

1  **Elder Abuse:  
What You Should Know**

Older Adult Protective Services, Act 13, Act 14

2  **National Overview**

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- Characteristics of elder abuse victims
  - Female
  - Median age is late seventies
  - White
- Spouse/partner are the most frequent abusers of the elderly followed by adult children (mostly male)
- Neglect (either self or caregiver) is the most common form of reported abuse followed by physical abuse

\*source: National Center on Elder Abuse

3  **Pennsylvania Overview**

- Characteristics of elder abuse victims in Pennsylvania
  - 68% female
  - 54% over age 80
- Characteristics of abusers
  - Female non-relative 38%
  - Daughters/sons 31%
  - Spouse 12%
- Self and caregiver neglect
  - Majority of reports
- Primary type of abuse
  - Physical
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\* Source: PA Dept of Aging 2007 Older Adult Protective Services Report

4  **Prevalence**

- According to the best available estimates, between 1 and 2 million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection
- It is estimated that for every one case of elder abuse, neglect, exploitation, or self neglect reported to authorities, about 5 more go unreported.
- Residents of licensed long-term care facilities account for 30% of substantiated cases of abuse, neglect, exploitation and abandonment
  - Only 5% of the older population lives in a long term care institution
- Mandatory Abuse Reporting accounted for 211 of 11,962 reports received in PA
  - 21% (2,484) reports were substantiated

\* Source: PA Dept of Aging 2007 Older Adult Protective Services Report and NCEA

5  **Definitions, Signs, Indicators of Abuse**

- Physical abuse.
  - *Doing something with the intention of causing physical pain or injury to a dependent older person.*
- Psychological abuse.
  - *The threat of injury, unreasonable confinement and punishment, or verbal intimidation and humiliation that may result in mental anguish.*
- Sexual abuse.
  - *Sexual contact that results from threats, force or the inability of the person to give consent, including but not limited to assault, rape and sexual harassment.*

#### 6 **Statutes Protecting Older Adults**

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- Older Adult Protective Services Act (OAPSA)
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- Criminal Neglect of a Care Dependant Individual (Act 28)

#### 7 **OAPSA**

- Signed into law in 1987
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- Provides access to services necessary to protect the health, safety and welfare of older Pennsylvanians (60+) who lack the ability to protect themselves and who are at imminent risk of abuse, neglect, exploitation or abandonment

#### 8 **OAPSA cont.**

- Services are implemented via the 52 Area Agencies on Aging (AAA)
- Services include activities, resources and supports to older adults to detect, prevent, reduce or eliminate abuse, neglect, exploitation and abandonment
- AAAs receive reports 24 hours/day, 365 days/year

#### 9 **OAPSA Definitions**

- Facility
  - Long-term care nursing facility; personal care home; domiciliary care home; home health agency; adult daily living center
- Serious Physical Injury
  - Causes a person severe pain; or
  - Significantly impairs a person's physical functioning, either temporarily or permanently
  - Seems suspect
- Serious Bodily Injury
  - Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ

#### 10 **OAPSA Reports**

- Every report is evaluated and assigned priority

- Emergency—imminent risk of death or serious injury; investigate immediately, must see victim within 24 hrs
- Priority—serious, but not emergency; investigate and see victim within 24 hours
- Non-priority—investigate within 72 hours, see victim during that time

11  **OAPSA  
Investigation**

- Must be completed within 20 days
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- Need for protective services is either substantiated or unsubstantiated
  - Unsubstantiated:
    - Refer to other programs
  - Substantiated:
    - Make a client assessment and care plan

12  **OAPSA  
Limitations**

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- Elder abuse will not be substantiated based solely on grounds of environmental factors which are beyond the control of the older adult such as inadequate housing, food, clothing, or medical care
- Older Adult has the right to refuse services
- Older Adult must be in imminent risk and unable to meet her own needs to receive services

13  **OAPSA  
Mandatory Reporting**

- Act 13 of 1997 was an amendment to OAPSA
- Effective December 10, 1997
- Requires an employee or administrator of a facility who has a reasonable cause to believe that a recipient is a victim of abuse to immediately report the abuse
- Further explains what needs to be done if sexual abuse, serious physical injury or serious bodily injury is suspected or if a death seems suspect

14  **OAPSA  
Mandatory Reporting (2)**

- If an employee or administrator believes the abuse involves sexual abuse, serious physical injury, serious bodily injury or suspicious death, they must:
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  - Make an oral report and then written report to law enforcement
  - Make an oral report to the PA Department of Aging  
717-783-6207

15  **OAPSA  
Voluntary Reporting**

- Any person may make a report
- Reporters have legal protection from retaliation or disciplinary action
- Reporters shall be immune from civil or criminal liability unless they acted in bad faith or with

malicious purpose (immunity does not extend to liability for acts of abuse, neglect, exploitation or abandonment)

16  **Act 28 Neglect of Care Dependent Persons**

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- Effective September 8, 1995
- Act 28 is an amendment to the PA Crime Code
- Makes it a crime to neglect a care-dependent person
  - Adults (18 years of age and over) who, due to physical or cognitive disability or impairment require assistance to meet the needs for food, shelter, clothing, personal care or health care
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17  **Act 28 Neglect of Care Dependent Persons**

**Who is Subject to Prosecution?**

- Caretakers: any subject who is an owner, operator, manager or employee of a(n):
  - Nursing home
  - Personal care home
  - Domiciliary care home
  - Community residential facility
  - ICF-MR (Intermediate care facility for the mentally retarded)
  - Adult daily living center
  - Home health agency
  - Home health service provider (licensed or unlicensed)
- Any person who provides care to a care-dependent person in the settings described above;  
or
- Any person who has an obligation to care for a care-dependent person for monetary consideration in the settings described or in the care-dependent's home
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18  **Act 28 Neglect of Care Dependent Persons**

**Mandatory Reporting**

- If in the course of conducting regulatory or investigative responsibilities employees of the following agencies
  - PA Department of Aging
  - Department of Health or
  - Department of Welfare,
- Have reasonable cause to conclude that Act 28 has been violated, a report must be made to local law enforcement or the Office of Attorney General
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