance with the statutory and regulatory requirements are examined and a sample of cases are reviewed to enhance the program. Support is given to the AAAs by conducting onsite visits and providing consultation on an as needed basis. The department also supports the aging network by providing basic, advanced and annual training related to protective services. These are offered through the department's *Institute on Protective Services* at Temple University in Harrisburg.

Pennsylvania's Department of Aging's Institute on Protective Services at Temple University, Harrisburg

The Department of Aging's *Institute on Protective Services* continues to provide support, training, resources, and expert consultation to the AAAs, criminal investigators and prosecutors, and other local community organizations. These entities work together to uncover, investigate, and prosecute crimes against the elderly.

During the fiscal year, the *Institute* offered fifteen courses and trained a total of 658 protective services workers. A total of 169 participants were trained in Basic Protective Services. This course covers regulatory requirements, investigation techniques, case decision-making, legal issues, post-substantiation activities and documentation. A total of 71 participants attended the Five-Year Refresher course offered by the Institute. The course was required for all investigators who previously completed Basic Training more than five years ago and was designed to review critical regulatory elements of protective services investigations. Other courses offered included financial exploitation enrichment, safety training, self-neglect investigations, executive functioning, and supervisory enrichment.

In addition to the training for the protective services network, the Institute offers legal training to AAA solicitors, local District Attorney Offices and County Detectives, along with training older adults, bankers, law enforcement officers, other

professionals, and the general public. An estimated 1,142 attendees received training on preventing elder abuse during this fiscal year.

The Institute on Protective Services continues to work with the aging network, law enforcement agencies and prosecutors assisting in the investigative planning, legal consultation and hands-on investigation with 24 continuing and 13 new cases, while providing consultation on 78 cases, most of which involve theft of funds from older adults. This particular trend continues to grow in the victimization of older adults, and the *Institute* spends an average of 40 hours investigating each case with an average loss to older adults of more than \$160,086 per case. The opportunity for the *Institute* to work with the AAAs and law enforcement has resulted in 11 arrests being made, and has helped to facilitate \$568,359 in recoveries or court ordered restitution, and nearly \$1.25 million in older adults' assets being protected.

The work of the Institute helped to facilitate \$1.7 million in recoveries or court ordered restitution and protected an additional \$1.25 million in assets.

Amendments to the Older Adults Protective Services Act

Criminal History Background Check

Act 169 of 1996, amended OAPSA to mandate that all prospective employees of long term care facilities submit to criminal history background checks and be free of convictions for offenses designated under OAPSA (see page 4 for updated legislation). All prospective employees must obtain a Pennsylvania state criminal history record check, and individuals who have not resided within the commonwealth for the past two consecutive years must, in addition to state criminal history record check, obtain a federal criminal history record check. The department is responsible for administering the federal criminal history background checks. The department receives, processes, and either approves or prohibits applicants from employment. **Figure 4** shows the fiscal year's receipt of applications and restrictions based on the applicant's background check.

Fiscal Year	Totals Applications	Total # Prohibited
2012-13	9,440	99 (1%)
2013-14	9,053	79 (0.8%)
2014-15	10,294	117 (1%)

Figure 4

Nixon v. Commonwealth of PA, et al 576 Pa. 385; 839 A.2d 277 (2003)

OAPSA was challenged by a group of individuals who had been prohibited from employment as a result of past criminal convictions. The Commonwealth Court and the Supreme Court found the criminal history background check's provisions of the statute to be unconstitutional, although the rulings applied only to the named plaintiffs. The Commonwealth Court's decision was issued in 2001, and the Supreme Court's in 2003.

The department anticipates future legislative action to remedy the constitutional deficiencies found by the courts. In the interim, the department has issued guidance to all facilities required to comply with OAPSA. The guidance was developed by the Chief Counsel of Aging, Health and Public Welfare and the Governor's Office of General Counsel. For more information on Criminal History Background Checks and Mandatory Abuse Reporting, please visit us at <http://www.aging.pa.gov>.



Figure 5

Mandatory Abuse Reporting – Act 13 of 1997

The 1997 amendment to OAPSA provided for mandatory abuse reporting by employees and/or administrators of long term care facilities defined by OAPSA. **Figure 5** shows the numbers of mandatory abuse reports made to the department during this fiscal year. Abuse reports to the department may have decreased due to the dual reporting requirements required by the new Adult Protective Services law for adults ages 18-59.

Out of the 546 mandatory abuse reports received by the department for this fiscal year, 232 (42.5%) were not one of the four serious abuse types or the recipient was under the age of 60. 201 (36.8%) reports alleged sexual abuse, 91 (16.7%) reports alleged serious physical injury, 15 (2.7%) alleged serious bodily injury and 7 (1.3%)

suspicious death. These allegations are reported based on the facility's reasonable cause to suspect that a recipient was a victim of abuse.

Multiple Abuses: Reports that have more than one abuse type.

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.

Serious Physical Injury: An injury that causes a person severe pain or significantly impairs a person's physical functioning, either temporarily or permanently.

Sexual Abuse: Intentionally, knowingly, or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.

Suspicious Death: A death which is unexpected with unexplained circumstances or cause.

Unknown- Under 60: The abuse type is not one of the four serious abuses and the recipient or victim is under the age of 60.

NOTE: The sum of the percentages throughout this report may be greater than 100% because a question may have multiple responses. In addition, missing or unanswered questions have not been removed from charts/tables to accurately report on the entire population.



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APPENDIX A – Frequency Report by Fiscal Year

County	2012-2013		2013-2014		2014-2015	
	Reports (All)	Substantiated Investigations	Reports (All)	Substantiated Investigations	Reports (All)	Substantiated Investigations
Adams	30	6	49	9	97	8
Allegheny	1,514	353	1,692	279	2,245	363
Armstrong	83	59	143	54	181	82
Beaver	395	147	377	122	473	161
Bedford	131	81	176	56	223	67
Berks	552	177	563	131	922	150
Blair	74	39	127	25	119	44
Bradford (see Tioga)	*	*	*	*	*	*
Bucks	413	76	504	87	602	107
Butler	302	99	429	99	366	84
Cambria	136	35	129	28	150	36
Cameron	208	39	186	36	184	37
Carbon	98	12	171	9	179	11
Centre	62	32	71	33	100	35
Chester	438	126	535	111	665	145
Clarion	46	31	61	19	69	29
Clearfield	309	82	433	51	388	88
Clinton	74	27	82	28	102	24
Columbia	203	71	211	79	232	78
Crawford	96	17	104	12	96	24
Cumberland	240	62	334	34	386	64
Dauphin	337	133	508	137	880	149
Delaware	1056	261	1,222	121	913	125
Elk (see Cameron)	*	*	*	*	*	*
Erie	286	86	319	76	441	95
Fayette (see Washington)	*	*	*	*	*	*
Forest	69	12	88	6	62	7
Franklin	221	62	202	30	246	55
Fulton (see Bedford)	*	*	*	*	*	*
Greene (see Washington)	*	*	*	*	*	*
Huntingdon (see Bedford)	*	*	*	*	*	*
Indiana	39	19	76	34	77	27
Jefferson	169	68	218	72	180	57
Juniata (see Mifflin)	*	*	*	*	*	*
Lackawanna	430	104	316	85	439	105
Lancaster	1,465	692	1,556	617	1,961	838
Lawrence	27	13	149	12	209	59
Lebanon	53	16	83	19	89	18
Lehigh	263	30	278	49	380	54
Luzerne	138	47	155	38	143	27
Lycoming (see Clinton)	*	*	*	*	*	*
Mckean (see Cameron)	*	*	*	*	*	*
Mercer	19	3	36	6	67	9
Mifflin	98	29	130	40	136	30
Monroe	104	26	145	33	176	52
Montgomery	959	112	976	140	745	105
Montour (see Columbia)	*	*	*	*	*	*
Northampton	130	41	180	25	236	48
Northumberland	172	47	177	52	245	54
Perry	85	30	172	38	235	43
Philadelphia	2,924	623	3,392	531	3,986	719
Pike	76	11	92	21	105	36
Potter	26	5	26	5	24	4
Schuylkill	302	45	391	42	473	53
Snyder (see Union)	*	*	*	*	*	*
Somerset	97	23	72	23	164	54
Sullivan (see Tioga)	*	*	*	*	*	*
Susquehanna (see Tioga)	*	*	*	*	*	*
Tioga	117	52	98	24	78	22
Union	204	66	131	48	154	51
Venango	163	59	121	31	105	24
Warren (see Forest)	*	*	*	*	*	*
Washington	1,291	325	1,168	410	1,180	424
Wayne	48	10	72	15	71	17
Westmoreland	745	125	750	137	747	153
Wyoming (see Luzerne)	*	*	*	*	*	*
York	642	202	602	175	630	162
STATEWIDE TOTAL*	18,542	4,991	20,822	4,365	24,586	5,221

* Cases shared between multiple AAAs are counted for each AAA, but not duplicated in Statewide Total

APPENDIX B – Older Adult Abuse Reports Received this Fiscal Year

County	Rpts. of Need (RONs)	Investigated	In Need of Protective Services	% Investigated Rpts. Substantiated	Population Age 60+ (2013)*	Rate of RONs per 10,000	Rate of Investigations per 10,000
Adams	85	39	8	20.5%	24,715	34.4	3.2
Allegheny	2,008	1,421	363	25.5%	291,869	68.8	12.4
Armstrong	163	180	82	45.6%	18,353	88.8	44.7
Beaver	413	350	161	46.0%	44,926	91.9	35.8
Bedford	168	131	67	51.1%	28,163	59.7	23.8
Berks	654	575	150	26.1%	88,870	73.6	16.9
Blair	88	89	44	49.4%	32,638	27.0	13.5
Bradford (see Tioga)	*	*	*	*	*	*	*
Bucks	534	468	107	22.9%	142,389	37.5	7.5
Butler	288	216	84	38.9%	42,888	67.2	19.6
Cambria	118	112	36	32.1%	38,065	31.0	9.5
Cameron	144	111	37	33.3%	20,356	70.7	18.2
Carbon	149	71	11	15.5%	17,002	87.6	6.5
Centre	66	51	35	68.6%	26,714	24.7	13.1
Chester	576	292	145	49.7%	102,631	56.1	14.1
Clarion	60	51	29	56.9%	9,458	63.4	30.7
Clearfield	320	165	88	53.3%	20,462	156.4	43.0
Clinton	67	59	24	40.7%	36,763	18.2	6.5
Columbia	209	171	78	45.6%	20,466	102.1	38.1
Crawford	82	73	24	32.9%	21,776	37.7	11.0
Cumberland	334	260	64	24.6%	55,482	60.2	11.5
Dauphin	781	352	149	42.3%	57,647	135.5	25.8
Delaware	787	442	125	28.3%	116,534	67.5	10.7
Elk (see Cameron)	*	*	*	*	*	*	*
Erie	352	257	95	37.0%	60,877	57.8	15.6
Fayette (see Washington)	*	*	*	*	*	*	*
Forest	49	38	7	18.4%	13,416	36.5	5.2
Franklin	207	119	55	46.2%	36,303	57.0	15.2
Fulton (see Bedford)	*	*	*	*	*	*	*
Greene (see Washington)	*	*	*	*	*	*	*
Huntingdon (see Bedford)	*	*	*	*	*	*	*
Indiana	56	52	27	51.9%	20,443	27.4	13.2
Jefferson	169	142	57	40.1%	11,597	145.7	49.2
Juniata (see Mifflin)	*	*	*	*	*	*	*
Lackawanna	320	218	105	48.2%	53,757	59.5	19.5
Lancaster	1762	1,465	838	57.2%	115,723	152.3	72.4
Lancaster	195	124	59	47.6%	23,895	81.6	24.7
Lebanon	62	64	18	28.1%	33,070	18.7	5.4
Lehigh	302	202	54	26.7%	76,412	39.5	7.1
Luzerne	107	98	27	27.6%	87,980	12.2	3.1
Lycoming (see Clinton)	*	*	*	*	*	*	*
Mckean (see Cameron)	*	*	*	*	*	*	*
Mercer	52	34	9	26.5%	30,280	17.2	3.0
Mifflin	127	112	30	26.8%	18,708	67.9	16.0
Monroe	149	133	52	39.1%	34,962	42.6	14.9
Montgomery	663	355	105	29.6%	179,858	36.9	5.8
Montour (see Columbia)	*	*	*	*	*	*	*
Northampton	192	144	48	33.3%	69,546	27.6	6.9
Northumberland	223	157	54	34.4%	24,697	90.3	21.9
Perry	223	157	43	27.4%	10,292	216.7	41.8
Philadelphia	3,519	2,906	719	24.7%	271,966	129.4	26.4
Pike	80	64	36	56.3%	15,110	52.9	23.8
Potter	23	16	4	25.0%	5,007	45.9	8.0
Schuylkill	396	212	53	25.0%	37,640	105.2	14.1
Snyder (see Union)	*	*	*	*	*	*	*
Somerset	158	151	54	35.8%	20,828	75.9	25.9
Sullivan (see Tioga)	*	*	*	*	*	*	*
Susquehanna (see Tioga)	*	*	*	*	*	*	*
Tioga	68	53	22	41.5%	40,682	16.7	5.4
Union	145	99	51	51.5%	18,539	78.2	27.5
Venango	102	73	24	32.9%	14,534	70.2	16.5
Warren (see Forest)	*	*	*	*	*	*	*
Washington	1,021	876	424	48.4%	97,886	104.3	43.3
Wayne	58	51	17	33.3%	14,474	40.1	11.7
Westmoreland	614	430	153	35.6%	99,788	61.5	15.3
Wyoming (see Luzerne)	*	*	*	*	*	*	*
York	543	507	162	32.0%	95,241	57.0	17.0
STATEWIDE TOTAL**	20,133	15,029	5,221	34.7%	2,891,678	69.6	18.1

* Based on 2013 PSU population projection

** Cases shared between multiple AAAs are counted for each AAA, but not duplicated in Statewide Total