



pennsylvania
DEPARTMENT OF AGING

OLDER ADULT PROTECTIVE SERVICES

2 0 1 9 - 2 0 | A N N U A L | R E P O R T

INTRODUCTION

PENNSYLVANIA’S OLDER ADULTS PROTECTIVE SERVICES ACT (OAPSA)

The Pennsylvania Department of Aging (PDA) is responsible to establish and maintain a statewide system of protective services for individuals 60 years of age and older who need them. The investigatory and protective activities of Pennsylvania’s system are 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-three (33) years, OAPSA has served as the cornerstone for 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. The PDA is fully committed to providing quality protective services to older adults.

Under OAPSA, the PDA also educates the public regarding the availability of protective services and creates 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. The PDA works closely with the network of 52 local Area Agencies on Aging (AAAs) who administer the Older Adults Protective Services program across all 67 counties in Pennsylvania. Under OAPSA, the local AAAs develop and submit an annual protective services plan to PDA. This plan describes how the local program is administered and maintains regulatory and statutory requirements. On behalf of the PDA, 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, the PDA’s Protective Services Office provides quality assurance oversight to the local protective service programs to ensure their compliance with OAPSA and their approved local protective services annual plan. Based on the results of these quality assurance reviews and ongoing collaboration, PDA provides technical assistance and training to the local AAAs to ensure quality protective services are provided to older Pennsylvanians in need of them.

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 PDA’s website at aging.pa.gov.

EXECUTIVE SUMMARY

A BRIEF STATISTICAL OVERVIEW OF OLDER ADULT PROTECTIVE SERVICES

80%
INCREASE
IN REPORTS

Statewide reports of elder abuse have increased by 80% over the past five years.

31,286
INVESTIGATIONS

86% of all reports are investigated. This is a 10% increase from last fiscal year.

11,119
SUBSTANTIATED

The average percentage of substantiated cases remains consistent year-to-year (34 to 36%).

64%
FEMALE VICTIMS

Females are the most commonly abused, neglected, exploited victims (64%).

38%
SELF-NEGLECTING

Self-neglect is the most commonly substantiated allegation (38%), followed by caretaker neglect (18%).

84%
CAUCASIAN

The majority of alleged victims were Caucasian (84%).

22%
FEMALE CARETAKER

The most commonly identified perpetrator is a female caretaker (22%).

1.2
MILLION DOLLARS
IN PROTECTED
FINANCIAL ASSETS

The Institute on Protective Services (Temple University) collaborated with AAAs in 15 cases of financial exploitation, resulting in protecting 1.2 million dollars in assets.

OAPSA & APS REPORTS OF NEED

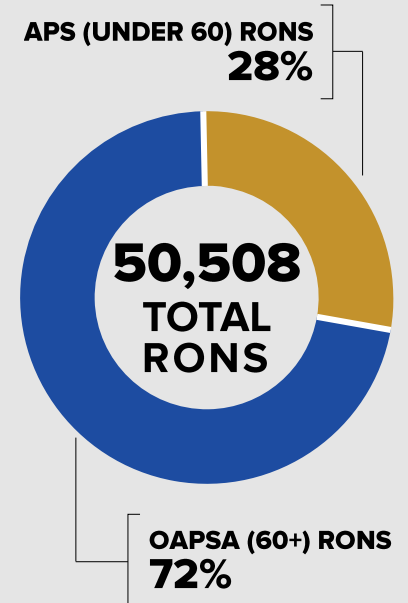
OVERVIEW OF ADULT AND OLDER ADULT ABUSE REPORTS

Due to a rapidly growing aging population, along with ongoing 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 seniors 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.

RONs for adult or older adult abuse, neglect, exploitation, and/or abandonment received by the AAAs are taken regardless of age and handled appropriately. When a report of abuse is received for an individual between the ages of 18-59 (referred to as an Adult Protective Services (APS) RON), the RON is taken and immediately referred to the appropriate investigative agency, which is identified by the Pennsylvania Department of Human Services (DHS), authorized by the Adult Protective Services Law, Act 70 of 2010. Reports for an individual under the age of 18 are immediately referred to the Department of Human Services, Office of Children, Youth and Families. All reports received for individuals aged 60 years and older (referred to as an OAPSA RON) are handled completely by the AAA. These reports are screened and assigned a category with a required response time based on the information provided by the reporter (see next page for RON categories and response time requirements).

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: A long-term care nursing facility, personal care home, home health agency, domiciliary care home, and an adult daily living center. Other state agencies such as the Department of Health (DOH) and the 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.

ALL ADULT REPORTS



1%
**INCREASE
OVER LAST
FISCAL YEAR**

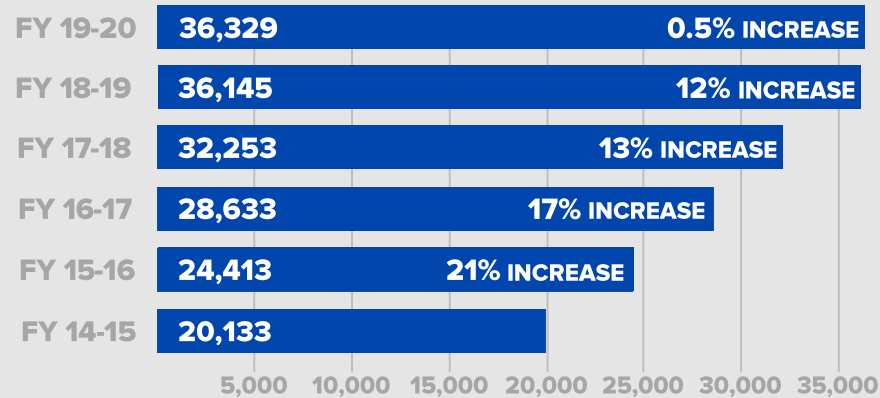
Smallest annual increase in the past 7 years. Attributed to the COVID-19 pandemic.

STATEWIDE OAPSA REPORTS

STATE POPULATION • 12,801,989 // **POPULATION OVER 59** • 3,288,548 (25.7%)

Source: Penn State University 2019 Census Data

HISTORICAL REPORTS OF NEED

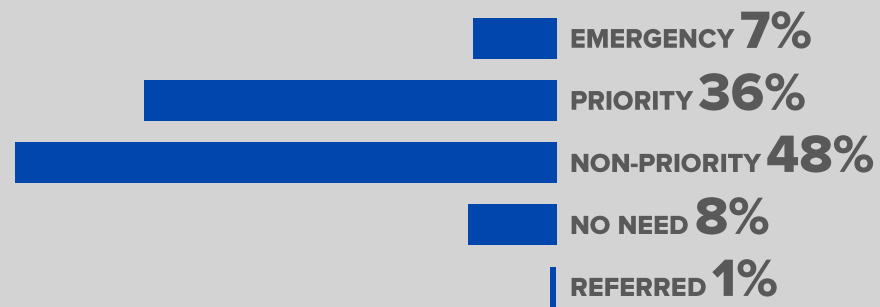


**80%
INCREASE
OVER PAST
FIVE YEARS**

RON 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).

REPORT OF NEED CATEGORIZATION



RON CATEGORIES

Emergency:

Requires an immediate response and face-to-face visit with the older adult as soon as possible

Priority:

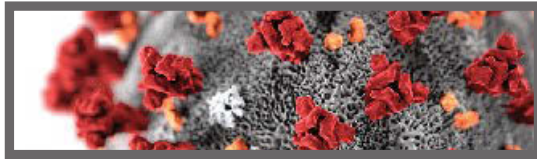
Requires a response as soon as possible, but no later than 24 hours, and a face-to-face visit with the older adult within 24 hours

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. However, it may require a referral for other resources to an appropriate community entity. All APS RONs are categorized as No Need and referred to another community entity for investigation and/or assistance.



RESPONSE TO COVID-19

IMPACT OF THE PANDEMIC ON PROTECTIVE SERVICES

HEALTH & SAFETY PLAN

In response to the global pandemic, PDA took steps to ensure the health and safety of both AAA caseworkers and the public.

TEMPORARY GUIDANCE

On March 18, 2020, PDA issued a Protective Services Temporary COVID-19 Guidance document to the AAA network. The guidance was issued to mitigate and limit exposure to COVID-19 for facility and residential investigations.

Mitigation efforts included:

- On-site quality assurance monitoring by PDA transitioned to remote monitoring only.
- Suspending regulatory requirements for face-to-face visits with older adults, except for allegations of serious bodily injury, sexual abuse, and serious physical injury. All other visits with the older adult, witnesses, and other collateral contacts were to be

conducted by telephone or by using some form of virtual meeting technology (for example, Facetime, Skype, etc.).

- Modifying other activities (e.g., Intake questions, facility investigations, residential investigations, etc.) to ensure limiting the risk of exposure to COVID-19.
- Actions to be taken before entering a facility for investigation included notifying PDA of the need for an on-site investigation, equipping investigators with proper Personal Protective Equipment (PPE), following CDC guidelines, and coordinating the visit with the facility administrator.
- Communications were subsequently issued for documentation requirements, Personal Protective Equipment, Investigation guidance, reopening and resurgence guidance, and COVID-19 screening.

- "Standard Precautions for Infection Control When Working with Older Adults (PPE)" training was developed and provided to the network.

THE INSTITUTE ON PROTECTIVE SERVICES

On March 20, 2020, the Institute on Protective Services at Temple University, Harrisburg notified the AAA network that all trainings going forward would be conducted virtually until further notice.

A total of 10 scheduled in-person enrichment trainings had to be cancelled due to social distancing guidelines. The trainings were conducted virtually in September. A total of 356 participants received training.

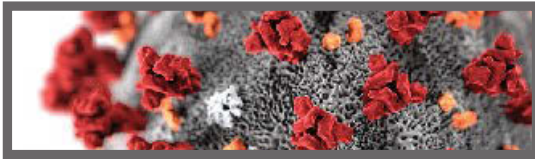
Supervisory Training was to be held in the spring of 2020 but was subsequently rescheduled as a virtual session in the fall due to social distancing guidelines. A total of 71 people attended the training.

EVALUATING COVID-19's IMPACT ON PS

PDA created reports to monitor the impact of the pandemic on RONS and investigations. The charts on the next pages illustrate COVID-19's role in the reduction of the number of reports received by Protective Services, as well as the challenges of investigating abuse, neglect, exploitation, and abandonment during the pandemic.

41%
DROP IN
RONS

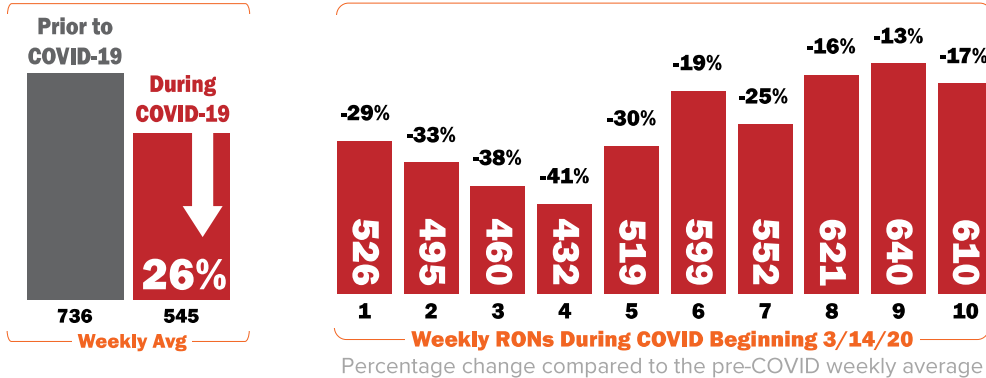
DURING THE 4TH WEEK AFTER MITIGATION EFFORTS BEGAN, RON VOLUMES DROPPED BY 41% OVER THE WEEKLY PRE-COVID AVERAGE



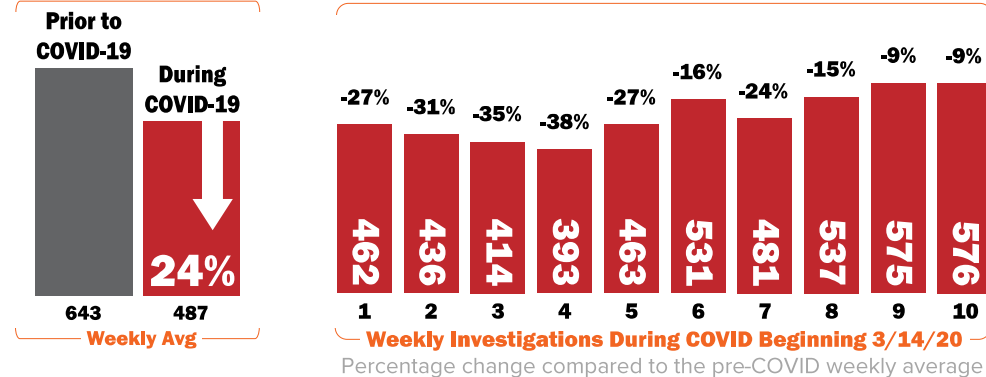
RESPONSE TO COVID-19

IMPACT OF THE PANDEMIC ON RONS AND INVESTIGATIONS

STATEWIDE WEEKLY RON VOLUMES BEFORE & DURING COVID



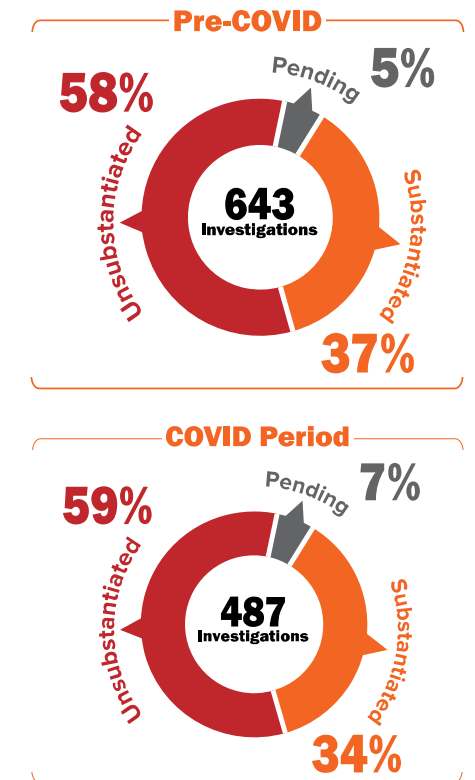
STATEWIDE WEEKLY INVESTIGATIONS BEFORE & DURING COVID



RONS BY TYPE



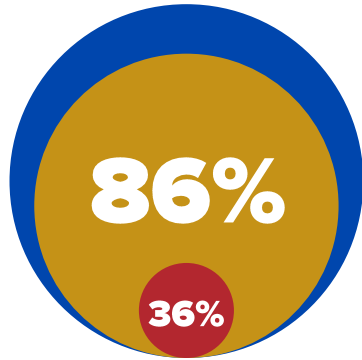
INVESTIGATIVE OUTCOMES



Pre-COVID period: 12/28/2019 through 3/13/2020 (11 weeks) • COVID period: 3/14/2020 through 5/22/2020 (10 weeks)

STATEWIDE OAPSA RONS INVESTIGATED AND SUBSTANTIATED

FISCAL YEAR 2019-20

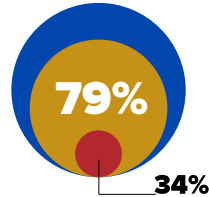


36,329
REPORTS OF NEED

31,286
INVESTIGATED

11,119
SUBSTANTIATED

FISCAL YEAR 2018-19

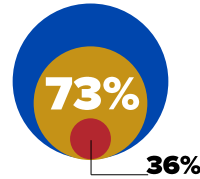


36,145
REPORTS OF NEED

28,552
INVESTIGATED

9,683
SUBSTANTIATED

FISCAL YEAR 2017-18

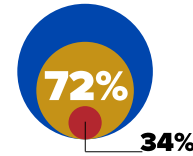


32,253
REPORTS OF NEED

23,552
INVESTIGATED

8,408
SUBSTANTIATED

FISCAL YEAR 2016-17

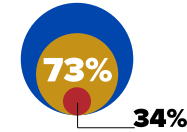


28,633
REPORTS OF NEED

20,494
INVESTIGATED

6,889
SUBSTANTIATED

FISCAL YEAR 2015-16

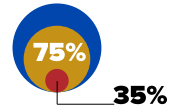


24,413
REPORTS OF NEED

17,750
INVESTIGATED

6,068
SUBSTANTIATED

FISCAL YEAR 2014-15



20,133
REPORTS OF NEED

15,029
INVESTIGATED

5,221
SUBSTANTIATED

Each year, the number of RONS and investigations continually increase. This rise is likely due to an increasing aging population, awareness efforts, enhanced trainings, targeted collaboration with other state agencies and community partners, and improvements in data collection methods. The purpose of an investigation is to determine if allegations made in a report of need for protective services can be substantiated or whether the older adult is in need of protective services, or both.

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

AGENCY DETAIL: RONS INVESTIGATED AND SUBSTANTIATED

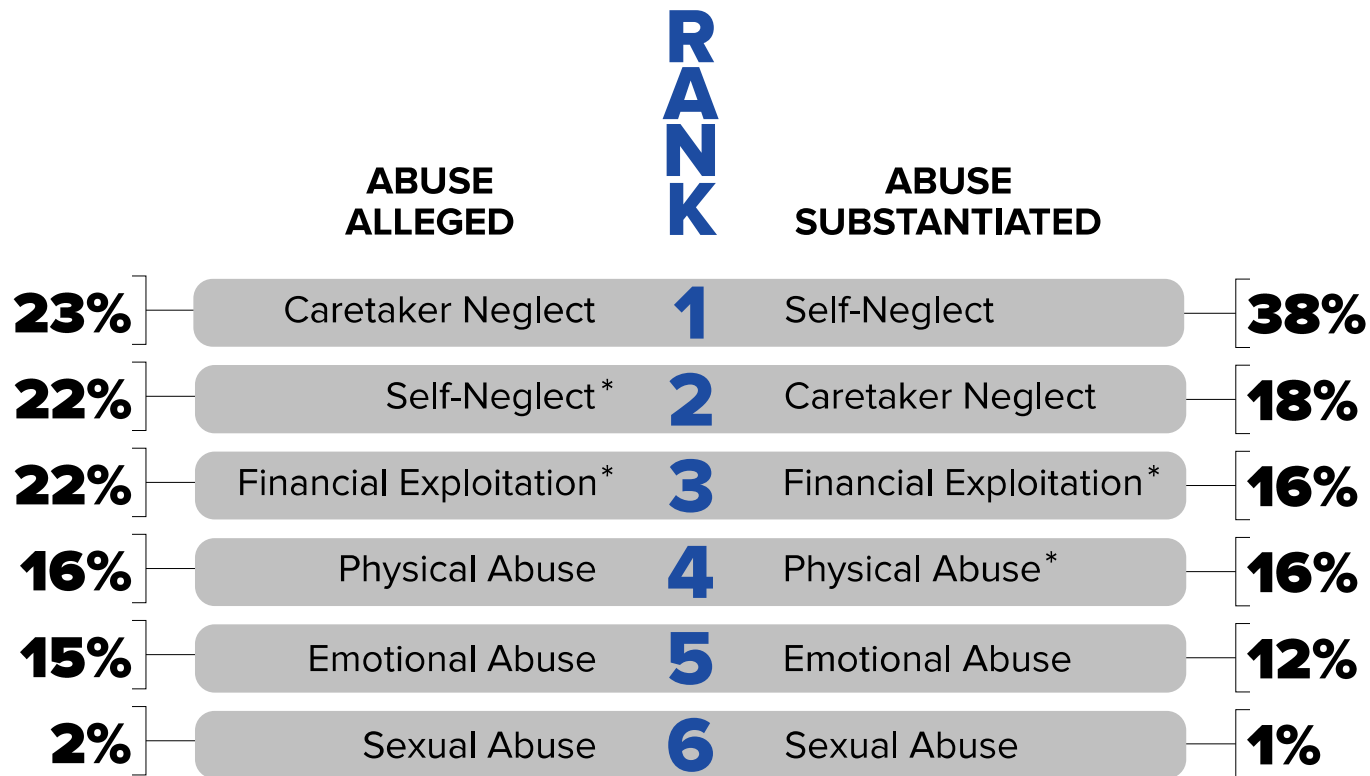
REPORTS • INVESTIGATED • SUBSTANTIATED

ADAMS 213 212 100% 117 55%	CHESTER 1,028 857 83% 350 41%	LACKAWANNA 967 868 90% 468 54%	PERRY 120 108 90% 38 35%
ALLEGHENY 4,672 3,230 69% 1,079 33%	CLARION 72 66 92% 30 45%	LANCASTER 1,968 1,681 85% 1,047 62%	PHILADELPHIA 5,101 4,746 93% 984 21%
ARMSTRONG 186 183 98% 71 39%	CLEARFIELD 356 327 92% 148 45%	LAWRENCE 185 185 100% 65 35%	PIKE 287 265 92% 137 52%
BEAVER 642 571 89% 229 40%	COLUMBIA/MONTOUR 388 343 88% 154 45%	LEBANON 206 228 111% 100 44%	POTTER 26 22 85% 8 36%
BERKS 876 805 92% 336 42%	CRAWFORD 131 127 97% 43 34%	LEHIGH 858 730 85% 271 37%	SCHUYLKILL 642 515 80% 157 30%
BLAIR 433 319 74% 116 36%	CUMBERLAND 566 509 90% 239 47%	LUZERNE/WYOMING 394 363 92% 50 14%	SOMERSET 141 127 90% 32 25%
BRADFORD/SUSQUEHANNA/SULLIVAN/TIOGA 238 225 95% 82 36%	DAUPHIN 1,262 891 71% 327 37%	LYCOMING/CLINTON 385 348 90% 140 40%	UNION-SNYDER 382 212 55% 57 27%
BUCKS 1,561 1,167 75% 385 33%	DELAWARE 707 700 99% 223 32%	MERCER 81 77 95% 27 35%	VENANGO 206 185 90% 81 44%
BUTLER 480 442 92% 152 34%	ERIE 904 769 85% 218 28%	MIFFLIN/JUNIATA 296 271 92% 159 59%	WARREN/FOREST 105 100 95% 49 49%
CAMBRIA 347 330 95% 153 46%	FRANKLIN 225 223 99% 65 29%	MONROE 414 377 91% 230 61%	WASHINGTON/FAYETTE/GREENE 1,786 1,629 91% 553 34%
CAMERON/ELK/MCKEAN 224 198 88% 79 40%	HUNTINGDON/BEDFORD/FULTON 311 314 101% 186 59%	MONTGOMERY 973 917 94% 347 38%	WAYNE 142 126 89% 42 33%
CARBON 168 129 77% 24 19%	INDIANA 154 152 99% 83 55%	NORTHAMPTON 753 697 93% 275 39%	WESTMORELAND 1,501 1,450 97% 424 29%
CENTRE 216 184 85% 72 39%	JEFFERSON 222 160 72% 76 48%	NORTHUMBERLAND 586 523 89% 150 29%	YORK 1,134 1,046 92% 170 16%

Investigations may exceed 100% due to documentation errors and/or timing with the end/start of the fiscal year.

STATEWIDE ABUSE TYPES (ALLEGED VS. SUBSTANTIATED)

As part of the safeguards in place to protect older adults, the AAA protective services program also 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.



SOME RISK FACTORS FOR ABUSE, NEGLECT, & EXPLOITATION

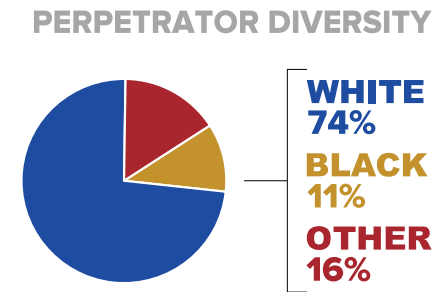
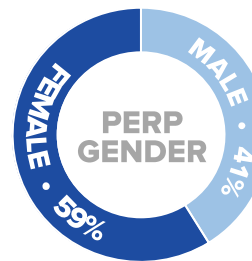
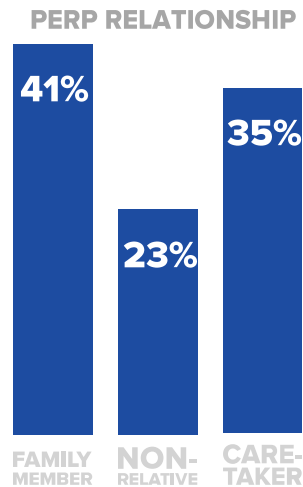
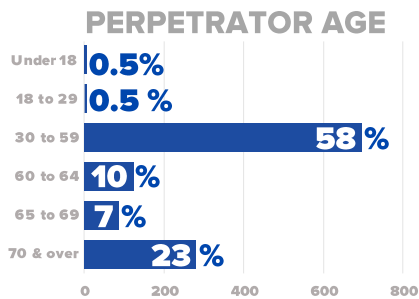
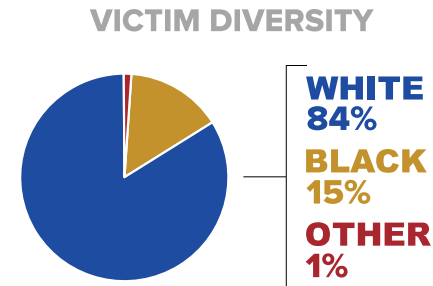
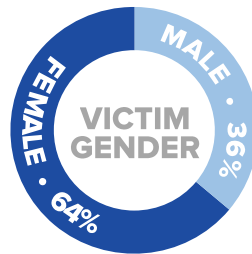
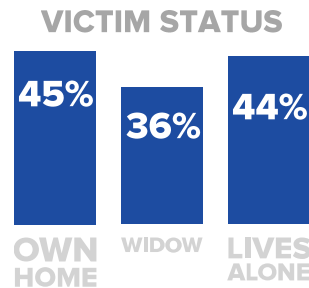
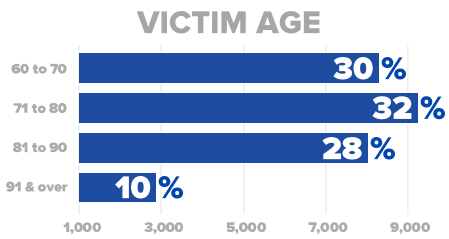
- Lives alone
- Lives in own home
- Socially isolated
- Incapacitated (physically and/or cognitively)
- Lack of formal or informal support
- Dependence on others for assistance

Percentages may not sum to 100%

* Updated 2/3/21. Rankings were transposed in original report.

VICTIMS & PERPETRATORS

CHARACTERISTICS OF ALLEGED VICTIMS AND SUBSTANTIATED PERPETRATORS



Data does not include unknown or unanswered. Other Race includes Asian, Hawaiian, Indian, & Other.

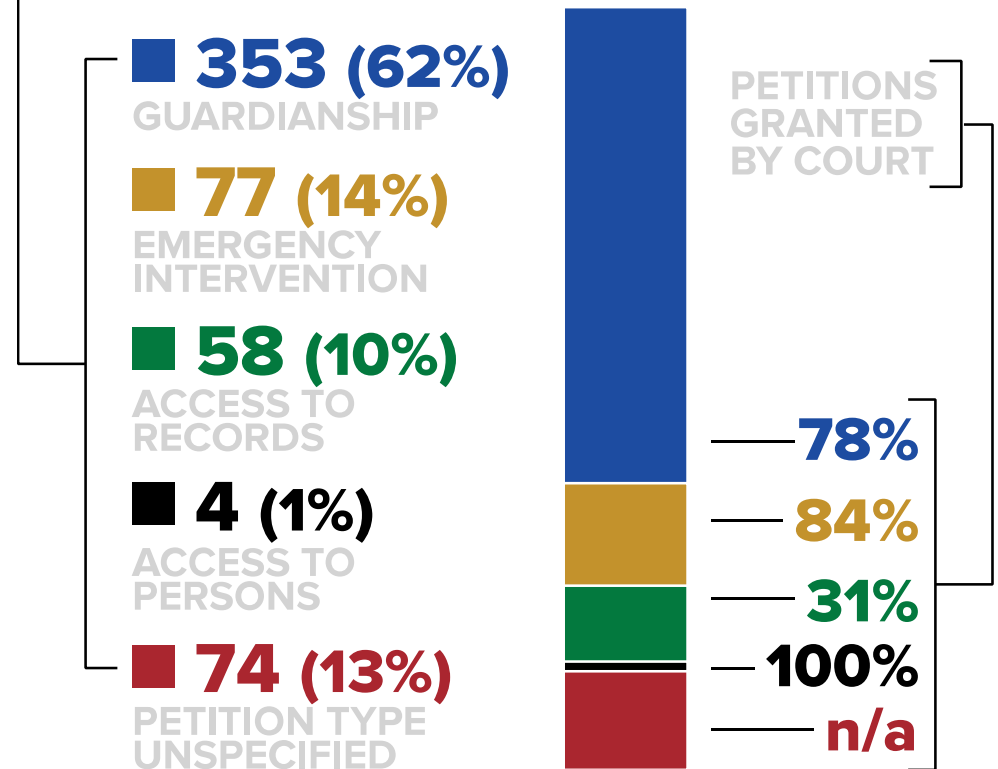
Throughout the course of a protective services investigation, information is gathered concerning the characteristics of an individual reported to need protective services (alleged victim) and the abuser (alleged perpetrator). Tracking this data helps inform public education and outreach efforts.

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 service plan.

COURT ORDERS

Through OAPSA, a AAA has the authority to use several legal interventions to assist in its investigation and to ensure that the older adult is protected from abusive and/or exploitative situations. When it is determined necessary under OAPSA, a AAA may petition the court for access to records or to persons. The AAA may seek an emergency involuntary intervention court order for an older adult at risk of death or serious physical harm in order to provide necessary services. If a person interferes with the provision of services, the AAA may petition the court for an order enjoining the interference. Moreover, there are other legal tools available to protect the older adult, such as helping the older adult petition for a protection from abuse order or petitioning for guardianship of person and/or estate. During this fiscal year, 566 total petitions were filed requesting any of the following: Access to Records or Persons, Involuntary Emergency Intervention, Agency as Guardian, or Other as Guardian.

566 petitions



Total Petitions*

Granted: 74%
Denied: 2%
Pending: 25%

Ratios will not add to 100 due to rounding

*Excludes "Petition Type Unspecified"

PROVISION OF SERVICES

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.

ACT 53 SIGNED INTO LAW ON JUNE 28, 2018

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.

697

LAW ENFORCEMENT REFERRALS

133

REFERRALS MADE UNDER ACT 53

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 must describe 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 strives to advocate 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	1
Guardianship	2	In-Home Meals	2
Overnight Shelter/Supervision	3	Care Management	3
Legal Assistance	4	Overnight Shelter/Supervision	4
In-Home Meals	5	Home Support	5
Assessment	6	Legal Assistance	6
Home Support	7	Petition to Court	7
Petition to Court	8	Guardianship	8
Pest Control/Fumigation	9	Assessment	9
Care Management	10	Pest Control/Fumigation	10

QUALITY ASSURANCE MONITORING

PDA continues to uphold its responsibility to monitor the local protective services programs for compliance with the law and regulations. Through the Protective Services Office, quality assurance (QA) monitoring protocol is adhered to, training and technical assistance is provided, when appropriate, and educational opportunities are offered to the AAAs.

As part of the QA monitoring protocol, compliance with the statutory and regulatory requirements is examined by sampling and reviewing cases to ensure consistent and quality services are offered by the program across the commonwealth. In 2017, PDA revised and enhanced its QA monitoring processes by adding timeframes for corrective action plans, required training, and follow-up visits. Additional support is provided to the AAAs by conducting onsite visits and offering consultation as needed. 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 ON PROTECTIVE SERVICES AT TEMPLE UNIVERSITY

For 18 years, PDA has funded and partnered 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.

This year, IPS offered 24 Protective Services classroom- and virtual-based sessions and trained a total of 634 AAA Protective Services caseworkers. In addition to training AAA staff, education was provided to older adults, banks, law enforcement, professionals, and the public. An estimated 220 attendees received training on preventing elder abuse during this fiscal year. The IPS collaborated with the PDA and the Attorney's General office to offer 5 webinar-based trainings for PS staff and AAA solicitors.

The IPS produced 12 online e-learning modules for Protective Services staff. These modules can be completed at any time and modules include: RON categorization, comprehensive knowledge evaluation for intake, common medical conditions (including congestive heart failure, dehydration, and urinary tract infections), and Standard Precautions & Personal Protective Equipment usage (in response to COVID-19). Additional medical modules are under development.

IPS provided case consultation to the aging network and law enforcement agencies on 9 new elder abuse or financial exploitation cases. A total of 21 cases were closed, resulting in 4 arrests, 2 criminal prosecutions, and 1 recovery without prosecution. An estimated 1.2 million dollars in assets were exploited in these 21 cases. IPS's work helped to facilitate protecting 1.2 million dollars from being stolen and \$29,000 in recovered assets.

1.2
MILLION DOLLARS
IN PROTECTED
FINANCIAL ASSETS

PENNSYLVANIA ELDER ABUSE TASK FORCES 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. Considering the complexity of certain elder abuse cases, which involve medical, psychiatric, legal, housing, personal care, financial, and family violence issues, and the many diverse programs and disciplines involved, the National Adult Protective Services Association (NAPSA) and the National Center for State Courts (NCSC) have endorsed the formation of multidisciplinary teams or task forces. Such task forces may include mental and physical health providers, domestic violence and sexual assault programs, aging and disability networks, substance abuse providers, financial institutions, law enforcement agencies, community health nurses and the courts. Through PDA's partnership with the IPS, support is available to counties that desire to develop an elder abuse task force in their planning and service area.

CONTINUED ON NEXT PAGE

This work is funded through a contract with PDA to bring elder justice to the communities throughout the commonwealth.

There are 48 counties involved in some level of task force work: 40 active task forces and 8 law enforcement collaborations. Seventy-two percent of the commonwealth is currently covered by some form of task force. 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. Whether it's physical or emotional abuse, financial exploitation, caregiver neglect, or self-neglect, the symptoms and treatment of elder abuse are complex. The multi-disciplinary approach allows for counties to bring together experts from numerous disciplines to evaluate, address, and resolve victimization.

72%
STATEWIDE
TASK FORCE
COVERAGE

AMENDMENTS TO OAPSA

CRIMINAL HISTORY BACKGROUND CHECKS

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” serve 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 subject of a lifetime ban 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.

Currently, all prospective 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 record check. PDA is responsible for the federal criminal history background checks, by processing the results and sending the final results to the applicant. A letter is sent to the employer advising them that the results were sent to the applicant. The applicant is responsible to provide the results should the employer require the results in order to consider the applicant for employment. (See chart for the total number of applications by fiscal year. The total chart no longer contains a “total number of prohibited.”)

The following was posted on PDA’s website on January 6, 2016 in regards to Peake v. Commonwealth of Pennsylvania, et al., 216 M.D. 2015: “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 who care 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. PDA is advocating for legislative action to remedy the constitutional deficiencies found by the courts. ■

ANNUAL BACKGROUND CHECKS

FY 19-20	23,405	-2%
FY 18-19	23,906	32%
FY 17-18	18,050	23%
FY 16-17	14,651	13%
FY 15-16	12,972	10%
FY 14-15	10,628	15%

120%
INCREASE
OVER 5 YEARS

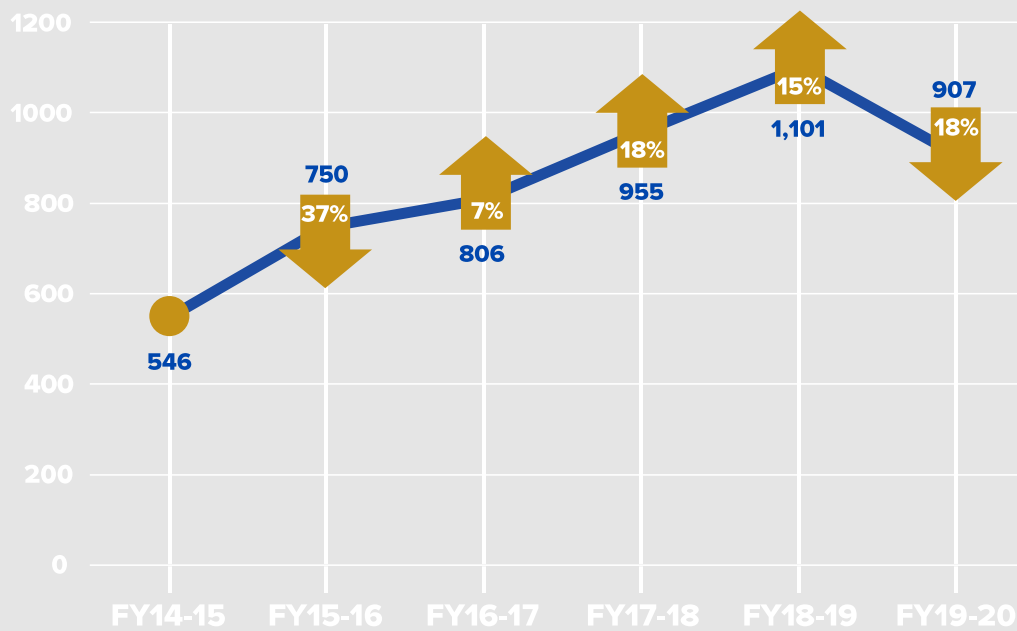
MANDATORY ABUSE REPORTING

OVERVIEW

In 1997, there was another amendment to OAPSA, which required mandatory abuse reporting for administrators and employees of facilities, as defined by OAPSA. 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 may have increased due to the dual reporting requirements required by the new 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.

ANNUAL MANDATORY ABUSE REPORTS



66%
INCREASE
OVER PAST
5 YEARS

APS IMPACT ON MANDATORY ABUSE REPORTS

The passage of the APS Law (Act 70 of 2010) required the DHS to establish a program of protective services for adults aged 18-59 who have a physical or mental impairment that substantially limits one or more major life activities. With the implementation of Act 70 in April 2014, investigations for individuals between the ages 18-59 have been separated from the total number of investigations for individuals 60 years of age and over shown throughout this report. 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.

MANDATORY ABUSE REPORTING

CONTINUED

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 of these four serious abuses are as follows:

SEXUAL ABUSE (OAPSA DEFINITION)

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 (OAPSA DEFINITION)

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

SERIOUS BODILY INJURY (OAPSA DEFINITION)

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 (OAPSA DEFINITION)

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 AT:**

(717) 265-7887

For Adults Over 59
Press Option 2

For Adults Under 60
Press Option 3

COLLABORATION HIGHLIGHTS

ADMINISTRATION ON COMMUNITY LIVING GRANT (ACL)

In 2018, PDA was awarded a 3-year grant through the ACL. The primary purpose of the grants given by ACL are to enhance protective service 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 FY 19-20, this grant funded 217 presentations on the detection and reporting of elder abuse to be provided to older adults and the general public across the commonwealth. Despite these successes, accomplishments anticipated during this fiscal year were significantly impacted by COVID-19. PDA's collaborative partner, the Pennsylvania Department of Health, was unable to continue its work with older adults found to be neglecting their own care needs, due to the COVID-19 pandemic. At the time of this report, PDA is actively seeking alternative means of fulfilling the intent of this grant.

WORLD ELDER ABUSE AWARENESS DAY

Recognized around the globe every June 15, World Elder Abuse Awareness Day provides an opportunity for communities around the world to promote a better understanding of abuse and neglect of seniors by raising awareness of the cultural, social, economic, and demographic processes affecting elder abuse and neglect. Established in support of the United Nations International Plan of Action to acknowledge the significance of elder abuse as a public health and human rights issue, PDA pauses each June 15 to gather with members of the General Assembly, representatives from the local Area Agencies on Aging, and other stakeholders to host an elder abuse awareness event in the Capitol Rotunda. In addition, PDA staff are regularly requested to participate in World Elder Abuse Awareness Day forums that are held in various regions of the state.

Although COVID-19 safety precluded in-person events for 2020, PDA chose World Elder Abuse Awareness Day as the launch date for its new free online

Mandated Abuse Reporting Training Course. More information about the training can be accessed via the following link: https://www.media.pa.gov/Pages/aging_details.aspx?newsid=263

ELDER INVESTMENT FRAUD & FINANCIAL EXPLOITATION PROGRAM

The Elder Investment Fraud and Financial Exploitation Prevention Program Medical (EIFFE) is a groundbreaking program that trains medical professionals, social workers, senior service providers and other partners to recognize and report potential financial abuse of their clients, especially those suffering from mild cognitive impairment. This year, the Department of Aging and the Department of Banking and Securities gave 12 presentations that focused on the following three areas: 1. Financial scams and how con artists target seniors with cognitive impairment, 2. Dementia and the many forms of cognitive impairment, 3. Where to report, how to work with APS for those seeking assistance or suspecting abuse. This year's audiences included financial institutions, real estate professionals, social service

providers and other frontline workers. Most participants were eligible to receive continuing education credits.

INTAKE TRAINING

To enhance the training available to new protective service intake workers and caseworkers, PDA implemented a new Intake Worker Training curriculum. During this fiscal year, PDA began the implementation phase and required all current and on-call protective services staff to complete the training. This new training curriculum will not only be required for new intake workers as required under § 15.124, but it is now a pre-requisite for all new PS Caseworkers prior to their required Basic Protective Services training.

PARTNERSHIP WITH PA COMMISSION ON CRIME AND DELINQUENCY (PCCD)

Through PCCD's grant award from the Office of Victims of Crime (OVC), PDA was awarded a subgrant entitled "Department of Aging Hotline and Technology Grant." The grant period began January of 2020 and will run through the end of September of 2022. Objectives of this grant include: Enhancing PDA's statewide elder

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abuse hotline; developing and implementing a dashboard alert system to assist the AAAs to ensure that needs of victims are consistently met in accordance with statutory and regulatory requirements; and utilizing internet technology to enhance accessibility and confidentiality of reporting suspected elder abuse by expanding the publicly-available reporting channels to include a web-based user form that is compatible with mobile and desktop devices.

PA SUPREME COURT ADVISORY COUNCIL

In April 2013, Pennsylvania Justice Debra Todd chaired the Court's Elder Law Task Force, which was comprised of experts within and outside of the court system. The Task Force was charged with reviewing current practices and problems in the areas of guardianship, elder abuse and

neglect, and access to justice. Through their work, in November 2014, the Supreme Court of Pennsylvania issued the Task Force's Report and Recommendations, which is a 284-page report with 130 recommendations to enhance the way Pennsylvania elders interact with the state court system and are protected in cases involving abuse, neglect, guardianship, and other matters. The recommendations are intended to inspire government and community leaders so that they are put into practice. With the release of the report, the Supreme Court of Pennsylvania created the Office of Elder Justice in the Courts and established an Advisory Council on Elder Justice in the Courts to assist in advancing the Task Force's 130 recommendations. Leadership from PDA, along with The Institute on Protective Services at Temple University,

Harrisburg, served on the original Task Force, and continues to serve as an appointed member of the Advisory Council.

During FY 19-20, the PA Supreme Court Advisory Council on Elder Justice in the Courts continued its work to enhance Orphans' Court Judges resources to adjudicate guardianship cases. The first edition of the Pennsylvania Guardianship Bench Book will be released in the fall 2020. ■

**PA Department of Aging
Protective Services Office
555 Walnut Street, 5th Floor
Harrisburg, PA 17101
Phone: (717) 783-1550**

**REPORT ELDER ABUSE
24-HOUR HOTLINE**

800-490-8508