

APS QUARTERLY REPORT TO THE LEGISLATURE

2nd Quarter, SFY2015

To: Ann Pugh, Chair, House Committee on Human Services
Claire Ayer, Chair, Senate Committee on Health and Welfare
Maxine Jo Grad, Chair, House Committee on Judiciary
Dick Sears, Chair, Senate Committee on Judiciary

From: Susan Wehry 
Commissioner, Department of Disabilities, Aging and Independent Living

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Director, Division of Licensing and Protection

Date: January 10, 2015

The Adult Protective Services (APS) program provides quarterly reports to the Legislature in accordance with Act 46 (2013). This is the quarterly report for the second quarter of State Fiscal Year 2015. The attached data table and charts derived from it provide information on the APS program for the past six quarters. Appendix A provides definitions for the common data elements used in this report. Appendix B provides information on the APS File Review Panel Benchmarks. Appendix C provides information on intakes referred to Survey and Certification (S&C) for investigation.

Notes on Report Data

A review of the data shows that APS workload and outcomes for this fiscal year has been steady across most measurements. There are no significant positive or negative trends in the data that require action at this time.

This quarter did see a large increase in the number of cases closed and substantiations as a result of targeted overtime in November and December to complete cases over 60 days old.

This report also includes new benchmark data for the APS File Review Panel, which shows APS meeting 6 of the 7 measurable benchmarks this quarter.

Data Table for APS Quarterly Report

Quarter	1st Qtr, 14	2nd Qtr, 14	3rd Qtr, 14	4th Qtr, 14	1st Qtr, 15	2nd Qtr, 15
Intakes and Closures						
Intakes to DLP	1,030	978	934	1,095	1,173	1,049
Closed without Investigation	302	277	277	346	331	335
Referred to APS for Investigation	352	379	369	400	503	405
% Intakes Referred to APS Investigation	34%	39%	40%	37%	43%	39%
Referred to S&C for Investigation	375	322	283	348	335	309
Total Closures	1,014	937	896	1,048	1,008	1,122
APS Investigations Outcomes						
Investigations Closed Substantiated	37	42	40	46	39	79
Investigations Closed Unsubstantiated	300	296	296	307	303	398
% APS Investigations Substantiated	11%	12%	12%	13%	11%	17%
Adult Abuse Registry Additions	21	17	23	33	33	31
Caseloads						
Total Open Cases Daily Average	344	356	324	342	383	345
Investigator Caseload Daily	31	32	29	31	35	31
Closure Percentages						
% Total Closures Substantiated by APS	4%	4%	4%	4%	4%	7%
% Total Closures Not Substantiated by APS	30%	32%	33%	29%	30%	35%
% Total Closures Referred to S&C for Investigation	37%	34%	32%	33%	33%	28%
% Total Closures Not Investigated	30%	30%	31%	33%	33%	30%
Cases Not Investigated:						
Allegations Not A/N/E						369
Resident on Resident Abuse						133
Self Neglect over 60						49
Incomplete Report						16
Incident in Distant Past						11

Data Table for APS Quarterly Report

Quarter	1st Qtr, 14	2nd Qtr, 14	3rd Qtr, 14	4th Qtr, 14	1st Qtr, 15	2nd Qtr, 15
Referral Types for Intakes Not Investigated:						
	Survey & Certification (DLP/DAIL)					309
	Area Agency on Aging					59
	Law Enforcement					33
	Medicaid Fraud Unit					5
	Legal Aid					4
	DS or ASD (DAIL)					1
	Office of Professional Regulation					1
Reason for Unsubstantiated Investigations:						
	Insufficient Evidence to Prove A/N/E Occurred					141
	Available Evidence Indicated A/N/E Did Not Occur					111
	AV Refused Investigation					86
	Allegations Not A/N/E					58
Investigation Not Conducted Because Not a Vulnerable Adult, Relationship of Reporter						
	Other					8
	Health/Medical Professional					6
	Friend/Relative					6
	Social Worker					4
	AAA					1
Investigation Not Conducted Because Not a Vulnerable Adult, Relationship of AP						
	Other					10
	Relative					6
	Friend					4
	Spouse					2
APS File Review Panel Benchmarks (Bold When Benchmark Met)						
	1st Qtr, 14	2nd Qtr, 14	3rd Qtr, 14	4th Qtr, 14		
Benchmark 1	NA	NA	98%	98%		
Benchmark 2	NA	NA	98%	86%		
Benchmark 3	85%	84%	89%	100%		
Benchmark 4	74%	88%	100%	97%		
Benchmark 5	NA	NA	100%	NA		
Benchmark 6	59%	71%	85%	91%		
Benchmark 7	78%	75%	90%	100%		
Benchmark 8	60%	39%	56%	93%		

Chart 1: Average Investigator Caseload

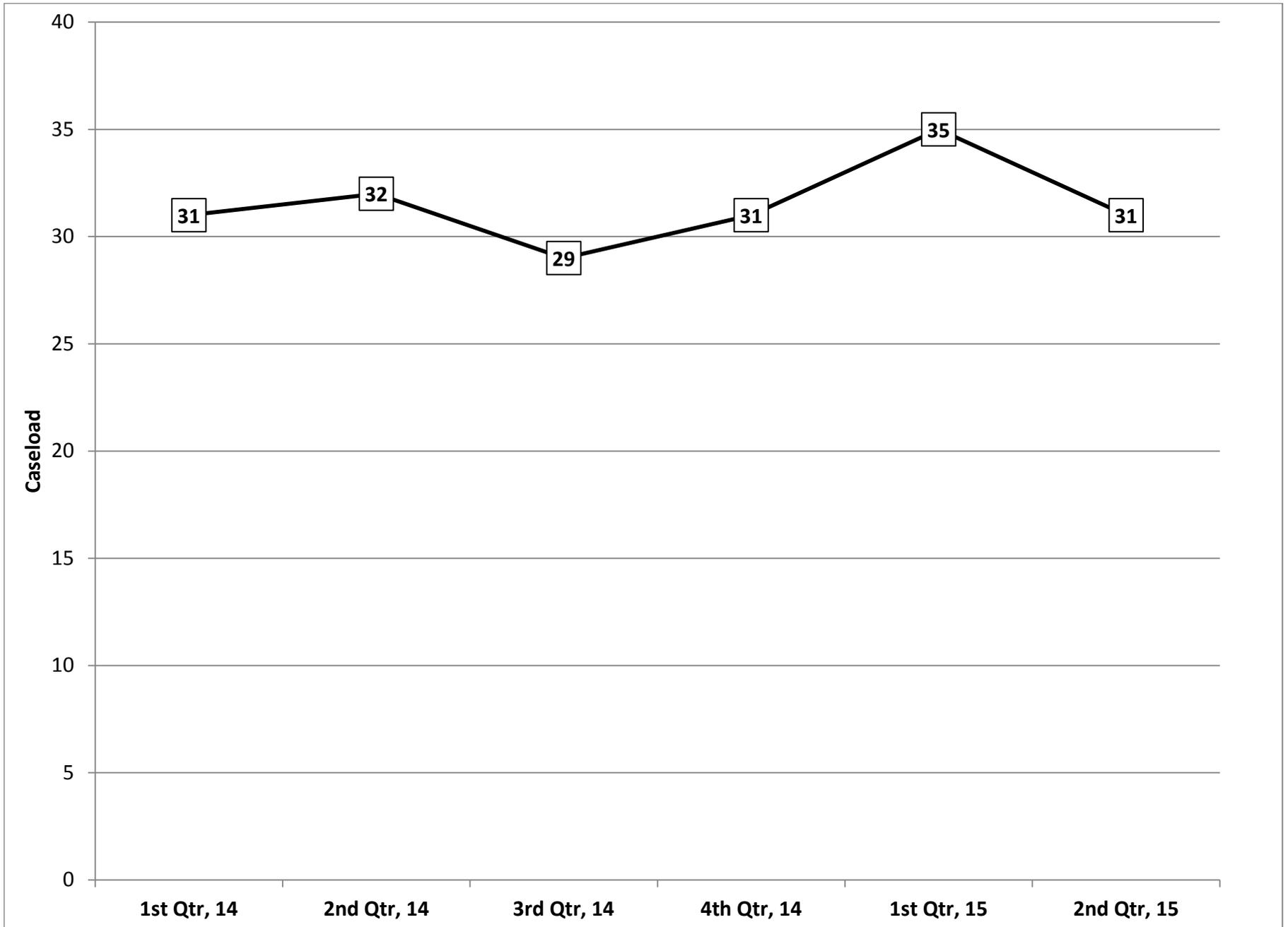


Chart 2: Intakes, Closures and Average Open Cases

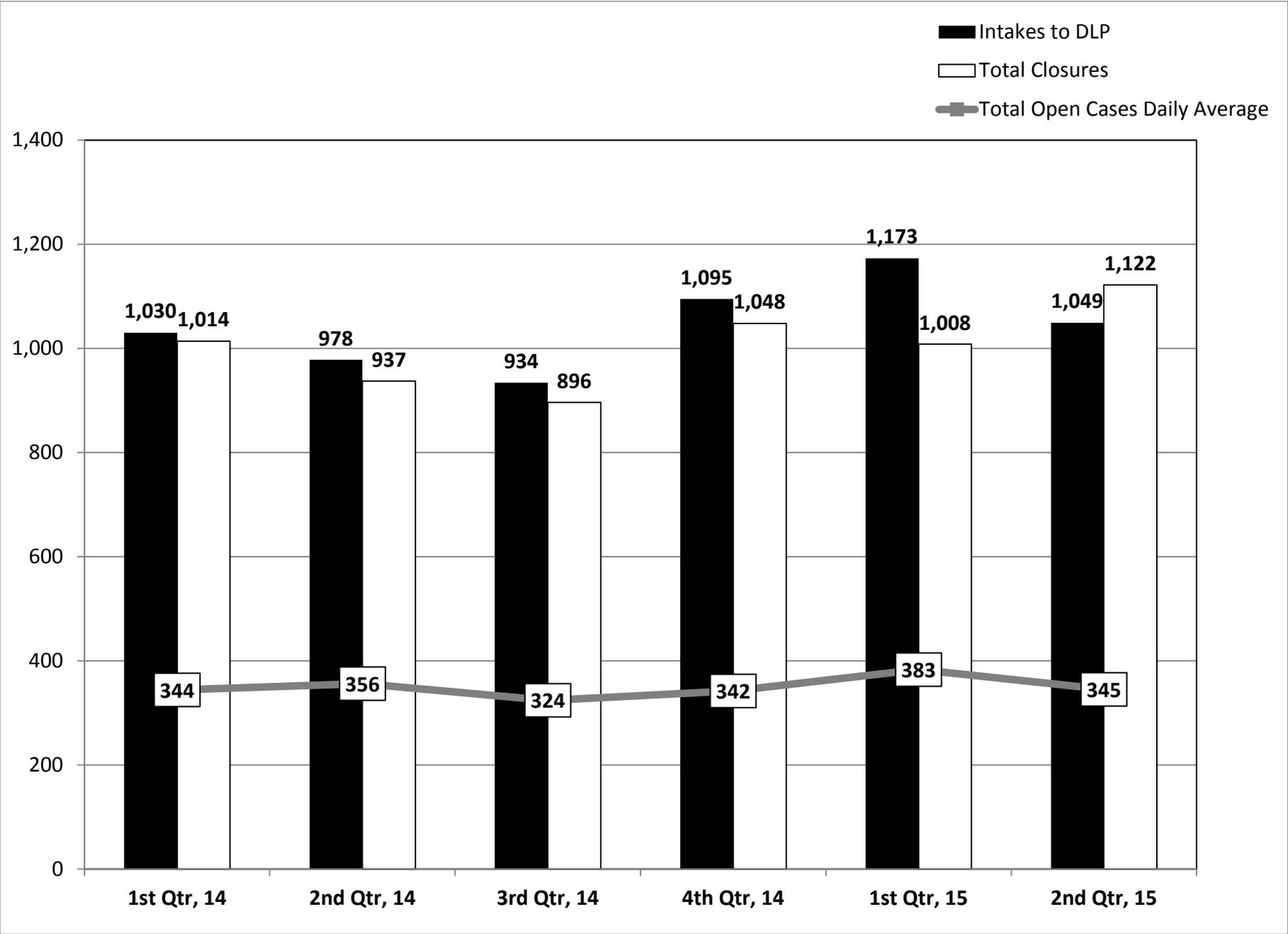


Chart 3: Intakes Referred to APS Investigation

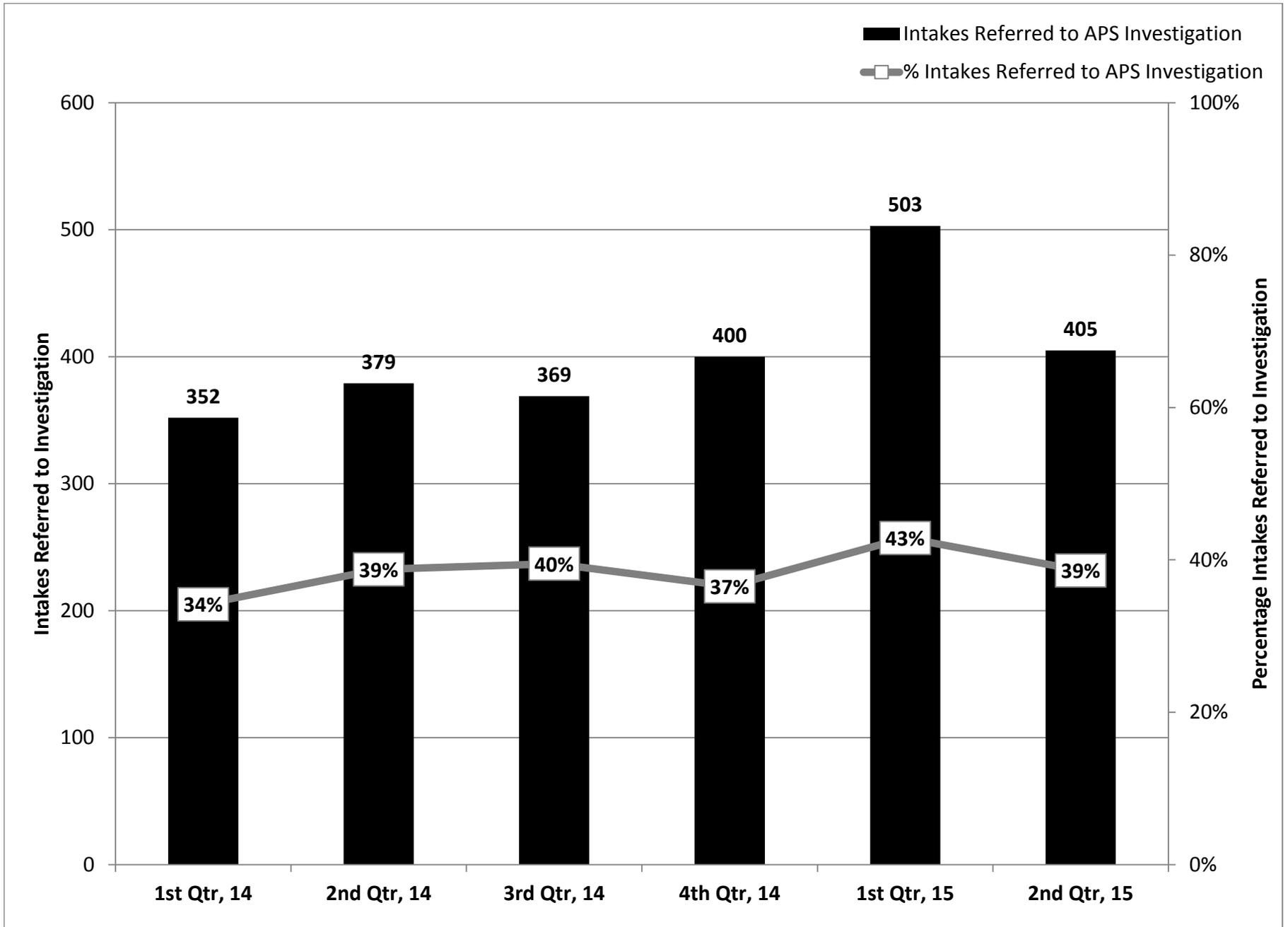


Chart 4: Substantiations, Percent Investigations Substantiated and Adult Abuse Registry

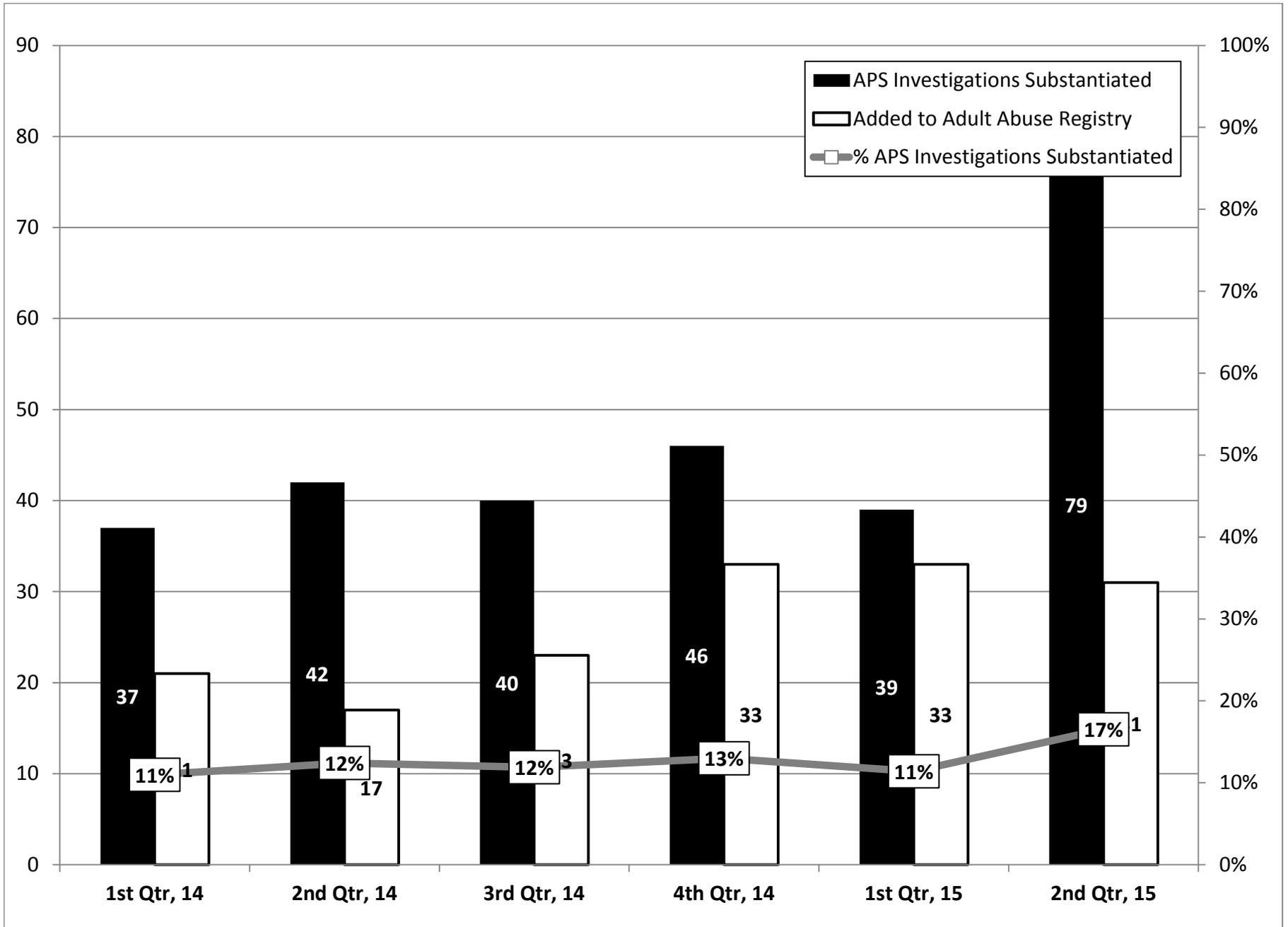


Chart 5: Count of Closure Types

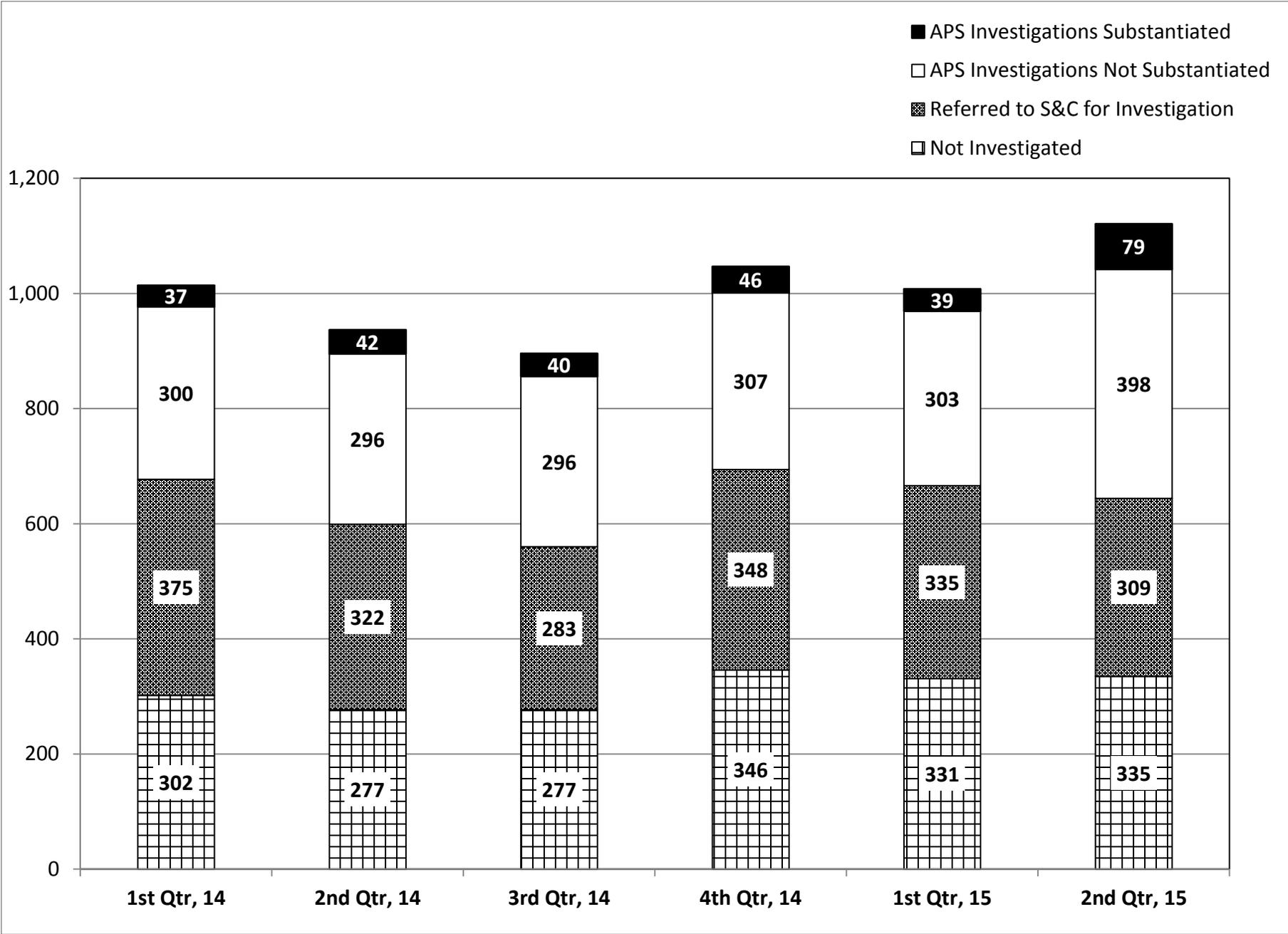


Chart 6: Percent of Closure Types

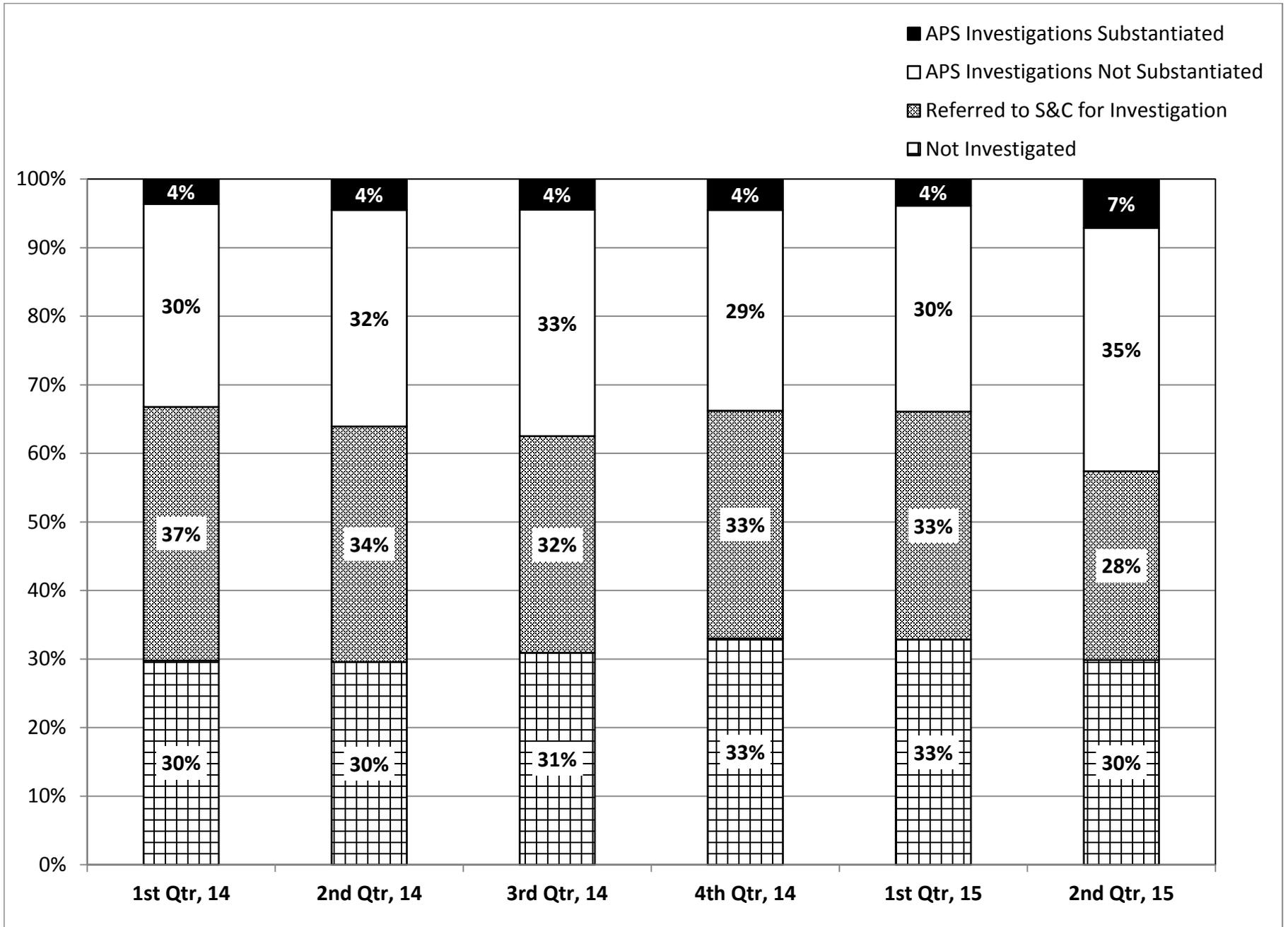


Chart 7: Reasons Intakes Not Referred to Investigation

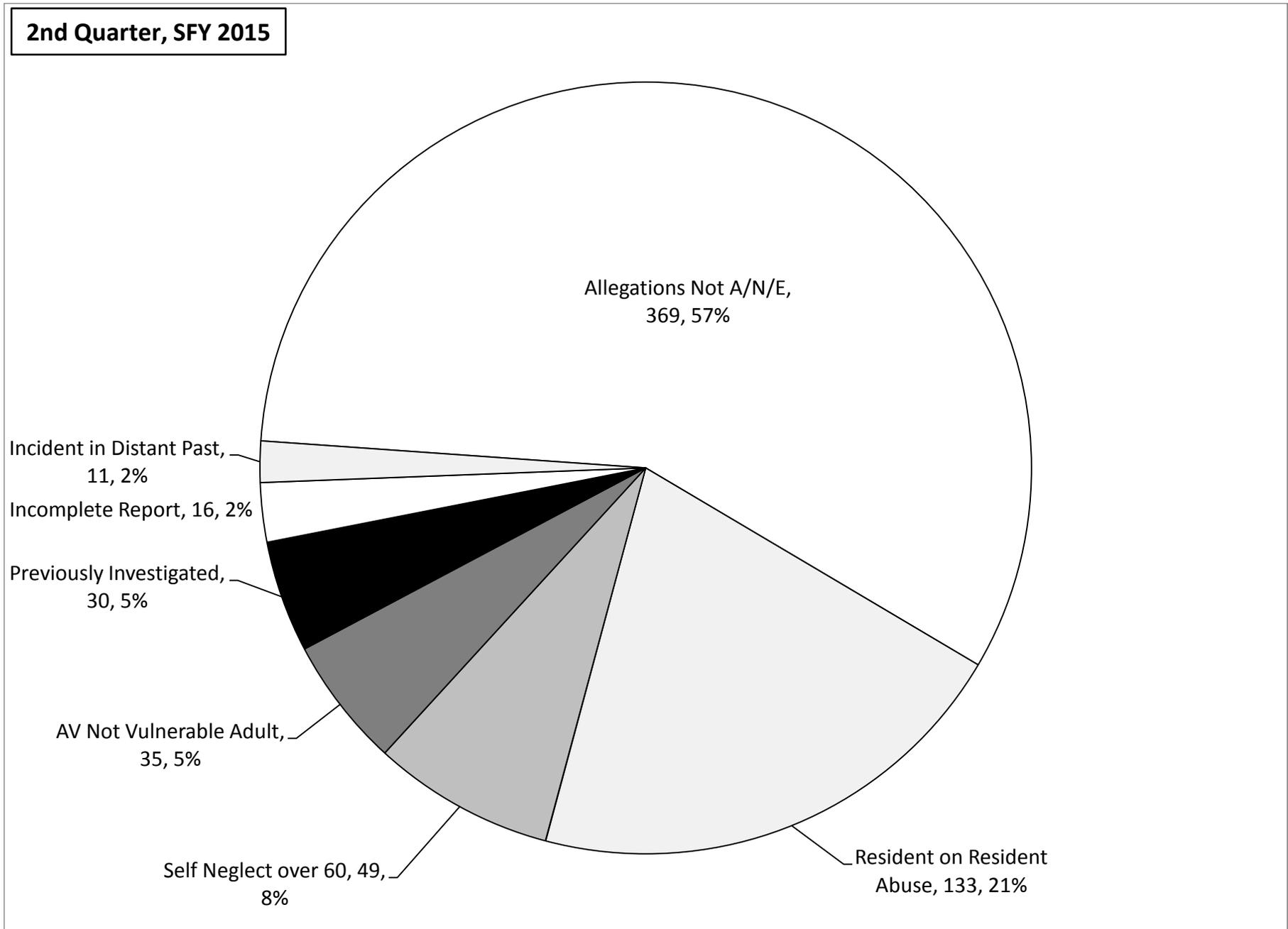


Chart 8: Referral Source for Intakes Not Referred for Investigation

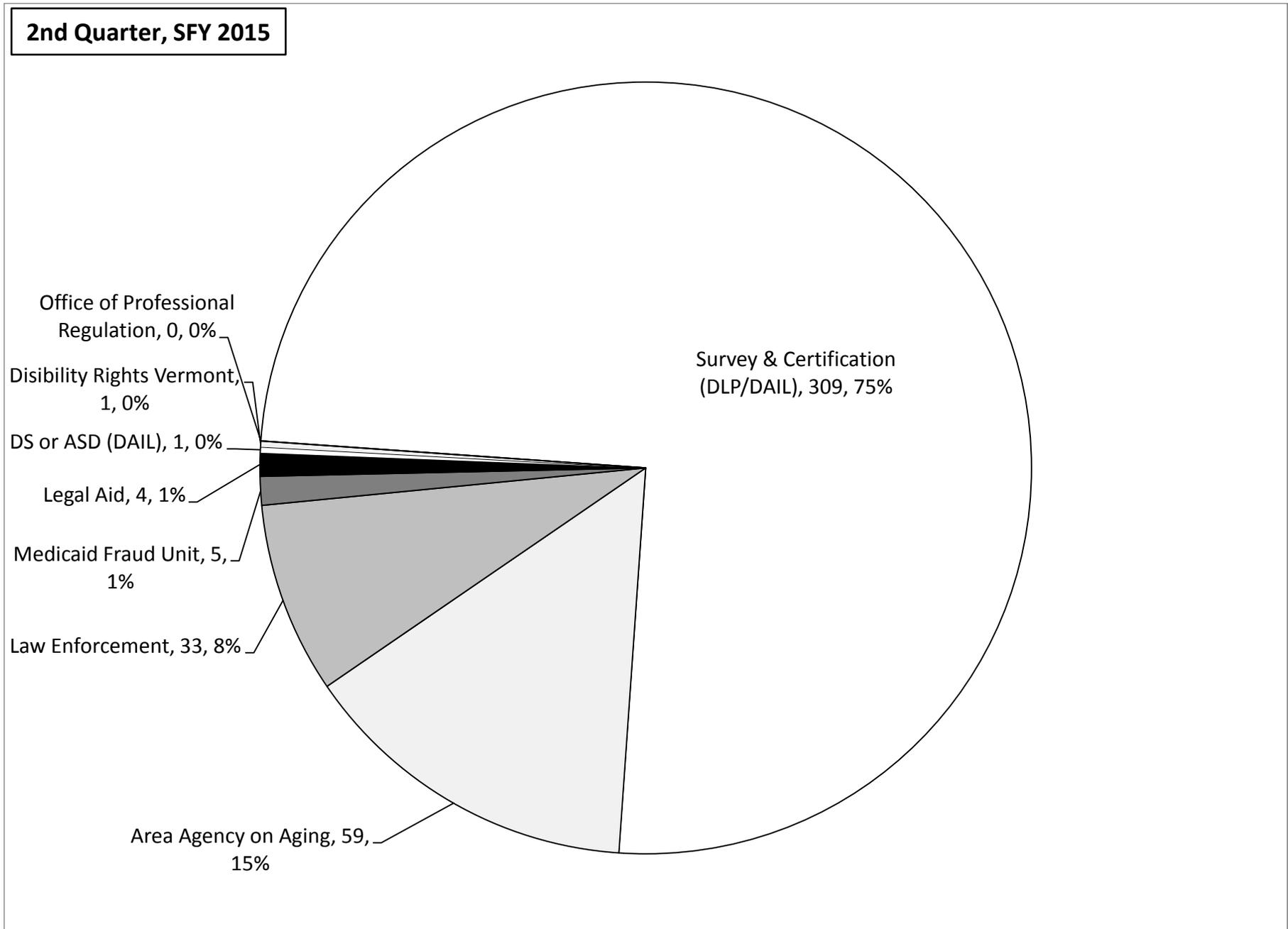


Chart 9: Reason for Unsubstantiation for Unsubstantiated Investigations

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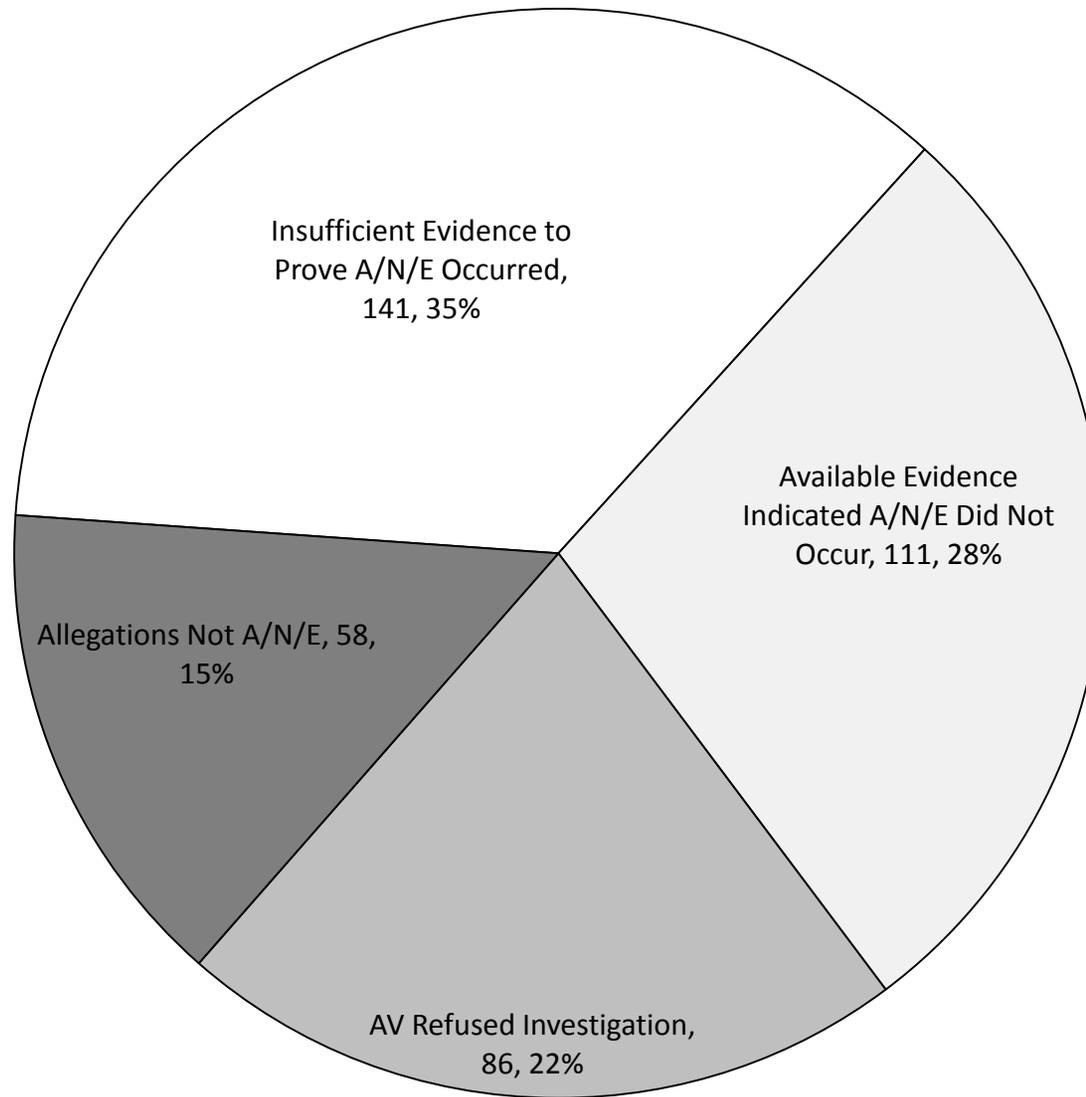


Chart 10: APS File Review Panel, Benchmark 1, Contact to Reporter Before Closing when Intake Complete and Not Referred to Investigation (Benchmark 90%)

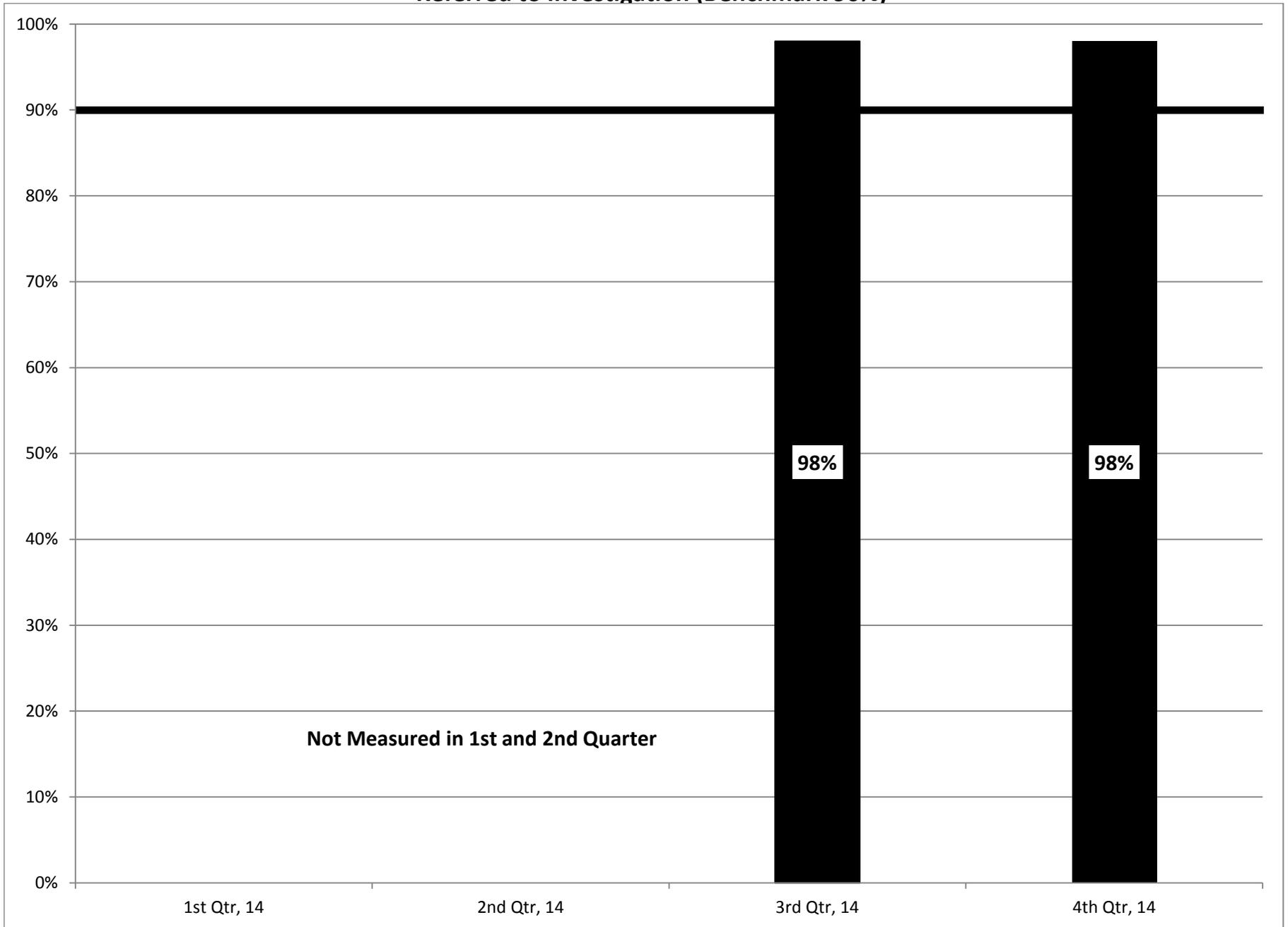


Chart 11: APS File Review Panel, Benchmark 2, Reporter Contact within 48 Hours and Before Closure for Incomplete Reports (Benchmark 90%)

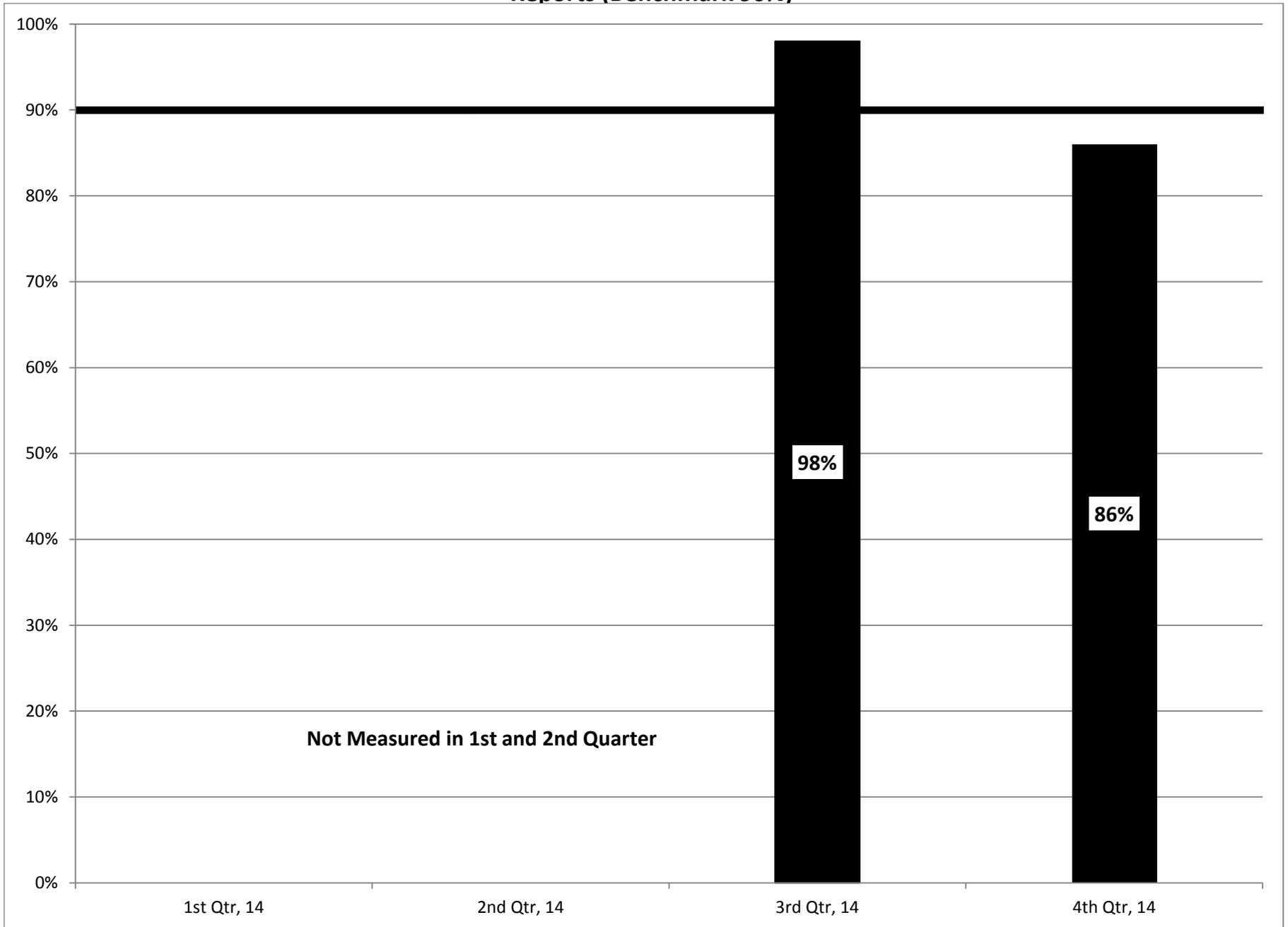


Chart 12: APS File Review Panel, Benchmark 3, Reporter and Victim Notification of Closed Contact, Including Appeal Rights, within 5 Days (Benchmark 80%)

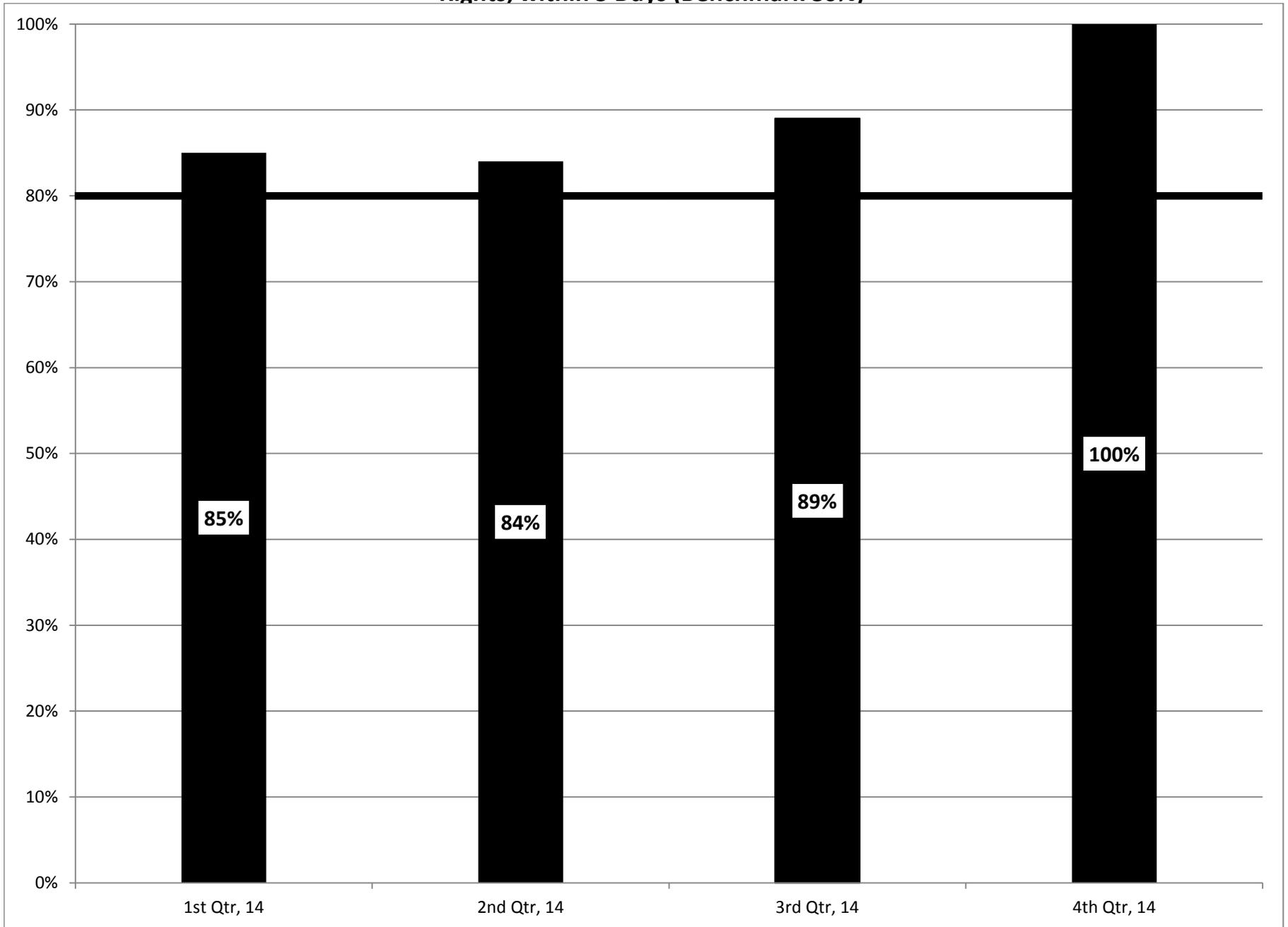


Chart 13: APS File Review Panel, Benchmark 4, Complete Intakes Warranting Investigation are Assigned to Investigation within 48 Hours (Benchmark 80%)

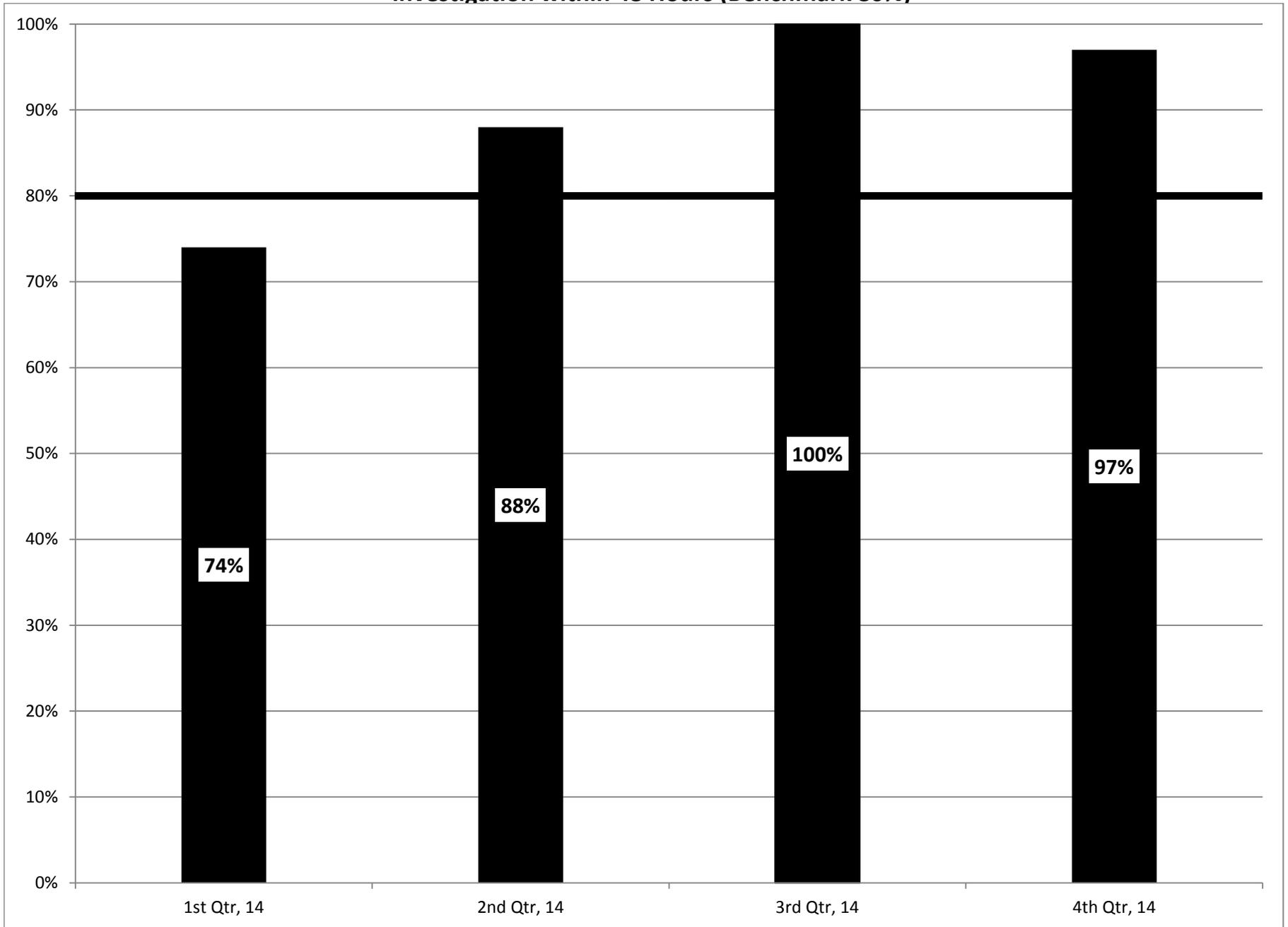


Chart 14: APS File Review Panel, Benchmark 5, Contact with Reporter or Victim within 5 Business Days for Triage Level 1 Investigations (Benchmark 80%)

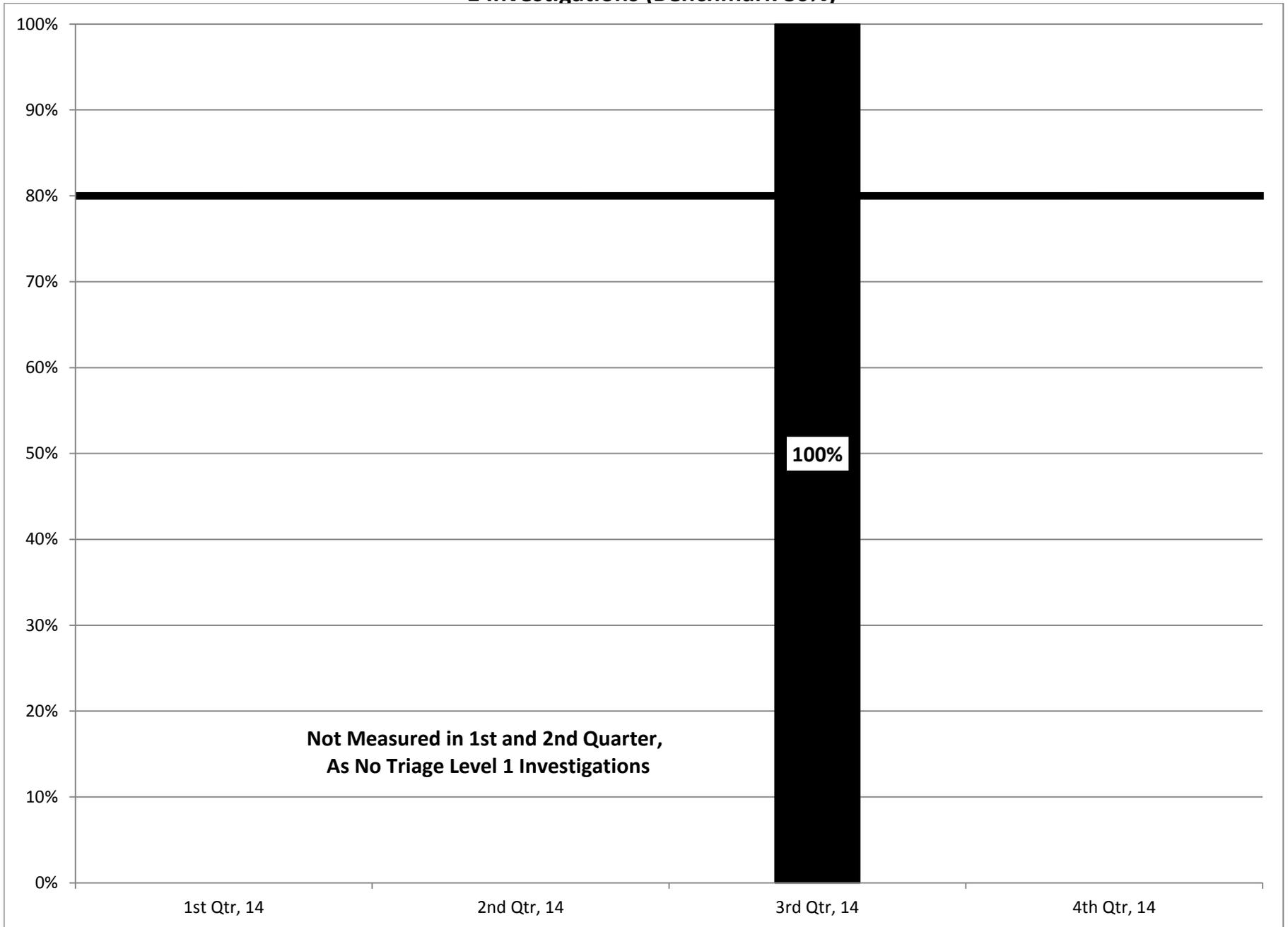
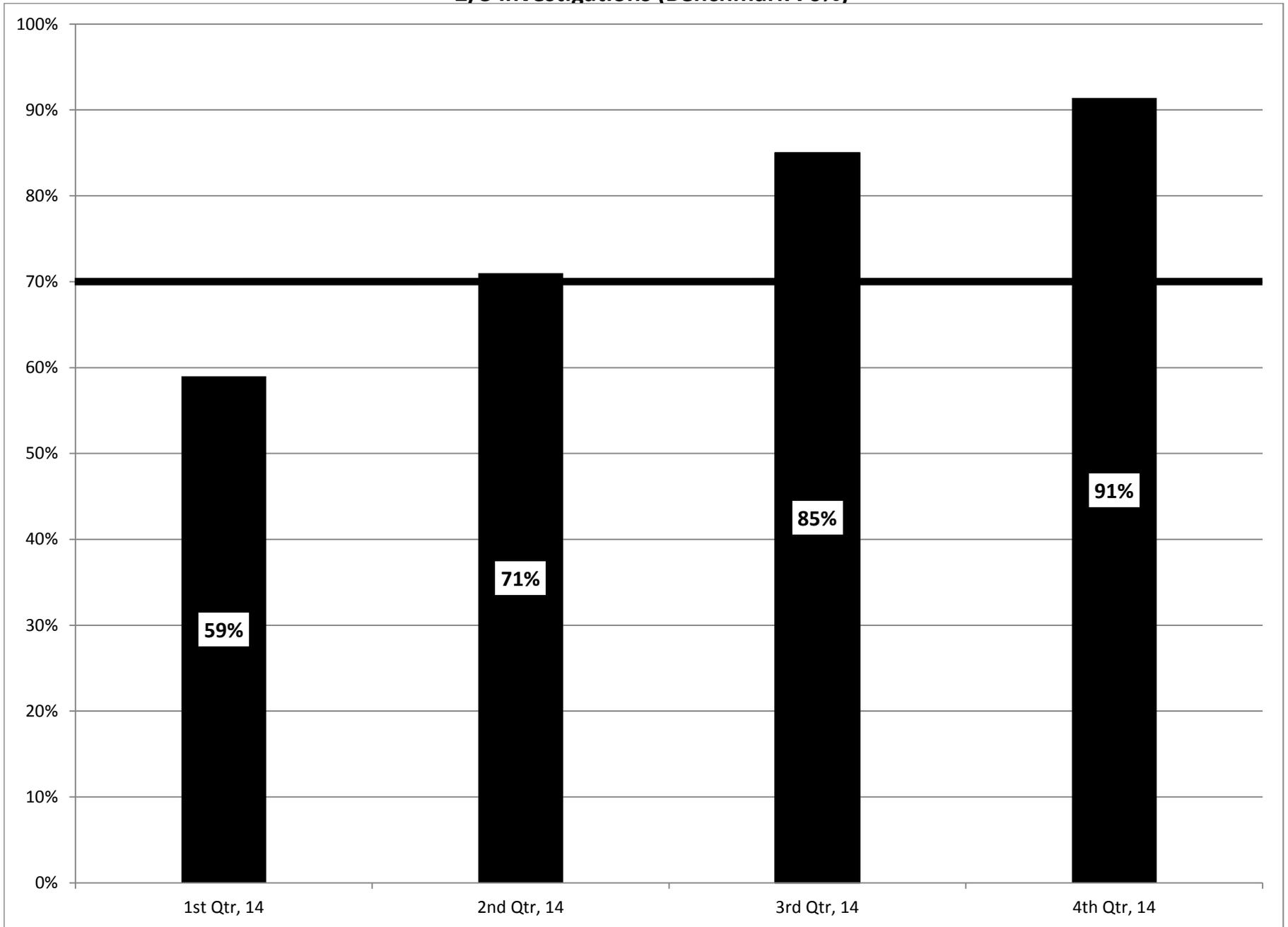
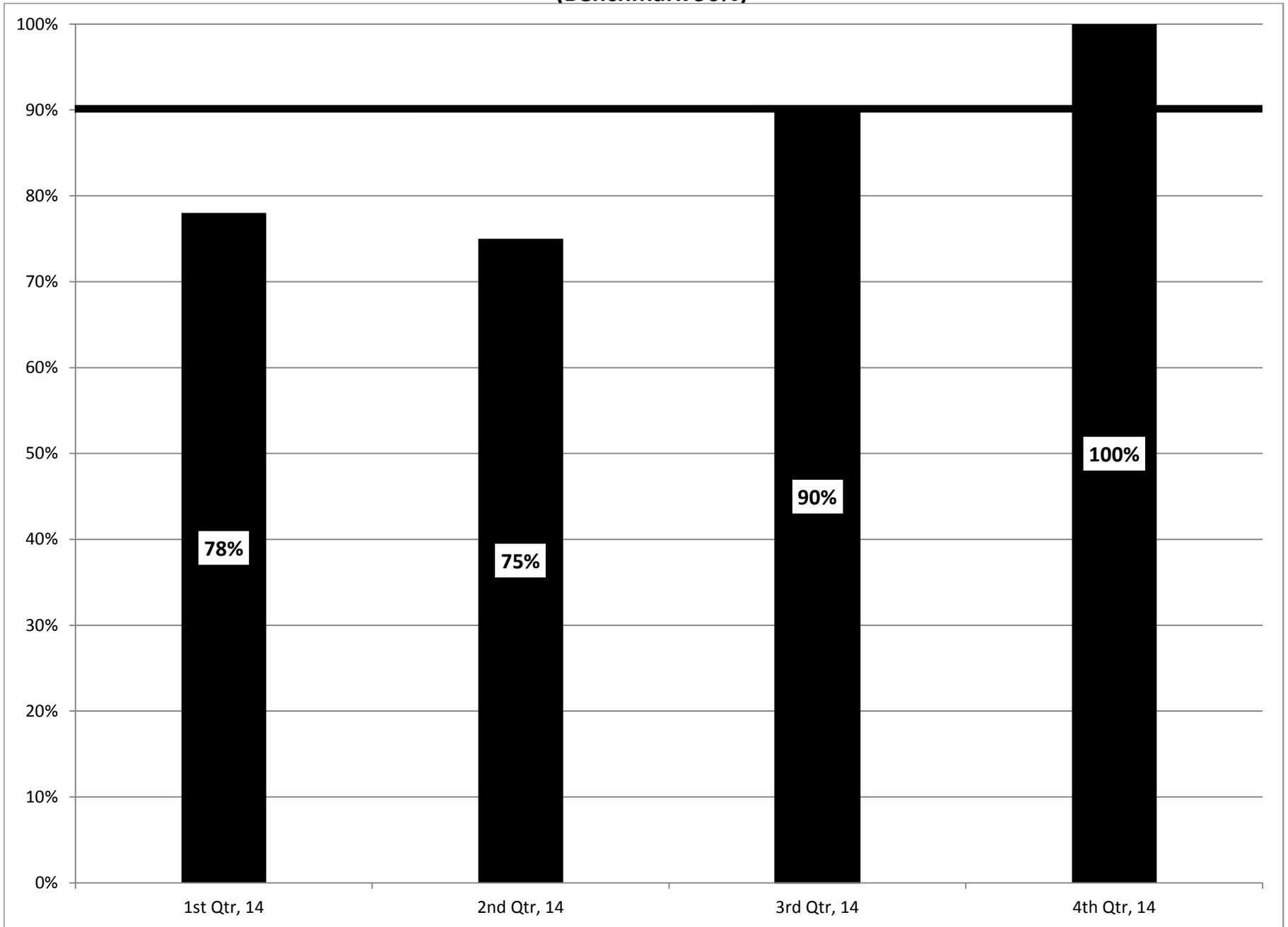


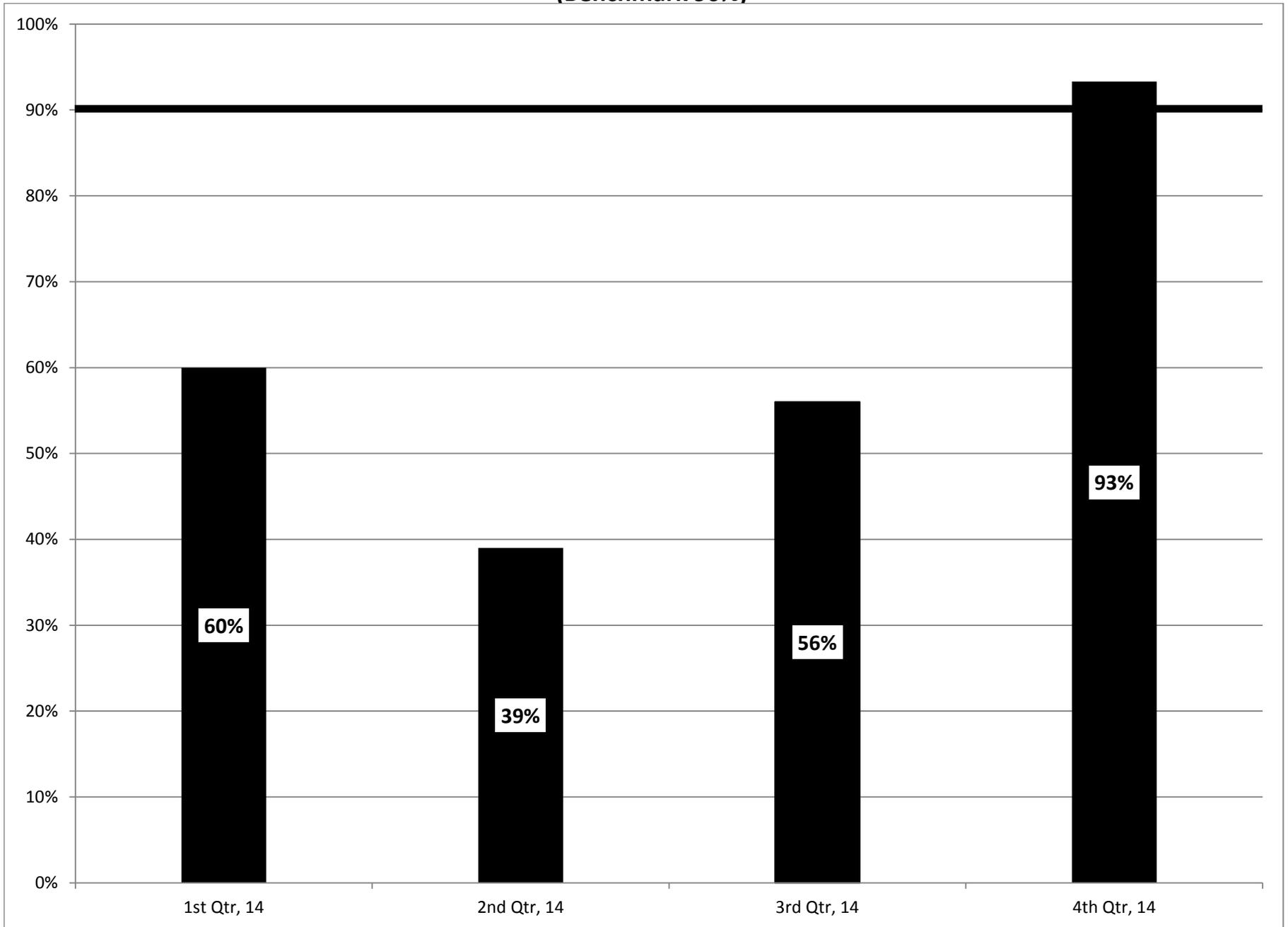
Chart 15: APS File Review Panel, Benchmark 6, Contact with Reporter or Victim within 5 Business Days for Triage Level 2/3 Investigations (Benchmark 70%)



**Chart 16: APS File Review Panel, Benchmark 7, Non-Financial Exploitation Investigations Completed within 60 Days
(Benchmark 90%)**



**Chart 17: APS File Review Panel, Benchmark 8, Financial Exploitation Investigations Completed within 90 Days
(Benchmark 90%)**



Appendix A

Definitions for Common Data Elements

All Closed Contacts: The number of intakes closed without investigation because the alleged victim is not a vulnerable adult and/or the situation described does not involve abuse, neglect, or exploitation.

A/N/E: Abuse, neglect, and/or exploitation.

APS: Adult Protective Services, a section of the Division of Licensing and Protection (DLP), that investigates allegations of abuse, neglect, and/or exploitation of vulnerable adults.

AP: Alleged Perpetrator

AV: Alleged Victim.

Closed Contacts Referred to S&C: The number of intakes not investigated by APS but referred to Survey and Certification (S&C) because they pertain to a licensed facility.

Completed Investigations: The total number of investigations completed.

DLP: Division of Licensing and Protection, which contains Adult Protective Services (APS) and Survey and Certification (S&C).

Intakes Entered: The total number of intakes received by the Division of Licensing and Protection during the month through web intake, fax, phone, and mail.

Intakes Referred for Investigation: The number of intakes referred to an APS Investigator for investigation.

Perpetrators Placed on Registry: The number of individuals placed on the registry after they have been substantiated and no appeal has been filed, or after they have been substantiated and their appeals have been heard and denied.

Reporter: The person contacting the Division of Licensing and Protection to provide information to APS or S&C.

S&C: Survey and Certification, a section of the Division of Licensing and Protection (DLP), that surveys hospitals and long term care facilities to ensure compliance with state and federal regulations.

Substantiated Investigations: The number of investigations that have been completed and are substantiated because the APS Investigator determined a vulnerable adult has been abused, neglected, and/or exploited by a perpetrator.

Total Open Cases (Average): The average number of cases open during the reporting period.

Unsubstantiated Investigations: The number of investigations that have been completed and were not substantiated by the APS Investigator.

APS Quarterly Report Appendix B Settlement Benchmarks

BENCHMARK # 1: Completed Report Received Benchmark: 90%

Closed contacts based on reports containing sufficient information to contact the reporter must include at least two attempts to reach the reporter prior to closing, unless the allegations in the report fit within a policy exception identified in the APS Policy Manual or clearly do not meet the statutory requirement in 33 V.S.A 6902.

BENCHMARK # 2: Incomplete Report Received Benchmark: 90%

Closed contacts based on reports considered incomplete as received must include two follow-up calls to the reporter within 48 hours of receipt of the incomplete report.

BENCHMARK # 3: Reporter & Victim Notification Benchmark: 80%

Closed contacts based on incomplete-as-received reports must include a follow-up letter to the reporter and victim within five business days of receipt of the incomplete report explaining why the report was not accepted. The reporter letter must also include information regarding the report's appeal rights.

BENCHMARK # 4: Assignment & Initiation Benchmark: 80%

Complete reports alleging abuse, neglect and exploitation of a vulnerable adult are assigned to a field investigator within 48 hours of receipt (or 48 hours of completion of in-complete- as-received report).

BENCHMARK #5: Triage #1 Benchmark: 80%

Cases categorized as Triage level 1 include direct contact with the alleged victim or reporter within two business days of assignment and in-person contact with the victim within five business days, unless such contact would jeopardize the health, welfare or safety of the alleged victim, or the alleged victim objects to an interview.

BENCHMARK #6: Triage #2 or Triage #3 Benchmark: 70%

Cases categorized as Triage level 2 or 3 include direct contact with the alleged victim or reporter within five business days of assignment, unless such contact would jeopardize the health, welfare or safety of the alleged victim, or the alleged victim objects to an interview.

BENCHMARK #7: Non-Financial Exploitation Closures Benchmark: 90%

Investigations that are not allegations of financial exploitation are closed within 60 days of assignment or receive a supervisory extension pursuant to APS Policy and Procedure Manual § VII (C).

BENCHMARK #8: Financial Exploitation Closures Benchmark: 90%

Financial exploitation cases are closed within 90 days of assignment or receive a supervisory extension pursuant to APS Policy and Procedure Manual § VII (C).

Appendix C

Survey and Certification Background and Data

The Division of Licensing and Protection houses Survey and Certification (S&C). S&C licenses and surveys health care organizations to ensure compliance with applicable state and/or federal regulations. S&C has a contract with the Centers for Medicare and Medicaid Services (CMS) to survey federally regulated facilities.

S&C uses the Aspen Complaint Tracking System (ACTS), which is provided and maintained by CMS, to track all of its investigative work. CMS has full access to ACTS data and provides ongoing oversight of S&C's activities at federally regulated facilities that includes:

- Monitoring the timely completion of investigations.
- Reviewing deficiencies.
- Reviewing investigative work.

As part of the contract with CMS, S&C surveys the following facilities to ensure compliance with applicable federal regulations:

- Acute Care Hospitals (Federal)
- Ambulatory Surgical Centers
- Clinical Laboratories
- Critical Access Hospitals
- End Stage Renal Disease Units
- Federally Qualified Health Centers
- Home Health Agencies
- Hospice
- Intermediate Care Facilities for the Intellectually Disabled
- Nursing Homes
- Outpatient Physical Therapy
- Portable X-Ray Units
- Rural Health Clinics
- Transplant Programs

S&C surveys the following facilities to ensure compliance with applicable state regulations:

- Assisted Living Residences
- Home Health Agencies

- Homes for the Terminally Ill
- Nursing Homes
- Residential Care Homes
- Therapeutic Community Residences

S&C investigates complaints and self-reported incidents at state regulated facilities using the same timelines as federally certified nursing homes.

S&C does not investigate the alleged abuse, neglect, or exploitation (A/N/E) of vulnerable adults by alleged perpetrators. S&C surveyors are mandated reporters that report evidence of A/N/E to Adult Protective Services through DLP Intake when discovered. In addition, when S&C encounters practices that deviate significantly from professional norms, they notify the Office of Professional Regulation.

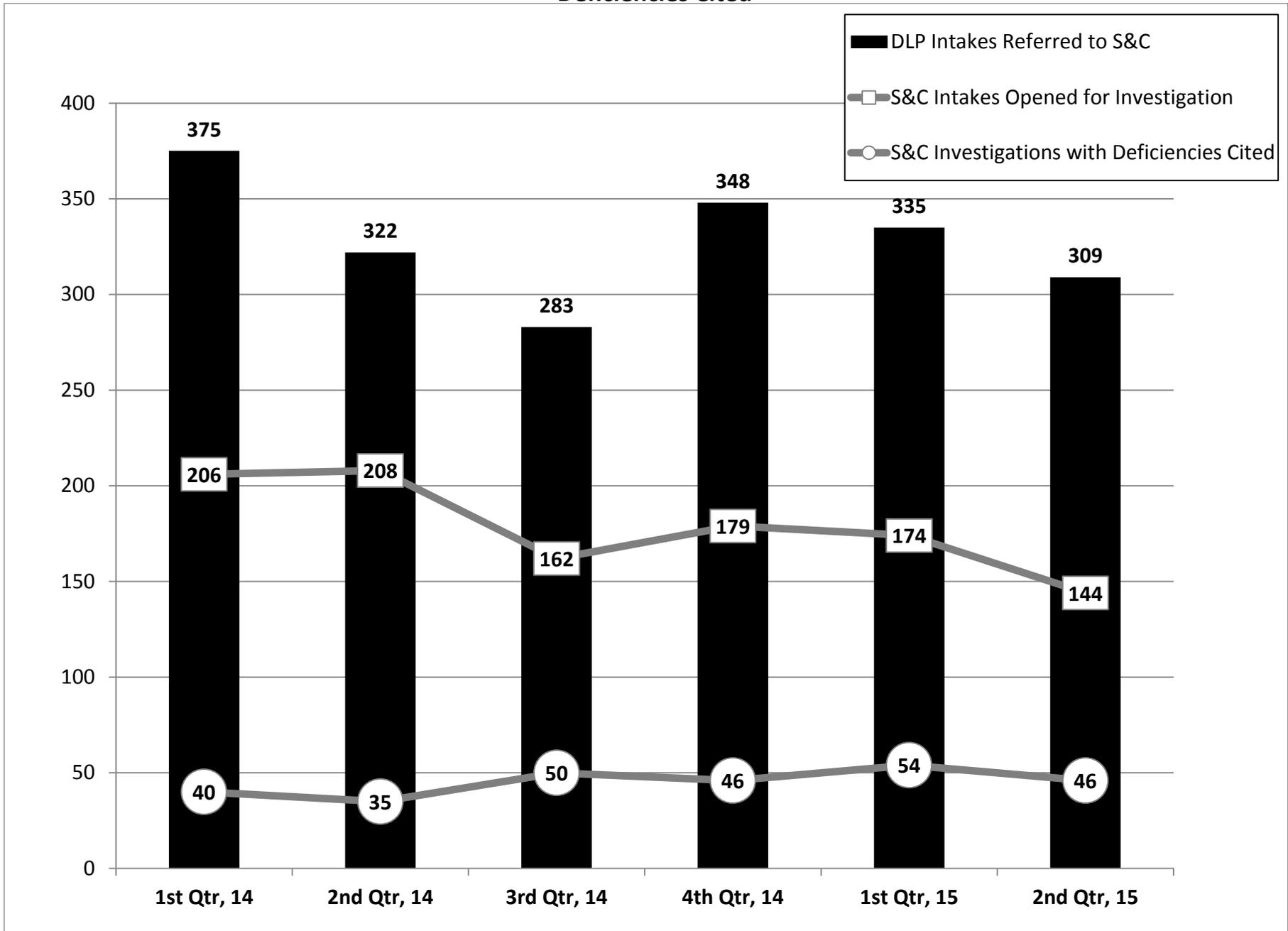
The chart on the next page shows:

- The number of referrals made to S&C by DLP Intake.
- The number of referrals S&C opened for an onsite investigation.
- The number of onsite investigations resulting in at least one deficiency.

Please note that the data does cross quarters. A referral to S&C may result in an onsite visit in a future quarter.

100% of referrals to S&C are reviewed and screened by qualified Nurse Surveyors with extensive nursing and survey experience.

Appendix B: DLP Intakes Referred to Survey and Certification, Intakes Referred to Investigation, Investigations with Deficiencies Cited



Source: Harmony for APS and ACTS