

Older Adult and Adult Protective Services

OAPSA & APS

Protective Services Overview



Both APS and OAPSA:

- Provide for the detection, prevention, reduction and elimination of abuse, neglect, exploitation and abandonment
- Require a uniform statewide reporting
- Prescribe penalties for failure to implement
- Voluntary and mandatory reporting requirements
- Utilize least restrictive alternatives in the most integrated setting

Individual's Rights



- Right to make choices, regarding their lifestyles, relationships, bodies and health, even when those choices present risks to themselves or their property.
- Right to refuse an assessment
- Right to refuse some or all protective services.
- Court intervention: where there is clear and convincing evidence that, if protective services are not provided, the adult is at imminent risk of death, serious injury or serious bodily injury, the agency may petition the court for an emergency order to provide the necessary services.

APS Overview



| Highlights | Eligibility |
|--|---|
| <ul style="list-style-type: none">• Legal authority to investigate cases of abuse, neglect, exploitation or abandonment | <ul style="list-style-type: none">• A resident of the Commonwealth |
| <ul style="list-style-type: none">• Pennsylvania Department of Human Services (DHS) administers at state level (funding, oversight) | <ul style="list-style-type: none">• An adult between 18 and 59 years of age with a physical or mental impairment that substantially limits one or more major life activities |
| <ul style="list-style-type: none">• Area Agencies on Aging (AAA) complete intake and Liberty Healthcare implements at local level (investigation and services) | <ul style="list-style-type: none">• An adult who needs the assistance of another person to obtain protective services in order to prevent imminent risk to person or property |

OAPSA Overview



| Highlights | Eligibility |
|--|--|
| <ul style="list-style-type: none">• Legal authority to investigate cases of abuse, neglect, exploitation or abandonment | <ul style="list-style-type: none">• A person within the jurisdiction of the Commonwealth |
| <ul style="list-style-type: none">• Pennsylvania Department of Aging (PDA) administers at state level (funding, oversight) | <ul style="list-style-type: none">• Provides protective services to individuals age 60 and over. |
| <ul style="list-style-type: none">• Area Agencies on Aging (AAA) implement at local level (intake, investigation and services) | <ul style="list-style-type: none">• An incapacitated older adult who is unable to perform or obtain services that are necessary to maintain physical or mental health, for whom there is no responsible caretaker and who is at imminent risk of danger to his person or property |

Referral Processes



Reporter contacts Protective Services Hotline (1-800-490-8505) to report an allegation of suspected abuse, neglect, exploitation or abandonment.



Mandated Reporters must also contact law enforcement and PDA/DHS for cases of suspicious death, serious injury, serious bodily injury or sexual abuse.



Protective Services Hotline is answered by local Area Agency on Aging (AAA) who completes a Report of Need (RON) and documents the report in the Social Assistance Management System (SAMS)

APS Process



If the individual is 18-59 years of age, AAA notifies Liberty Healthcare of the RON



Liberty Healthcare Intake Staff evaluate:

- Meets criteria for APS
- Categorizes case
- Notifies licensing (if approp.)



Cases determined to be “No Need” are reviewed by an APS Supervisor and DHS and may be referred for other services as needed

OAPSA Process



AAA PS staff:

- Determine if meet criteria
 - Categorizes case
 - Notifies licensing



Cases determined to be “No Need” are referred for other services as needed

OAPSA/APS Process



All APS cases classified as “Priority” or “Non-priority” are assigned to an APS worker (Liberty Healthcare) for investigation.

All OAPSA cases classified as “Emergency,” “Priority,” or “Non-priority” are assigned to an OAPSA worker (AAA) for investigation.



Initiation of investigation within required timeframes, determines if individual is at risk and in need of protective services, and mitigates risk if necessary.

OAPSA/APS Process



OAPSA/APS may provide or arrange for services intended to ensure the individual's immediate safety and well-being.



OAPSA/APS Protective services must be consented to and provided in the least restrictive and in the most integrated setting.

APS - Categorization



Priority: The investigation shall be initiated immediately for a priority report. Contractually, Liberty has 24 hours to initiate the investigation.

Non-Priority: These investigations must be initiated within 72 hours.

No Need: the person meets either of the following criteria:

- a. has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health; or
- b. is not at imminent risk or danger to his person or property

OAPSA - Categorization



Emergency: Requiring immediate response

Priority: Requiring response no later than 24 hours

Non-Priority: Requiring response no later than 72 hours

No Need: Requiring referral for other resources

Mandatory Abuse Reporting



- An employee or an administrator who has reasonable cause to suspect that a recipient is a victim of abuse shall immediately make an oral report to the AAA
- Report at the time of the incident NOT after the investigation is completed
- Internal investigation does not replace PS investigation or licensing review

Who Must Report



• Employee

- An individual who is employed by a facility.
- Including contract employees who have direct contact with residents or unsupervised access to their personal living quarters.
- The term also includes persons employed or contracted to provide care to a care-dependent individual for monetary consideration in the individual's residence.

Administrator

- The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.

How to Report Abuse



ORAL REPORTING

- **WHO:**
 - Employees
 - Administrators
- **WHAT:**
 - Any Suspected Abuse
- **WHEN:**
 - IMMEDIATELY!
- **HOW:**
 - By oral communication
- **WHERE:**
 - Area Agency on Aging (AAA)
 - *PA Dept. of Aging (717-265-7887 Option #2)
 - *Law Enforcement
 - *involving sexual abuse, serious physical injury, serious bodily injury or suspicious death

WRITTEN REPORTING

- **WHO:**
 - Employees
 - Administrators
- **WHAT:**
 - Any Suspected Abuse
- **WHEN:**
 - Within 48 hours of Oral Report
- **HOW:**
 - By written communication
- **WHERE:**
 - Area Agency on Aging (AAA). AAA will fax reports*to PDA (717) 772-2668
 - Law Enforcement



ABUSE TYPES

- **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**



CALL (717) 265-7887

Option 1 - Criminal History Record Information

Option 2 - Over 60 Mandatory Abuse Reporting

Option 3 - 18-59 Mandatory Abuse Reporting

Facility Requirements



Employees who have allegedly committed abuse Immediately Implement

- ✓ Suspension of the employee or
- ✓ Plan of Supervision ~ Submitted to and approved by the AAA & facilities licensing agency.

Upon filing of criminal charges against an employee

- Licensing Agency shall order facility immediately prohibit employee access to recipients at the facility
- Director, Administrator or supervisor to ensure safety of recipients

Adult Protective Services (APS)

- Assisted Living Facility
- Domiciliary Care Home
- Home Health Care Agency
- Intermediate Care Facility for Individuals with Intellectual Disabilities or with Other Related Conditions
- Nursing Facility
- Older Adult Daily Living Center
- Personal Care Home
- Residential Treatment Facility
- An organization or group of people that uses public funds and is paid, in part, to provide care and support to adults in a licensed or unlicensed setting

Mandatory Reporters



Older Adult Protective Services (OAPSA)

| | | |
|---|---|---|
| • Adult Daily Living Centers | • Personal Care Homes | • Assisted Living Residences |
| • Birth Centers | • Community Homes for Individuals with ID | • Community Residential Rehabilitation Services |
| • Department of Human Services (DHS) Nursing Facilities | • DHS-licensed and DHS operated residential facilities for adults | • Domiciliary Care Homes |
| • Family Living Homes | • Home Care Registry* | • Home Health Care Organization or Agency** |
| • Hospices | • Intermediate Care Facilities for ID (private and state) | • Long Term Care Nursing Facilities |
| • Long Term Structured Residences | • State Mental Hospitals | |

*A Home Care Registry or "Registry" is further defined to include those agencies licensed by the Department of Health any organization or business entity that supplies, arranges or refers independent contractors to provide activities of daily living or instrumental activities of daily living or specialized care in the consumer's place of residence or other independent living environment for which the registry receives a fee, consideration or compensation of any kind.

**Home Health Care Agency is further defined to include those agencies licensed by the Department of Health and any public or private organization which provides care to a care-dependent individual in their place of residence.

Signs and Symptoms of Abuse, Neglect, Exploitation and Abandonment

Signs and Symptoms: Behavioral



Behaviors of victims:

- Adult says they have been victimized
- Denies problem despite evidence
- Has stress-related illnesses/depression/confused
- Refusals of care
- Has poor personal hygiene, incontinence
- Protects abuser
- Remains silent or waits for abuser to answer questions



Behavior of caregiver

- Threatens or intimidates adult
- Speaks for adult, dominates interview, refuses to let adult be interviewed alone, defensive
- Has poor self control, impulsivity
- States that adult is incompetent, sick, or crazy
- Has psychiatric or substance abuse history
- Isolates the adult

Signs and Symptoms: Financial



- Sudden changes in the adult's financial status
- Personal items missing
- Changes in wills, power of attorney, titles,
- Addition of names to the adult's bank card
- Unpaid bills or lack of medical care, although the adult has enough money to pay for them
- Financial activity the adult couldn't or wouldn't have done

Signs and Symptoms: Physical



- Unexplained signs of injury, such as bruises, welts, or scars, especially if they appear symmetrically on two sides of the body (restraint marks)
- Broken bones, sprains, or dislocations
- Report of drug overdose or apparent failure to take medication regularly (a prescription has more remaining than it should)
- Broken eyeglasses or frames
- Repeated incident reports or ER visits
- Caregiver's refusal to allow you to see the adult alone

Signs and Symptoms: Sexual



- Bruising on inner thighs
- Difficulty in walking or standing or pain
- STDs
- Torn, stained or bloody undergarments or bedding
- Unexplained vaginal/anal irritation, injury and/or redness
- Inappropriate sex-role relationship between victim and alleged perpetrator
- Inappropriate, unusual or aggressive sexual behavior

Signs and Symptoms: Caregiver Neglect



- Unusual weight loss, malnutrition, dehydration, poor hygiene, clothing issues
- Unsupervised (wandering, left alone without supervision, falls)
- Bed sores, care/service plans not followed
- Unsanitary living conditions
- Unsafe living conditions

Signs of self-neglect



:

- Refusals (medications, bathing, activities, meals, etc.)
- Poor grooming and appearance (soiled or ragged clothing, dirty nails and skin)
- Isolation, lack of social support
- Disorientation, incoherence
- Alcohol or drug dependence

Profile of an Abuser



While there is no typical profile of an abuser, the following are some behavioral signs that may indicate problems:

- Abusing alcohol or other drugs
- Controlling, Isolating, threatening
- Emotional/financial dependency on elder
- Blaming victim
- Calling individual names
- Previous criminal history
- Mental illness



**NEXT SLIDES CONTAIN
GRAPHIC
PICTURES**

Condemned Home



Hoarding



Neglect



Caregiver Neglect



How to Report (All Adults)



HOW TO REPORT

1-800-490-8505



Criminal History Background Checks (CHBC)

What Type of CHBC IS Needed?



Pennsylvania State Police
People Serving People Since 1905

- **ALL Applicants/Employees are required to submit a PA criminal history background check from PSP**

FBI

Criminal History Background Check

- ▼ non residents or
- ▼ non-resident past two consecutive years

applicants must submit a FBI check and employment determination PROCESSED BY THE DEPARTMENT OF AGING



Provisional Hiring



- 30 Days for those needing PSP check only
- 90 Days for those who require both PSP and FBI checks

IF

1. Applicant has applied for criminal record information and provides copy of appropriate completed forms
2. Applicant swears and affirms in writing that he/she has not been convicted of prohibitive offenses
3. Administrator has no knowledge of information pertaining to applicant which would disqualify applicant from employment.

- December 30, 2015
- Commonwealth Court held OAPSA unconstitutional
- “lifetime employment ban” violates due process guarantees under the Pennsylvania Constitution is therefore not enforceable
- “Interim Policy” (pertaining to the employment of individuals with certain criminal convictions caring for older adults) is invalid

Changes due to PEAKE



- Background checks still required by all applicants
- Facilities must make the employment determinations by considering the following:
 - Nature/facts of the crime
 - Time elapsed since crime
 - Evidence of rehabilitation
 - Nature and requirements of job

- The Department recommends facilities:
 - Consult with an attorney prior to making an employment decision
 - Consider of factors such as the nature of the crime; facts surrounding the conviction; time elapsed since the conviction; the evidence of the individual's rehabilitation; the nature and requirements of the job and the performance of individualized risk assessments.
- Further questions: 717-265-7887

APS Statewide Contacts



Liberty Emergency After Hours Number
(888) 243-6561

Statewide Program Director, Kirk Golden
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Questions About APS?



- Questions or requests for additional information regarding the Adult Protective Services program can be sent to the following email address:

RA-PWAPSQuestions@pa.gov

- If you do not have access to email, please call:
717-736-7116

Questions About OAPSA?



- Questions or requests for additional information regarding the Older Adult Protective Services program can be sent to the following email address:

RA-protect_svcs_ta@pa.gov

- If you do not have access to email, please call:
717-772-4679