

Wm. Jeff Kahrs, Interim-Acting Secretary

Sam Brownback, Governor

February 2, 2012

Testimony of:

Gina Meier-Hummel, Director of Children and Family Services

Presented to:

The Hon. Bob Bethell and Honorable Members
of the Kansas House Aging and Long Term Care Committee:

SRS response to HB 2108

Chairman Bethell, Vice-Chair Worley, Ranking Member Flaharty and Honored Members:

Chairman Bethell and Committee members: I am Gina Meier-Hummel with the Kansas Department of Social and Rehabilitation Services (SRS); I am the Director of Children and Family Services.

To echo what Secretary Kahrs said, we heard concerns Tuesday from stakeholders about how Adult Protective Services and the Kansas Protection Report Center have been unresponsive to the requests and calls from reporters and concerned providers. Although it is disheartening to hear how the system has not been responsive, I very much value hearing this kind of feedback. SRS is committed to fixing these problems and has a specific plan for doing that.

As you know, K.S.A. 39-1430 gives SRS the statutory responsibility to conduct investigations of adult abuse, neglect, exploitation; complete evaluations for the need of services; facilitate obtaining appropriate social services; and assist in securing medical and legal services for adults who are in need of services to prevent or end abuse, neglect, or exploitation. Unlike Child Protective Services, APS has no federal funding or oversight. Each state is responsible for the operation of the APS program.

There are four primary state entities who investigate allegations of abuse: SRS, Kansas Department on Aging (KDOA), Kansas Department of Health and Environment (KDHE); and the Attorney General's Office. SRS investigates allegations of abuse, neglect, exploitation that occurs when an adult is living in his or her own home or resides in a long-term care facility or group home, and the alleged perpetrator is someone other than another resident or staff member (such as a family member). SRS maintains an Adult Protective Services Registry for individuals against whom charges of committing abuse, neglect, and/or exploitation have been substantiated. Perpetrators remain on this registry indefinitely or until they have their names expunged, which is not a common occurrence. Employers can have potential employees' names checked against the registry.

KDOA investigates allegations that stem from one of their licensed Adult Care Homes (nursing homes, nursing facilities for mental health, intermediate care facilities for mental retardation, residential care facilities, and assisted living) when the allegations involve a staff member or other resident as perpetrator. KDHE investigates allegations involving resident-on-resident and staff-on-resident in home health agencies and medical facilities such as hospitals.

The Attorney General's Office focuses on prosecution of cases and does not employ social workers to provide protective services interventions. As a result of the Kaufman case, in 2006, legislation was passed to create an Abuse/Neglect/Exploitation Unit (A/N/E Unit) within the Attorney General's Office. The A/N/E Unit, through statutory directives, collaborates with multiple state and local agencies to increase recognition, reporting and prosecution of cases involving A/N/E.

SRS, KDOA, and KDHE all have hotlines to report abuse/neglect/exploitation. SRS is the only agency with a 24/7 hotline. When SRS receives a report that should be investigated by either KDHE or KDOA, SRS coordinates closely to ensure those reports are sent to the appropriate intake staff at those agencies.

APS partners with numerous state and local agencies such as law enforcement, Area Agencies on Aging, county/district attorneys, accountants, banks, the medical community, SRS Community Supports and Services, and Community Developmental Disability Organizations (CDDO's) to help ensure a thorough investigation is conducted.

SRS and the Attorney General's office both have a mission to protect adults who are vulnerable and are being or have been abused, neglected, and/or exploited. Because each agency's roles are diverse their approaches to carrying out their missions is different. SRS is a social service agency whose goal is to protect the individual by linking the vulnerable adult to appropriate supports and services to keep them safe and living in the least restrictive setting possible that meets their needs. As the state's lead law enforcement agency, one of the roles for the Attorney General's office is to investigate Medicaid fraud cases. The combination of SRS' social services approach and the Attorney General's legal approach can greatly enhance the success of investigating allegations.

The Attorney General's office has a long history of successfully prosecuting both criminal and civil cases -- including cases of Medicaid fraud. The expertise and experience in the Attorney General's office could be a tremendous asset collaborating with APS in fiduciary abuse investigations, which represent about 5 percent of SRS' APS cases. They also have the expertise to assist SRS by providing training to APS workers and law enforcement personnel on the conduct of investigations into fiduciary abuse.

I would like to share with you some data that I hope will give you a picture of the cases in which APS becomes involved: For FY 2011, APS conducted 11,850 investigations. Of those investigations: 17 percent were for abuse; 1 percent for sexual abuse; 18 percent for neglect; 21 percent for exploitation; 5 percent for fiduciary abuse; and 38 percent for self-neglect. Often there are allegations of multiple types of abuse reported and investigated regarding a single individual, such as fiduciary abuse and neglect.

Our Protection Report Center which receives calls from concerned citizens received more than 95,000 calls in SFY 11; 15,257 concerns about adults, 59,775 concerns about children, and 20,122 calls to our Customer Service Center.

SFY 2011 – Kansas Protection Report Center

Adult reports	15,257
Child reports	59,775
Office of Customer Service calls	20,122
Total	95,154

KPRC has 21 social workers who complete Initial Assessment Decisions on child and adult reports and 50 intake workers who receive and document the reports 24 hours a day, seven days a week.

There are 70 FTE social-work positions in SRS’ four administrative regions across the state dedicated to APS work; however only 56 of those positions are currently filled. (In December 2007, we had the same amount of field staff as we currently do.) There are currently seven APS supervisors. The APS Program Manager works in the Division of Children and Family Services in SRS Central Office. The average caseload of each social worker now is 58 cases, compared to 54 in 2007. This includes all cases (investigations, guardianship, on-going protective services). To be eligible for these social work positions, individuals must be licensed to practice social work in the state of Kansas. Social work supervisors must have at least one year’s experience as a social worker as well as a license.

APS is funded through the State General Fund; \$380,000 is allocated annually for operating costs. That figure does not include the salary and wages of the social workers, supervisors nor the APS Program Manager.

Adult Protective Services Budget

Item	FY2011 Actual	FY2012 Current Year	FY2013 Allocated Budget
State General Funds	\$312,419	\$380,000	\$380,000

At last year’s legislative hearing for HB 2108, there were two primary issues presented: SRS does not take concerns of fiduciary abuse seriously; and communication with APS social workers has been poor. Sadly, again this year, the testimony has addressed concerns regarding lack of communication.

Feedback from stakeholders indicates that when they call SRS, whether it is the call center or the social worker that has been assigned the investigation, their calls are rarely returned. Although, statute prevents the APS social workers from sharing confidential information to anyone other than the involved adult and/or their guardian, without a signed release of information, APS is able to and should be returning phone calls and responding to other correspondence; we should be working to obtain the appropriate releases so effective sharing of information can facilitate protection of the involved adult. We readily

admit that in the past confidentiality standards were too rigidly applied and plan to work with staff to change that practice.

Regardless of the location of the vulnerable adult, whether it be in a long term care facility, medical center, or their own home, APS should complete investigations that not only confirms these at-risk adults are safe, but also put in place a plan to ensure that adults are no longer experiencing or are at risk of abuse, neglect, or exploitation. Often this includes communicating with community providers. We agree and commit to this.

Many of the concerns presented in Tuesday's hearing were about the lack of follow through and communication from SRS' Protection Report Center's (PRC) 24/7 call center. When someone reports an allegation to PRC, they are asked if they would like to be contacted regarding the case. Although the kinds of information that can be shared are very limited, reporters do have a right to know if the case has been assigned for further investigation. Based on what I heard on Tuesday, this follow up is not always occurring and we are working to address this through improvements within our automated case management system.

In March 2010, SRS instituted the Kansas Investigation Protection System (KIPS), a state-of-the-art data tracking system used by many other states. This has been a major improvement for SRS but we continue to refine this system to ensure it is tracking what it was designed to track. The original system did not automatically inform APS and PRC social workers if a reporter has requested a follow-up phone call. Work is underway right now to modify KIPS to include automated notification of the reporter. In the meantime, it is being emphasized to the APS social workers and supervisors that all phone calls, letters, and emails are to be responded to. Staff has received a clear directive, based on Tuesday's legislative testimony, that they must respond and that their response must be timely.

Although last year SRS was instructed to address these concerns, many of the steps to improve the system did not actually get put into place until July 1, 2011. Within the past few months, great strides have been made to address these shortcomings.

During the past six 6 months, SRS has taken deliberate steps to address these concerns expressed last year and in Tuesday's testimony.

*On July 1, 2011, the administration of APS was transferred from Economic and Employment Services to Children and Family Services.

*In August, 2011, an APS Advisory Workgroup was formed to provide input on revising APS policies. This advisory group is made up of multiple stakeholders such as KDOA, Attorney General's Office, Kansas Guardianship Program, Long Term Care Ombudsman, private/non-profit long term care agencies, SRS field staff and a legislator. The advisory group, scheduled to reconvene this spring and fall, will continue its role of providing feedback on how APS can improve the way it carries out its work.

*In the interim we have asked our program administrators in the field to do a thorough analysis of strengths, weakness, opportunities and threats, and to involve community stakeholders in this analysis. The feedback we receive will be the launching pad for our work later this year.

*We recognize that policies, as good and well revised as they may be, are only as effective as those charged with their implementation. It is our goal to strengthen our practices and provide more extensive training and support to APS staff. This process is underway and the training will take place shortly. As part of this practice reform we will also focus on improved communication with the families we serve and our stakeholders. It is a top priority of this administration.

*The Attorney General's Office and SRS Legal Division are collaborating in investigating elder abuse. This summer, SRS developed a fraud unit that the Attorney General has authorized to prosecute cases criminally. Additionally, special investigators are being hired and put in place to address fraud within SRS. It is our intent that these investigators can serve as a resource for the APS social worker in assisting with cases requiring extensive financial investigation, as well as collaborate with the Attorney General's office. We are developing an MOU with the Attorney General's office, KDHE and KDOA to enhance all agencies' abilities to protect vulnerable adults.

*Finally, we are setting up a regularly scheduled meeting with our stakeholders to provide a vehicle for continued feedback.

I regret that we have not been able to accomplish all we had hoped to, but given the tremendous change that SRS has undergone in the last year, I hope that you will be patient with us and join us as we work to improve this program and ultimately the lives of vulnerable adults in Kansas.

Thank you for listening, I will stand for questions.