



NATIONAL ADULT PROTECTIVE
SERVICES ASSOCIATION

APS Registries Across the Country: Final Results from the NAPSA Abuse Registry Ad Hoc Committee Project

Presenters

- **Nancy A. Alterio, Executive Director**
Massachusetts Disabled Persons Protection
Commission
- **Mariah Freark, Assistant General
Counsel**
Massachusetts Disabled Persons Protection
Commission
- **Catherine Bingle, Research Specialist**
Texas Department of Family and Protective
Services

Panelists

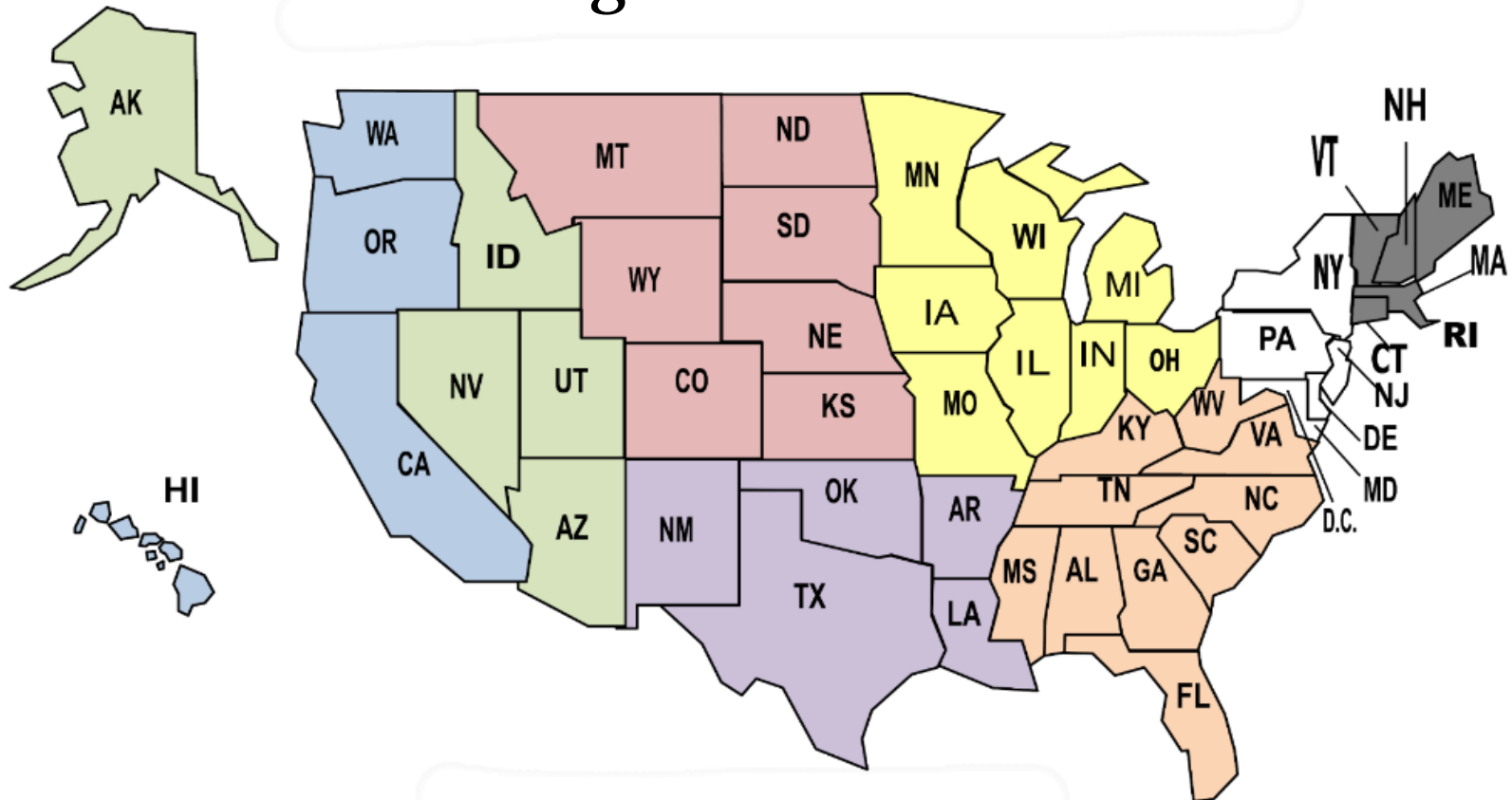
- **Lois Moorman, Program Administrator**
Illinois Department on Aging's Office of Adult Protective Services
- **Peggy Rogers, Manager**
Colorado Adult Protective Services
- **Catherine Stack, Program Manager**
IHHRC, Record Check Evaluation, and Family Life Homes, Iowa Department of Human Services
Dependent Adult Protection

Project Background

- **NAPSA Initiative – Ongoing requests for information to NAPSA on abuse registries**
- **Regional Reps Advisory Board determined need for APS Abuse Registry Committee – January 2016**
- **Initial Meeting – February 18, 2016**
- **Benefit for NAPSA members**

Get Involved!

NAPSA Regions - contact info@napsa-now.org to get involved.



Project Background

Ad Hoc Committee and Subcommittee Formed:

Nancy Alterio, Co-Chair (MA)	Mariah Freark (MA)
Catherine Bingle (TX)	Lynn Koontz (NH)
Andy Capehart (NAPSA)	Eileen Marino (RI)
Linda Chun (HI)	Paige McCleary (VA)
Lori Delagrammatikas (CA)	Catherine Stack (IA)
Christine Edmond (RI)	Mandy Weirich (WV)
Steve Fisher (KY)	Sharon Zanti (CO)
Marta Fontaine (MO)	

With Crucial Assistance From...

APS Administrators and other information sources in participating states:

Renee Bouchillon (Tennessee)	Linda F. S. Chun (Hawaii)
Steven Fisher (Kentucky)	Sherri Haber (Nebraska)
David Lanigan (Missouri)	Deborah Madigan (New Hampshire)
Megan Mason (West Virginia)	Nan Mendenhall (Utah)
Jennifer Mills (New Jersey)	Lois Moorman (Illinois)
Carrie Neumann (Texas)	Scott Phillips (Ohio)
Joshua Quigley (Minnesota)	Roberto Rivera (Arizona)
Deborah Robinson (New Jersey)	Debra Schwarz (Kansas)
Michael Serfass (Delaware)	Carol Sloan (Washington state)
Catherine Stack (Iowa)	Gail Wettstein (Oklahoma)

SECTION I:

Introduction



What is an APS Abuse Registry?

Defining the scope:

An Adult Abuse Registry is a system for maintaining the identity of individuals who are found, only as a result of an Adult Protective Services (APS) investigation, to have abused, neglected or exploited seniors or adults (18 and older) with disabilities living in the community or in a facility. The purpose of such a Registry is to make this information available to individuals, agencies or employers who are authorized to receive such information.*

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- Duke, Joy. Summary of Findings of a National Survey on Adult Abuse Central Registries, *Victimization of the Elderly and Disabled*, January/February 1999. Rpt. in *Abuse and Neglect of Vulnerable Adult Populations*. Ed. Otto, Joanne Marlatt, 2005.

Methodology

- Online Survey 1 (Summer 2016) - identify states with registry
- Online Survey 2 (January – March 2017) – gather general information
- Telephone Interviews (February – April 2017) – explore details
- Documentation – explore, confirm details



Project Challenges

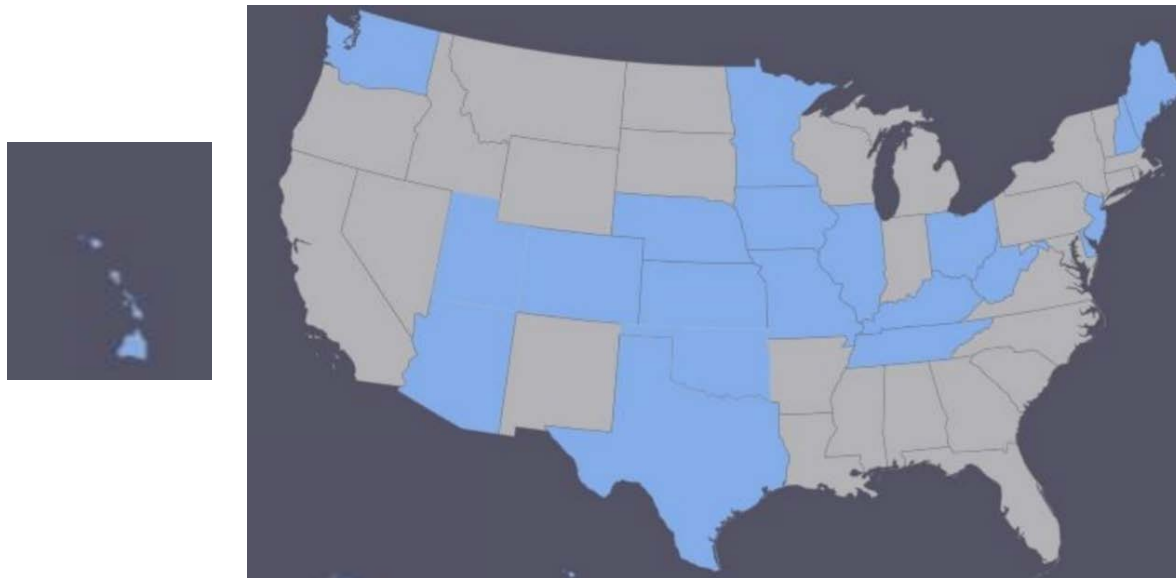
- Lack of uniformity among APS agencies nationwide
- Common definition – still lacking clarity
- Division of labor on respondent end
- Gaps in institutional knowledge on respondent end
- Incremental identification of states/contacts

SECTION II:

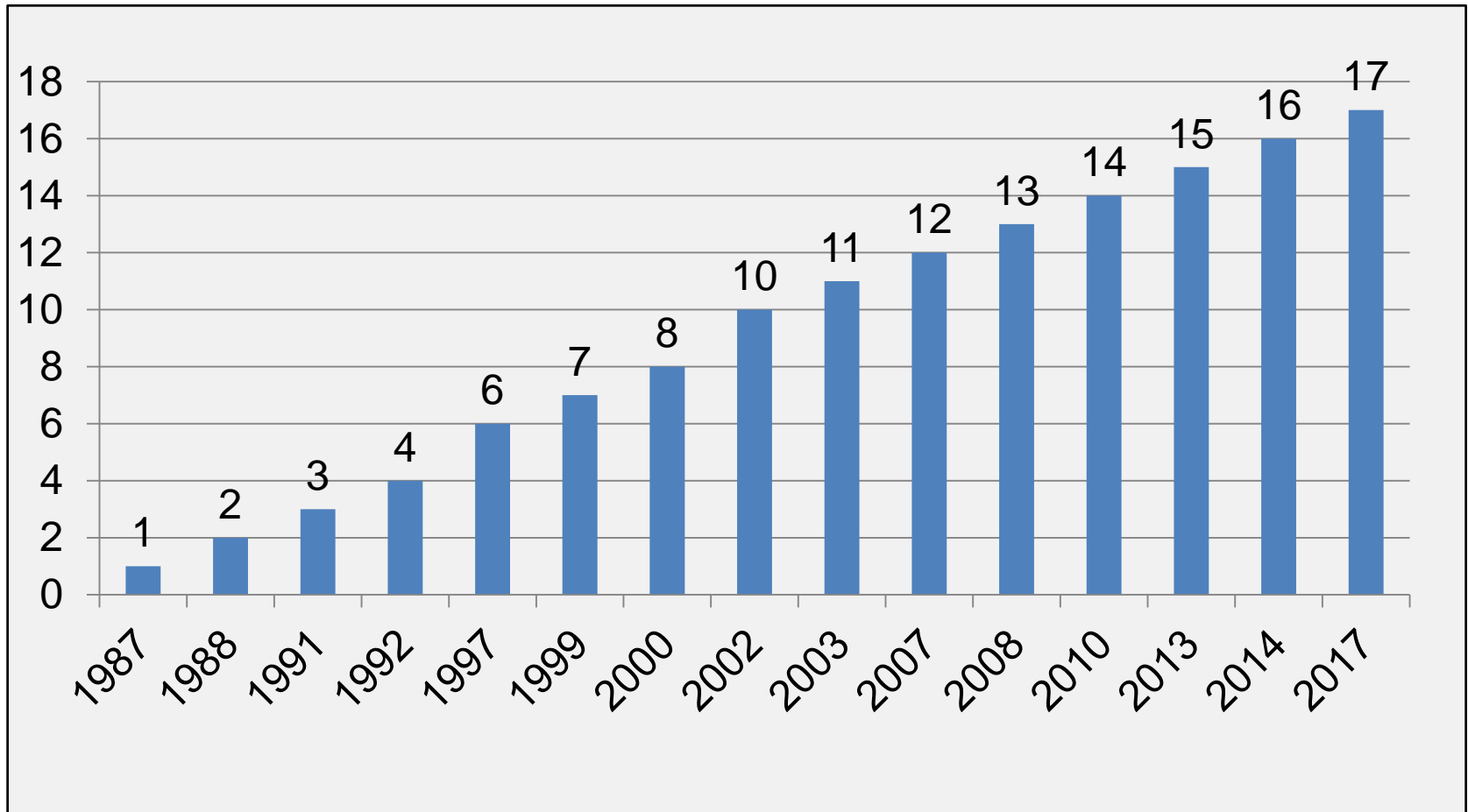
States with Registries

Participating States

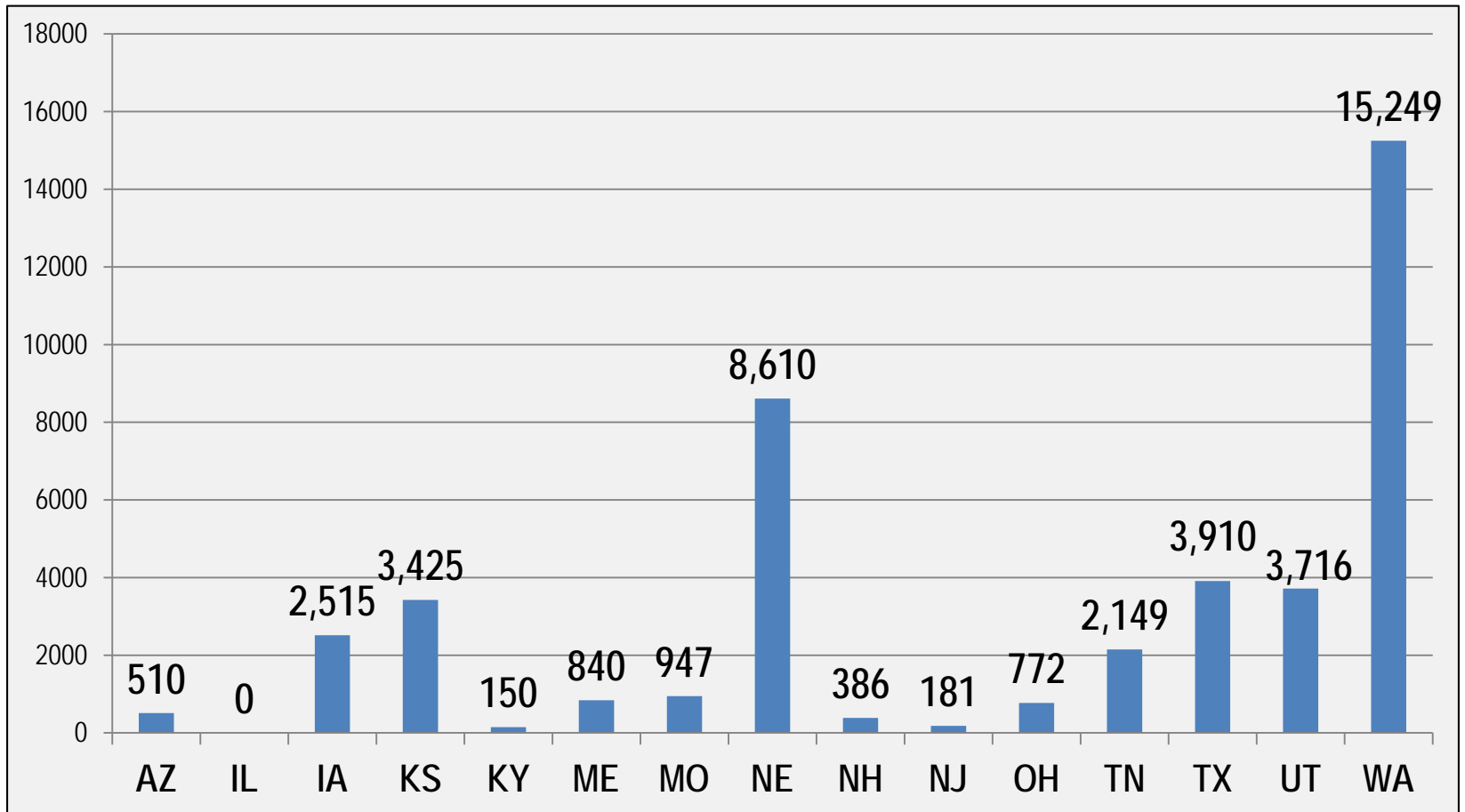
- 26 states identified as having an adult abuse registry
- 21 states contributed information



Accumulated Number of APS Abuse Registries by Year



Number of Names on Registries



SECTION III:

Resources

Funding

States were requested to provide a specific dollar amount for funding dedicated to their registry:

- 4 did not respond to the question
- 2 stated that funding for the registry was included in APS general allocation (not a separate line item)
- 1 did not know

Funding

- 11 states were able to give a dollar amount:
 - 8 states had no separate annual operating budget
 - \$2,000 per year
 - \$187,037 for salaries
 - First year budget \$428,000; second year budget \$625,000

Number of FTEs Dedicated to Registry Operations

State	FTEs
• Arizona	1
• Colorado (projected)	7
• Illinois (projected)	2
• Iowa (current)	2
• Iowa (possible maximum number if funded)	6
• Kansas	.5
• Kentucky	6
• Missouri	10
• Nebraska	8
• New Jersey	1.5
• Ohio	4
• Texas	2

^[1] Although at the time of data collection Missouri had zero FTEs dedicated to registry operations, Missouri reports that as of February 2018, there are 10 FTEs dedicated to registry operations.

^[2] Ohio notes that it has zero FTEs dedicated solely to registry operations, but estimates that the registry-related work being done amounts to four FTEs. Ohio further notes that its registry staff are not APS employees, but rather, work for the state's Department of Developmental Disabilities.

Other Staff Who Contribute to Registry Operations

Staff from other state agencies, as well as non-registry APS staff:

- Legal staff
- State agency providing ALJs
- IT support staff

Information Systems

Type of System	States
Specialized database built to house/operate registry	Arizona, Illinois, Iowa, Minnesota, Nebraska, New Hampshire, Ohio, Tennessee, Texas, Utah
Access database/similar	Kansas, New Jersey, Oklahoma
Excel spreadsheet/similar	Maine, Missouri
Other	Colorado, Hawaii, Kentucky, Utah

Agencies Involved; Coordination

- **Attorneys General**
- **Inspectors General**
- **Legal services**
- **Disability services**
- **Adult and/or child protective services**
- **Children and family services**
- **Public safety**
- **Chief Information Officer**

For the Panel:

What resources support your registry?

- What is/are the funding sources?
- What staff and other resources needed to support the registry:
 - Are funded?
 - Are not funded?
- What challenges with funding do you have?
- How are you dealing with these challenges?

SECTION IV:

Scope of Registry

Types of Abuse

- APS agencies deal with all types of abuse, neglect and exploitation
- However, not all confirmed perpetrators eligible for placement on the APS registry

Victim Type

- How states define a “vulnerable adult”
 - And how that interplays with the definition of “older adult” in some states
- Different entities in the same state may investigate different (or overlapping) victim types, depending on abuse setting and victim characteristics

Perpetrator Type

- “Perpetrator” for registry purposes may be different from “perpetrator” in an adult abuse investigation.
- Usually the registry definition is more narrow
- Most APS abuse registries apply to paid employees providing direct care for vulnerable adults, but do not capture *all* individuals who provide care for vulnerable adults

For the Panel:

What's the scope of your registry?

	What's included?
Types of abuse	
Types of victims	
Types of perpetrators	
Other boundaries?	

- Any concerns about scope in your state?

SECTION V:

Perpetrator Placement

Process

Placement Process

- Varies by state, depends on nature of appeals process available to perpetrator
- In some states, perpetrator appeals finding **before** placed on registry
 - If perpetrator does not exercise appeal right within designated timeframe, registry placement is automatic
- In other states, perpetrator placed on registry **concurrently** with substantiation of abuse; remains on registry while appeal is pending

Notification of Placement

- All states require perpetrators be notified they are being placed on registry
- Also common for states to notify agencies such as:
 - Relevant licensing or certification agency
 - Perpetrator's employer
 - Victim/guardian
 - State's Medicaid fraud unit
- When in the process a perpetrator is notified (before or after hearing/registry placement) varies by state

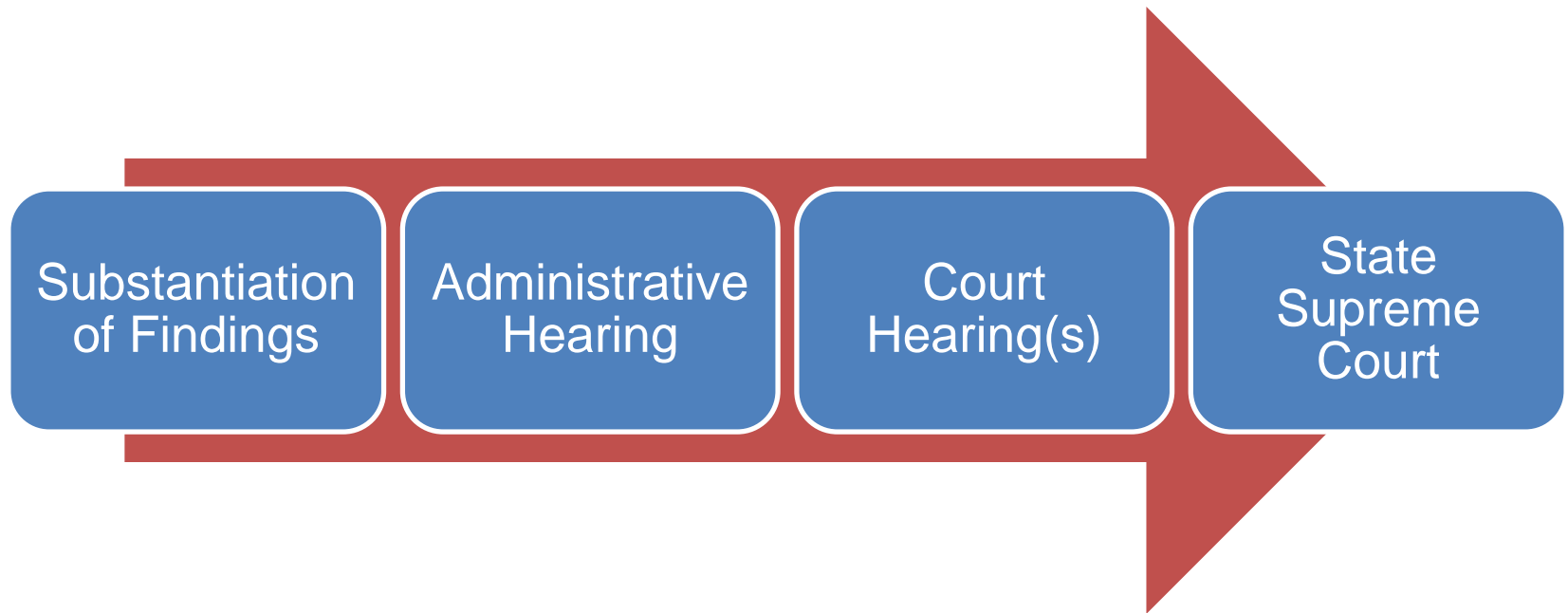
SECTION VI:

Appeals Process

Due Process

Because an action of the government may, or actually will, affect a person's employment prospects, perpetrators have the right to contest registry placement and/or the finding of abuse underlying the registry placement

Typical Due Process

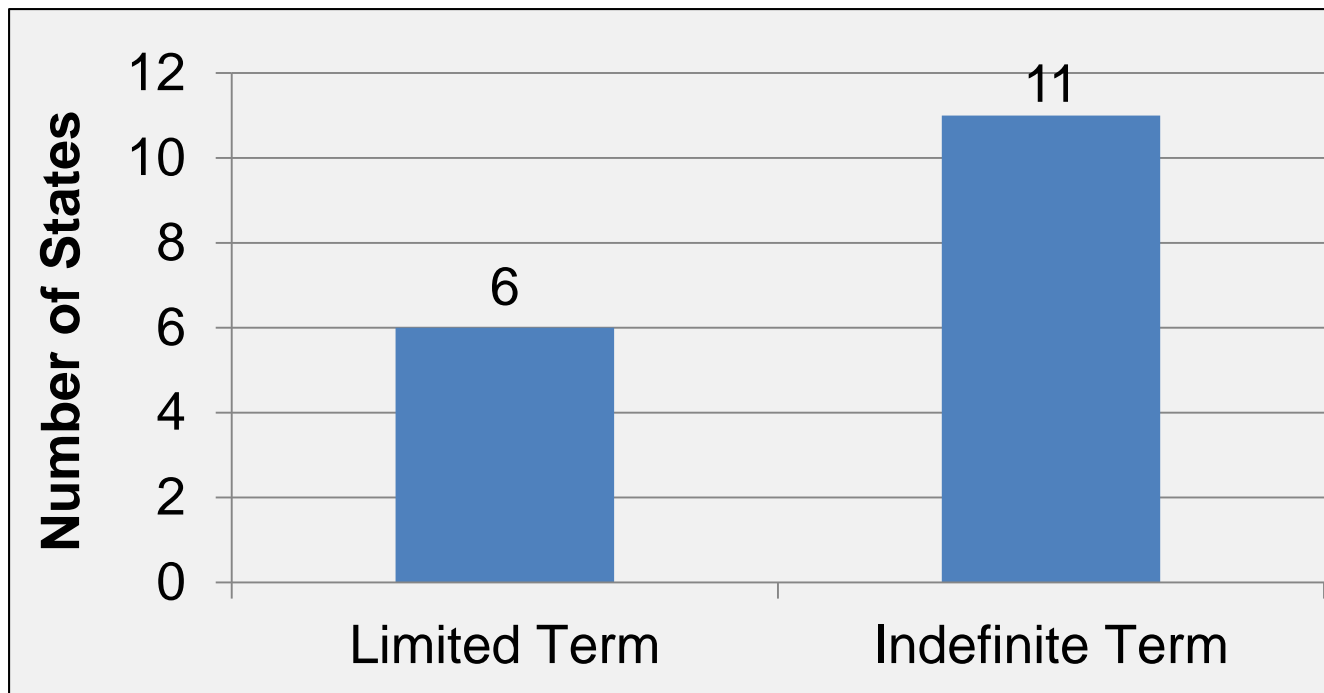


Timeline to Request Appeal

Timeline	Number of States
3 Days	1 – New Hampshire
30 Days	10 – Kansas, Kentucky, Maine, Missouri, New Jersey, Ohio, Tennessee, Texas, Utah, Washington
90 Days	2 – Hawaii, Colorado
6 Months	1 – Iowa
None	1 – Nebraska

Duration of Registry Listings

- Terms range from six months to permanent
- Discretionary component (Delaware, Missouri)



For the Panel:

Registry Placement and Appeals

- How does the process of placing a perpetrator on the registry work?
- Who gets notified of placement?
- How does the appeals process work?
- How long does it take?

SECTION VII:

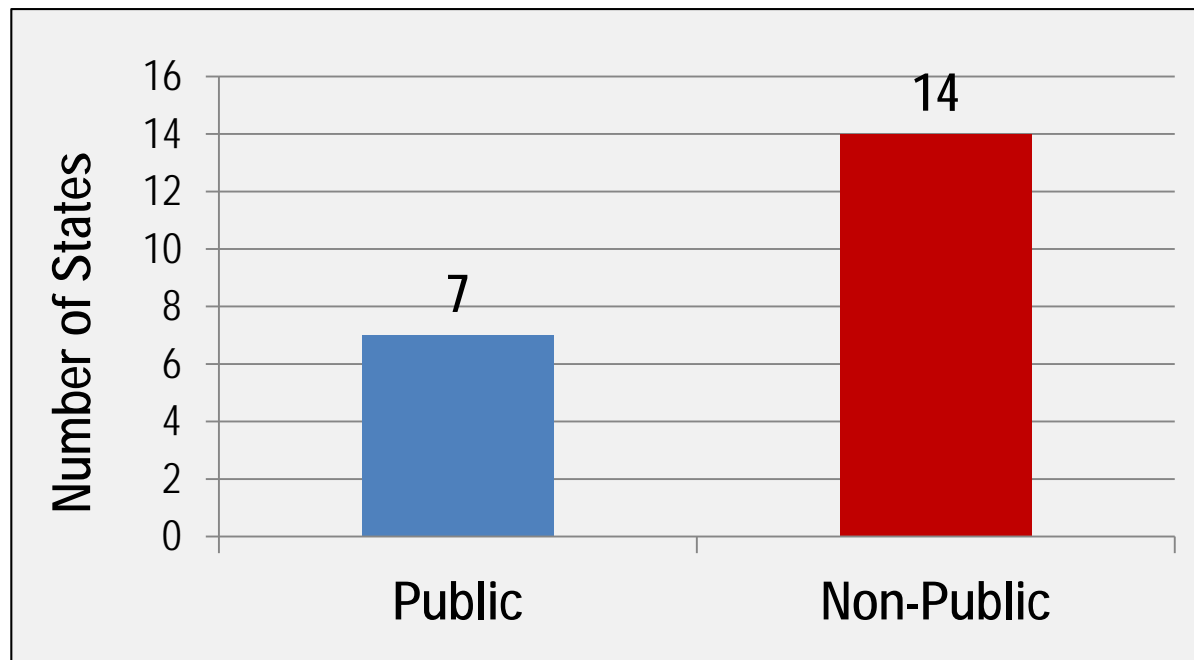
Registry Information

Access

Registry Users

One-third of participating states have public registries

Public vs. Non-Public Access (N=21)



Registry Users

Types of employers required to check/permitted to access APS abuse registry information:

- APS staff
- Staff of Department of Public Health
- Health/healthcare facilities (including hospitals, skilled nursing facilities)
- Adult daycare facilities
- Residential programs
- Adult foster homes
- Facilities for persons with mental illness
- Intermediate care facilities

Registry Users

Categories of employers required to check/permitted to access APS abuse registry information (cont.):

- Homemakers or home health aides
- Facilities for persons with I/DD
- Child foster homes
- Childcare centers
- ILCs

Employers' Access to Non-Public Registries

- Most states with non-public registries require at least some requestors to provide a signed release from the person whose name is going to be looked up on the registry
- Some states waive this requirement for certain types of employers

Mandate to Check Registry

- Most states require certain types of employers check the registry:
 - State disability agencies
 - Service providers for adults with disabilities or older adults
 - Service providers for children
- But, not all states that require a check *prohibit* hiring someone who's listed on the registry

Mandate to Check vs. Bar to Employment

State	Mandated Check	Bar to Employment
Arizona		
Colorado	X	
Delaware	X	
Hawaii	X	X
Illinois	X	X
Iowa	X	X
Kansas		
Kentucky	X	
Maine	X	
Minnesota	X	X
Missouri	X	X
Nebraska		
New Hampshire	X	X
New Jersey	X	X
Ohio	X	X
Oklahoma	X	X
Tennessee	X	X
Texas	X	X
Utah	X	
Washington state	X	
West Virginia	X	X

[\[1\]](#) In New Hampshire, the bar to employment applies only to new hires, not current employees.

SECTION VIII:
Prohibition on Hiring
Individuals Listed on the
Registry

Prohibition on Using Public Funds to Hire Registry Perpetrators

In slightly more than half the states with a bar to employment, public funding for services has an impact on employment of persons on the APS abuse registry.

- Ineligible for any position paid for by public funds
- Ineligible only for certain types of state-funded programs

For the Panel:

Registry Access and Use

- Who has access to the registry?
 - Public at large?
 - Certain agencies?
 - Certain employers?
- Which employers have to check registry?
- How does this affect employment
 - Bar to employment, or not?

SECTION IX:

Lessons Learned







State Respondent-Identified Benefits of Registries

- ✓ May help prevent abusers' future access to vulnerable adults
- ✓ May increase perpetrator accountability, deter future perpetration
- ✓ May assist service providers in improving hiring practices

Operational Successes

- ☺ Efficiency of design and implementation
- ☺ Shared communication and successful coordination with other agencies
- ☺ Dedicated staff who do only registry work
- ☺ Registry housed within APS, staffed by APS staff
- ☺ Usage statistics
 - 120-1500 checks per month
 - 3,000 requests per month
 - Over 100,000 checks per year

State Respondent-Identified Challenges of Registries

-  Conflicting APS focus: needs of victims vs. gathering evidence against perpetrators
-  Scope of registry not ideal (too broad/narrow)
-  Inadequate funding/resources
-  High costs and complexity of administration
-  Coordination with outside entities and the public
-  Due process timelines

Operational Challenges

- Need for more resources
- Difficulties with consistency
- Process issues

Future Plans for State Registries

Systems information-related upgrades:

- Transitioning to a web-based system, will allow online lookups
- Partially automating system response to requestors
- Updating databases
- Streamlining records and processes

Future Plans for State Registries

Things states would like to happen to their registry someday:

- Have the registry exist independently of APS
- Have the registry opened up to more populations, such as providers/employers who serve persons with MI, persons with TBI, or children with disabilities

SECTION X:

Conclusion and

Recommendations

Conclusion

- Significant diversity at all levels of registry processes nationwide
- Primary objective of registries is to prevent abusers from gaining access to vulnerable adults
- Is an APS registry at odds with the main role/purpose of APS?
- Perceived overlap between APS abuse registries and the role of the criminal justice system
- Possible creation of false sense of safety and security
- Concern over inclusion of informal caregivers

Conclusion

Three components common to APS abuse registries in nearly all responding states:

1. Registry placement notification to perpetrator
2. Due process provisions
3. Registry placement occurs/becomes final if perpetrator does not respond to notification

Conclusion

If a state is thinking about creating or modifying an APS abuse registry, the state should consider:

- State's capacity for a registry
- Intent of the registry
- Administration of the registry
- Core registry processes
- Impact

Recommendations

1. An APS abuse registry must be adequately funded in accordance with the mission, structure, and goals of the registry.
2. An APS abuse registry must provide for dedicated registry staff.
3. States with APS abuse registries should identify a way to measure the effectiveness and efficiency of having a registry.
4. NAPSA should create a networking group for states with registries.
5. Additional research should be conducted.

DISCUSSION:

Other thoughts?

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Benefits	Drawbacks
Successes	Challenges

=

Value?

Lessons?

**Next
Steps?**



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Thank You!