

PENNSYLVANIA DEPARTMENT OF AGING



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*Older Adults Protective Service Act*

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# 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

# Definitions (PA Code, Chap. 15)

## 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 with out 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?

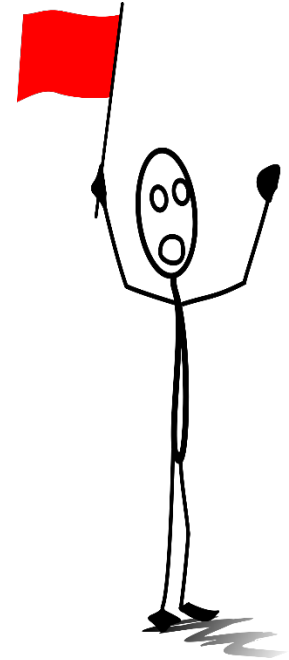
- Intentionally, knowingly or recklessly causing or attempting to cause:
  - Rape
  - involuntary deviate sexual intercourse
  - sexual assault
  - statutory sexual assault
  - aggravated indecent assault
  - indecent assault
  - Incest

**\*\*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





# Elder Abuse Statistics

For every one case of  
elder abuse that comes  
to the attention of a  
responsible entity...

1

another twenty three  
cases never come to  
light.

23

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?

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