Adult Protective Services

IM4Q Conference
July 30, 2015

Adult Protective Services History

- The Adult Protective Services (APS) Law (Act 70 of 2010) was enacted to provide protective services to adults between 18 and 59 years of age who have a physical or mental impairment that substantially limits one or more major life activities
- Funding first provided during state fiscal year 2012-13
- Act 70 is the bridge between CPSL and OAPSA and mirrors OAPSA in many ways

DHS Responsibilities

- Establish a program of protective services in order to detect, prevent, reduce and eliminate abuse, neglect, exploitation and abandonment of adults in need of protective services
- Required DHS to secure a protective services entity via a competitive bidding process. Successful bidders were required to be separate from agencies providing direct services to adults and from county MH/ID programs
- Ensure the adult's right to receive services in the most integrated setting and in a manner that is least restrictive
- Prescribe administrative and criminal penalties
Adult Protective Services History

- Prior to April 1, 2015, there was a Memorandum of Understanding (MOU) between the Department of Human Services (DHS) and the Pennsylvania Department of Aging (PDA) to provide interim APS coverage prior to completion of the competitive bidding process.

- Effective April 1, 2015, Liberty Healthcare Corporation is the statewide contracted provider of protective services.

Liberty Healthcare Responsibilities

What is the APS Agency (Liberty Healthcare Corporation) required to do?

- Investigate allegations.
- Determine if abuse, neglect, exploitation or abandonment has occurred.
- Provide services to adults who voluntarily consent.
- Cooperatively develop a service plan with agency staff, the adult, the adult's guardian, and other family and advocates when appropriate.
- Provide services in the least restrictive environment and the most integrated setting.
- Provide Guardianship as needed.

Liberty Healthcare Responsibilities

- Ensure services do not supplant any public or private entitlements or resources.
- Ensure protective services are short-term.
- Seek court orders if denied access to the alleged victim or records related to the alleged victim.
- Seek judicial relief to require a facility to protect the safety of an adult when the licensed program is believed to continue to jeopardize the safety of the adult.
Eligibility Criteria

Who is eligible to receive protective services?

- A resident of the Commonwealth
- An adult between 18 and 59 years of age with a physical or mental impairment that substantially limits one or more major life activities
- An adult who needs the assistance of another person to obtain protective services in order to prevent imminent risk to person or property

Statewide Protective Services Hotline

- One of the important aspects of adult protective services programs is having a standard, statewide telephone number for an individual to call in order to report cases of abuse, neglect, exploitation and abandonment
- When an individual calls the statewide Protective Services Hotline at 1-800-490-8505, a representative from an Area Agency on Aging (AAA) from the county the reporter is calling from, will complete a Report of Need (RON) and document the report in the Social Assistance Management System (SAMS)

Report of Need

- Once the RON is received and entered into SAMS, the AAA notifies Liberty Healthcare via email
- Liberty's staff use information from the RON to prioritize cases and create investigation plans.
Report of Need Categorization

- **Priority**: Priority reports require immediate attention because specific details in the report indicate the possibility that the adult reported to need protective services is at imminent risk of death or serious injury or serious bodily injury. These investigations must be initiated within 24 hours.

- **Non-priority**: A non-priority report does not appropriately fall within the priority category and, therefore, does not require immediate attention by the agency. These investigations must be initiated within 72 hours.

Report of Need Categorization

- **No need for protective services**: A report shall be placed in this category when the person reported to be in need of protective services meets either of the following criteria:

  (a) has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health

  (b) is not at imminent risk or danger to his person or property

Mandatory Reporters

**Who is a mandated reporter?**

- 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 Day 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
General Reporting Requirements

1. An administrator or employee who has reasonable cause to suspect that a recipient is a victim of abuse, neglect, exploitation or abandonment will immediately make an oral report to the statewide Protective Services Hotline by calling 1-800-460-5555.

2. Within 48 hours of making the oral report, the administrator or employee will email the first section of the Home and Community Services Information System (HCSIS) incident report to Liberty Healthcare at the following address Pa.PWSMandatoryEmail@hhs.gov or fax the HCSIS incident report to 484-434-1899.

3. An administrator or employee of a facility will continue to follow all required incident management regulations, policies and procedures.

Additional Reporting Requirements

If the case involves sexual abuse, serious injury, serious bodily injury or suspicious death, in addition to the previous steps, an employee/administrator must also:

1. Make an immediate oral report to law enforcement
2. Make an immediate oral report to the DHS staff responsible for the Adult Protective Services Program at 717-355-7807
3. Within 48 hours of making the oral report, submit a written report to law enforcement. This written report can be the first section of the HCSIS incident report.

Please see the written guidance provided to employees and administrators of facilities for specific details and definitions.

Statutory Definitions

Abuse:
- Intentional injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish
- Willful deprivation by a caregiver of goods or services which are necessary to maintain physical or mental health
- Sexual harassment, rape or abuse as the term is defined in 23 Pa.C.S. § 6102

Neglect: The failure to provide for oneself or the failure of a caregiver to provide goods, care or services essential to avoid clear and serious threat to the physical or mental health of an adult.
Statutory Definitions

Exploitation: An act or course of conduct by a caregiver or other person against an adult or an adult's resources, without the informed consent of the adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrators or monetary or personal loss to the adult.

Abandonment: The desertion of an adult by a caregiver.

Statutory Definitions

Serious Bodily Injury:
- Injury that:
  1. (1) creates a substantial risk of death; or
  2. (2) causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

Serious Injury:
- An injury that:
  1. (1) causes a person severe pain; or
  2. (2) significantly impairs a person's physical or mental functioning, either temporarily or permanently.

Statutory Definitions

Sexual Abuse:
- Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, as defined by 18 Pa.C.S. (relating to crimes and offenses).
Sexual Harassment

Sexual Harassment:
- Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- NOTE: Sexual harassment is an abuse that requires reporting to the Protective Services Hotline; however, it is not sexual abuse which requires reporting to DHS and local law enforcement.

http://www.dhs.state.pa.us
The Adult Protective Service program is located in the Bureau of Human Services Licensing within DHS's Office of Administration:

Kathy Zumbrun, Adult Protective Services Director
kzumbrun@dhs.state.pa.us
Office: 717-736-7650

Questions and Additional Information

- 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