



OLDER ADULTS PROTECTIVE SERVICES ANNUAL REPORT: FY 2015/16

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 individuals 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 and abandonment. OAPSA is victim oriented and, as such, 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. A Report of Need for Protective Services may be made by an older adult themselves, or a report may be made on behalf of an older adult regardless of where the individual lives (i.e., in their own home or in a care facility, such as a nursing home).

The department oversees the work of the local Area Agencies on Aging (AAAs), which consists of 52 AAAs that cover the commonwealth's 67 counties. Under OAPSA, the AAAs are responsible to administer the protective services program in their respective planning and service area. The local AAAs 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. The department, in order to ensure compliance with state and federal requirements, the Protective Services Office is responsible to provide training, conduct quality assurance reviews, and provide technical assistance to local protective services programs across the commonwealth.

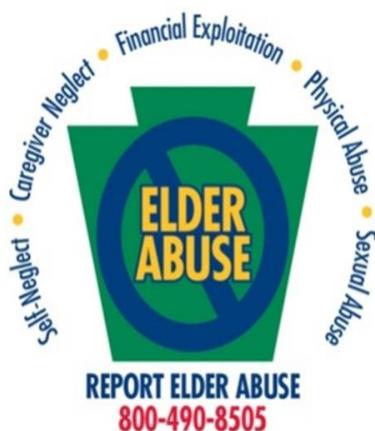
For detailed information OAPSA, including Pennsylvania law and regulations governing the prevention and protection from elder abuse, neglect, exploitation, and abandonment, please visit the department's website at aging.pa.gov.

Reporting

Reports of abuse, neglect, exploitation, and abandonment under OAPSA continue to rise annually and investigations are more complex than in previous years. The department recognizes its duty to continue to elevate awareness, advocate for and build stronger collaborative relationships between providers, community-based organizations, state agencies, law enforcement, the judicial system, and other stakeholders that will help to ensure that older Pennsylvanians 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 make a report of need for protective services 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, services or treatment to

their local AAA. All reports are received by the AAA regardless of age. If a report of abuse is received for an individual under the age of 60, the report of need is taken and immediately referred to the appropriate investigative agency. All reports of need for older adults, 60 years of age or older, 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 2015-2016 was **34,597** (see Appendix A, titled “Frequency Report by Fiscal Year”). Of those reports received, 24,413 reports were for older adults, 60 years of age or older. This represents an increase of **21.3%** from fiscal year 2014-2015. There were 10,184 reports received for individuals under the age of 60.

*Reports of abuse received for older adults, 60 years or older, in FY15/16 totaled **24,413**. This represents an increase of **21.3%** 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.

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 fiscal year.

An investigation by the local AAA 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 reports received for older adults (60 years and older), 72.7% (17,750) were determined appropriate for investigation (see Appendix B, titled “Older Adult Abuse Reports Received This Fiscal Year”). This increase is likely the result of

Categorizations of Reports Received FY 15-16

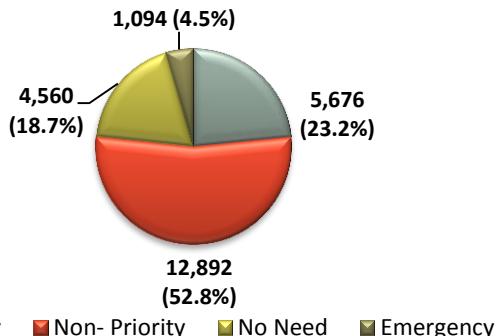


Figure 1

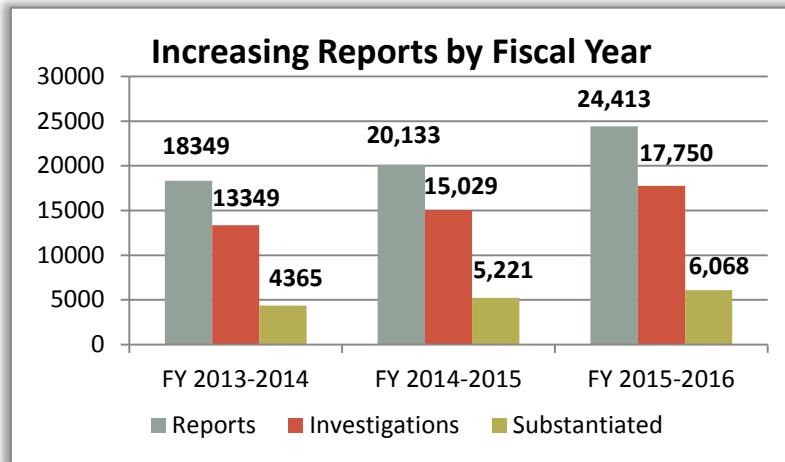


Figure 2

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

The purpose of the investigation is to determine if the older adult is in need of protective services. If it's determined that this need exists, the AAA develops a service plan which reflect the least restrictive alternatives for removing or reducing imminent risk to person or property, while promoting self-determination. When appropriate, the plan may include civil or criminal remedies. Of the investigations conducted during this fiscal year, **6,068 (34.2%) of the cases were substantiated**. Figure 2 provides a comparison of total reports received from previous years.

Reported Allegation	Percentage	Substantiated Allegation	Percentage
Financial Exploitation	27.9%	Self-Neglect	41.6%
Caregiver Neglect	27.4%	Caregiver Neglect	18.7%
Self-Neglect	27.0%	Financial Exploitation	17.3%
Physical Abuse	19.0%	Emotional Abuse	13.3%
Emotional Abuse	18.3%	Type Not Specified	8.3%
Sexual Abuse	2.5%	Physical Abuse	4.6%
Abandonment	1.1%	Sexual Abuse	1.1%

Figure 3

Figure 3 displays the types of abuse originally reported vs. types of abuse that were substantiated. The most frequent alleged/reported types of abuse was financial exploitation (27.9%) followed by caregiver neglect (27.4%). The most frequent substantiated types of abuse continued to be those of neglect (self 41.6% and caregiver 18.7%) followed by financial exploitation. For more information, see Appendix B, titled "Older Adult Abuse Reports Received This Fiscal Year" at the end of this report.

Provision of Services

Following the substantiation of a report, an assessment is conducted that results in the development of service plan, which must describe the older adult's identified needs, the goals to be achieved, and the specific services that will meet them in order to reduce or eliminate risk. The following chart details the most frequent services provided to older adults for this fiscal year. Personal care is still the most frequently provided service under protective services based on both cost and units served.



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 (32.4%). The majority are Caucasian (76.9%) and female (64.0%). It is important to recognize that many victims reside in their own homes (47.0%) and are living alone (40.0%).

The data also reveals that 49.5% of perpetrators were between the ages of 30-59 and 53.7% were female. Pennsylvania's data is similar to national data, in that the largest group of perpetrators is 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 may 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	Home Delivered Meals	2	Home Delivered Meals
3	Assessment-Competency Evaluation	3	Home Support- Housekeeping
4	Pest Control/Fumigation	4	PAS*-Agency Model- Basic Needs
5	Home Support- Housekeeping	5	Assessment-Competency Evaluation
6	Overnight Shelter/Supervision	6	Personal Care- Weekends
7	Legal Advice/Representation to Individual	7	Overnight Shelter/Supervision
8	Guardianship-Competency Evaluation	8	Pest Control/Fumigation
9	Guardianship	9	Legal Advice/Representation to Individual
10	PAS*- Agency Model- Basic Needs	10	PS Petition to Court

*PAS- Personal Assistance Services

Elder Abuse Task Force and Law Enforcement Collaboration

The Department of Aging funds the *Institute on Protective Services at Temple University Harrisburg* which serves to work collaboratively with the department in order to prevent, respond, and when necessary to obtain justice for victimized elders. The Institute is available to support local AAAs and law enforcement entities in order 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 access to a support system that is equipped 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. There are 52 counties involved in some level of task force work: 32 active task forces, 9 law enforcement collaborations, and 11 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, 339 petitions were filed, of which 288 (85.0%) were granted by the court. Guardianship petitions were the most common (76.4%) with 96% of petitions being granted by the court. Involuntary emergency interventions accounted for the second highest number (11.8%) with 97.5% of petitions being granted by the court. Out of all investigated reports conducted, only 1.9% required 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 is 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 15 courses and trained a total of 925 protective services workers, an increase of 16.2% from FY 14-15. A total of 127 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 66 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 Sexual Abuse Identification and Investigation, Social Media and Drug Diversion, Self-Neglect and Executive Functioning, and Supervisory Enrichment. Over 900 participants were trained.

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, professionals, law enforcement officers,

other professionals, and the general public. An estimated 284 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 20 continuing and 9 new cases, while providing consultation on 28 new cases, most of which involve theft of funds from older adults. This particular trend continues to grow in the victimization of older adults. For completed cases with which the *Institute* assisted, the average loss to older adults for this fiscal year was more than \$193,361 per case. The opportunity for the *Institute* to work with the AAAs and law enforcement has resulted in 10 arrests being made with 8 criminal prosecutions, and has helped to facilitate \$686,707 in recoveries, \$474,155 in court ordered restitution, and nearly \$2.69 million in older adults' assets being protected. The totals shown above do not include data from the cases still active from this fiscal year.

The Institute on Protective Services' work helped to facilitate \$686,707 in recoveries, \$474,155 in restitution and \$2.69 million in older adults' assets being protected.

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 below for updated information). All prospective employees must obtain a Pennsylvania State Police criminal history background check. Individuals who have not resided within the commonwealth for the past two consecutive years must, in addition to the PA State Police criminal history background check, obtain a federal criminal history record check. The department is responsible for the federal criminal history background checks. The department processes the results and sends the final results to the applicant. A letter is sent to the employer advising them the results were sent to the applicant. The applicant is responsible for providing the results to the employer who will analyze the results and make the employment determination. See **Figure 4** for total number of applications by fiscal year. The total number of applicants prohibited for this fiscal year only includes prohibited applicants up to the date of the Commonwealth Court ruling below.

Peake v. Commonwealth of Pennsylvania, et al., 216 M.D. 2015

The following was posted on the department's website on January 6, 2016:

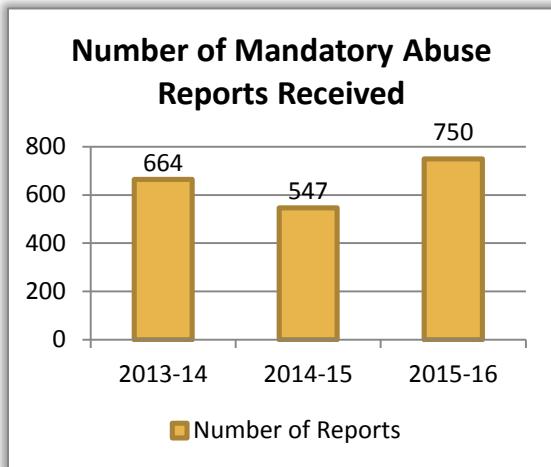
"On December 30, 2015, the Commonwealth Court held in *Peake v. Commonwealth of Pennsylvania, et al.*, 216 M.D. 2015, that the "lifetime employment ban" contained in Section 503(a) of the Older Adults Protective Services Act ("OAPSA"), 35 P.S. §10225.503(a), violates due process guarantees under the Pennsylvania Constitution and is therefore not enforceable. The Court also held that the previously posted "Interim Policy" (pertaining to the employment of individuals with certain criminal convictions caring for older adults) is invalid. Accordingly, Departments affected by this decision are currently evaluating the posted information regarding "prohibitive hires" as well as the "Interim Policy" in light of the Commonwealth Court's decision. Please note that criminal history reports are still required for all applicants."

The department anticipates future legislative action to remedy the constitutional deficiencies found by the courts. More information regarding this legislative update or the court's guidance on hiring, please visit the department's website, www.aging.pa.gov.

Fiscal Year	Totals Applications	Total # Prohibited
2013-14	9,053	79 (0.8%)
2014-15	10,294	117 (1%)
2015-16	12,972	94 (.7%)

Figure 4

The department processes the results and sends the final results to the applicant. The applicant is responsible for providing the results to the employer who will analyze the results and make the employment determination. See **Figure 4** for total number of applications by fiscal year. The total number of applicants prohibited for this fiscal year only includes prohibited applicants up to the date of the Commonwealth Court ruling below.

**Figure 5**

for this fiscal year, 2 (.3%) were not one of the four serious types or the recipient was under the age of 60. 459 (61.2%) reports alleged sexual abuse, 227 (30.3%) reports alleged serious physical injury, 46 (6.1%) alleged serious bodily injury and 16 (2.1%) reports were for allegations of suspicious death.

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.

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	2013-2014		2014-2015		2015-2016	
	Reports (All)	Substantiated Investigations	Reports (All)	Substantiated Investigations	Reports (All)	Substantiated Investigations
Adams	49	9	97	8	136	10
Allegheny	1,692	279	2,245	363	3,884	375
Armstrong	143	54	181	82	192	73
Beaver	377	122	473	161	513	142
Bedford	176	56	223	67	299	75
Berks	563	131	922	150	1,565	176
Blair	127	25	119	44	352	76
Bradford (see Tioga)	*	*	*	*	*	*
Bucks	504	87	602	107	924	167
Butler	429	99	366	84	484	105
Cambria	129	28	150	36	190	23
Cameron	186	36	184	37	232	47
Carbon	171	9	179	11	204	9
Centre	71	33	100	35	246	64
Chester	535	111	665	145	844	180
Clarion	61	19	69	29	112	43
Clearfield	433	51	388	88	582	122
Clinton	82	28	102	24	235	36
Columbia	211	79	232	78	354	99
Crawford	104	12	96	24	148	14
Cumberland	334	34	386	64	485	38
Dauphin	508	137	880	149	1,543	236
Delaware	1,222	121	913	125	1,054	123
Elk (see Cameron)	*	*	*	*	*	*
Erie	319	76	441	95	753	99
Fayette (see Washington)	*	*	*	*	*	*
Forest	88	6	62	7	91	4
Franklin	202	30	246	55	345	116
Fulton (see Bedford)	*	*	*	*	*	*
Greene (see Washington)	*	*	*	*	*	*
Huntingdon (see Bedford)	*	*	*	*	*	*
Indiana	76	34	77	27	163	30
Jefferson	218	72	180	57	219	64
Juniata (see Mifflin)	*	*	*	*	*	*
Lackawanna	316	85	439	105	707	111
Lancaster	1,556	617	1,961	838	2,420	717
Lawrence	149	12	209	59	301	43
Lebanon	83	19	89	18	301	54
Lehigh	278	49	380	54	501	95
Luzerne	155	38	143	27	288	32
Lycoming (see Clinton)	*	*	*	*	*	*
Mckean (see Cameron)	*	*	*	*	*	*
Mercer	36	6	67	9	144	9
Mifflin	130	40	136	30	198	51
Monroe	145	33	176	52	284	61
Montgomery	976	140	745	105	1,052	112
Montour (see Columbia)	*	*	*	*	*	*
Northampton	180	25	236	48	267	50
Northumberland	177	52	245	54	403	60
Perry	172	38	235	43	242	52
Philadelphia	3,392	531	3,986	719	5,437	943
Pike	92	21	105	36	133	69
Potter	26	5	24	4	32	4
Schuylkill	391	42	473	53	568	78
Snyder (see Union)	*	*	*	*	*	*
Somerset	72	23	164	54	283	55
Sullivan (see Tioga)	*	*	*	*	*	*
Susquehanna (see Tioga)	*	*	*	*	*	*
Tioga	98	24	78	22	166	60
Union	131	48	154	51	302	102
Venango	121	31	105	24	181	27
Warren (see Forest)	*	*	*	*	*	*
Washington	1,168	410	1,180	424	1,870	505
Wayne	72	15	71	17	115	22
Westmoreland	750	137	747	153	1,114	142
Wyoming (see Luzerne)	*	*	*	*	*	*
York	602	175	630	162	904	184
STATEWIDE TOTAL*	20,822	4,365	24,586	5,221	34,597	6,068

* 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+ (2015)*	Rate of RONs per 10,000	Rate of Investigations per 10,000
Adams	97	44	10	22.7%	26,504	36.6	3.8
Allegheny	2,572	1,597	375	23.5%	302,521	85.0	12.4
Armstrong	142	154	73	47.4%	18,872	75.2	38.7
Beaver	391	341	142	41.6%	46,451	84.2	30.6
Bedford	179	154	75	48.7%	29,435	60.8	25.5
Berks	831	725	176	24.3%	92,715	89.6	19.0
Blair	166	132	76	57.6%	33,777	49.1	22.5
Bradford (see Tioga)	*	*	*	*	*	*	*
Bucks	709	626	167	26.7%	151,466	46.8	11.0
Butler	327	255	105	41.2%	45,654	71.6	23.0
Cambria	108	44	23	52.3%	39,066	27.6	5.9
Cameron	162	127	47	37.0%	21,023	77.1	22.4
Carbon	149	81	9	11.1%	17,636	84.5	5.1
Centre	153	130	64	49.2%	28,896	52.9	22.1
Chester	665	386	180	46.6%	109,817	60.6	16.4
Clarion	78	69	43	62.3%	9,813	79.5	43.8
Clearfield	412	258	122	47.3%	21,194	194.4	57.6
Clinton	124	121	36	29.8%	38,050	32.6	9.5
Columbia	236	192	99	51.6%	21,262	111.0	46.6
Craw ford	97	79	14	17.7%	22,563	43.0	6.2
Cumberland	363	240	38	15.8%	58,714	61.8	6.5
Dauphin	1,045	611	236	38.6%	60,882	171.6	38.8
Delaw are	882	499	123	24.6%	122,047	72.3	10.1
Elk (see Cameron)	*	*	*	*	*	*	*
Erie	468	341	99	29.0%	63,771	73.4	15.5
Fayette (see Washington)	*	*	*	*	*	*	*
Forest	38	37	4	10.8%	13,927	27.3	2.9
Franklin	263	190	116	61.1%	38,314	68.6	30.3
Fulton (see Bedford)	*	*	*	*	*	*	*
Greene (see Washington)	*	*	*	*	*	*	*
Huntingdon (see Bedford)	*	*	*	*	*	*	*
Indiana	84	77	30	39.0%	21,229	39.6	14.1
Jefferson	175	146	64	43.8%	11,970	146.2	53.5
Juniata (see Mifflin)	*	*	*	*	*	*	*
Lackawanna	447	323	111	34.4%	54,902	81.4	20.2
Lancaster	1,944	1,348	717	53.2%	122,205	159.1	58.7
Law rence	251	124	43	34.7%	24,566	102.2	17.5
Lebanon	182	150	54	36.0%	34,465	52.8	15.7
Lehigh	323	258	95	36.8%	79,744	40.5	11.9
Luzerne	131	114	32	28.1%	89,699	14.6	3.6
Lycoming (see Clinton)	*	*	*	*	*	*	*
McKean (see Cameron)	*	*	*	*	*	*	*
Mercer	39	30	9	30.0%	31,372	12.4	2.9
Mifflin	141	137	51	37.2%	19,265	73.2	26.5
Monroe	221	169	61	36.1%	37,339	59.2	16.3
Montgomery	744	377	112	29.7%	189,512	39.3	5.9
Montour (see Columbia)	*	*	*	*	*	*	*
Northampton	198	151	50	33.1%	73,385	27.0	6.8
Northumberland	256	170	60	35.3%	25,439	100.6	23.6
Perry	216	171	52	30.4%	10,912	197.9	47.7
Philadelphia	4,133	3,222	943	29.3%	282,021	146.5	33.4
Pike	109	112	69	61.6%	15,967	68.3	43.2
Potter	24	22	4	18.2%	5,123	46.8	7.8
Schuylkill	447	267	78	29.2%	38,398	116.4	20.3
Snyder (see Union)	*	*	*	*	*	*	*
Somerset	209	193	55	28.5%	21,488	97.3	25.6
Sullivan (see Tioga)	*	*	*	*	*	*	*
Susquehanna (see Tioga)	*	*	*	*	*	*	*
Tioga	107	108	60	55.6%	42,044	25.4	14.3
Union	265	161	102	63.4%	19,383	136.7	52.6
Venango	136	110	27	24.5%	15,161	89.7	17.8
Warren (see Forest)	*	*	*	*	*	*	*
Washington	1,356	1,029	505	49.1%	101,380	133.8	49.8
Wayne	78	71	22	31.0%	14,898	52.4	14.8
Westmoreland	813	569	142	25.0%	103,270	78.7	13.8
Wyoming (see Luzerne)	*	*	*	*	*	*	*
York	651	640	184	28.8%	100,578	64.7	18.3
STATEWIDE TOTAL**	24,413	17,750	6,068	34.2%	3,020,085	80.8	20.1

* Based on 2015 PSU population projection

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