



pennsylvania
DEPARTMENT OF AGING

OLDER ADULT PROTECTIVE SERVICES

2 0 2 0 - 2 1 | 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 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-four (34) 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. PDA is fully committed to providing quality protective services to older adults.

Under OAPSA, 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. PDA contracts 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 annual protective services plans to PDA. These plans describe how the local programs are administered and maintain regulatory and statutory requirements. On behalf of 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, PDA’s Bureau of Protective Services provides quality assurance oversight to the local AAA protective services 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.

For more information regarding various programs available to older Pennsylvanians, 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.

EXECUTIVE SUMMARY

A BRIEF STATISTICAL OVERVIEW OF OLDER ADULT PROTECTIVE SERVICES

63%
INCREASE
IN REPORTS

Statewide reports of elder abuse totaled 39,820 – an increase of 63% over the past five years.

34,742
INVESTIGATIONS

87% of all reports are investigated. This is a 1% increase from last fiscal year.

13,265
SUBSTANTIATED

The average percentage of substantiated cases was higher this fiscal year at 38% (year-to-year average is typically 34 to 36%).

63%
FEMALE VICTIMS

Females are the most commonly abused, neglected, exploited victims.

43%
SELF-NEGLECT

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

79%
CAUCASIAN

The majority of alleged victims were Caucasian.

47%
ABUSERS ARE
FAMILY MEMBERS

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

1.3
MILLION DOLLARS
IN PROTECTED
FINANCIAL ASSETS

The Institute on Protective Services (Temple University) collaborated with AAAs in 10 cases of financial exploitation, resulting in protecting 1.3 million dollars in assets.

OAPSA & APS REPORTS OF NEED

OVERVIEW OF ADULT AND OLDER ADULT ABUSE REPORTS

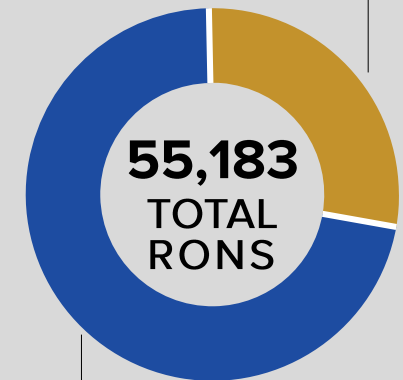
Due to a rapidly growing aging population, along with ongoing efforts focused on building collaborations and enhancing education regarding the recognition and reporting of elder abuse, the number of elder abuse reports continue to grow each year. Other factors, such as the impact of the opioid crisis, 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.

TOTAL REPORTS OF NEED

APS (UNDER 60) RONS
28%



OAPSA (60+) RONS
72%

10%

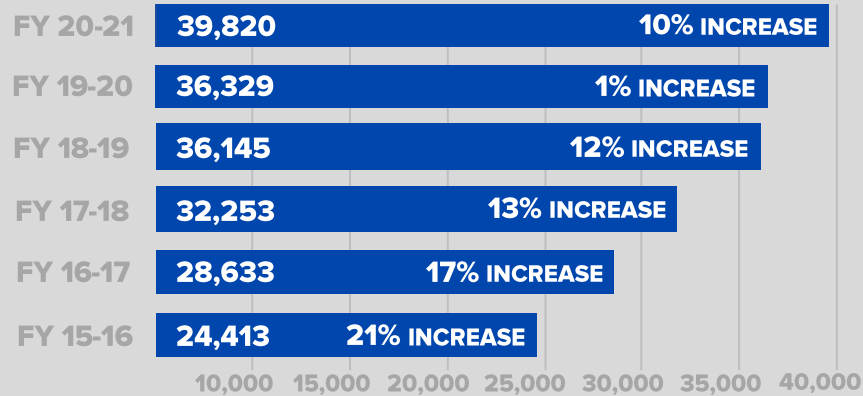
**INCREASE
OVER LAST
FISCAL YEAR**

STATEWIDE OAPSA REPORTS

STATE POPULATION • 13,002,700* // POPULATION OVER 59 • 3,345,019 (26.2%)**

*Data prepared by the Pennsylvania State Data 2020 Census Decennial **Data prepared by the July 2020 Population Estimates Program

HISTORICAL REPORTS OF NEED

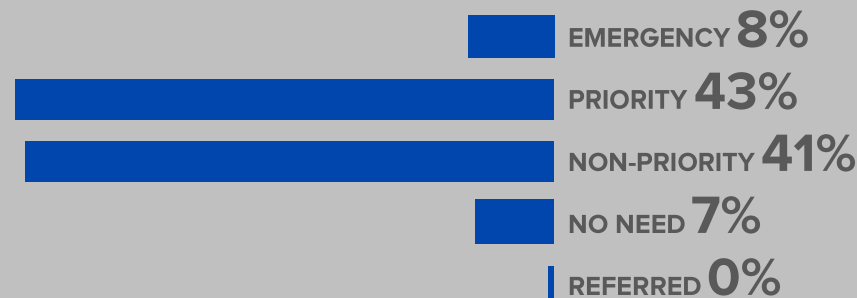


63%
INCREASE
OVER PAST
FIVE YEARS

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:

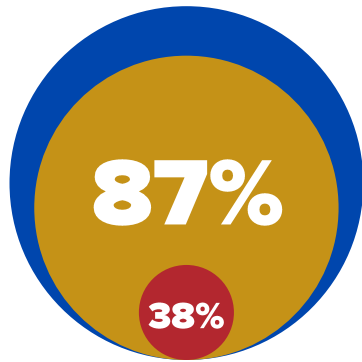
Requires a response in a timely manner, but no later than 72 hours, and a face-to-face with the older adult at an appropriate time in the investigation

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.

STATEWIDE OAPSA RONS INVESTIGATED AND SUBSTANTIATED

FISCAL YEAR 2020-21

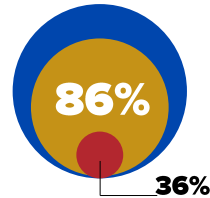


39,820
REPORTS OF NEED

34,742
INVESTIGATED

13,265
SUBSTANTIATED

FISCAL YEAR 2019-20

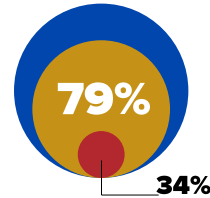


36,329
REPORTS OF NEED

31,286
INVESTIGATED

11,119
SUBSTANTIATED

FISCAL YEAR 2018-19

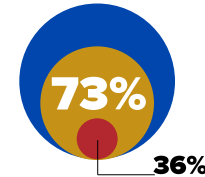


36,145
REPORTS OF NEED

28,552
INVESTIGATED

9,683
SUBSTANTIATED

FISCAL YEAR 2017-18

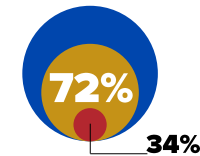


32,253
REPORTS OF NEED

23,552
INVESTIGATED

8,408
SUBSTANTIATED

FISCAL YEAR 2016-17

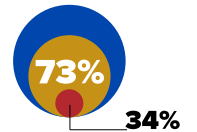


28,633
REPORTS OF NEED

20,494
INVESTIGATED

6,889
SUBSTANTIATED

FISCAL YEAR 2015-16



24,413
REPORTS OF NEED

17,750
INVESTIGATED

6,068
SUBSTANTIATED

Each year, the number of RONS and investigations continually increases. 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.

REPORTS OF NEED INVESTIGATED AND SUBSTANTIATED BY AAA

REPORTS • INVESTIGATED • SUBSTANTIATED

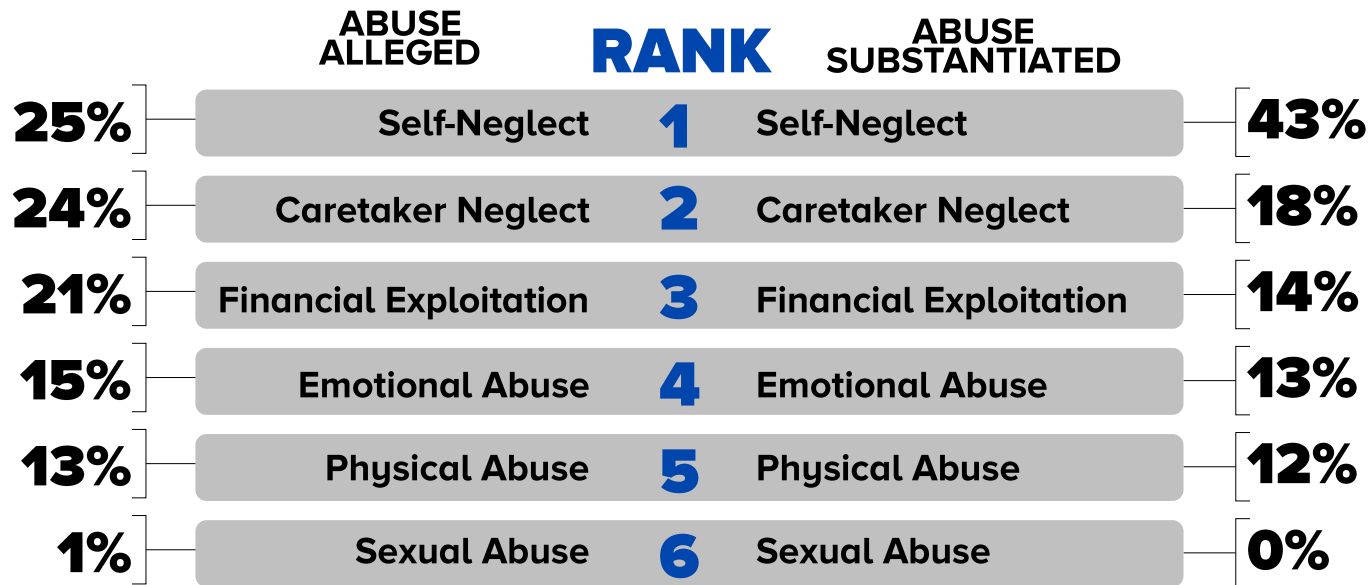
ADAMS	215	203	94%	86	42%	CHESTER	954	817	86%	245	30%	LACKAWANNA	1,052	1,001	95%	520	52%	PERRY	153	144	94%	53	37%
ALLEGHENY	4,839	3,811	79%	1,794	47%	CLARION	63	62	98%	31	50%	LANCASTER	2,284	2,093	92%	1,408	67%	PHILADELPHIA	5,829	5,334	92%	1,147	22%
ARMSTRONG	168	133	79%	25	19%	CLEARFIELD	417	349	84%	134	38%	LAWRENCE	167	154	92%	52	34%	PIKE	306	266	87%	160	60%
BEAVER	747	525	70%	212	40%	COLUMBIA/MONTOUR	420	399	95%	188	47%	LEBANON	236	222	94%	108	49%	POTTER	33	34	103%	15	44%
BERKS	1,123	1,008	90%	466	46%	CRAWFORD	211	196	93%	73	37%	LEHIGH	867	770	88%	285	37%	SCHUYLKILL	648	552	85%	192	35%
BLAIR	506	416	82%	169	41%	CUMBERLAND	483	434	90%	210	48%	LUZERNE/WYOMING	568	499	88%	49	10%	SOMERSET	142	129	91%	32	25%
BRADFORD/SUSQUEHANNA/SULLIVAN/TIOGA	428	339	79%	95	28%	DAUPHIN	1,429	1,130	79%	583	52%	LYCOMING/CLINTON	352	286	81%	132	46%	UNION-SNYDER	323	191	59%	33	17%
BUCKS	1,682	1,454	86%	527	36%	DELAWARE	787	795	101%	224	28%	MERCER	118	115	98%	43	37%	VENANGO	235	201	86%	109	54%
BUTLER	427	384	90%	144	38%	ERIE	1,033	890	86%	294	33%	MIFFLIN/JUNIATA	267	236	88%	119	50%	WARREN/FOREST	126	109	87%	46	42%
CAMBRIA	384	366	95%	135	37%	FRANKLIN	200	194	97%	63	33%	MONROE	446	407	97%	262	64%	WASHINGTON/FAYETTE/GREENE	1,975	1,668	85%	652	39%
CAMERON/ELK/MCKEAN	258	205	80%	94	46%	HUNTINGDON/BEDFORD/FULTON	339	298	88%	177	59%	MONTGOMERY	1,191	1,174	99%	421	36%	WAYNE	149	125	84%	56	45%
CARBON	179	164	92%	21	13%	INDIANA	156	140	90%	81	58%	NORTHAMPTON	1,076	953	89%	376	40%	WESTMORELAND	1,372	1,237	90%	398	32%
CENTRE	281	222	79%	92	41%	JEFFERSON	199	135	68%	41	30%	NORTHUMBERLAND	525	440	84%	115	26%	YORK	1,275	1,224	96%	251	21%

Annual investigative average is 87%. Annual substantiated average is 38%.

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

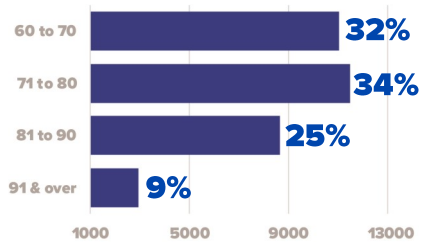
- Lives alone
- Lives in own home
- Socially isolated
- Incapacitated (physically and/or cognitively)
- Lack of formal or informal support
- Dependence on others for assistance

Percentages may not sum to 100% due to rounding.

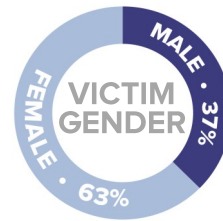
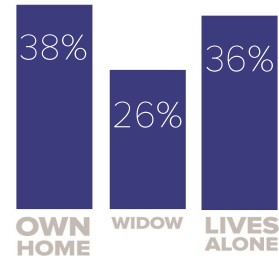
VICTIMS & PERPETRATORS

CHARACTERISTICS OF ALLEGED VICTIMS AND SUBSTANTIATED PERPETRATORS

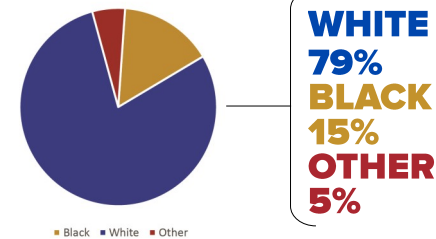
VICTIM AGE



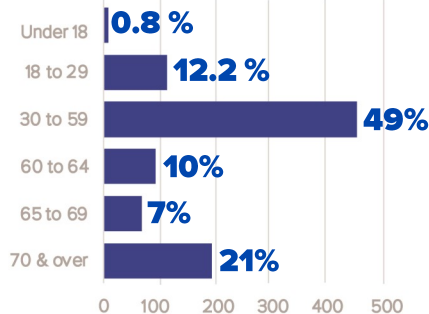
VICTIM STATUS



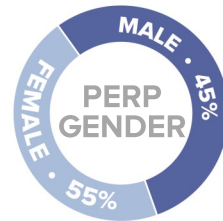
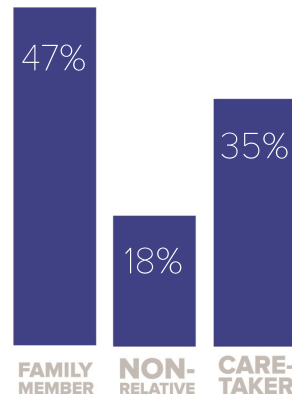
VICTIM DIVERSITY



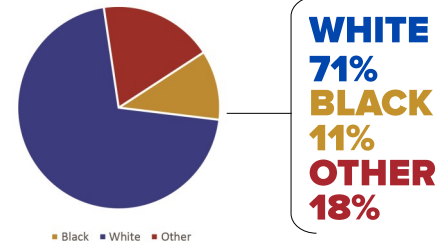
PERPETRATOR AGE



PERP RELATIONSHIP



PERPETRATOR DIVERSITY



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.

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

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, 585 total petitions were filed requesting any of the following: Access to Records or Persons, Involuntary Emergency Intervention, Agency as Guardian, or Other as Guardian.

■ 585 petitions

416 (71%) ————— **88%**
GUARDIANSHIP

80 (14%) ————— **75%**
EMERGENCY INTERVENTION

18 (3%) ————— **89%**
ACCESS TO RECORDS

6 (1%) ————— **67%**
ACCESS TO PERSONS

1 (0%) ————— **100%**
INJUNCTION AGAINST INTERFERENCE

3 (1%) ————— **67%**
PROTECTION FROM ABUSE

61 (10%) ————— **n/a**
PETITION TYPE UNSPECIFIED

■ PERCENTAGE OF PETITIONS GRANTED BY COURT

Total Petitions*

*Excludes "Petition Type Unspecified"

Granted: 86%
Denied: 1%
Pending: 13%

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.

725
LAW
ENFORCEMENT
REFERRALS

139
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 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
Guardianship	2	In-Home Meals
Legal Assistance	3	Care Management
Overnight Shelter/Supervision	4	Legal Assistance
In-Home Meals	5	Home Support
Assessment	6	Overnight Shelter/Supervision
Home Support	7	Guardianship
PS Petition to Court	8	Assessment
Pest Control/Fumigation	9	PS Petition to Court
Environmental Modification	10	Medical Equipment & Supplies

QUALITY ASSURANCE MONITORING

PDA continues to uphold its responsibility to monitor the local AAA protective services programs for compliance with the law, regulations and policies. Through the Bureau of Protective Services, 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, PDA examines compliance with the statutory and regulatory requirements by sampling and reviewing cases to ensure consistent and quality services are offered by the AAA OAPS program across the commonwealth. PDA provides additional support to the AAAs through training, follow-up visits and offering consultation. 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 19 years, PDA has funded and partnered with the Institute on Protec-

tive 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 35 Protective Services classroom- and virtual-based sessions and trained a total of 1,066 AAA protective services caseworkers. In addition to training AAA staff, education was provided to older adults, banks, law enforcement, professionals, and the public. The IPS collaborated with PDA and the Attorney General's Office to offer five webinar-based trainings for PS staff and AAA solicitors.

IPS provided case consultation to the aging network and law enforcement agencies on 10 elder abuse or financial exploitation cases. An estimated 1.3 million dollars in assets were exploited in these 10 cases. IPS's work helped to facilitate protecting 1.3 million dollars from being stolen and \$200,000 in recovered 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. 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 eight 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 multidisciplinary approach allows for counties to bring together experts from numerous disciplines to evaluate, address, and resolve victimization.

1.3
MILLION DOLLARS
IN PROTECTED
FINANCIAL ASSETS

CONTINUED ON NEXT PAGE

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 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. 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 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, processing the results and sending the final results to the applicant. A letter is sent to the employer informing 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 annual background checks.)

FURTHER LEGISLATIVE ACTION NEEDED

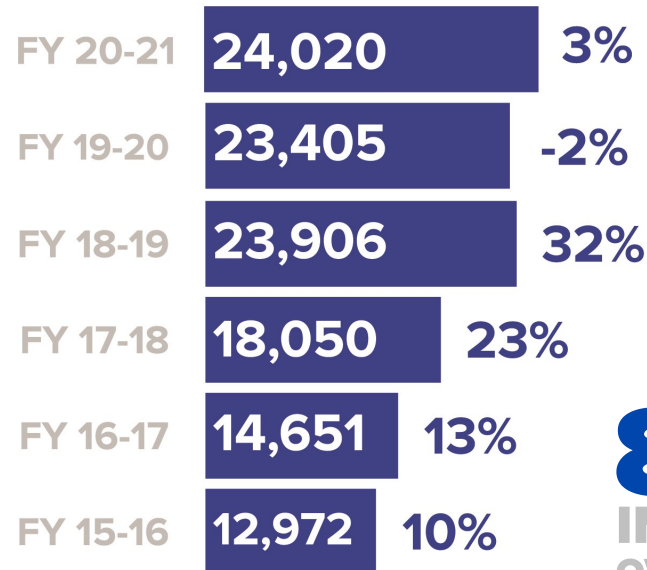
PDA is advocating for legislative action to remedy the constitutional deficiencies found by the courts. Specifically, the law urgently needs to be amended to definitively identify individuals who should never be allowed to work as a caregiver to older adults. It was the court’s intention that OAPSA be amended

to achieve greater clarity of the rights of all parties involved in the employment process, particularly when someone is denied the opportunity to work as a caregiver.

As part of the proposed changes to OAPSA, the department strongly supports strengthening background checks for all employees, both new and current, who work with older adults in a long-term care setting. The department is

also advocating to expand the list of mandatory reporters of abuse and facilities whose employees are required to report abuse. The additions to the list of mandatory reporters would include care options that did not exist in 1987 when the law was first enacted – such as home health, hospice and assisted living. This expansion will provide a more robust network to report elder abuse and increase protection for older adults. ■

ANNUAL BACKGROUND CHECKS



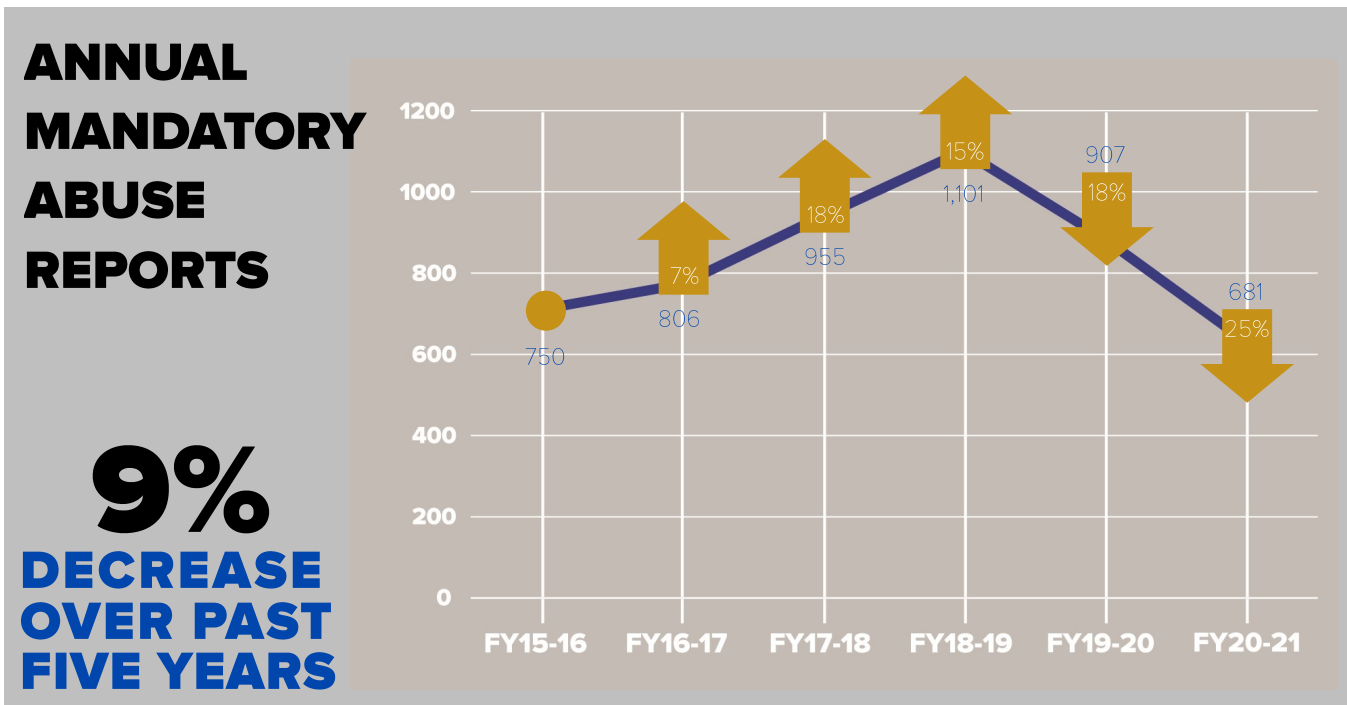
85%
INCREASE
OVER 5 YEARS

MANDATORY ABUSE REPORTING

OVERVIEW

In 1997, OAPSA was amended to require 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 have historically 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. As noted in the chart below, mandatory abuse reports have decreased during the past two fiscal years during COVID-19.



APS IMPACT ON MANDATORY ABUSE REPORTS

The passage of the APS Law (Act 70 of 2010) required 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 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 AT:**

(717) 265-7887

For Adults Over 59
Press Option 2

For Adults Under 60
Press Option 3

COLLABORATION HIGHLIGHTS

ADMINISTRATION ON COMMUNITY LIVING (ACL) GRANT

In 2018, PDA was awarded a 3-year grant through the ACL. The primary purpose of the grant provided by ACL 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 FY 20-21, the department continued to work on 2018 federal grant activities. Also during FY 20-21, PDA was awarded two more grants by ACL. The primary purpose of these grants is 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. In addition, these grants will fund enhancements to the Statewide Abuse Reporting Hotline and enable the general public to report suspected abuse via the internet.

PA SUPREME COURT ADVISORY COUNCIL

In April 2013, Pennsylvania Supreme Court 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. Since 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.

In October 2020, as part of ongoing efforts to enhance Orphans' Court Judges resources to adjudicate guardianship cases, the Council released the first edition of the Pennsylvania Guardianship Bench Book. During June 2021, in conjunction with World Elder Abuse Awareness Day, PDA participated in two Council-sponsored workshops focused on elder abuse and financial exploitation.

FINANCIAL EXPLOITATION TASK FORCE

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 at <https://bit.ly/3KYKoHM>

The task force met from December 2020 to April 2021. Over the course of those five months, task force members reviewed the common types of financial exploitation, learned how capacity and cognitive decline in seniors 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.

Following the series of meetings, the task force concluded with the development of specific recommendations covering four categories: Education, Training, Operations and Procedures, and Legislation.

The full report on the Financial Exploitation Task Force, including the recommendations, is available at <https://bit.ly/3u8C1CW>

Prior to assembling the task force, PDA convened a state interagency workgroup to explore improving collaboration between agencies and to develop initial recommendations for the task force to consider. This effort led to improved information sharing among several agencies. ■

REPORT SUSPECTED ABUSE 24-HOUR HOTLINE
800-490-8505



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