



Older Adult

PROTECTIVE SERVICES

Annual Report | Fiscal Year 2021 - 2022

Pennsylvania’s Older Adults Protective Services Act

The Pennsylvania Department of Aging (PDA) is responsible for establishing and maintaining a statewide system of protective services for individuals 60 years of age and older. Pennsylvania’s Protective Services system is governed by Act 79 of 1987, known as the Older Adults Protective Services Act (OAPSA), 35. P.S. 10225.101 et seq.

For the past thirty-five (35) years, OAPSA has served as the cornerstone of Pennsylvania’s system for providing the protective 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/or abandonment (collectively referred to as “elder abuse” or simply “abuse”). OAPSA is victim-oriented and aims to safeguard the rights of older adults while providing for the detection, reduction, correction or elimination of abuse, neglect, exploitation, and abandonment.

Under OAPSA, education of the public is conducted regarding the availability of protective services and creating an awareness of issues impacting older adults in the area of elder abuse and elder justice. Allegations of abuse are received and documented on intake forms, referred to as Reports of Need (RONs). RONs can be made on behalf of an older adult, whether the individual lives in the community or in a licensed care facility, such as a personal care home or skilled nursing facility.

PDA contracts with 52 local Area Agencies on Aging (AAAs) to administer the Older Adults Protective Services program across all 67 counties in Pennsylvania. The AAAs receive RONs, conduct investigations, make case dispositions, and when determined necessary, provide protective services to older adults in order to reduce or eliminate abuse.

In order to ensure compliance with federal and state requirements, PDA’s Bureau of Protective Services performs quality assurance monitoring on local AAA protective services programs to ensure their compliance with OAPSA. Under OAPSA, each AAA develops and submits an annual protective services plan to PDA. These plans describe how the local programs are administered and maintain regulatory and statutory requirements. Based on the results of these quality assurance reviews and ongoing collaboration, PDA provides technical assistance and training to the local AAAs to ensure that quality protective services are delivered to older Pennsylvanians.

To learn more about the full range of programs available to older Pennsylvanians through PDA and the AAA network, including the law and regulations governing the prevention of and protection from elder abuse, neglect, exploitation, and abandonment, please visit PDA’s website at aging.pa.gov. ■

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Older Adult Protective Services Snapshot – Fiscal Year 2021-22

11%

Increase In Reports

Statewide reports of elder abuse totaled 44,352 – an increase of 11% over the previous fiscal year. | More on page 5.

36,324

Investigations

82% of all reports are investigated.

More on page 6.

13,866

Substantiated

38% of the cases are substantiated. Year-to-year average has been 34% to 36%.

More on page 6.

46%

Abusers are Family Member

More on page 11.

28%

Abuse Allegations are Financial Exploitation

More on page 10.

A family member is the most common substantiated perpetrator followed by caretakers (35%).

62%

Female Victims

Females are the most common to be abused, neglected, exploited victims.

More on page 11.

77%

Caucasian

The majority of alleged victims were Caucasian.

More on page 11.

50%

Self-Neglect

Self-neglect is the most common substantiated allegation, followed by caretaker neglect (20%).

More on page 10.

OAPSA Reports of Need

Overview of Older Adult Abuse Reports

Due to a rapidly growing aging population, along with ongoing awareness efforts focused on building collaborations and enhancing education regarding the recognition and reporting of elder abuse, the number of elder abuse reports continue to grow each year. Other factors, such as the impact of the opioid crisis, and the enhanced sophistication of tactics used by scammers and con artists who prey upon the elderly, are also fueling this increase.

The number and complexity of financial exploitation investigations have created challenges that require a multifaceted approach to the provision of protective services. PDA recognizes the need to continue to serve as a visible and effective advocate for Pennsylvania older adults and is committed to engaging in efforts that are focused on building stronger collaboration among providers, community-based organizations, state agencies, law enforcement, the judicial system, and other systems that help older adults live, age well, and be free from all types of abuse.

Statewide Elder Abuse Hotline

1-800-490-8505

24 hours a day, 7 days a week.

RONs for individuals aged 60 years and older (referred to as an OAPSA RON) for abuse, neglect, exploitation, and/or abandonment are received by the AAAs and Statewide Elder Abuse Hotline.

RONs are screened and assigned a category with a required response time based on the information provided by the reporter.

There are two types of reporting under OAPSA: voluntary and mandatory. Under the voluntary reporting provisions, any person who has reasonable cause to believe that an older adult is 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 they have legal protection against retaliation, discrimination, and civil or criminal prosecution under the law.

Mandatory reporters include any employee or administrator of a facility who has reasonable cause to suspect that a recipient of care is a victim of abuse.

Recipients are individuals of any age. Reporters must immediately report the suspected abuse to their local AAA.

The definition of a facility under OAPSA includes:

- long-term care nursing facilities
- personal care homes
- home health agencies
- domiciliary care homes
- adult daily living centers

Other state agencies such as the Pennsylvania Department of Health (DOH) and the Pennsylvania Department of Human Services (DHS) have created and implemented policy requiring additional types of facilities that they oversee to also be in compliance with OAPSA. In addition to reporting to the local AAA, if the abuse that the mandatory reporter (employee or administrator of a facility) is reporting involves sexual abuse, serious physical injury, serious bodily injury, or suspicious death, they are also required to make an immediate report to law enforcement and to PDA. ■

OAPSA Reports of Need

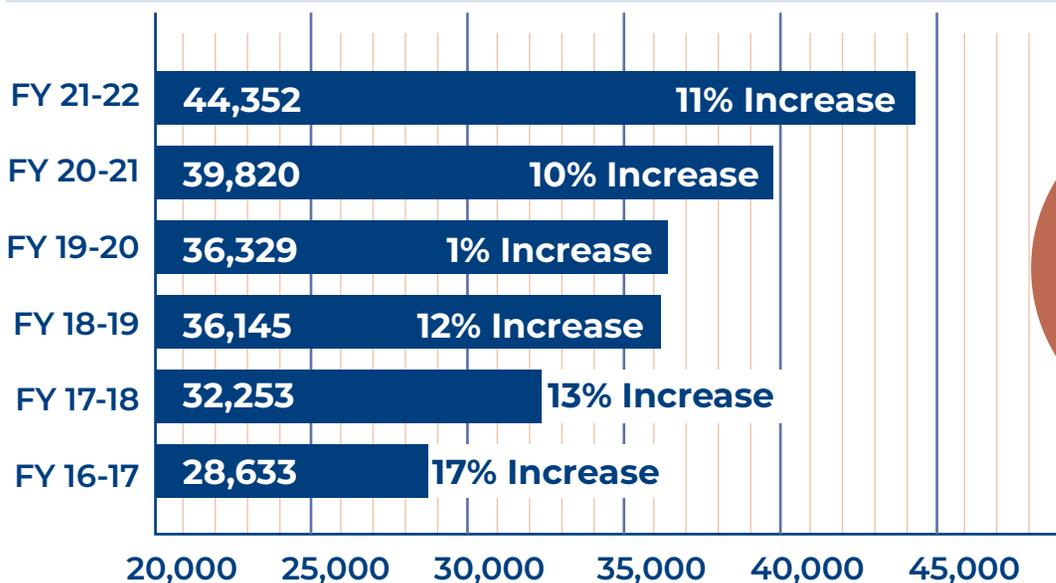
Statewide OAPSA Reports

State Population • 12,964,056*

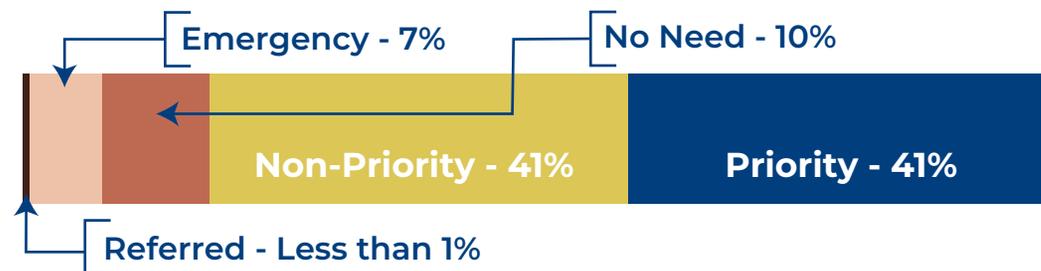
Population 60 and Over • 3,381,658 (26%)*

*Data prepared by the Pennsylvania State Data Center using 2021 population estimates.

Historical Reports of Need



Report of Need Categorization



RON Categorization

Categorization

The category response-time initiates the investigation by the local Area Agency on Aging, leading to a case disposition, which determines if the allegations are true or the older adult (alleged victim) named in the report is in need of protective services (substantiated report) or is not in need of protective services (unsubstantiated report).

55%
Increase in RONS
Over the Past
Five Years

Categories

Emergency: Requires an investigation to be started immediately to ensure the safety of older adults

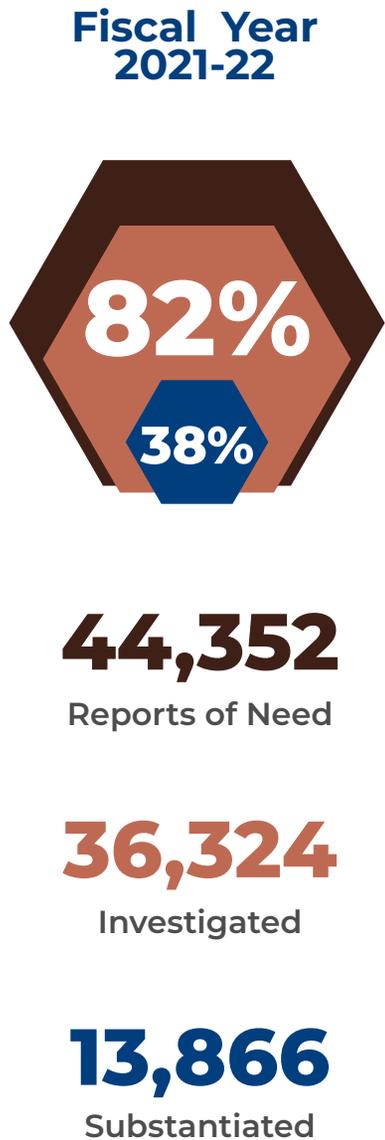
Priority: Requires a response as soon as possible, but no later than 24 hours, and a face-to-face visit with the older adult within 24 hours

Non-Priority: Requires a response in a timely manner, but no later than 72 hours, and a face-to-face with the older adult at an appropriate time in the investigation

No Need: Based on the information contained in the Report of Need (RON), there is no need for investigation. A report is categorized as a No Need when the alleged victim meets any of the following criteria: under age 60, does not live in PA, has capacity to perform or obtain necessary services, has a responsible caretaker, is not at imminent risk. The case may require a referral for other resources to an appropriate community entity. ■

OAPSA Reports of Need

Statewide OAPSA RONs Investigated and Substantiated



FY 2020-21	FY 2019-20	FY 2018-19	FY 2017-18	FY 2016-17
87% 38%	86% 36%	79% 34%	73% 36%	72% 34%
39,820 Reports of Need	36,329 Reports of Need	36,145 Reports of Need	32,253 Reports of Need	28,633 Reports of Need
34,742 Investigated	31,286 Investigated	28,552 Investigated	23,552 Investigated	20,494 Investigated
13,265 Substantiated	11,119 Substantiated	9,683 Substantiated	8,408 Substantiated	6,889 Substantiated

Each year, the number of RONs, investigations, and substantiated reports increase. An increasing aging population, awareness efforts, enhanced trainings, targeted collaboration with other state agencies and community partners, and improvements in data collection methods have attributed to this increase. The purpose of an investigation is to determine if allegations made in a report can be substantiated and/or whether the older adult is in need of protective services.

The following page details the number of RONs, RONs investigated, and investigations substantiated by each AAA. ■

Older Adult Reports of Need

Reports of Need Investigated and Substantiated by AAA

Received Reports of Need • Investigated • Substantiated

Adams
264 241 91% 100 42%

Allegheny
5,042 3,959 79% 2,072 52%

Armstrong
160 127 79% 32 25%

Beaver
707 428 61% 123 29%

Berks
1,169 1,015 87% 467 46%

Blair
683 515 75% 193 38%

Bradford/Susquehanna/Sullivan/Tioga
482 416 86% 146 35%

Bucks
2,036 1,578 78% 587 37%

Butler
544 468 86% 148 32%

Cambria
364 321 88% 105 33%

Cameron/Elk/McKean
340 244 72% 117 48%

Carbon
218 190 87% 23 12%

Centre
189 168 89% 65 39%

Chester
1,039 756 73% 265 35%

Clarion
55 48 87% 25 52%

Clearfield
385 296 77% 141 48%

Columbia/Montour
534 476 89% 239 50%

Crawford
161 165 102% 68 41%

Cumberland
571 491 86% 224 46%

Dauphin
1,598 1,288 81% 692 54%

Delaware
1,020 1,023 100% 279 27%

Erie
1,340 1,132 84% 469 41%

Franklin
277 231 83% 64 28%

Huntingdon/Bedford/Fulton
323 281 87% 171 61%

Indiana
154 142 92% 57 40%

Jefferson
216 163 76% 77 47%

Lackawanna
1,014 967 94% 503 52%

Lancaster
2,192 1,856 85% 1,184 64%

Lawrence
201 180 90% 53 29%

Lebanon
432 403 93% 181 45%

Lehigh
1,135 929 82% 456 49%

Luzerne/Wyoming
610 436 72% 114 26%

Lycoming/Clinton
209 89 43% 55 62%

Mercer
143 127 89% 27 21%

Mifflin/Juniata
223 210 94% 112 54%

Monroe
540 453 84% 318 70%

Montgomery
1,438 1,315 91% 466 35%

Northampton
1,154 890 77% 363 41%

Northumberland
588 453 77% 104 23%

Perry
117 112 96% 33 30%

Philadelphia
7,470 5,814 78% 851 15%

Pike
316 266 84% 148 56%

Potter
50 44 88% 12 27%

Schuylkill
789 604 77% 220 36%

Somerset
179 146 82% 44 30%

Union-Snyder
299 180 60% 47 26%

Venango
224 194 87% 97 50%

Warren/Forest
129 109 85% 67 62%

Washington/Fayette/Greene
2,097 1,696 81% 746 44%

Wayne
118 102 86% 46 45%

Westmoreland
1,421 1,262 89% 327 26%

York
1,357 1,269 94% 336 27%

Annual investigative average is 82%. Annual substantiated average is 38%. Investigations may exceed 100% due to reported data and/or timing with the end/start of the fiscal year. RONs categorized as No Need are not investigated.

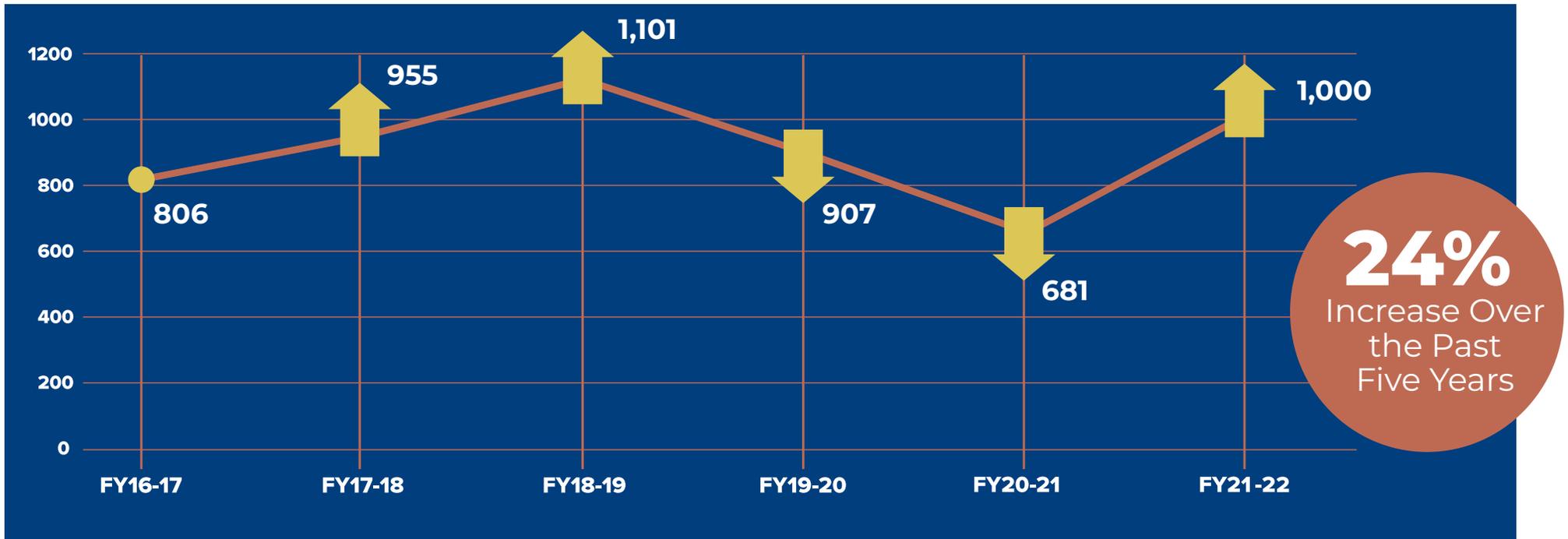
Mandatory Abuse Reporting

Overview

In 1997, OAPSA was amended to require mandatory abuse reporting for administrators and employees of facilities. The law and regulations require that an employee or an administrator that suspects abuse must immediately report the abuse to their local AAA.

While mandatory abuse reports have historically increased due to the dual reporting requirements required by the APS law for adults ages 18-59, enhanced collaboration with the PA Departments of Health and DHS has occurred to enforce mandated reporting requirements under OAPSA. As noted in the chart below, mandatory abuse reports had decreased during 2019-20 and 2020-21, the two fiscal years coinciding with COVID-19, but have again increased during 2021-22. Mandatory abuse reporting data collected during this fiscal year may include duplicate reports due to the statutory requirement to report to both PDA and DHS.

Annual Mandatory Abuse Reports



Mandatory Abuse Reporting

Overview (con't)

If the abuse being reported involves one of the four serious abuse types – serious physical injury, serious bodily injury, sexual abuse or suspicious death – the facility must report to law enforcement and PDA, in addition to reporting to the AAA. Definitions from OAPSA of these four serious abuses are as follows:

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.

Serious Physical Injury

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

Serious Bodily Injury

Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

Suspicious Death

There is no OAPSA definition for the term "suspicious death." However, a general definition for suspicious death is a death that is unexpected, and its circumstances or cause is medically or legally unexplained. It is important, when applying the term within OAPSA, to conduct a very close and thorough review of the circumstances surrounding the death. ■

**Facilities Make Oral
Mandatory Reports to PDA
(717) 265-7887**

Reports of Serious Abuse for 2021-22 By Category*

631
Sexual Abuse

290
Serious Physical
Injury

44
Serious Bodily
Injury

43
Suspicious Death

*Both older adult and adult mandatory reports of serious abuse broken out by type total 1,008 rather than the 1,000 noted on the previous page because some of the reports cover more than one type of abuse.

Statewide Abuse Types — Alleged vs. Substantiated

As part of the safeguards in place to protect older adults, the AAA protective services program investigates all areas of abuse when investigating the allegation(s) in a RON. There are times when the comprehensive investigation may identify substantiated abuse, neglect, exploitation or abandonment that was not originally alleged in the RON. The below chart displays the types of abuse originally reported (alleged) versus types of abuse that were substantiated. They are ranked with the most common abuse type at the top. Self-neglect continues to lead in both reported and substantiated rankings. Fiscal year 2021-22 marked the first year that financial exploitation moved up into the second-most reported type of abuse, and that abandonment ranked among the top six types of substantiated abuse. ■



Some Risk Factors for Abuse, Neglect and Exploitation

- Lives alone
- Lives in own home
- Socially isolated
- Incapacitated (physically and/or cognitively)
- Lack of formal or informal support
- Dependence on others for assistance

*Alleged abuse percentages are based on all RONs.

**Substantiated abuse percentages are based on all investigations.

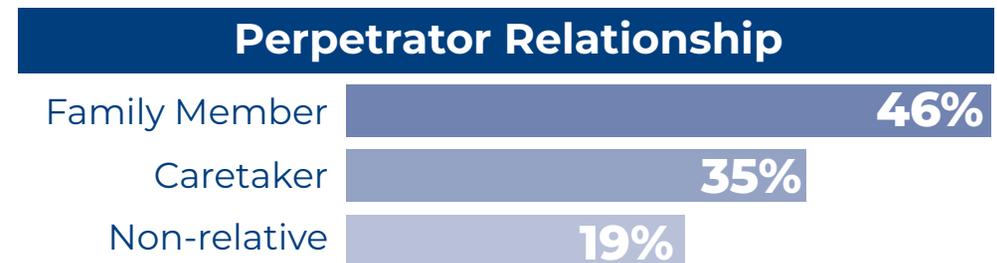
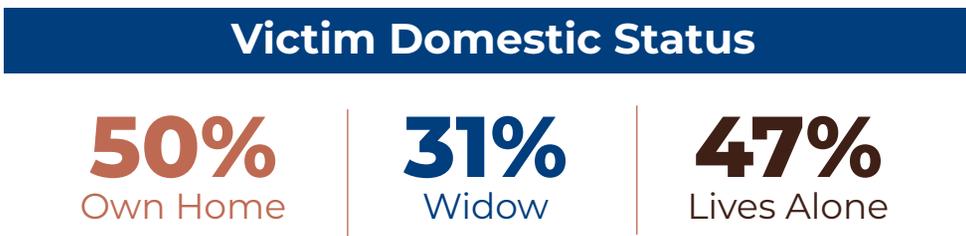
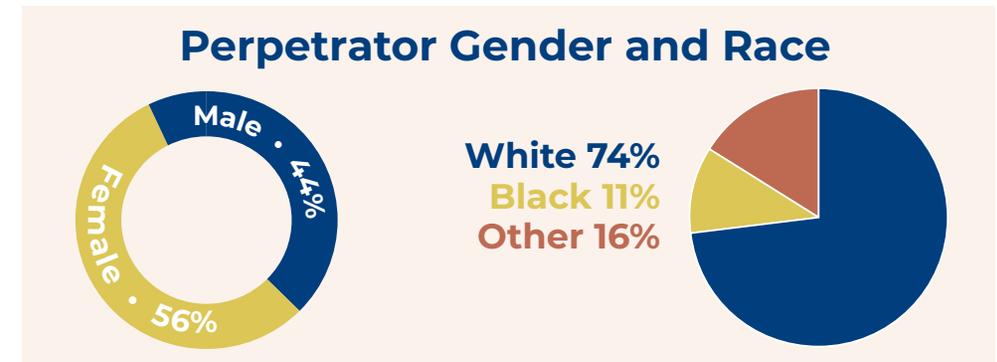
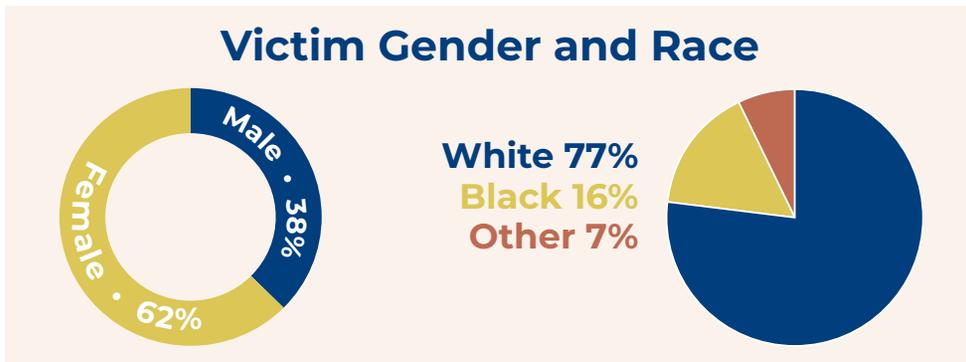
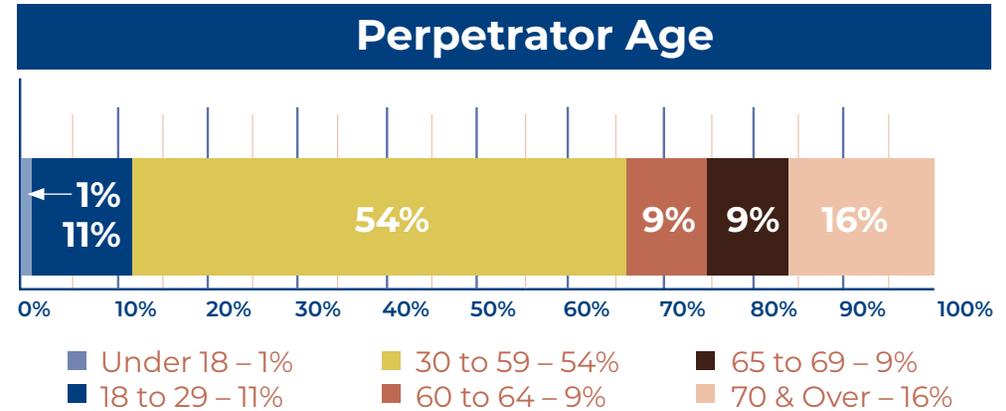
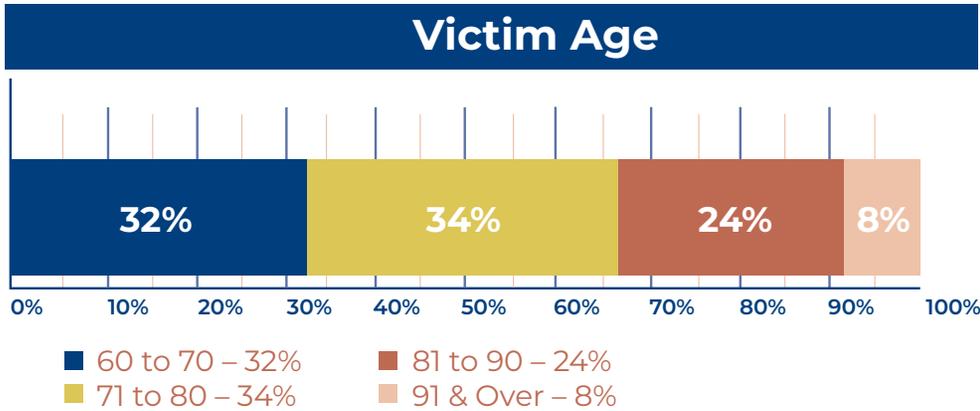
Percentages do not sum to 100% due to some RONs and investigations involving more than one type of abuse.

Victims and Perpetrators

Characteristics of Alleged Victims and Perpetrators

Throughout the course of a protective services investigation, information is collected concerning the characteristics of an individual reported to need protective services (alleged victim) and the abuser (alleged perpetrator). Tracking this data helps inform public education and outreach efforts.

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 plan. ■



Provision of Services

Services Provided to Reduce or Eliminate Risk

Following the substantiation of a Report of Need for protective services, an assessment is conducted that results in the development of a service plan, which describes the older adult's identified needs, goals to be achieved, and the specific services needed in order to reduce or eliminate risk. The AAA develops the service plan cooperatively with the older adult, their guardian and other family members, when appropriate. The AAA advocates for the older adult, who has a right to self-determination.

The plan reflects the least restrictive alternatives to reduce or eliminate the imminent risk to the older adult's person or property. The chart below details the most frequent services provided to older adults during this fiscal year. Personal care continues to be the most frequently provided service under protective services based on both cost and units served. ■

Top 10 Services Provided to Protective Services Clients

By Dollars

By Units

Personal Care	1	Personal Care
Legal Assistance	2	In-Home Meals
Guardianship	3	Care Management
Other Protective Services	4	Other Protective Services
Overnight Shelter/Supervision	5	Legal Assistance
In-Home Meals	6	Home Support
Assessment	7	Overnight Shelter/Supervision
Home Support	8	Guardianship
Pest Control/Fumigation	9	Protective Services Petition to Court
Environmental Modification	10	Assessment

Law Enforcement Referrals

The AAA may refer a case to law enforcement when a protective services caseworker witnesses a crime in progress; an older adult requests a referral as part of the service plan or their guardian or power of attorney requests or agrees to a referral when the older adult lacks the capability to consent.

943
Law
Enforcement
Referrals

Act 53 Referrals

Revisions to 18 PA C.S § 2713 (neglect of a care-dependent person), including the creation of § 2713.1 (abuse of a care-dependent person) mandate that if a AAA has reasonable cause to believe that a caretaker has engaged in conduct in violation of this law, the agency is required to report the incident to local law enforcement or the Attorney General.

123
Referrals
Made Under
Act 53

Quality Assurance Monitoring

PDA's Bureau of Protective Services is responsible for overseeing the performance and quality assurance monitoring of the 52 AAAs' protective services programs for compliance with the law, regulations and policies.

As part of the quality assurance monitoring protocol, PDA evaluates compliance with the statutory and regulatory requirements by sampling and reviewing cases to ensure consistent and quality services are administered by the AAA OAPS program across the commonwealth. PDA provides technical assistance and additional support to the AAAs through follow-up visits, offering consultation and training.

PDA also supports the AAAs by providing basic, advanced, and annual training related to protective services. Training is made available through PDA's partnership with and financial support to the Institute on Protective Services at Temple University, Harrisburg.

Institute of Protective Services at Temple University

For 20 years, PDA has funded and contracted with the Institute on Protective Services (IPS) at Temple University, Harrisburg. With a mission to prevent, respond, and when necessary, obtain justice for victimized elders and other vulnerable adults, IPS works collaboratively with PDA to provide required protective services training to the local AAAs, as well as education and consultation to human services and law enforcement professionals on identifying, investigating, and resolving cases of elder victimization.

Pennsylvania Elder Abuse Multidisciplinary Teams and Collaboration with Law Enforcement

Similar to other states and organizations, Pennsylvania recognizes that elder abuse teams or task forces serve as a way to more effectively address elder abuse, neglect, and exploitation.

Certain elder abuse cases that are particularly complex may involve multidisciplinary efforts of medical, psychiatric, legal, housing, personal care, financial, and family violence issues. The multidisciplinary approach allows for counties to bring together experts from numerous disciplines to evaluate, address, and resolve victimization.

Sixty-one percent of the commonwealth is currently covered by some form of multidisciplinary teamwork. An elder justice task force or alternative exists within 41 counties and there is a possibility of expanding task forces into another six counties.

Successful team efforts 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. ■

Amendments to OAPSA — Criminal History Background Checks

Since 1987, the Older Adults Protective Services Act (OAPSA) has served as Pennsylvania’s system for protecting the health, safety, and welfare of older adults who are at imminent risk of these serious offenses.

OAPSA was amended in 1996 to mandate that all prospective employees of long-term care facilities submit to a criminal history background check and be free of convictions for offenses designated under OAPSA. The conviction of certain “prohibitive offenses” serves to disqualify a person from being hired by a facility. Some of these offenses disqualified a person from working in a facility for life. These “lifetime” bans were listed in the legislation, but the legislation did not provide for the person subject to a lifetime ban with the opportunity to appeal the ban. Consequently, through litigation challenging the use of lifetime bans without the opportunity to appeal (Nixon I, Nixon II and Peake), the Commonwealth Court found the use of lifetime bans

without the opportunity to appeal unconstitutional. The court also held that the previously posted “Interim Policy” (pertaining to the employment of individuals with certain criminal convictions who care for older adults) is invalid.

Currently, all prospective facility employees must still obtain a Pennsylvania State Police criminal history background check, and individuals who have not resided within the commonwealth for the past two consecutive years must also obtain a federal criminal history background check.

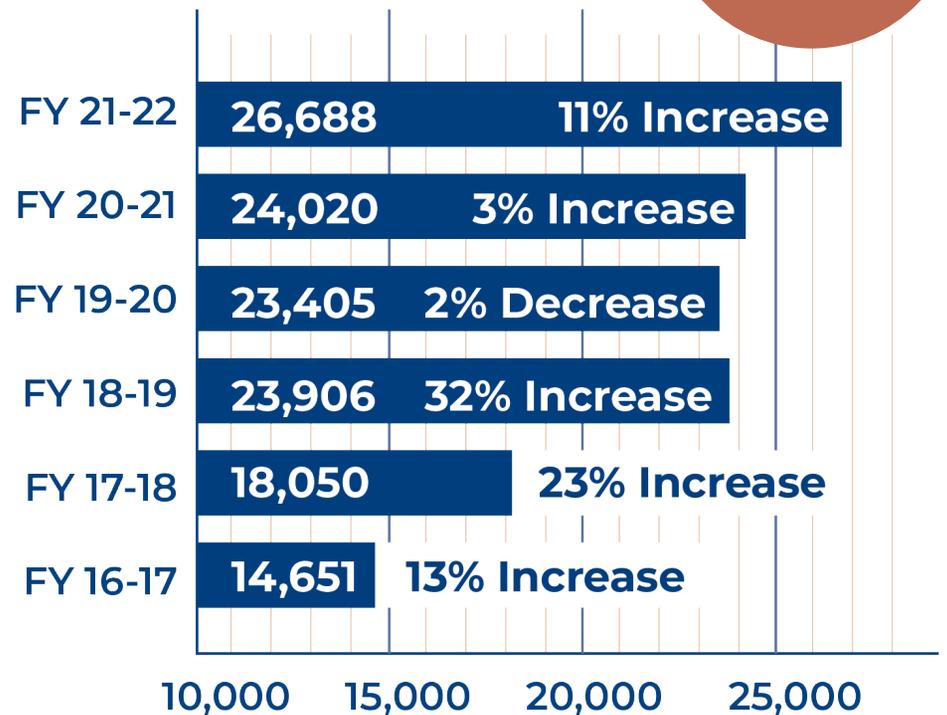
PDA is responsible for administering criminal history background checks, processing the results, and sending the final determination to the applicant. PDA is prohibited by federal law from sharing the contents of any criminal history background check to anyone other than the applicant, and the letters sent out by PDA only indicate the applicant’s eligibility or ineligibility for employment under OAPSA (see chart for the total number of annual background checks.)

Legislative Action Needed

PDA continues to advocate for the Pennsylvania legislature to update OAPSA to improve protections for older adults. Specifically, the law should be modernized to address financial exploitation of older adults and expand the list of mandatory reporters of abuse to include certain entities that were not in the original law (such as law enforcement, EMTs and hospital workers) and care options that did not exist in 1987 when the law was first enacted, such as home health, hospice and assisted living. ■

Annual Background Checks

82%
Increase
Over the Past
Five Years



Administration for Community Living (ACL) Grant

In 2018, PDA was awarded a 3-year grant through the ACL. The primary purpose of the grant is to enhance protective services programs. Pennsylvania's grant was designed to address educational needs and challenges in the areas of implementing services to older adults found to be self-neglecting and data collection and reporting. During 2021-22, the department continued to work on these grant activities.

American Rescue Plan Act (ARPA) Grants

PDA also began work on activities funded by two ARPA grants awarded by ACL during 2020-21. The primary purpose of these grants have been to enhance the protective services program through data collection innovation; public education and outreach; technology that allows secure communication and information-sharing between the Bureau of Protective Services and financial institutions; and additional training for protective services investigators. These grants have also funded enhancements to the Statewide Abuse Reporting hotline.

PA Supreme Court Advisory Council on Elder Justice in the Courts

The PA Secretary of Aging is a member of the Advisory Council on Elder Justice in the Courts. The mission of the Advisory Council on Elder Justice in the Courts is to identify and address elder justice issues including elder abuse and neglect, guardianships and access to justice affecting the Commonwealth's elders.

Financial Exploitation Task Force

In 2021, PDA assembled an interdisciplinary task force of state agencies, aging, legal, financial, law enforcement and healthcare stakeholders and subject matter experts to discuss financial exploitation and focus on a multi-disciplinary approach to its prevention. The formation of the task force was one of the five recommendations of PDA's Financial Exploitation study that was released in September 2020. [The study is available on PDA's website.](#)

The task force met for five months during 2021. Members reviewed the common types of financial exploitation, learned how capacity and cognitive decline in older adults increases their risk of being exploited, explored how to strengthen collaboration between government, law enforcement, financial services institutions, and healthcare organizations, heard from family members of older adults who were victims of financial exploitation and discussed the critical need to update OAPSA.

The task force concluded with the development of specific recommendations covering four categories: Education, Training, Operations and Procedures, and Legislation, and formed workgroups to begin implementation.

[The full report on the Financial Exploitation Task Force, including the recommendations, is available on PDA's website.](#)

During 2021-22, the task force continued to meet quarterly to report out on progress being made on the 15 recommendations included in its report. Several recommendations have been implemented, including PDA working with the Department of Human Services, County Assistance Offices to develop a policy around identifying and reporting financial exploitation and the development of a [financial exploitation resources webpage for consumers](#), including a financial exploitation educational video series.

Collaboration Highlights (con't)

Additionally during 2022, PDA collaborated with the Office of Attorney General and The Institute on Protective Services at Temple to develop a financial exploitation law enforcement training and an online [Investigator's Toolkit](#) specifically created for law enforcement that includes downloadable worksheets and checklist tools to assist in the investigation of various types of financial exploitation. ■



Financial Exploitation Educational Video Series

Clayton Jacobs, Alzheimer's Association Greater PA Chapter Executive Director, provides resources related to Alzheimer's and other dementias:

- [Alzheimer's and other dementias – increased risk of exploitation](#)
- [Early detection of Alzheimer's disease can help prevent financial exploitation – and empower older adults](#)
- [Protecting a loved one's finances](#)
- [Resources to help cope with and learn more about Alzheimer's](#)

Mary Bach, AARP's lead volunteer on consumer protection and fraud, provides information to help older adults protect themselves from scammers:

- [Unexpected phone calls and what to look out for](#)
- [What are three risk factors that can lead to elder financial abuse](#)
- [Five tricks that scammers use](#)
- [Fraud prevention checks to protect loved ones](#)

Margaret Barajas, Long-Term Care Ombudsman, provides information on protecting long-term care residents from financial exploitation:

- [Protecting long-term care residents](#)
- [Protecting your confidentiality](#)

Statewide Elder Abuse Hotline

1-800-490-8505

24 hours a day, 7 days a week.



pennsylvania
DEPARTMENT OF AGING

555 Walnut Street, 5th Floor, Harrisburg, PA 17101

Phone: (717)783-1550 | Email: aging@pa.gov | Website: aging.pa.gov