

Health Home Implementation Webinars

Session #22– August 28, 2013

Adult Protective Services: An Opportunity
for Partnerships



Agenda

- ▶ Introductions
- ▶ Protective Services for Adults Presented by Alan Lawitz and Deb Greenfield, OCFS
- ▶ Adult Protective Services Presented by Alan Ferster, NYC HRA
- ▶ Connecting with Health Homes
- ▶ Questions and Answers

Protective Services for Adults

Presentation by Alan Lawitz and Deb Greenfield of the
New York State Office of Children and Family Services
(OCFS)

Protecting Adults: A Community Concern



PSA
Protective Services for Adults

New York State
Office of
Children &
Family
Services



PROTECTING ADULTS: A COMMUNITY CONCERN

- State Mandated Program
- Adults ages **18 or older** who because of mental or physical impairments:
 - Can no longer provide for their basic needs;
 - Protect themselves from neglect, abuse or hazardous situations; and
 - Have no one willing and/or able to help in a responsible manner.
 - Without regard to income.

PSA Clients

- Continues to grow as our population ages and family ties become strained by distance and burden of chronic illness.
- Approximately 60% in New York State are over the age of 60.
- About 25% of all PSA cases involve abuse.
- 75% are termed neglect cases.

The Mission of PSA

Protective Services for Adults is a system of services aimed at ***maintaining individuals in the community as long as possible*** rather than institutionalizing them.

PSA's Guiding Principles

- Right to Self Determination
- State's Authority to Intervene
 - Police power
 - “*Parens patriae*”
- Least Restrictive Alternative

PSA Client Characteristics

- Physical or Mental Impairment

The adult must have a physical illness or disability and/or a mental impairment that results in a decreased capacity for self-care and self-determination.

AND

PSA Client Characteristics

- Inability to meet essential needs or to protect oneself from harm...The adult must be at risk due to one or more of the following circumstances:
 - Unable to perform essential daily living activities.
 - Unable to obtain needed benefits and services.
 - Defenseless against abuse by another person, or vulnerable to financial exploitation or other criminal actions.
 - Unable or unwilling to manage personal finances.
 - Conditions which present a serious or immediate threat to life.
- AND**

PSA Client Characteristics

- Have no one available willing and able to assist responsibly...
 - In many instances relatives are not willing or able to meet all of the client's essential needs.
 - In other cases, family members may be abusing or neglecting the client.
 - Neighbors or friends who have no legal responsibility may hesitate to play more than a limited role.
 - The ability and willingness of other agencies must be weighed against the client's needs.
 - It may be necessary for the social services district to maintain an active role in the provision of services.
 - To clients whose needs exceed the service capacity of relatives or other providers.

PSA

Protective Services for Adults



PSA Service Delivery

- Referral
 - The law requires PSA to conduct an investigation whenever it receives oral or written information concerning a person who is thought to be in need of protective services. PSA must accept all referrals made within normal working hours.
- Investigation
 - PSA is required to act on referrals of life-threatening situations within 24 hours of receipt of the information. For other referrals, an investigation is begun within 72 hours and a home visit is made to the client within three working days.

PSA Service Delivery

- Assessment
 - An assessment/services plan must be made by PSA within 60 days of the referral.
 - The PSA worker assesses the risks.
 - The PSA worker develops a plan of services.
 - Efforts are made to contact family, friends, neighbors and other community-based services.
 - Social Services Law Section 473-c provides a means for the Department of Social Services to gain access to a person who may be in need of protective services but to whom access is being denied.
 - A petition must be filed in Supreme or County Court and if granted, authorizes PSA staff, accompanied by a police officer, to conduct an assessment.

Services

- Counseling
- Case Management
- Advocacy
- Money Management
- Finding Alternative Living Arrangements

Crisis Interventions

State law contains several specific interventions that can be utilized in crisis situations. A crisis is defined as a situation in which there is an ***immediate and identifiable danger*** to a person or his property. If the person, because of an impairment, is incapable of making the choices necessary to remove the endangering condition, the following interventions can be used to address crises:

Crisis Interventions

- Short-Term Involuntary Protective Services Orders (STIPSO)
 - ***When an adult is at imminent risk of death or serious physical harm, is unable to understand the risk because of an impairment, and is refusing services***, PSA may apply to the supreme or county court for authority to provide involuntary emergency services for a 72-hour period, with one renewal for an additional 72 hours. The person may be removed to a hospital or receive other services available through PSA. (Social Services Law 473-a.)

Crisis Interventions

- Admission to a Psychiatric Facility
 - PSA will work with mental health professionals and/or police officers to obtain treatment for a mentally ill person living in the community who is ***acting in a manner likely to cause harm to self or to others.*** (New York Mental Hygiene Law, Article 9.)

Crisis Interventions

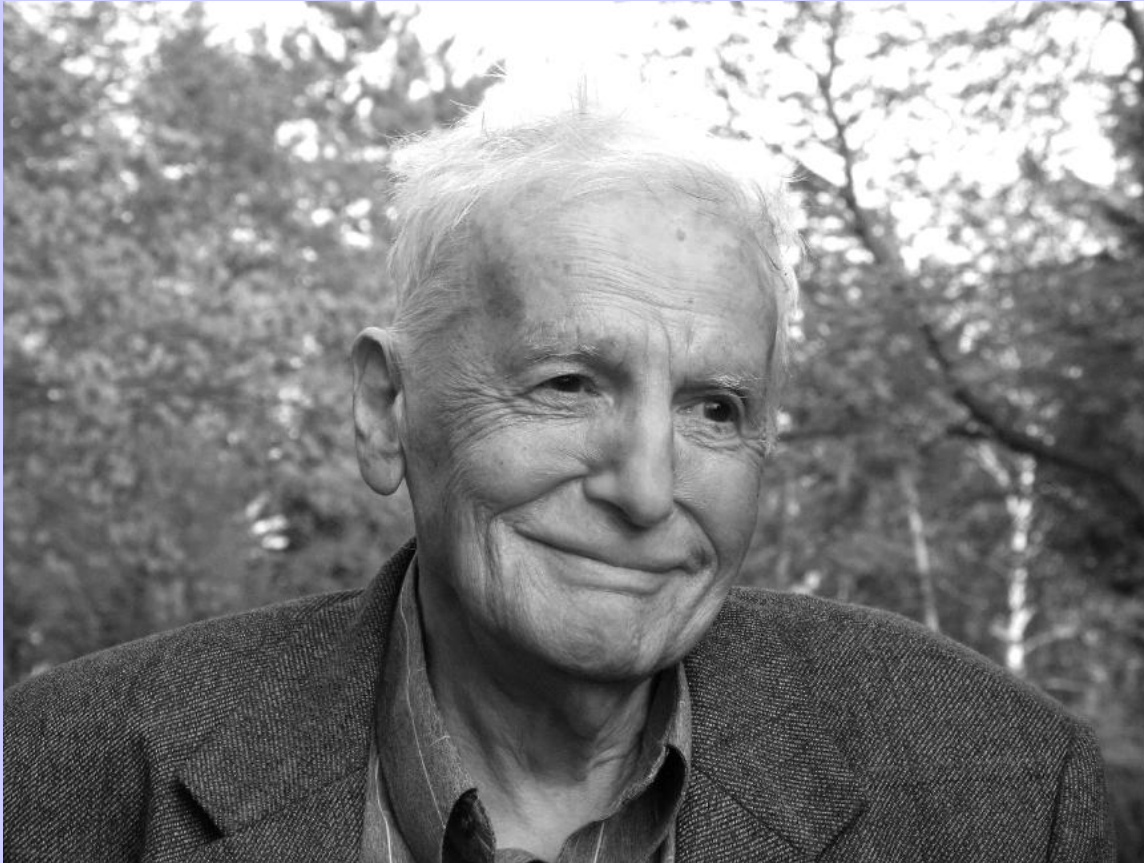
- Admission to a Developmental Center
 - PSA may apply for admission to a developmental center on behalf of an individual who is mentally retarded, in need of involuntary care and treatment and has no one else to provide the necessary help. (New York Mental Hygiene Law, Article 15.)

Crisis Interventions

- Orders of Protection
 - PSA will assist an adult to apply, or apply on his or her behalf to family or county court for an order of protection to control abusive or criminal acts between family members or people in the same household. The order may instruct a person, for example, not to hit the client, or to stop interfering with the delivery of necessary services, such as home care. A person may be ordered to participate in a counseling or substance abuse treatment program (Family Court Act, Article 8.)

Legal Procedures of Long-Term Consequence

- PSA must petition the courts when long-term management of impaired person and/or their property is required and no one else is willing and able to assist responsibly.
- ***Guardianship*** (New York Mental Hygiene Law, Article 81)
- ***Guardianship of the Mentally Retarded*** (Surrogate Court Procedure Act, Article 17-A)



PSA

Protective Services for Adults

Staffing and Training

- Local district PSA staff, including caseworkers, supervisors and attorneys, must have knowledge and skills to assess the needs of their clients and to coordinate necessary services with other professional and voluntary agencies within the community.
 - Complete a basic training institute
 - Complete a comprehensive training program on the legal aspects of PSA
 - Training workshops

Consulting the Service Network

- Social Services Law requires that PSA staff consult with other appropriate public, private and voluntary agencies in order to assure maximum understanding, coordination and cooperation action in the provision of appropriate services to protective services clients.

Making a Referral

- ***Any concerned person*** – a family member, a friend, a neighbor, a health professional or social worker – who sees an individual who, because of an impairment, is unable to cope with everyday life and is in need of PSA's help, can call the local Department of Social Services. Of course, ***individuals who recognize their own need*** for help may call on their own behalf.
- ***Immunity***: Social Service Law 473-b provides immunity from civil liability to persons who, in good faith, refer an adult whom they believe may be endangered or in need of protective service.
- Call your local ***Department of Social Services*** and ask for ***Protective Services for Adults***.

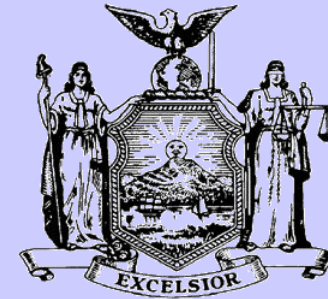


PSA

Protective Services for Adults



New York State
Office of Children & Family Services
Capital View Office Park
52 Washington Street
Rensselaer, New York 12144



State of New York

PSA

Protective Services for Adults

Visit our website at:

www.ocfs.state.ny.us

To report child abuse and neglect, call:

1-800-342-3720

For child care, foster care, and adoption information, call:

1-800-345-KIDS

For information on the Abandoned Infant Protection Act, call:

1-866-505-SAFE

For the phone number of your county adult services office, call:

1-800-342-3009

(Press Option 6)

Adult Protective Services

Presentation by Alan Ferster of New York City Human
Resource Administration

ADULT PROTECTIVE SERVICES (APS):

Helping New York City's Most Vulnerable Adults

Alan Ferster, Director of Community Affairs

Lin Saberski, Deputy Commissioner

Presentation to NYSDOH Health Home Webinar

August 28, 2013

PURPOSE OF THIS PRESENTATION

- What is APS?
- What happens when you contact APS?
- Why do people need APS services?
- How does APS help people?
- How do I contact APS?

WHAT IS APS?

- Adult Protective Services (APS) is a state-mandated program available to persons 18 years and older without regard to income and assets.

APS ELIGIBILITY CRITERIA

APS clients are:

- 1) Mentally and/or physically impaired; and
- 2) Unable to manage their own resources, carry out the activities of daily living or protect themselves from abuse, neglect, exploitation or other hazardous situations; and
- 3) Have no one available who is willing and able to assist them responsibly.

HOW DO YOU BECOME AN APS CLIENT?

- Most APS clients come from referrals, in which a third party identifies another adult as possibly being in need of APS services. Referrals most often come from:
 - Community based Organizations
 - Relatives
 - Housing Court/City Marshals
 - Hospitals

REFERRALS TO APS

- When a person contacts APS' Central Intake Unit (CIU) to make a referral they are asked a series of questions that enable APS to determine whether the individual referred appears eligible for services.
- Referrals can be made anonymously.
- All information provided in a referral is confidential pursuant to Section 473-e of the Social Services Law.

IF THE REFERRAL IS ACCEPTED

- If CIU decides that the referred individual appears eligible for services he or she will be visited at home for an assessment:
 - Within 24 hours if the situation appears life threatening, or
 - Within three business days in all other situations.

THE APS HOME VISIT

- During the initial home visit, an APS caseworker will review the referred individual's:
 - Physical and mental health
 - Living conditions
 - Household budget and sources of income
 - Status of rent and utility payments
 - Ability to handle the activities of daily living

WHO NEEDS APS?

- APS clients often suffer from or are threatened with:
 - Abuse (physical and verbal)
 - Neglect by a third party
 - Self-Neglect
 - Financial exploitation
 - Hoarding behavior
 - Threatened eviction or utility shut-off

HOW APS CAN HELP

- When an individual is determined eligible for APS services, the caseworker develops a service plan to meet the client's needs.
- New York State law mandates that APS employ the least restrictive intervention necessary to effectively protect the client.

SERVICES APS PROVIDES

- Assistance in obtaining public assistance benefits and obtaining and recertifying Supplemental Security Income (SSI) and Social Security Disability (SSD) benefits
- Financial management of Social Security benefits (Representative Payee)
- Assistance in obtaining and recertifying Medicaid and Homecare

SERVICES APS PROVIDES

- Referrals to the NYPD and District Attorney to address allegations of abuse and exploitation
- Applications for payment of rental and utility arrears
- Heavy-duty cleaning services

SERVICES APS PROVIDES

- Petitioning Housing Court for appointment of Guardians ad Litem to advocate for the APS client in an eviction proceeding
- Petitioning the Supreme Court for the appointment of community guardians to provide involuntary financial and personal services

HOW TO CONTACT APS

- To make a referral you can:
 - Telephone CIU Monday through Friday 9:00-5:00 at: **212-630-1853**
 - Send a fax to: **212-630-9791**
 - Or complete a web referral at:
www.nyc.gov/hra/aps

Connecting with Health Homes

- ▶ Health Homes are an option to access care management services for Medicaid eligible clients who need protective services and meet Health Home criteria.
- ▶ PSA and APS programs can reach out to Health Homes in their region to establish protocols for referrals for care management services and for collaboration.

Connecting with Health Homes

- ▶ Health Home Care Managers cannot perform representative payee services. Health Homes may however, contract with agencies to provide this service.
- ▶ Communication between PSA and Health Homes can be bidirectional. Health Homes can (with proper consent and Data Exchange Agreements) exchange information about individuals to better inform care plans.

Useful Contact Information

- Visit the Health Home website:
http://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/
- Get updates from the Health Homes listserv. To subscribe send an email to: listserv@listserv.health.state.ny.us (In the body of the message, type SUBSCRIBE HHOMES-L YourFirstName YourLastName)
- To email Health Homes, visit the Health Home Website and click on the tab “Email Health Homes”
http://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/
- Call the Health Home Provider Support Line: 518-473-5569