

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-sixth Legislature - First Regular Session

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE
ADULTS

Report of Interim Meeting
Wednesday, November 8, 2023
House Hearing Room 1 -- 2:00 P.M.

Convened 2:01 P.M.
Recessed
Reconvened
Adjourned 4:32 P.M.

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

11/9/23

Members Present

Representative Longdon, Chairman
Representative Dunn, Vice-Chairman
Nikki Soukup, designee of Ms. Collins
Thomas Salow, designee of Ms. Cunico
Jakenna Lebsock, designee of Ms. Heredia
Ms. Kennedy
Nina Louis, designee of Ms. Knupp
Desiree Kerfoot, designee of Ms. Ortiz
Christopher Rodriguez, designee of Ms. Reed
Meaghan Kramer, designee of Mr. Rico
Virginia Rountree, designee of Ms. Rodgers

Members Absent

Mr. Carey – excused
Mr. Meyers – excused

Agenda

Original Agenda – Attachment 1

Request to Speak

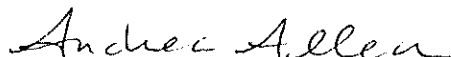
Report – Attachment 2

Committee Attendance

Report – Attachment 3

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Michel Lahti	LeCroy & Milligan Associates	4
Molly McCarthy	AZ Department of Economic Security	5



Andrea Allen, Committee Secretary
November 9, 2023

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

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ARIZONA HOUSE OF REPRESENTATIVES

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE ADULTS

Date: Wednesday, November 8, 2023

Time: 2:00 P.M.

Place: HHR 1

*convened 2:01 p
adjourned 4:32 p*

Members of the public may access a livestream of the meeting here:
<https://www.azleg.gov/videoplayer/?clientID=6361162879&eventID=2023111004>

AGENDA

1. Call to Order
2. Introduction of Committee Members
3. Presentation:
 - Examining the Delivery of Services to Vulnerable Adults in the Arizona Adult Protectives System - LeCroy & Milligan Associates, Inc., contractor for the Arizona Auditor General
4. Response by the Arizona Health Care Cost Containment System
5. Response by the Arizona Department of Health Services
6. Response by the Arizona Department of Economic Security
7. Committee Discussion
8. Public Testimony
9. Adjournment

Members:

Representative Jennifer L Longdon, Chair
 Representative Timothy M Dunn, Vice Chair
 David Carey
 Nikki Soukup, designee of Sherri Collins
 Thomas Salow, designee of Jennifer Cunico
 Dana Kennedy
 Nina Louis, designee of Cheryl Knupp

Jon Meyers
 Desiree Kerfoot, designee of Elizabeth Ortiz
 Christopher Rodriguez, designee of April Reed
 Jose de Jesus V Rico
 Virginia Rountree, designee of Angie Rodgers
 Jakenna Lebsock, designee of Carmen Heredia

11/03/2023
 11/07/2023
 RA
 VC

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ARIZONA STATE LEGISLATURE
Fifty-fifth Legislature - Second Regular Session

INTERIM COMMITTEE ATTENDANCE RECORD

COMMITTEE ON HOUSE AD HOC COMMITTEE ON ABUSE AND NEGLECT OF VULNERABLE ADULTS

CHAIRMAN: JENNIFER LONGDON VICE-CHAIRMAN: Timothy M. Dunn

DATE	11/8/23	1/22	1/22	1/22	1/22
CONVENED	2:01 p m	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	4:32 p				
MEMBERS					
Mr. Carey	exc				
Nikki Soukup-designee of Ms. Collins	✓				
Thomas Salow-designee of Ms. Cunico	✓				
Ms. Kennedy	✓				
Nina Louis-designee of Ms. Knupp	✓				
Mr. Meyers	exc				
Desiree Kerfoot-designee of Ms. Ortiz	✓				
Christopher Rodriguez-designee of Ms. Reed	✓				
Meaghan Kramer-designee of Mr. Rico	✓				
Jakenna Lebsock-designee of Ms. Heredia	✓				
Virginia Rountree-designee of Ms. Rodgers	✓				
Dunn, Vice-Chairman	✓				
Longdon, Chairman	✓				

✓ Present --- Absent exc Excused

Information Registered on the Request to Speak System

*House Ad Hoc Committee on Abuse and Neglect of
Vulnerable Adults (11/8/2023)*

8, Public Testimony

Support:

Paul Vescio, representing self

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on _____ Bill Number _____
 Date 11/6/23 Support Oppose Neutral
 Name STACEY COMBS Need to Speak? Yes No
 Representing THOMAS COMBS Are you a registered lobbyist? NO
 Complete Address 17418 N 21ST DR PHX AZ 85023
 E-mail Address STACEY.COMBS@GUVSDAZ.ORG Phone Number 602-541-1011
 Comments: _____

FIVE-MINUTE SPEAKING LIMIT

PLEASE COMPLETE THIS FORM FOR THE PUBLIC RECORD



HOUSE OF REPRESENTATIVES

Please PRINT Clearly

Committee on TREATMENT OF VUNARABLE Bill Number _____
ADULTS AT CARE FACILITIES
 Date 11/6/23 Support Oppose Neutral
 Name AITUS GINGER Need to Speak? Yes No
 Representing LTC Parents Are you a registered lobbyist? NO
 Complete Address 18624 N. 15TH PLACE PHX 85024
 E-mail Address AITUSANDJAN@GMAIL.COM Phone Number 623-694-5178
 Comments: _____

FIVE-MINUTE SPEAKING LIMIT



House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults:

Examining the Delivery of Services to
Vulnerable Adults in the Arizona Adult
Protective Services System

Presenter: Michel Lahti, PhD

November 8, 2023

Audit Scope

- Examine the current adult protective services system.
- Consider best practices to improve the delivery of services in Arizona.

Overview of Adult Protective Services System

DES APS' Responsibilities – Investigations

- Receives Reports
- Investigates
- Refers Cases to the Attorney General's Office
- Adds Perpetrators from Substantiated Allegations to APS Registry

DES APS' Responsibilities

- Maintains the APS Registry
- Cross-Reports
- Identifies and Refers for Services

Role of the Arizona Attorney General's Office

- Determines if Evidence Supports Substantiation
- Sends Recommendation to DES

AHCCCS' Role

- Arizona's Medicaid Program
- Responsible for Arizona Long Term Care System (ALTCS)
- Conducting its Own Investigations

ADHS' Role and Responsibilities

- Licensing and Regulating Facilities
- Receiving and Investigating Complaints Related to those Facilities
- Cross-reporting to DES APS

Other Entities Involved in the Adult Protective Services System

- Area Agencies on Aging (AAAs)
- DES Division of Developmental Disabilities (DDD)
- Public Fiduciaries
- DES Long-term Care Ombudsman Program

Strategic Direction

Arizona's adult protective services system lacks a strategic direction which would be important for ensuring vulnerable adults are protected from abuse, neglect, and exploitation and receive the services they need.

Problems Identified

- Lack of overall strategic direction for Arizona's adult protective services system.
- No state agency is responsible for managing vulnerable adult cases after a DES APS investigation to ensure they receive services.
- No processes for assessing whether services provided during/after an investigation alleviate mistreatment.

Why this Matters

Arizona's adult protective services system cannot determine:

- Whether vulnerable adults are protected, and
- If services received reduce mistreatment and re-victimization.

Other states shifting strategy to support effective services which can:

- Prevent vulnerable adults from further threats.
- Prevent re-entry.
- Reduce healthcare costs.

Causes

- No documented strategic direction for Arizona's adult protective services system.
- System lacks protocols for services after an investigation and providing case management for all cases referred to services.

**Key
Recommendations
– Establish a
working group**

DES should work with the Governor, President of the Arizona Senate, and Speaker of the Arizona House of Representatives to:

- Establish and appoint members to a working group to develop a strategic direction for Arizona's adult protective services system.

Accountability Mechanisms

Arizona's adult protective services system lacks key outcome data for assessing system effectiveness.

Problems Identified

- The adult protective services system lacks independent oversight and quality assurance processes.
- Lack of vulnerable adult outcome data.

Why this Matters

Arizona adult protective services system does not have the capacity to produce accurate data on performance and key vulnerable adult-centered outcomes.

Causes – Lack of Independent Oversight

- DES APS lacks federal oversight.
- No state independent oversight committees for the adult protective services system or DES APS.
- ADHS and DES APS lack external quality review.

Causes – Lack of Vulnerable Adult Outcome Data

- DES APS data system not set up to track/measure service outcomes.
- No unique identifier.
- Service outcome data not reported to DES APS.
- Concerns with confidentiality.
- Lack of case management processes.

**Key
Recommendations**
– Develop report
identifying roles,
responsibilities,
and other needs.

DES in conjunction with the working group should:

- Identify accountability mechanisms.
- Identify a system-wide performance reporting process to assess the effectiveness of Arizona's strategic direction.
- Determine whether a specific state agency should be assigned the responsibility of case management services.

Community Engagement

Arizona's adult protective services system community engagement practices align with national guidance and other state practices, however, there are opportunities to more directly involve vulnerable adults and their families.

Community Engagement - Activities that Align with Best Practices

- Availability of information on the DES APS website.
- Training community members.
- Partnering with AHCCCS, ADHS, and the Governor's office on a public awareness campaign, Speak Up AZ!

**Community
Engagement
Recommendation –
Obtain input from
vulnerable adults**

DES in conjunction with the working group should:

Involve vulnerable adults and their families in the development of the strategic direction for Arizona's adult protective services system.

Areas for Future Review

- Timeliness and Quality of Investigations
- Role of Public Fiduciaries
- Barriers to Services / Lack of Services in Rural Areas
- Effectiveness of Tribal MOUs

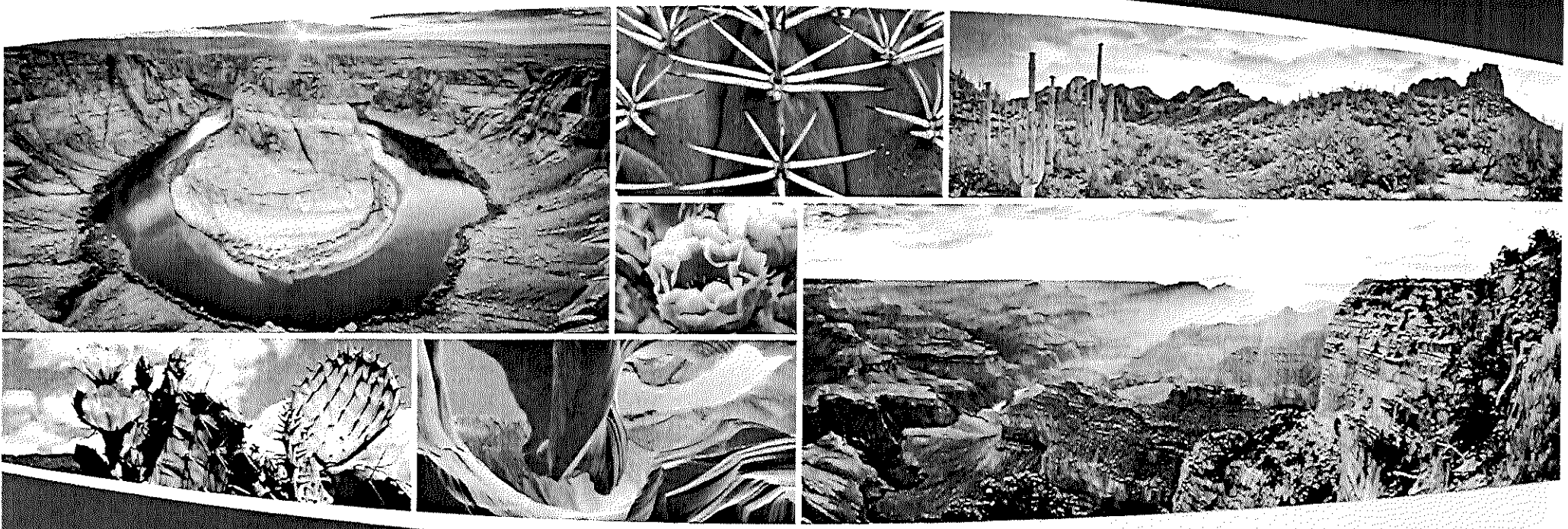


House Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults:

Examining the Delivery of Services to
Vulnerable Adults in the Arizona Adult
Protective Services System

Presenter: Michel Lahti, PhD

November 8, 2023



Adult Protective Services

House Ad Hoc Committee on Abuse & Neglect November 2023

DES Response

- **Arizona's Adult Protective Services *System***
 - **DES/APS Overview**
 - **Scope & Authority**
 - **APS Clarification - Substantiation Rate**
 - **APS Improvements**
 - **Caseload**
 - **Case Age**
 - **Internal Projects**
-

Adult Protective Services System



State Agencies

DES
ADHS
AHCCCS
Attorney General
Corporation
Commission
DCS



Local Jurisdictions

Law
Enforcement
County Public
Fiduciaries
County Health
Departments



Boards & Commissions

State Nursing
Board
State Medical
Board
Nursing Care
Institution
Administrators
ACDHH



Community Partners

Area Agencies
on Aging
Non-profit
agencies
Behavioral
Health Case
Managers
etc.

Adult Protective Services System

State APS Programs *TARC Report as of 2017

	Arizona?	Total "Yes" States
Investigate in facilities	Yes	29
Investigate neglect	Yes	50
Investigate exploitation	Yes	42
Investigate sexual abuse	Yes	46
Investigate physical abuse	Yes	49
Investigate financial exploitation	Yes	42
Investigate age 18+ with disability/vulnerability	Yes	35
Screen in 60 or more percent of reports for investigation	Yes	16
Have a policy that is congruent with APS national guidelines	Yes	3
Statutory authority for APS to provide an emergency protective order	No	36
Require a preponderance of evidence for substantiation	Yes	33
Operate a state registry	Yes	26
Conducts independent reviews of cases	Yes	14

Adult Protective Services System

APS FY 2023 Cross Reported To	# Cross Reports	% Total
AHCCCS	305	1.24%
Arizona Center for Disability Law (ACDL)	15	0.06%
Arizona Secretary of State	10	0.04%
AZ Board of Nursing	32	0.13%
AZ Department of Health Services (DHS)	4,955	20.10%
County Health Department	36	0.15%
County Public Fiduciary Office	76	0.31%
DDD/DES Fraud Hotline	123	0.50%
Department of Child Safety	111	0.45%
Division of Developmental Disabilities (DDD)	2,654	10.76%
Federal Bureau of Investigation	2,701	10.95%
Law Enforcement	4,881	19.80%
Local Law Enforcement	3,368	13.66%
Long Term Ombudsman	3,247	13.17%
Office of the Attorney General	1,587	6.44%
Office of the Inspector General	43	0.17%
Other States Adult Protective Services	188	0.76%
Tribal Authority	316	1.28%
US Trustee Program	9	0.04%
Total	24,657	100.00%

Arizona APS Program: Scope & Role

Statutory Authority

Provides explicit guidance
for what APS can and
cannot do

- Authority for APS involvement begins at report of maltreatment (incident) to APS

- APS authority is limited to investigating adults 18 and older who are unable to defend themselves against abuse, neglect, or exploitation by others due to a physical or cognitive impairment (A.R.S. § 46-451).

- Administrative process (not criminal) can add alleged perpetrator to APS Registry to prevent/protect from future maltreatment

- APS Registry: for employers and the public to use as repository of substantiated allegations
 - Perpetrators are placed on the APS Registry for 25 years

Arizona APS Program: Scope & Role

Role

How APS works within its statutory authority and the larger system network to protect vulnerable adults in Arizona

- Blend of investigator and social worker
- Initiate case planning, monitoring, evaluation
- Provide or connect clients with variety of medical, social service, economic, legal, or housing services
- Coordinate with law enforcement, courts, and public fiduciaries as needed
- Balance the fundamental right of adults to autonomy with safety
 - Respect client definition of successful outcomes and level of engagement
 - Ensure clients are informed of their right to refuse services, privacy, and confidentiality

APS Substantiation

- There is no federal standard of substantiation. There is a federal Notice of Proposed Rulemaking (NRPM) for APS standards.
- In Arizona, substantiation puts perpetrators on a public registry for 25 years, after due process.
- An alleged perpetrator must be identified.
- Services and supports available to the vulnerable adult whether or not a case is substantiated.
- Cross-reporting to other investigatory bodies allows for a more holistic response to address different aspects of the incident.

Lack of federal/standard definition of substantiation

- Definitions are state specific and differ across jurisdictions

Calculations differ by state

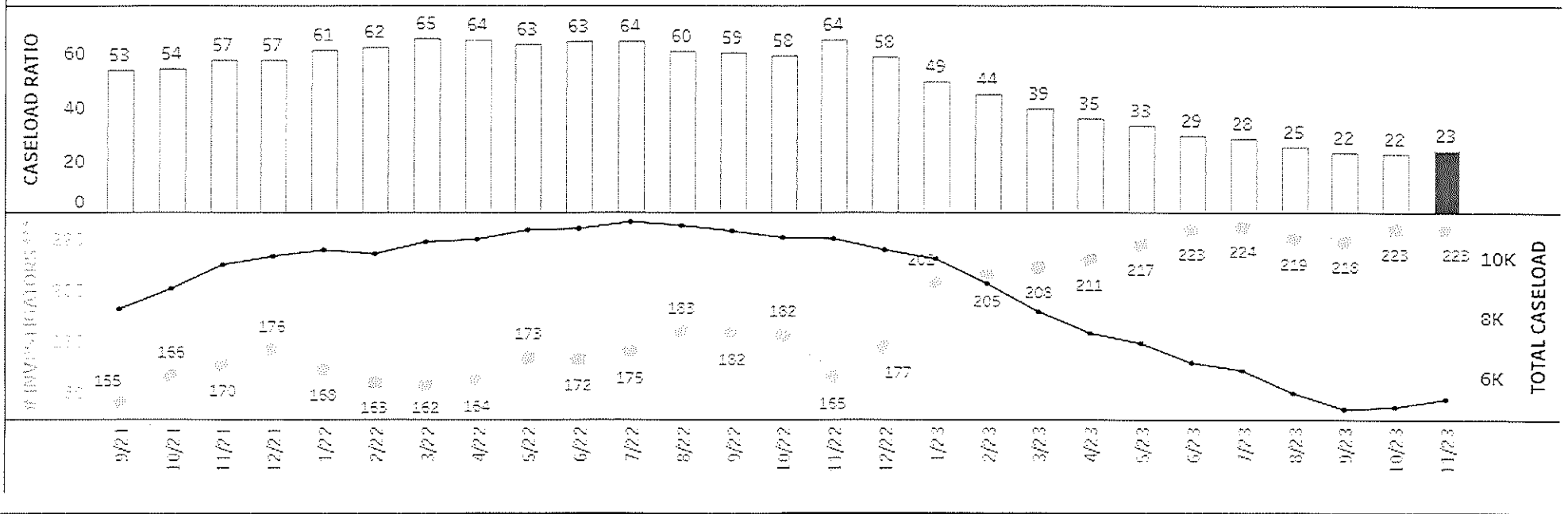
- Some states calculate substantiation occurs at end of investigation by the investigator, before due process
- Arizona captures calculation *after* perpetrator added to registry; after completion of requested due process

Intake/acceptance of cases to review

- AZ accepts more than $\frac{2}{3}$ of its reports for investigation compared to other "like states" that accept closer to $\frac{1}{3}$ (*Arizona APS Technical Assistance Project by TARC June 2020*)

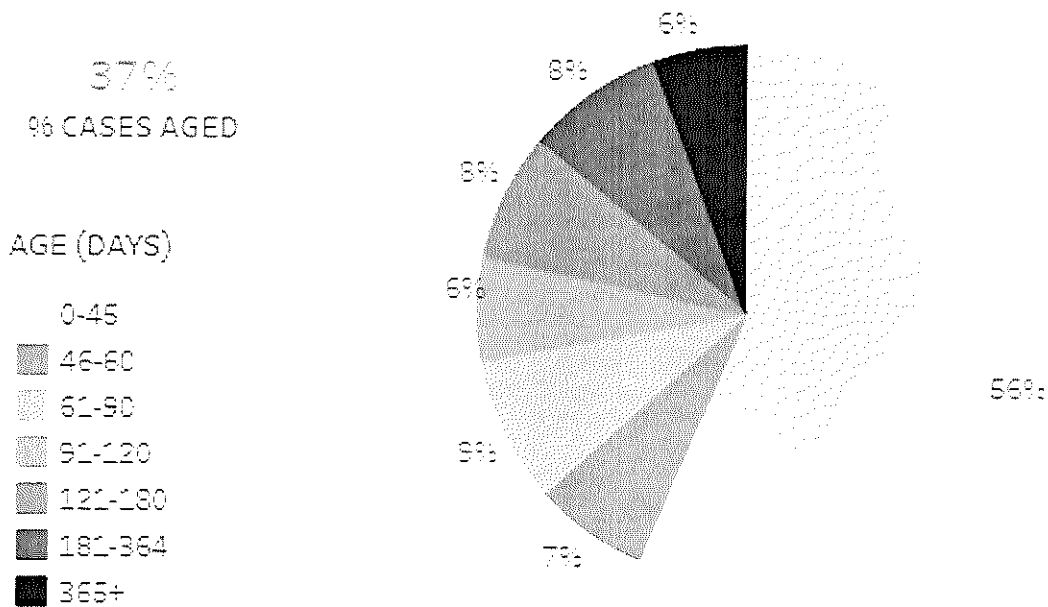
APS Improvements - Caseload

HISTORICAL CASELOAD RATIO & INVESTIGATORS

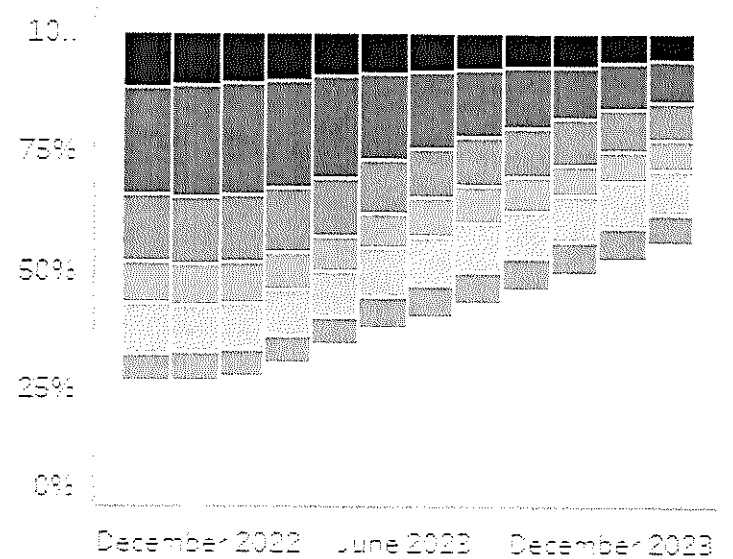


NAPSA Caseload Recommendation: 25 APS Cases/Month

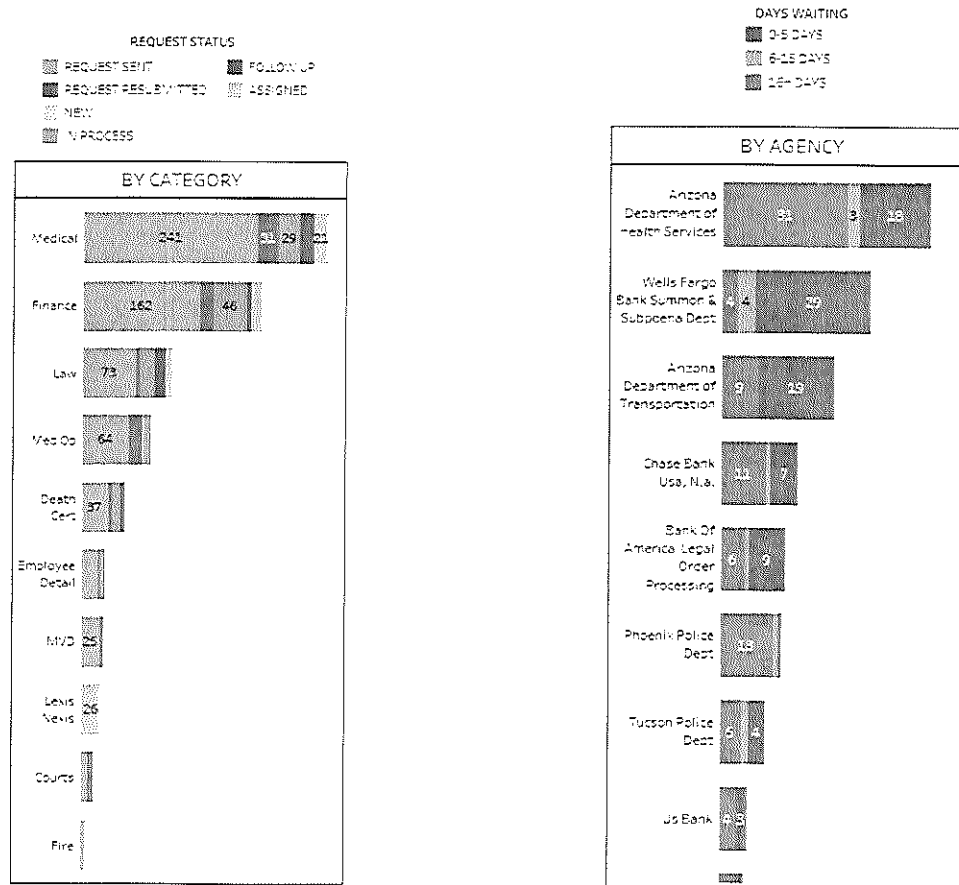
APS Improvements - Case Age



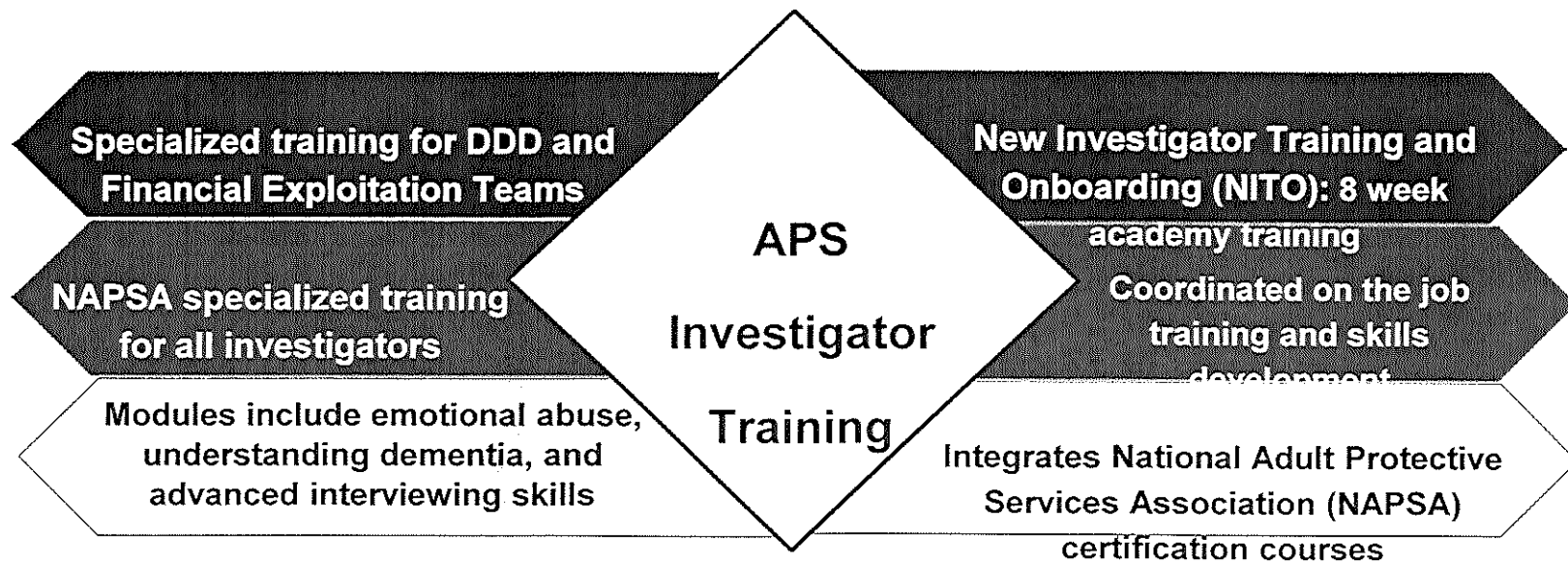
HISTORICAL OPEN CASE AGE



APS Improvements - Records Management



APS Improvements - Training



APS Improvements - Safety

Safety Officer

Position established for case referrals with potential criminal activity, safety of investigator and victim, and law enforcement coordination

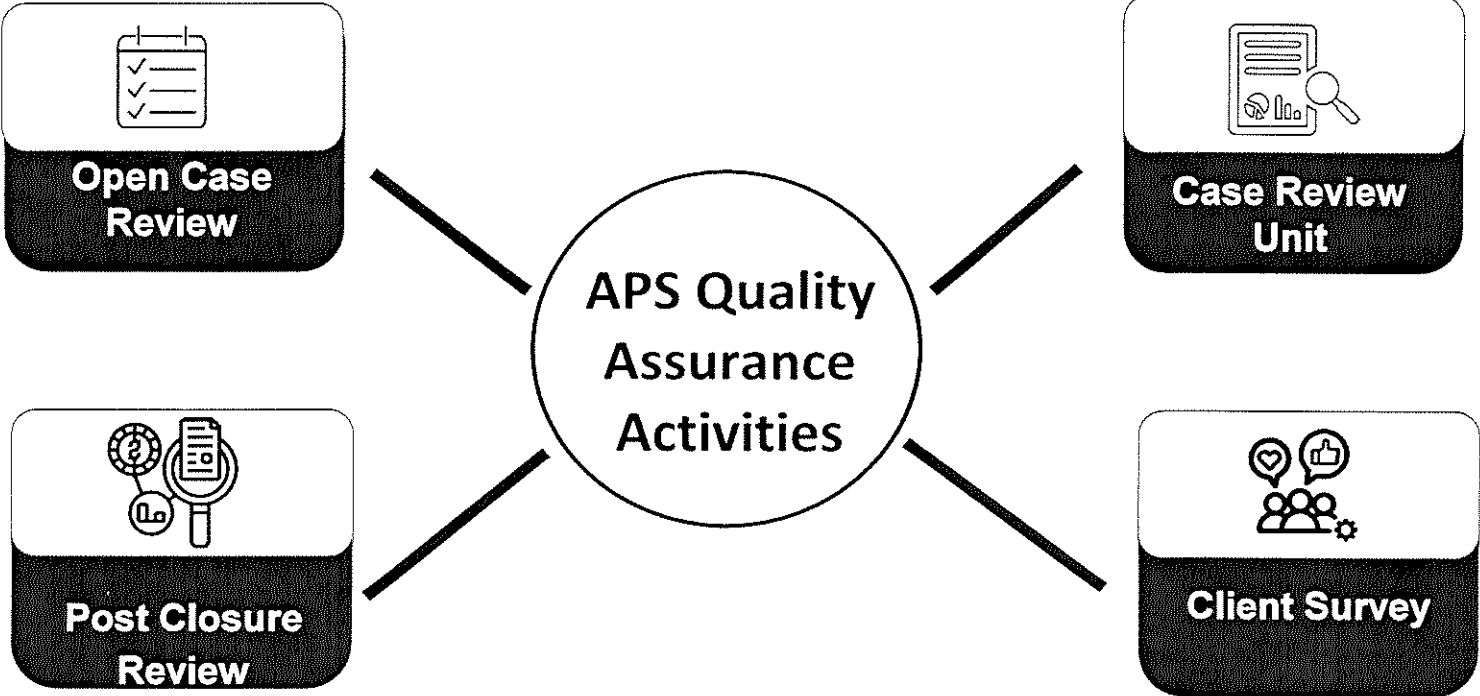
Safety App

Deployed safety app for investigators

Uniforms

Uniform polo shirts for public to recognize investigator and safety for team members

APS Quality Assurance



APS Outreach and Education

- SpeakUP AZ campaign
- Presented to 56 organizations on APS this calendar year (since Jan 2023)
- Created Mandated Reporter training CBT - available to public
 - English and Spanish
 - 254 completions since March 2023



Post Investigation - NPRM

Federal Notice of Proposed Rulemaking - Best Practices

Post investigation tracking would need to be clearly defined and defer to self-determination

Currently Included

- Hold perpetrators accountable
- Develop service plan and referrals in consult with client
- Engage community partners through referrals where not directly provided by APS

Not Currently Included

- Monitor status of client and services and impact of services
 - Additional funding needed to support/develop



DEPARTMENT OF ECONOMIC SECURITY

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Thank You