

APS: Recommendations

<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 1: Continue or Terminate</p> <p>Under §10213(a), Title 29, the Committee must determine whether there is a genuine public need for an agency under review. To meet this requirement, the Committee may select one of the following options.</p> <p><u>Option 1</u>: APS shall continue, subject to any further recommendations that JLOSC adopts.</p> <p style="text-align: center;">- OR -</p> <p><u>Option 2</u>: APS is terminated and the Committee will sponsor legislation to implement this recommendation.</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Vote whether to approve this recommendation. A motion to approve this Rec must receive 7 “yes” votes to carry.</p> <p>If Option 2 is approved, consider who will take over the duties of APS.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 2: Statutory Update & Technical Corrections</p> <p>JLOSC will sponsor a bill to make technical corrections to APS’s entire governing statute, Chapter 39, Title 31.*</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation</p>	<p>Discuss and vote on this recommendation.</p>

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* The Committee’s legislative attorney will draft any legislation resulting from approved recommendations, unless otherwise noted.

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<p style="text-align: center;">Recommendation 3: DSAAPD Staff Development and Training Department[†] – APS Topics</p> <p>DSAAPD has a dedicated staff development and training department that has 8 training positions and 2 administrative assistants. The DSAAPD staff development and training department shall:</p> <ul style="list-style-type: none"> a. Require at least 1 training position to specialize in APS training topics. b. Offer all DSAAPD staff who work with APS-related topics continual training offerings in order to remain on top of the latest field trends. c. Facilitate group registration for the National Adult Protective Services Association (NAPSA) Certificate Program and track progress of completion. <p style="text-align: center;">Status: 5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 4: DSAAPD Staff Development and Training Department – Develop a Survey to Identify Training Priorities</p> <p>The DSAAPD Staff Development and Training Department shall develop an electronic survey to assess staff knowledge of APS topics, practices, and procedures in order to identify key training priorities. The survey shall allow all DSAAPD employees involved in APS cases to anonymously complete it, including APS-assigned nurses and employees of the Aging Disability Resource Center (ADRC) hotline. DSAAPD shall develop training plans to address the priorities identified through the survey. The State of Georgia completed a similar study of their APS unit.</p> <p style="text-align: center;">Status: 5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>

[†] APS is the entity under JLOSC review, but APS is a unit under the purview of DSAAPD which has oversight responsibilities, including fiscal. Draft recommendations will frequently reference DSAAPD as they are the agency charged with implementing and maintaining APS operations. DSAAPD comments are included with yellow highlights.

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<p style="text-align: center;">Recommendation 5: Increase APS-Specific Training</p> <p>All staff members, including nurses, who handle APS cases, must complete the following training or similar offerings:</p> <ul style="list-style-type: none"> a. APS Self-Neglect Home Visit Training Videos available online and free of charge by Multi-Disciplinary Adult Services Training and Evaluation for Results (MASTER), which is a program of Academy for Professional Excellence, a project of the San Diego State University School of Social Work. b. Individual Module titled Elder Abuse and Self-Neglect available online and free of charge online by ENGAGE-IL, an interprofessional, collaborative education and practice initiative to enhance care of older adults by The University of Illinois at Chicago (UIC). c. Training modules in the National Adult Protective Services Association (NAPSA) Certificate Program curriculum. Staff shall enroll in the NAPSA Certificate Program. <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p style="text-align: center;">Discuss and vote on this recommendation.</p> <p style="text-align: center;">Note: Training options “a” and “b” are available at no cost. The group training recommended in “c” has a fiscal impact and similar no cost training may not be available. DSAAPD will seek out evidence-based and low or no cost training for all of its staff and will also consider train-the-trainer options whenever available.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 6: Provide Formal Training for Dangerous Situations</p> <p>The DSAAPD Staff Development and Training Department shall network with local and state law enforcement to provide field staff and supervisors with self-defense training and techniques for defusing dangerous situations.</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p style="text-align: center;">Discuss and vote on this recommendation.</p>

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<p style="text-align: center;">Recommendation 7: Increase Financial Exploitation Training</p> <p>All staff members who specifically handle financial exploitation cases shall complete the following training or similar offerings:</p> <ul style="list-style-type: none"> a. Elder Financial Abuse Online Training offered by the Association of Certified Financial Crime Specialists. b. Financial Abuse Training e-learning modules available online by MASTER. <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p style="text-align: center;">Discuss and vote on this recommendation.</p> <p style="text-align: center;">Note: Option “a” is a low cost training course and option “b” is available at no cost.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 8: Training and Procedures for Self-Neglect Cases</p> <p>DSAAPD shall create internal training and written procedures for handling cases of self-neglect and assessing capacity in the setting of self-neglect using resources and scholarly articles available from sources such as NAPSA, the National Institute of Health, Adult Protective Services Technical Assistance Resource Center (APR TARC), and other subject matter experts on the topics.</p> <p><u>Option:</u> DSAAPD suggested codifying training requirements under the APS statute for the purpose of advancing the section.</p> <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p style="text-align: center;">Discuss and vote on this recommendation.</p>

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<p style="text-align: center;">Recommendation 9: Updates to MOUs</p> <p>The following MOUs on file were signed more than 5 years ago and should be reviewed and updated:</p> <ul style="list-style-type: none"> a. With the Attorney General’s Office, dated April 7, 1997. b. With the Division of Developmental Disabilities Services, dated June 21, 2012. <p><u>Option 1:</u> DSAAPD shall review current practices and create additional MOUs with agencies needed to facilitate proper handling of APS cases.</p> <p>Example: form a MOU with the State Police to provide consult for APS cases.</p> <p><u>Option 2:</u> DSAAPD shall review and define interagency roles, response times, and processes for reported cases of abuse, neglect, or financial exploitation cases and include agreed upon roles, response times, and processes in MOU documents.</p> <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 10: Investigative Time Frames</p> <p>DSAAPD shall review and implement any needed revisions to policy and procedures regarding investigative time frames.</p> <p><u>Option:</u> DSAAPD suggested codifying investigative time frames under the APS statute to establish a time frame for State responses to reports of abuse, neglect, or financial exploitation.</p> <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>

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<p style="text-align: center;">Recommendation 11: Website Modifications</p> <p>DSAAPD shall make the following modifications to their website:</p> <ol style="list-style-type: none"> a. Provide easy to locate APS topics to educate the public and provide clear information on what the agency can and cannot do in APS cases. b. Provide APS program criteria. c. Provide information on APS topics in the “information” section of the website. d. Make the link to APS more prominent on DSAAPD’s website; the link is currently hidden in the “all services” section. e. Provide information for family members and caregivers on how to prevent, identify, and provide help in cases of abuse and neglect, including self-neglect. f. Make 24-hour report line prominent on website. <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 12: Review Staffing Structure</p> <p>DSAAPD shall review its current staffing structures department-wide to determine whether appropriate numbers of personnel and resources are dedicated to handle APS cases, or if personnel or resources in other areas would be better dedicated to APS casework. DSAAPD will follow State procedures to request any necessary reclassifications.</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>

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<p style="text-align: center;">Recommendation 13: Recruitment</p> <p>DSAAPD shall partner with high schools and colleges and participate in recruitment events in order to highlight careers available within DSAAPD and the need for professionals in the field of APS. The aging population will continue to grow and outreach is essential to acquire talented individuals interested in the subjects of social work, elder care, and APS.</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 14: Operational Hours</p> <p>DSAAPD shall review its current operating hours and made modifications as necessary. DSAAPD has suggested extending APS operations hours to 8:00 a.m. through 8:00 p.m.</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>

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<p style="text-align: center;">Recommendation 15: Define Self-Neglect in Statute</p> <p>Based on DSAAPD’s request, JLOSC will sponsor a bill define “self-neglect” in Chapter 39, Title 31, using the federal Elder Justice Act’s definition as a guide:</p> <p>The term “self-neglect” means an adult’s inability, due to physical or mental impairment or diminished capacity, to perform essential self-care tasks including—</p> <ul style="list-style-type: none"> a. obtaining essential food, clothing, shelter, and medical care b. obtaining goods and services necessary to maintain physical health, mental health, or general safety; or c. managing one’s own financial affairs. <p><u>Note:</u> If this recommendation is approved, the Committee’s legislative attorney will include in the draft bill any additional language that may be required to ensure the definition does not conflict with current Delaware law regarding the determination of an individual’s capacity.</p> <p><u>Option:</u> This recommendation shall be drafted as a bill separate from other legislation resulting from these recommendations.</p> <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>
<u>Recommendation & Status</u>	<u>What to Do Next</u>
<p style="text-align: center;">Recommendation 16: Define Self-Neglect in Statute</p> <p>JLOSC will sponsor a bill to modify § 3910(a), Title 31, APS’s “duty to report” statute, to require medical practitioners to file a report.</p> <p><u>Option:</u> This recommendation shall be drafted as a bill separate from other legislation resulting from these recommendations.</p> <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p>Discuss and vote on this recommendation.</p>

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<p style="text-align: center;">Recommendation 17: Modify the APS Advisory Council</p> <p>According to DSAAPD, the APS Advisory Council is not providing meaningful input or oversight to APS activities. DSAAPD suggested that APS oversight should be incorporated into the already established Council on Services for Aging and Adults with Physical Disabilities. DSAAPD also suggested developing an Elder Justice Multidisciplinary Team. The following are options to implement these suggestions.</p> <p><u>Option 1:</u> JLOSC will sponsor a bill to remove the APS Advisory Council from § 3903, Title 31 and incorporate APS advisory duties and add Council members representing elder justice partners into the Council on Services for Aging and Adults with Physical Disabilities under § 7915, Title 29.</p> <p><u>Option 2:</u> JLOSC will sponsor a bill to modify the APS Advisory Council under § 3903(a), Title 31 to create an Elder Justice Multidisciplinary Team. Members will be appointed by the Governor rather than the DHSS Secretary, serve no more than 2, 3-year terms, and include:</p> <ul style="list-style-type: none"> • APS. • Aging services network personnel. • Geriatricians/physicians. • Law enforcement. • Prosecutors. • Psychologists/neuropsychologists. • Victim-witness advocates/victim service providers. <p><u>Option 3:</u> If Option 2 is adopted, some of the professional members listed in Option 2 may serve as consultants-as-needed rather than as council members.</p> <p style="text-align: center;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p style="text-align: center;">Discuss and vote on this recommendation.</p> <p>Note:</p> <p>A state multi-disciplinary team comprised of a different and distinct membership would review all eligible elder justice cases in Delaware, not just those with APS involvement, and would make recommendations to any appropriate agencies.</p> <p>The APS Advisory Council currently consists of representatives from:</p> <ul style="list-style-type: none"> • Office of the Public Guardian. • Division of Social Services. • Division of Services for Aging and Adults with Physical Disabilities. • Division of Developmental Disabilities Services. • Division of Substance Abuse and Mental Health. • Division of Public Health, and Elder Law Program. • Delaware Emergency Medical Services Oversight Council. • 3 members from either the medical profession or the general public.

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<p style="text-align: center;">Recommendation 18: Release from Review or Hold Over</p> <p><u>Option 1:</u> APS is released from review upon enactment of recommended legislation.</p> <p style="text-align: center;">- OR -</p> <p><u>Option 2:</u> APS is held over and shall report to the Committee in January 2020.</p> <p style="text-align: right;">Status:</p> <p>5/13: First consideration of this recommendation.</p>	<p style="text-align: center;">Discuss and vote on this recommendation.</p> <p style="background-color: yellow;">Note: DSAAPD agrees to enact all recommendations voted on by the JLOSC.</p>