



Older Adult Protective Services: Moving Forward

Allegheny County Area Agency on
Aging

Presented by:
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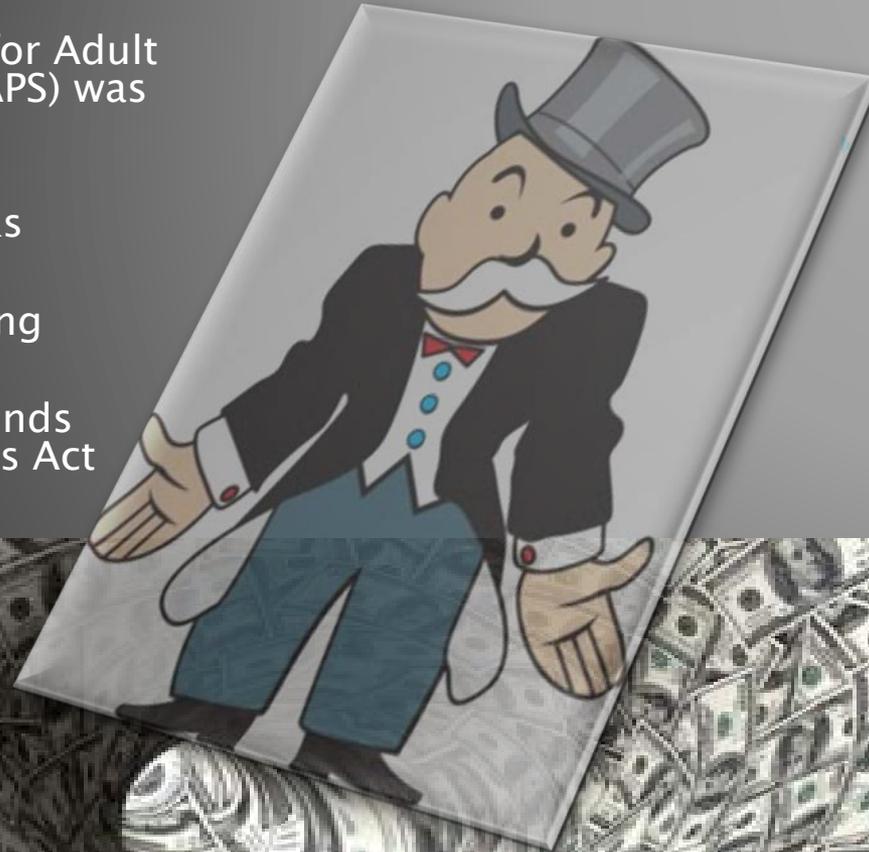
Survey Questions

- ▶ 1. Do you believe that an elderly abuse registry should have perpetrators on its system other than mandated licensed professionals?
- ▶ 2. Do you believe that the current protective services laws are adequate?
- ▶ 3. Do you believe that more funding should go towards the efforts of protective services?
- ▶ 4. Do you think that justice is being served by our current protective services programs/laws?
- ▶ 5. Do you believe perpetrators are receiving the consequences they deserve?



Insufficient Funding

- ▶ Over half of the reporting states indicated that insufficient funding for Adult Protective Services (APS) was a major problem
- ▶ State budget cutbacks
- ▶ Lack of federal funding
- ▶ Limited amount of funds from Older Americans Act support the program



- ▶ More money would provide more staff and more staff would mean that protective services investigations could be longer and more thorough (AC)

Positions are often advertised as entry level positions with entry level pay but the work involves making determinations about peoples safety and welfare, as well as interacting with agencies and communities (AC)

Staffing Issues

- ▶ Inadequate staffing for APS programs
- ▶ Inability to obtain and retain enough staff with expertise in APS to effectively operate existing programs
- ▶ Large caseloads and low wages results in high staff turn over
- ▶ Lack of funds prohibiting them from providing necessary training
- ▶ There are very few investigators working in the field right now (AC)
- ▶ Not enough people for 24/7 coverage (AC)
- ▶ Elderly population as a whole is growing larger, there will need to be more staff to meet the needs (AC)
- ▶ APS will also be starting to include ages 18 to 59 (AC)



"It's a tough call. We have enough people to vote on the proposal, but not enough to do the Wave."

Lack of Emergency Resources

- ▶ Lack of emergency and alternative placement resources for a wide range of populations
- ▶ More money is needed for emergency shelter and contingency funds (AC)
- ▶ Funding needs to be available to address emergencies such as shelter, medications, and food. (AC)

Emergency

Lack of Public Awareness

- ▶ Feelings that the general public does not understand the phenomena of older adult abuse
- ▶ Do not have a knowledge about the programs designed to address abuse, exploitation, and neglect of vulnerable older adults
- ▶ State legislatures are also unaware



Problems with the Legal System

- ▶ Lack of training for law enforcement staff
- ▶ Inadequate criminal investigations
- ▶ Low rates of prosecution
- ▶ Unwillingness of the courts to deal with APS issues
- ▶ A lack of coordination between APS agencies and law enforcement
- ▶ Many seniors who are financially taken advantage of often justice does not assist them in their life time. Seniors trying to move into a nursing home can no longer afford it because perpetrators are only repaying a minimal monthly amount on usually \$100,000 stolen or more (AC)



"WHAT WOULD THEIR VERDICT BE?"

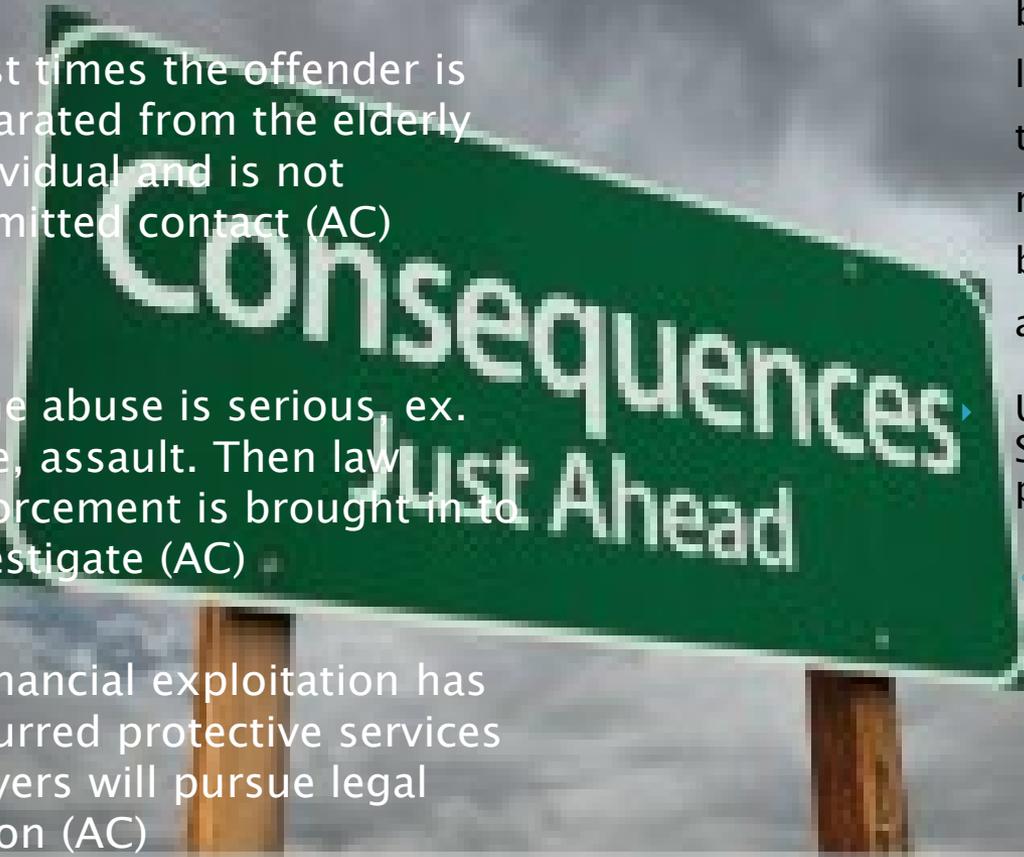
—The Daily Star (Montreal).

Issues With Current Laws

- ▶ There is currently no federal law protecting elders from abuse
- ▶ All the support and funding come from the State and supplemental funding comes from the PA lottery (AC)
- ▶ States have individual laws dealing with elder abuse, neglect, and exploitation
- ▶ Some states laws may protect older and vulnerable adults who are living alone or with family
- ▶ Other state laws include individuals who live in nursing home or long term care facilities
- ▶ There are consequences only when criminal charges are filed (AC)
- ▶ Some AP's are easily intimidated by the presence of PS and will modify their behavior or comply with PS requests but others will deny the behavior and not comply; it is the exception rather than the rule that any type of legal actions or guardianships occur (AC)

Consequences For Offenders

- ▶ All bark and no bite ! (AC)
- ▶ Offenders are not allowed to participate in Caregiver Support Program. (AC)
- ▶ Most times the offender is separated from the elderly individual and is not permitted contact (AC)
- ▶ If the abuse is serious, ex. rape, assault. Then law enforcement is brought in to investigate (AC)
- ▶ If financial exploitation has occurred protective services lawyers will pursue legal action (AC)
- ▶ At this time perpetrators face no consequences. Often times when facilities are involved the facility may opt to terminate the perpetrator but without a registry that person would be able to go to another facility to look for employment. For cases in the community there are absolutely no consequences unless charges can be pressed through the DA's office and that almost never happens (AC)
- ▶ Unable to measure consequences. Some offenses are easier to prosecute than others
 - Financial and sexual abuse are more likely to be substantiated, but other offenses like verbal abuse and neglect are hard to prove (AC)



Consequences
Just Ahead

Adult Abuse Registry

- ▶ Nationally there is no clear or consistent definition of an abuse registry.
- ▶ Some lists have been known to include all offenders, while some only show mandated licensed professionals.
- ▶ Sometimes the list refers to perpetrators of substantiated incidents of elder abuse
- ▶ In many lists, it is used to determine whether those individuals should be prohibited from working with vulnerable populations



Adult Abuse Registry

- ▶ In some states, APS contributes information about reports or their dispositions to an abuse registry that is managed by another state agency
- ▶ 21 states indicated that they maintained registries on perpetrators in substantiated cases, and slightly more than half did not maintain a central abuse registry.

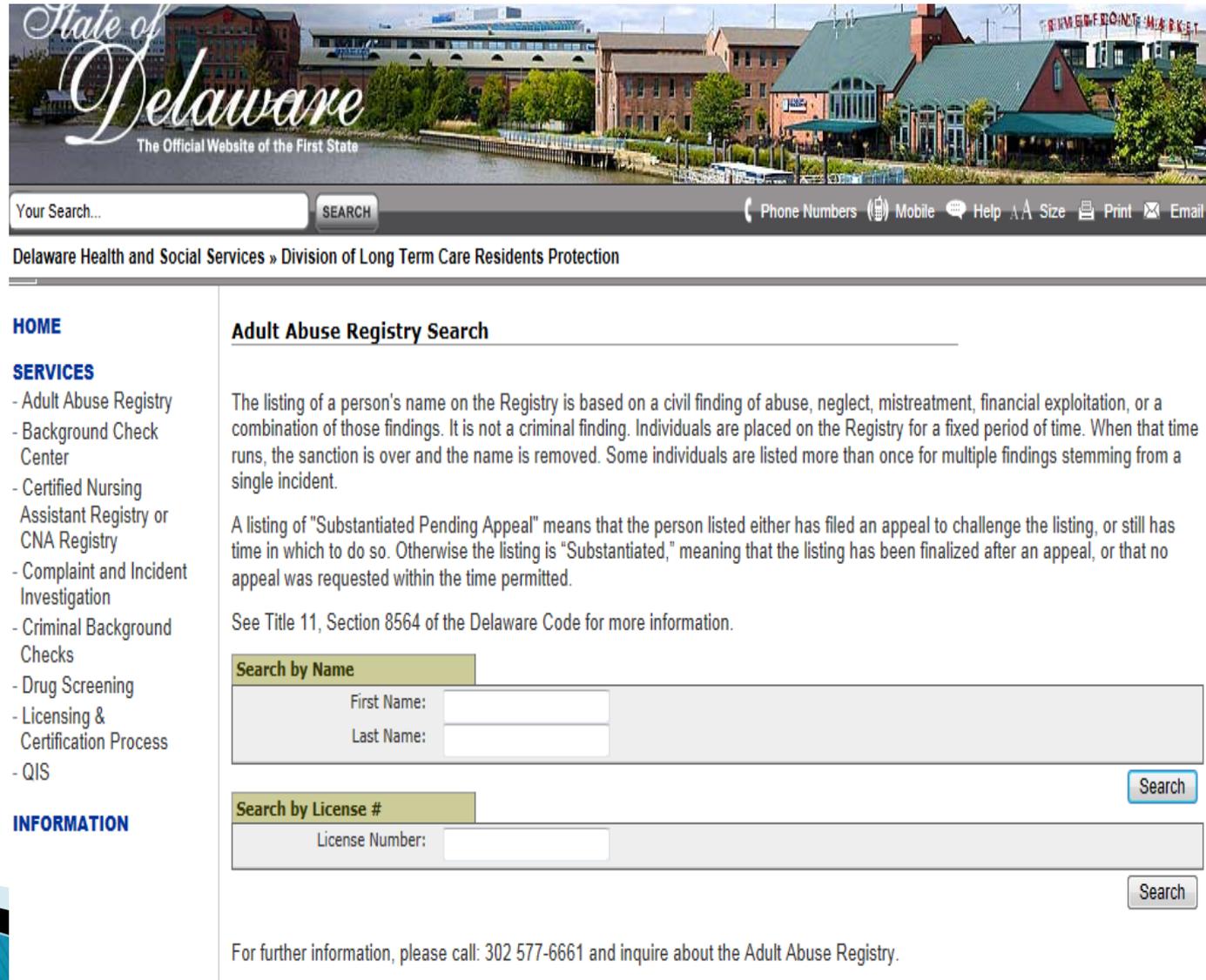


What Other States Are Doing

- Iowa includes all adult abuse offenders on our Dependent Adult Abuse Registry regarding a report that meets and is accepted under the criteria listed below and is determined to be founded.

Legal reference:
Iowa Code sections 235B.2 and 708.1, Chapter 709; and section 726.2; 441 IAC 176.1(235B)

➤ Delaware



The screenshot shows the official website of the State of Delaware. The header features the state name in a cursive font and the tagline 'The Official Website of the First State'. Below the header is a search bar and navigation links for Phone Numbers, Mobile, Help, Size, Print, and Email. The main content area is titled 'Delaware Health and Social Services » Division of Long Term Care Residents Protection'. The page is divided into two columns. The left column contains a 'HOME' section and a 'SERVICES' list with the following items: Adult Abuse Registry, Background Check Center, Certified Nursing Assistant Registry or CNA Registry, Complaint and Incident Investigation, Criminal Background Checks, Drug Screening, Licensing & Certification Process, and QIS. The right column is titled 'Adult Abuse Registry Search' and contains a detailed explanation of the registry listing process, a link to Title 11, Section 8564 of the Delaware Code, and two search forms: 'Search by Name' (with fields for First Name and Last Name) and 'Search by License #' (with a field for License Number). Both search forms have a 'Search' button. At the bottom of the page, there is a footer with the contact information: 'For further information, please call: 302 577-6661 and inquire about the Adult Abuse Registry.'

HOME

SERVICES

- Adult Abuse Registry
- Background Check Center
- Certified Nursing Assistant Registry or CNA Registry
- Complaint and Incident Investigation
- Criminal Background Checks
- Drug Screening
- Licensing & Certification Process
- QIS

INFORMATION

Adult Abuse Registry Search

The listing of a person's name on the Registry is based on a civil finding of abuse, neglect, mistreatment, financial exploitation, or a combination of those findings. It is not a criminal finding. Individuals are placed on the Registry for a fixed period of time. When that time runs, the sanction is over and the name is removed. Some individuals are listed more than once for multiple findings stemming from a single incident.

A listing of "Substantiated Pending Appeal" means that the person listed either has filed an appeal to challenge the listing, or still has time in which to do so. Otherwise the listing is "Substantiated," meaning that the listing has been finalized after an appeal, or that no appeal was requested within the time permitted.

See Title 11, Section 8564 of the Delaware Code for more information.

Search by Name

First Name:

Last Name:

Search by License #

License Number:

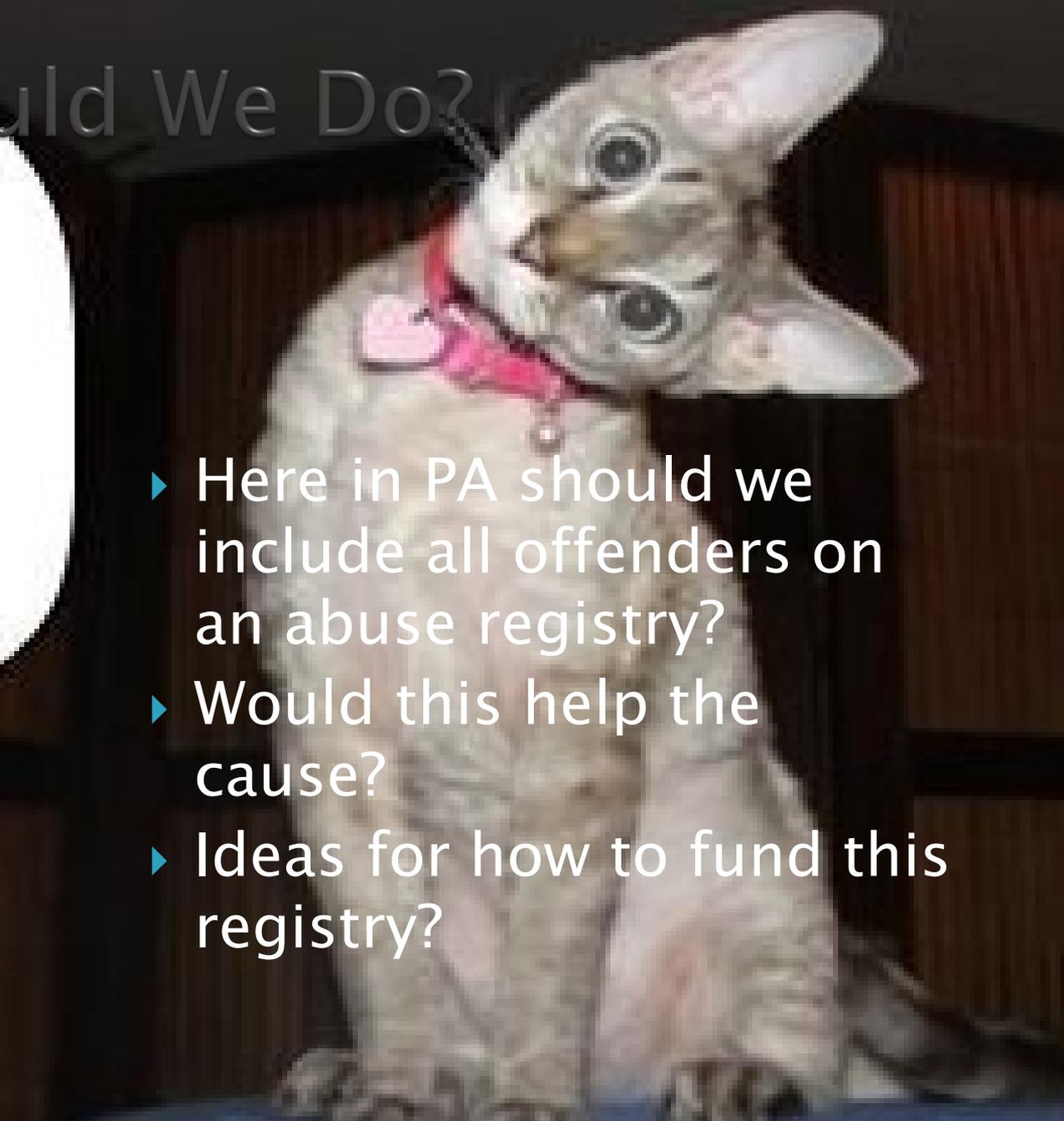
For further information, please call: 302 577-6661 and inquire about the Adult Abuse Registry.

States Determine the System and Standards for Elder Abuse

- ▶ APS programs are administratively fragmented: about a third reside in state units on aging; about half in state departments of social services, and the rest in various other arrangements
- ▶ Over 80% of state APS programs serve all persons with significant disabilities aged 18 and older; while several only serve persons 60 or 65 and older
- ▶ All APS programs investigate abuse in home settings, but almost half also conduct abuse investigations in facilities

What Should We Do?

- ▶ Here in PA should we include all offenders on an abuse registry?
- ▶ Would this help the cause?
- ▶ Ideas for how to fund this registry?



References

<http://www.apsnetwork.org/Resources/docs/ProblemsFacingStates.pdf>

<http://www.apsnetwork.org/Resources/docs/AbuseAdults60.pdf>