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Advocates say state isn't doing enough to investigate elder abuse

Posted By [Alicia Freese](#) On February 1, 2013 @ 6:19 pm In [Recent](#) | [5 Comments](#)



[1]

Image from YouTube

The Adult Protective Services (APS) program — the unit charged with investigating allegations of elder abuse — has clawed its way out from under a backlog of hundreds of cases. Susan Wehry, commissioner of the Department of Aging and Independent Living (DAIL), said her department made two key changes to get the caseload under control — it hired additional investigators and it established a financial exploitation unit.

“The crisis is over. We are stable. We have an ace team of investigators,” Wehry told the House Human Services Committee last week.

But advocates attribute the success in whittling down the backlog to something else. They say APS has grown more conservative when making decisions about what warrants an investigation and what constitutes abuse.

That complaint stems from anecdotal evidence and one striking statistic. Vermont’s substantiation rate — the percentage of cases that are deemed to be actual abuse— remains one of the lowest in the nation. The national average is 44 percent, whereas the Vermont average falls somewhere between 8 percent and 10 percent, according APS calculations.

“Now there are some people that aren’t ever going to be helped because their cases aren’t going to be investigated,” said Barbara Prine, an attorney with Vermont Legal Aid. Prine said APS is investigating fewer reports of abuse, and the substantiation rate among cases it does investigate is suspiciously low.

Wehry said approximately 50 percent of the reports APS receives are opened for investigation.

When abuse is reported, an APS intake specialist speaks with the person filing the complaint to determine whether or not it warrants an investigation. If it is decided that it does, the case is assigned to an investigator who determines whether actual abuse has occurred. The case must meet two conditions to be substantiated — the alleged victim has to qualify, under statutory definition, as a “vulnerable adult,” and the alleged activity must meet the definition of “abuse, neglect, or exploitation.”

Advocates did commend APS for the progress it has made in tackling the backlog, which was in the hundreds in 2010 and 2011. Ann Pugh, chair of Human Services, said her committee is focused strictly on present problems. “I don’t want to rehash what was not working before,” Pugh said.

Still, the atmosphere last Thursday was squirmy at times, [since many of the advocates are in litigation with DAIL over its alleged failure to promptly investigate a case of elder abuse.](#)

In the last year, APS has rejected patient reports of elder abuse, advocates say. Sandy Conrad, executive director of Southwestern Vermont Area Agency on Aging, said her agency filed a report on behalf of an 89-year-old woman whose granddaughter had repeatedly threatened to murder her. It took APS three days to respond, and when it did, it ruled the report “unsubstantiated.”

Pugh asked Conrad and other advocates to supply data to give the committee a sense of the pervasiveness of cases like this.



[2]

Rep. Ann Pugh, chair of the House Human Services Committee. VTD File Photo/Alan Panebaker

filed during June 2012, and found that 40 percent were not addressed within the mandated time period. Some lay dormant for up to eight days.

Conrad said APS response times are much better than a few years ago, when filing reports was on par with "sending them into a black hole."

Ed Paquin, executive director of Disability Rights Vermont, said the paucity of data put out by APS makes it hard for them to do so. "Being able to clearly know what's going on is one of our biggest challenges right now," he said.

Wehry said DAIL itself has an incomplete picture of the data. APS had been keeping records by hand; they switched to a new data tracking system in April 2012, but, Wehry said, "there are holes." There are 575 holes in the investigation records for 2012. That year 1,358 investigations were carried out, and, according to APS data, 106 of these were substantiated and 677 rejected. The others are missing from the record.

While advocates agree that APS is doing a better job dealing with cases in a timely fashion, they say that some languish too long. State law requires that APS launch an investigation within 48 hours of a case being filed. Vermont Legal Aid reviewed 42 cases

5 Comments To "Advocates say state isn't doing enough to investigate elder abuse"

#1 Comment By [Michael Long](#) On February 2, 2013 @ 9:38 am

I've found that elder abuse is not a crime, here's why...

ELDER ABUSE, WHO DIDN'T I TELL?

California Welfare and Institutions Code Section 15610.07 defines "abuse of an elder or dependent adult" as either of the following: (a) physical abuse, neglect, financial abuse, abandonment, isolation, abduction or other treatment with resulting physical harm or pain or mental suffering; or (b) the deprivation by a care custodian of goods or services necessary to avoid physical harm or mental suffering.

[3]

"THIS AIN'T NO GAME SHOW!"

Elder Abuse, Financial Elder Abuse, Fraud, Undue Influence, etc.

#2 Comment By [Stuart Hill](#) On February 2, 2013 @ 11:45 am

Having dealt with Adult Protective Services in the past I can tell you not doing their jobs is nothing new. APS like the rest of the Agency of (in)Human Services is primarily in it for the Federal money. There are a few employees that do give a damn but rest assured they will be eased towards the door in short order.

#3 Comment By [Gus Schwartz](#) On February 2, 2013 @ 1:54 pm

There sure is the appearance that Commission Wehry is trying to obfuscate. I remember when she was interviewed on VPR many months ago she then too was answering embarrassing questions about current practices by saying that she didn't have the data. Her current comment about having an "Ace team of Investigators" just seems pathetic. The fact is that with the present level of chaos and disaster in that department, no "Ace" investigator would choose to work there. – Count on it.

#4 Comment By [Bob Orleck](#) On February 3, 2013 @ 8:21 am

Now consider the so called "Death with Dignity" bill that will be coming before the legislature. There will be abuse of that law and it will be used by relatives and others to kill their elderly "loved ones". Those that think this will not happen and that a state agency will provide investigative services to make sure there is no such abuse, only have to look at the track record of Adult Protective Services. Do you really think the State will adequately look into those cases where a person commits suicide under the law when the State is incapable of even looking after those who are still alive and need help? It is time for people to contact their legislators and tell them to reject the "Death with Dignity" legislation. If you don't, it is going to happen! Bob Orleck, Randolph, Vermont

#5 Comment By [Stuart Hill](#) On February 3, 2013 @ 10:48 am

Every year this has come up the people of the State have made it clear they don't want this law. Still though it is trotted out again the next year and we are assured that all of us are "dying" to have it passed.

Perhaps one of our intrepid investigative reporters would be willing to do the research to chase down where the money is really coming from to push the movement for voluntary euthanasia.

Then again, perhaps they are not interested in that information being given to us. We shall see.

[4]

"Not Dead Yet is a national, grassroots disability rights group that opposes legalization of assisted suicide and euthanasia as deadly forms of discrimination against old, ill and disabled people. Not Dead Yet helps organize and articulate opposition to these practices based on secular social justice arguments. Not Dead Yet demands the equal protection of the law for the targets of so called "mercy killing" whose lives are seen as worth-less."

[5]

This group is fighting medical killing legislation in Massachusetts:

"We are Massachusetts residents with disabilities who oppose Question 2 on the 2012 state ballot, which would legalize assisted suicide. This proposal is dangerous and discriminatory, especially for elders and disabled people."

[6]

About The Patients Rights Council

The Patients Rights Council is committed to the principle that you have the right to know all the facts about the critical issues of life, death, and assisted suicide. Few issues are as important as the compassionate treatment and care for those who are most vulnerable.

URL to article: <http://vtdigger.org/2013/02/01/advocates-say-state-isnt-doing-enough-to-investigate-elder-abuse/>

URLs in this post:

[1] Image: <http://vtdigger.org/vtdNewsMachine/wp-content/uploads/2012/12/SusanWehrySLIDER.jpg>

[2] Image: <http://vtdigger.org/vtdNewsMachine/wp-content/uploads/2012/05/ann-pugh-5.2.12-slider.jpg>

[3] : <http://benamarine.blogspot.com/2010/11/commitment-to-daddy.html>

[4] : <http://www.notdeadyet.org/>

[5] : <http://www.second-thoughts.org/>

[6] : <http://www.patientsrightscouncil.org/site/>

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