

APS

Adult Protective Services MH&MR Investigations Overview

The Adult Protective Services MH&MR Investigations Program investigates reports of abuse, neglect, and exploitation of persons with disabilities (children and adults) receiving services in state operated and/or contracted settings that serve adults and children with mental illness mental retardation, or other types of developmental disabilities. Investigation results are sent to the facility or program administrator for appropriate action.

Paid Expenditures and Total Average Filled Full-Time Equivalent (FTE) Staff

Total Staff	120.5
Direct Delivery Total	114.7
Direct Delivery Workers	87.6
Direct Delivery Supervisors	16.0
Direct Delivery Other	11.1
Staff Cost	\$6,490,069.77

Worker Demographics

Turnover Rate	18.0%
Tenure:	
Less Than 1 Year	26.4%
1 - 3 Years	25.3%
Greater than 3 Years	48.4%
Entry Salary	\$30,481.44
Average Age	42.2
Race/Ethnicity:	
African-American	12.1%
Anglo	61.5%
Hispanic	26.4%
Other	0.0%

Supervisor Demographics

Turnover Rate	0.0%
Tenure:	
Less Than 1 Year	0.0%
1 - 3 Years	12.5%
Greater than 3 Years	87.5%
Entry Salary	\$39,117.96
Average Age	46.1
Race/Ethnicity:	
African-American	12.5%
Anglo	56.3%
Hispanic	25.0%
Other	6.3%



Note: This chart is for reference only and does not necessarily represent the flow of a case.

Statistics FY 2009

Completed MH&MR Investigations	9,730
Confirmed MH&MR Investigations	1,049

Most Common...

- **Person reporting abuse/neglect/exploitation**
Facility Staff (29.2%)
- **Allegation confirmed**
Neglect (55.9%)
- **MH&MR setting investigated**
State Supported Living Centers (42.4%)

Legal Responsibility for Adult Protective Services

Statutory References:

Federal: Title XX, Social Security Act

State: Human Resources Code, Chapters 40 and 48

Texas Family Code, Title V

Health and Safety Code, Chapter 532 and Chapters 591-595

Major Provisions:

- Mandatory reporting of abuse, neglect, and exploitation of adults who are elderly (defined as age 65 and older) or adults with disabilities.
- Receipt and investigation of all reports (unless patently false); initiation of investigations within 24 hours of receipt of report.
- Responsibility for investigations of abuse, neglect, and exploitation of persons receiving services in state operated mental health and mental retardation facilities (State Hospitals, State Schools, and State Centers) and/or state contracted settings (Community MH and MR Centers, Home and Community-based Services programs, and Texas Home Living Waiver Program) that serve adults and children with mental illness or mental retardation.
- Responsibility for referring reports to other state agencies when DFPS is not the appropriate investigating agency.
- Provision or arrangement of services needed to prevent or alleviate abuse, neglect and/or exploitation.
- Enhancing and developing community resources in an effort to increase awareness of abuse, neglect and exploitation and to address increasing needs of APS consumers
- Responsibility for referring adult victims of abuse, neglect and/or exploitation to the Department of Aging and Disability Services (DADS) for guardianship services when these persons appear to lack the capacity to consent to services. Guardianship is the least restrictive alternative that will ensure the person's safety and well-being when no other guardian is available.
- Assessment of factors that may indicate an adult's possible lack of capacity to consent to services and pursuit of a medical evaluation if indicated.
- Using the least restrictive alternative in the provision of protective services.
- Authority to seek court orders when necessary to gain access to the individual, to prevent interference with the provision of voluntary protective services, to provide emergency protective services, to access records or documents, and to initiate emergency protective services (e.g., a removal) after hours and on holidays without a court order.

- Requirement to notify law enforcement if APS suspects that an elderly person or adult with a disability has been abused, neglected, or exploited in a manner that constitutes a criminal offense.
- Confidentiality of case records.

Other Programmatic Information:

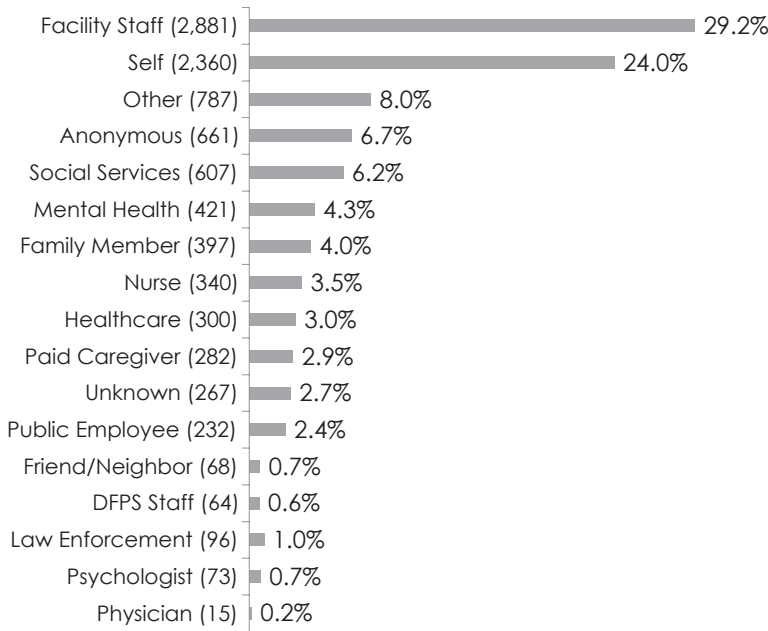
Factors Contributing to Abuse, Neglect, and Exploitation:

- Aging population
- Growing number of younger persons with disabilities
- Alcohol and drug dependency
- Poverty
- Lack of affordable housing and high costs of utility bills
- De-institutionalization of persons who are mentally ill and/or mentally retarded when community support is not adequate
- Inadequate access to health care and costly medications
- Pathological family relationships/violence as a coping mechanism in society
- Physical and mental stress of caregiving in traditionally non-violent, caring households
- Denial of benefits, such as SSI and Medicaid, to some elderly and disabled immigrants

Challenges:

- Affordable and safe housing for elders and adults with disabilities
- Waiting lists and other limitations in the availability of in-home care and home health care
- Shortage of resources to serve persons denied long-term care and other benefits under welfare reform
- Gaps in surrogate decision-making processes for incapacitated persons in hospitals, nursing homes and community-based settings
- Inadequate community services for persons discharged from state hospitals and schools
- Lack of statewide access to preventative or early intervention services such as long-term case management for elderly persons and adults with disabilities who are at risk, but not yet experiencing abuse, neglect, or exploitation
- Hiring and maintaining a skilled workforce while the availability of caseworkers and specialized geriatric social work training is not keeping pace with the ever-increasing number of older Americans

Completed Investigations in MH&MR Settings by Source of Report Fiscal Year 2009



Note: A report of abuse/neglect may come from multiple sources.

Average Length of Completed MH&MR Investigations by Region Fiscal Year 2009

Region	Investigations	Average Days
1 Lubbock	391	12.1
2 Abilene	1,269	17.5
3 Arlington	1,227	7.2
4 Tyler	636	10.5
5 Beaumont	296	9.6
6 Houston	604	18.8
7 Austin	2,138	14.1
8 San Antonio	789	18.9
9 Midland	1,058	10.6
10 El Paso	214	7.7
11 Edinburg	1,088	11.2
Unknown*	20	21.9
State	9,730	13.1

**Unknown not included in calculation of state average.*

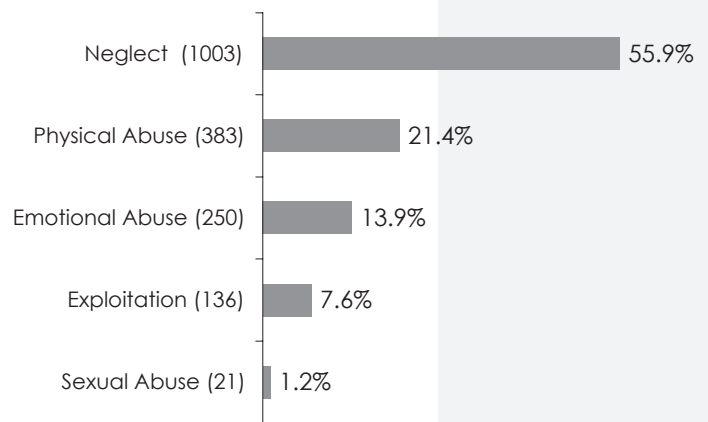
Number of MH&MR Investigations Referred to Law Enforcement by Setting Fiscal Year 2009

Setting	Law Enforcement Provided	
	Notification of Investigation*	Investigation Report**
State Schools	979	263
State Hospitals	491	108
HCS	360	52
Community MHMR Centers	117	18
State Centers	16	0
Other	9	0
Total	1,972	441

** Notification sent on investigations which involve a child or serious physical injury, sexual abuse, or death of an adult person served.*

*** This data includes all cases in which a final investigation report was sent regardless of investigation disposition.*

Types of Confirmed Allegations in MH&MR Settings Fiscal Year 2009



Characteristics of Victims in Confirmed Investigations in MH&MR Facilities Fiscal Year 2009

Characteristic	Female		Male		Unknown		Subtotal	
	N	% of Total	N	% of Total	N	% of Total	N	% of Total
Anglo	240	18.1%	479	36.0%	4	0.3%	723	54.4%
African American	72	5.4%	137	10.3%	0	0.0%	209	15.7%
Hispanic	111	8.4%	202	15.2%	3	0.2%	316	23.8%
Native American	1	0.1%	0	0.0%	0	0.0%	1	0.1%
Asian	5	0.4%	2	0.2%	0	0.0%	7	0.5%
Other	28	2.1%	39	2.9%	6	0.5%	73	5.5%
Total Victims	457	34.4%	859	64.6%	13	1.0%	1,329	100.0%

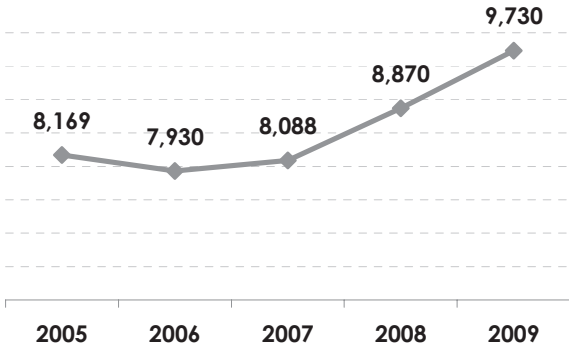
Note: A completed investigation may have more than one victim.

Characteristics of Perpetrators in Confirmed Investigations in MH&MR Facilities Fiscal Year 2009

Characteristic	Female		Male		Unknown		Subtotal	
	N	% of Total	N	% of Total	N	% of Total	N	% of Total
Anglo	174	14.0%	92	7.4%	7	0.6%	273	22.0%
African American	236	19.0%	162	13.1%	6	0.5%	404	32.6%
Hispanic	126	10.2%	87	7.0%	2	0.2%	215	17.3%
Native American	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Asian	2	0.2%	0	0.0%	0	0.0%	2	0.2%
Other	85	6.9%	44	3.5%	217	17.5%	346	27.9%
Age								
Under 18	0	0.0%	1	0.1%	20	1.6%	21	1.7%
18-25	170	13.7%	126	10.2%	8	0.6%	304	24.5%
26-35	171	13.8%	114	9.2%	56	4.5%	341	27.5%
36-45	113	9.1%	80	6.5%	43	3.5%	236	19.0%
Over45	168	13.5%	63	5.1%	44	3.5%	275	22.2%
Unknown	1	0.1%	1	0.1%	61	4.9%	63	5.1%
Total	623	50.2%	385	31.0%	232	18.7%	1,240	100.0%

Note: Each Victim may have more than one perpetrator.
Each perpetrator may have more than one victim.

Completed Investigations in MH&MR Settings by Fiscal Year



Completed Investigations by MH&MR Setting Fiscal Year 2009

Setting	Completed Investigations
State Schools	4,121
State Hospitals	2,500
HCS	2,163
Community MHMR Centers	653
State Centers	293
Total	9,730

Disposition of Completed MH&MR Investigations Fiscal Year 2009

Setting	Confirmed		Unconfirmed		Inconclusive		Unfounded		Other		Blank		Subtotal	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Community	87	0.9%	248	2.5%	81	0.8%	9	0.1%	47	0.5%	181	1.9%	653	6.7%
HCS	385	4.0%	868	8.9%	273	2.8%	25	0.3%	143	1.5%	469	4.8%	2,163	22.2%
State Centers	31	0.3%	166	1.7%	19	0.2%	2	0.0%	25	0.3%	50	0.5%	293	3.0%
State Hospitals	163	1.7%	1,261	13.0%	133	1.4%	139	1.4%	230	2.4%	574	5.9%	2,500	25.7%
State Schools	383	3.9%	2,036	20.9%	267	2.7%	455	4.7%	320	3.3%	660	6.8%	4,121	42.4%
State Total	1,049	10.8%	4,579	47.1%	773	7.9%	630	6.5%	765	7.9%	1,934	19.9%	9,730	100.0%

Region	Confirmed		Unconfirmed		Inconclusive		Unfounded		Other		Blank		Subtotal	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
1 Lubbock	94	1.0%	162	1.7%	50	0.5%	14	0.1%	81	0.8%	15	0.2%	416	4.3%
2 Abilene	176	1.8%	740	7.6%	63	0.6%	34	0.3%	60	0.6%	206	2.1%	1,279	13.1%
3 Arlington	125	1.3%	421	4.3%	97	1.0%	86	0.9%	52	0.5%	439	4.5%	1,220	12.5%
4 Tyler	53	0.5%	300	3.1%	33	0.3%	18	0.2%	5	0.1%	237	2.4%	646	6.6%
5 Beaumont	51	0.5%	112	1.2%	60	0.6%	11	0.1%	42	0.4%	16	0.2%	292	3.0%
6 Houston	36	0.4%	313	3.2%	103	1.1%	2	0.0%	2	0.0%	140	1.4%	596	6.1%
7 Austin	211	2.2%	869	8.9%	109	1.1%	229	2.4%	340	3.5%	340	3.5%	2,098	21.6%
8 San Antonio	85	0.9%	460	4.7%	72	0.7%	25	0.3%	2	0.0%	134	1.4%	778	8.0%
9 Midland	82	0.8%	497	5.1%	86	0.9%	147	1.5%	101	1.0%	155	1.6%	1,068	11.0%
10 El Paso	46	0.5%	90	0.9%	15	0.2%	1	0.0%	69	0.7%	0	0.0%	221	2.3%
11 Edinburg	90	0.9%	614	6.3%	85	0.9%	63	0.6%	11	0.1%	247	2.5%	1,110	11.4%
Other	0	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	5	0.1%	6	0.1%
State Total	1,049	10.8%	4,579	47.1%	773	7.9%	630	6.5%	765	7.9%	1,934	19.9%	9,730	100.0%

Note: "Other" and "Blank" include cases referred back to the facility or closed at intake because they do not meet the definitions of abuse and neglect and therefore are not investigated.

