

Pennsylvania Senate Aging and Youth Committee
Pennsylvania House Aging and Older Adult Services Committee

Joint Hearing Testimony

April 29, 2019

**PA Office of State Inspector General Report on PA Department of
Aging's Monitoring of County-Based Agencies That Investigate
Allegations of Elder Abuse**

Provided by

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Chair of Pennsylvania Association of Area Agencies on Aging, Inc. (P4A)
Protective Service and Guardianship Committee

Chair DiSanto, Chair Collett, Chairman Murt, Chair Samuelson and Older
Services Committee, Committee Staff Members and Guests:

I am JR Reed, Executive Director of Lehigh County Office of Aging and Adult Services. I began my career with Centre County Office of Aging in 1999 as a caseworker. I spent several years as a Protective Service Caseworker and 5 years as the Protective Service Supervisor. While at Centre County my agency received an award for excellence for our Protective Services program from PA Department of Aging (PDA). When I was promoted to the Director of Centre County Office of Aging I continued working with Protective Service as a back-up for my supervisor. I moved to Lehigh County 2.5 years ago as the Executive Director where I am similarly involved in Protective Services and backing up the supervision duties. I have recently assumed the responsibilities as the chairperson of the PA Association of Area Agencies on Aging (P4A) Protective Services and Guardianship Committee.

Since the implementation of the Older Adult Protective Service Act (OAPSA) in 1988, AAA's have had the responsibility to receive reports and investigate potential acts of abuse, neglect, financial exploitation and abandonment of individuals age 60 and over. All the services that AAA's provide work towards the prevention of a need for Protective Services. We provide services in the least restrictive means and try to honor the older adults right to self-determination. However, there are those cases that, due to safety reasons, an involuntary intervention may be necessary. Thank you for this opportunity to come before you and present comments and answer questions related to OAPSA and the results of the Office of State Inspector General Report (OSIG) on OAPSA.

The overall report shows that there are issues surrounding the delivery of OAPSA. These issues need to be addressed because of the vulnerability of this population. The issues are very complex and need to be looked at in a comprehensive way. It will take a multipronged approach to bring a solution.

In an effort to address the various aspects in this report. I feel it would have been beneficial, as part of the investigation to interview current Protective Service staff (investigators, supervisors and management staff) from AAA's. Their input would have been valuable to add to the other information that was gathered during this investigation in order to provide a full, global picture of how OAPSA is operationally completed at the local level. There also seems to be some confusion surrounding the regulations that govern OAPSA. In finding number one, it references OAPSA law requiring a face to face interview on all cases within 72 hours. The OAPSA regulation:

Ch. 15 PROTECTIVE SERVICES 6 § 15.42

(3) *Nonpriority report.*

(i) The investigation of a report categorized as nonpriority shall be initiated in a timely manner but never later than 72 hours after the report was received. At the discretion of the agency, the initiation of an investigation of a nonpriority report shall include a visit to the older adult reported to need protective services when details in the report indicate a need to see and talk with the older adult face to face to secure or verify facts essential to the ongoing investigation.

(ii) The investigation of a report categorized as nonpriority shall include

at least one visit to the older adult reported to need protective services at an appropriate point in the course of the investigation. Every attempt shall be made to visit with the older adult face to face. When, after reasonable efforts to gain access to the older adult, the protective services caseworker is denied access, the caseworker shall document the efforts made and, when appropriate, take action under § 15.61 or § 15.71.

It requires a face to face visit one time during the investigation on cases categorized as non-priority, which encompass a majority of cases. In finding number two, it references OAPSA law requiring a determination within 20 days. The OAPSA regulation:

Ch. 15 PROTECTIVE SERVICES 6 § 15.42

(d) *Completing investigations of reports.* The agency shall make all reasonable efforts to complete an investigation of a report of need for protective services under this section as soon as possible and, in cases of abuse and neglect, at least within 20 days of the receipt of the report. The investigation of the report is completed only when the report has been determined to be substantiated or unsubstantiated and, if substantiated, after necessary steps have been taken to reduce an imminent risk to the older adult's person or property.

It requires all reasonable efforts to finish an investigation within 20 days on Abuse and Neglect cases. The OSIG investigation looked at all OAPSA cases including financial exploitation and provided statistics from all investigations. Financial exploitation cases take a longer time to complete because of obtaining financial records from various outside entities which subjects the case to the timeliness of the outside entities providing records. These discrepancies don't account for all the issues that are pointed out in the OSIG report. As I mentioned before, these statistics are high and indicate that there are issues with the delivery of services in OAPSA. I also believe two things need to be considered the data base collecting the necessary information needs updated so that it can easily be read and accessed and the regulations should be uniform and clearer in some instances. The database needs updated to be able to collect more datapoints and better statistics. There needs to be a quicker way to capture when cases are over 20 days and the reason why. Currently that is captured in a journal note that can only be hand counted.

The following things have been done over the past several months, some initiated before the release of the OSIG report and some after. P4A Protective Service and Guardianship Committee has worked with AAA's to form multiple sub-committees and workgroups to address various topics. There currently is a workgroup reviewing and providing comments for pending legislative changes to OAPSA or suggestions to regulatory changes. A workgroup on documentation is updating standards for best

practice in Protective Services. A training review workgroup is currently piloting a new intake worker training that has been developed by PDA and Temple University. This group will also be providing suggestions to PDA and Temple for improving the training offered to workers. A categorization review workgroup was formed to look at categorization issues and has provided feedback to the AAA network and PDA. One of the recommendations is updating the report of need (intake form). A policy sub-committee has been formed to review pending policy changes and provide feedback to PDA. They have reviewed a few different pending policies. The Protective Service and Guardianship committee is looking into varying ways to provide peer support. We are currently developing a mentorship program for Protective Service Supervisors.

P4A has been collaborating with PDA on various ways to enhance the Protective Service delivery system. Bi-weekly planning meetings have been setup to work through various topics and work on a plan. We are beginning to develop an updated report of need to collect more pertinent information. There are plans to begin to work-on changing the current investigative form and make it more streamlined but collect better information. PDA has reviewed the monitoring tool with the AAA network and explained the process. As mentioned above, we are collaborating on how to provide the most relevant and best quality training to workers. There are plans to develop a technical assistance guide for clarity between the Ombudsman Program and OAPSA. There is beginning work on developing training to mandated reporters to guide them through what is appropriate to report to OAPSA. PDA has begun to develop better reports out of the database to assist with monitoring of cases and documentation. We are also beginning to work on other ways to utilize the documentation system to streamline documentation and gathering better quality data.

This list of mentioned items is a start to the possible changes that need to occur. I would also recommend that the OAPSA law be revisited. There have been efforts for a few years in drafting a revised OAPSA law for various reasons by these committees. We appreciate those efforts. I would suggest that the revision be looked at more broadly considering this new information. There can be debate between what should be in legislation and what should be in regulation. I would suggest considering the amount of time an investigation takes. I would propose 30 days to complete an investigation. Children and Youth Service requirement is 30 days with a possible extension. This will provide the time to complete a

thorough investigation and allow the agencies to obtain necessary outside records, such as financial records, medical information and collateral contacts. I would also recommend that we reduce the number of active cases for an investigator to lower than 30 so all the necessary parts of an investigation can be completed in a timely manner.

There have been dramatic increases in the number of reports of elder abuse and investigations over the past several years. This is due to the overwhelming number of Pennsylvanians reaching age 60 and having longer life spans. One of the fastest growing populations is 85 and older and statistically 50% of this population have some type of dementia. The implementation of the Adult Protective Services Act expanded the number of mandated reporters for 18-59 year olds, which has served to raise awareness of elder abuse resulting in higher community awareness and higher amounts of reports. AAA's were charged with receiving these reports, in addition to the Older Adult reports of need, further taxing the limited resources of AAA's.

It is vital that a thoughtful and insightful plan be put in place to address the current concerns and the growth the number of older adults in Pennsylvania. The current growth pattern is showing that the number of reports of need will double in approximately 5 years. This has to be a multipronged approach. We have begun to address some of the issues as I mentioned before with the collaboration between AAA's and the collaboration with AAA's and PDA. It is a starting place but much work needs to be completed.

It is important to take into account that AAA's employ thousands of staff who are very dedicated to providing protective services in high quality means. We carefully balance maintaining the rights and dignity of seniors and making sure that they are protected from abuse, neglect, exploitation and abandonment. This investigation highlighted only a few failings, but there are so many examples of the good things that are accomplished by Protective Service workers. Our network acknowledges that we should endeavor to do better and improve our performance. We accept these findings and view them as an opportunity to review current practices and identify improvements to the delivery of this service to older Pennsylvanians.

In summary, AAA's look forward to assisting in the solution to this complex problem. We are willing to work with these Committees, PA Department of Aging and other necessary partners to address the delivery of Protective Services.

Protective Services Increases in Select Counties FY 13/14 to FY 17/18

County	Reports of Need*	Investigations
Blair	165%	****
Berks	171%	95%
**Bucks	49%	76%
Bradford/Sullivan/Susquehanna/Tioga	126%	127%
Chester	56%	45%
Crawford	97%	62%
Dauphin	185%	117%
Lackawanna	117%	118%
Lancaster	36%	30%
Lawrence	123%	148%
Lebanon	379%	361%
Lehigh	253%	194%
Luzerne/Wyoming	176%	*
Mercer	685%	****
Montgomery	37%	74%
Northampton	264%	584%
Philadelphia	112%	54%
Wayne	98%	77%
Westmoreland	58%	58%
York	126%	****
Average	166%	
Statewide	56%	53%
*Includes reports of need received for APS (under 60)		
**Number is based on FY year 15/16-17/18		
***Number is based on calendar years 2015-2018		
****Data not available		