Older Adults Protective Services Act (OAPSA)

Objectives:

• Understand Key Definitions

• How to Recognize & Identify Abuse

• Understand When, Where and How to Report Abuse
The PA Older Adults Protective Services Act (OAPSA)

- **Voluntary Reporting**
  - General Public

- **Background Checks for LTC employees**
  - All get PA State Police checks
  - Some get PA State AND FBI Checks

- **Mandatory Reporting**
  - Facilities including home health providers
  - Licensed individuals
Roles of PA Department of Aging (PDA) and the Area Agencies on Aging (AAA)

**PDA**
- Responsible for Oversight and Implementation of OAPSA
- Funds AAAs for Service Delivery
- Quality Assurance

**AAA**
- Responsible for Intake, Investigation and Service Delivery
- Local Provider of Direct Services
- Quality Assurance
Who is a Voluntary/Mandated Reporter?

**Voluntary:**
§10225.301 -- Any person having reasonable cause to believe that an older adult is in need of Protective Services may report to the local Area Agency on Aging

**Mandated:**
§10225.701 – An employee or an administrator (of a facility*) who has reasonable cause to suspect that a recipient is a victim of abuse shall immediately make an oral report the AAA.

* See facility definition on next slide
Facility

- A domiciliary care home
- A long-term care nursing facility
- An older adult daily living center
- A personal care home
- A home health care agency (definition on next slide)

Service Coordinators meet this definition
See next 2 pages
Definitions (PA Code, Chap. 15)

**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.
Definitions (PA Code, Chap. 15)

**Care**
Services provided to meet a person’s need for personal care or health care.

Services, which are routinely provided unsupervised and require interaction with the care-dependent person may include:

- homemaker services
- assistance with activities of daily living
- Physical/occupational/speech therapy
- **social services**
- home-care aide services
- companion-care services
- private duty nursing services
- Respiratory/intravenous therapy
- in-home dialysis
- durable medical equipment services
  (The term does not include durable medical equipment delivery)

**Care-Dependent Individual**
An adult who, due to physical or cognitive disability or impairment, requires assistance to meet needs for food, shelter, clothing, personal care or health care.

**Recipient**
An individual of any age who receives care, services or treatment in or from a facility.
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 (immediate)
- *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
Reporting Abuse Summary

• **ALL** suspected abuse gets reported to the local Area Agency on Aging (AAA)

• **IF** the abuse is serious bodily or serious physical abuse, sexual abuse or suspicious death, then there are additional reporting requirements to:
  
  - PDA (717) 265-7887
    » Consumers Over 60 – use Option 2
    » Consumers Under 60 – use Option 3
    » Make sure to leave a VM message
  
  - Local law enforcement

• **ALL** oral reports (to AAA and to law enforcement) get followed by a written report (within 48 hours)
What is Abuse?

- The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish

- The willful deprivation by a caretaker of goods or services which are necessary to maintain physical or mental health

- Sexual harassment, rape or abuse, as defined in the Protection from Abuse Act

Example: Tying an older adult with dementia to their bed so they don’t wander.
What is Neglect?

The failure of oneself (self neglect) or the failure of a caretaker to provide goods or services essential to avoid a clear and serious threat to physical or mental health (caregiver neglect).

Example (self-neglect): Refusing to seek necessary medical attention or refusing to take necessary medication.

Example (caregiver neglect): Not repositioning a care dependent individual which resulted in significant pressure sores.
What is Abandonment?

- When a person who has assumed responsibility for providing care to an individual, deserts that individual

- Leaving an adult without essential care and/or services for extended periods of time

Example: A live-in caregiver to an older adult who has significant care needs goes on a weekend trip without making arrangements to ensure the older adult is being taken care of.
What is Financial Abuse?

- When a person misuses or takes the assets of a vulnerable adult for his/her own personal benefit.

- One act or a course of conduct

- Frequently occurs without the knowledge or consent of an older adult senior or disabled adult, depriving them of vital financial resources for their personal needs.

- Consent obtained through misrepresentation, threats, coercion

Example: A caregiver who is given $50 every week to grocery shop buys only $20 worth of groceries and keeps the change without the older adults’ consent.
What is 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
  ▪ Incest

**Sexual harassment does not fall under the definition of Sexual Abuse.**

Example: Caregiver is inserting their fingers into an older adult’s rectum/vagina when there is no medical reason to do so.
Red Flags of Abuse

- Bruises/unexplained injuries
- Change in behaviors (unpaid bills, isolation, fear)
- Failing to maintain personal hygiene
- Weight loss
- Wounds
- Financial changes (POA or will changes)
- New “friends” – example: handyman is now POA, computer friends, cleaning person now borrowing money
For every one case of elder abuse that comes to the attention of a responsible entity...

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another twenty three cases never come to light.

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Source: NYS Elder Abuse Prevalence Study; Weill Cornell Medical College, NYC Department for the Aging; Lifespan; (2011)
What can YOU do?

- Report all suspected abuse to your local AAA
- Ensure direct care workers/caregivers know what to report
  - Refusals of care
  - Non-compliance with care plan
  - Changes in condition
  - Concerns
- Explain programmatic expectations thoroughly
  - Voluntary program
  - Compliance with care plan
  - Backup plan in place
- Create a Care Plan and back up plan that can be consistently implemented
- Have all individuals involved sign the Care Plan and ensure they understand their role and responsibilities
What can you expect from OAPSA?

- Report will be taken and taken seriously
- Report will be categorized and confirmed by a PS worker; appropriate referrals will be made
- A Comprehensive and unbiased investigation within required timeframes – may be joint with OLTL
- Confidentiality and Safeguards for cooperation
- Assistance/Services offered to consumer/family if substantiated
WHERE TO REPORT:

Local Area Agency on Aging (AAA)
OR
1-800-490-8505
QUESTIONS?

Contact: Denise Getgen
(717) 772-0184
dgetgen@pa.gov