

***Adult Protection
Coordinating Council***

Annual Report

2019

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I. Foreword

Pursuant to action by the South Carolina Adult Protection Coordinating Council and Act 239 passed by the General Assembly and signed by Governor Nikki Haley June 18, 2012, an Annual Report for calendar year 2019 is submitted to the Council, Chairman of the Medical Affairs Committee of the Senate, Chairman of the Medical, Military and Municipal Affairs Committee of the House of Representatives, and other interested parties. This report serves as a written summary of the Council's accomplishments and plans for future activities and serves as a public record of compliance with the Council's statutory duties as written in the South Carolina Code of Laws, Section 43-35-310.

II. History

In 1990, a group of concerned individuals presented testimony at the Joint Legislative Committee on Aging Public Hearing regarding the depth of concern about the adult protection system in our state. As a result of this testimony, a Joint Resolution was sponsored by the Joint Legislative Committee on Aging mandating the South Carolina Long Term Care Council to convene an Advisory Committee on Adult Abuse, Neglect and Exploitation. On April 24, 1991, Governor Carroll A. Campbell, Jr., signed the Joint Resolution into law.

The former Long Term Care Council convened the required Advisory Committee which identified the problem areas in the adult protection system and made comprehensive recommendations to improve the system in the areas of training, employment issues, advocacy, public awareness, care issues, coordination and legal issues. The Advisory Committee then completed the development of the Omnibus Adult Protection Act. It was signed into law by Governor Campbell on June 11, 1993, with an effective date of September 11, 1993.

Generally, the Omnibus Adult Protection Act:

- Created an effective system for reporting, investigating and prosecuting adult abuse, neglect and exploitation and included role clarification for the entities involved.
- Clearly defined the protected class of individuals. Vulnerable adult means a person age 18 years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection. This includes a person who is impaired in the ability to adequately provide for the person's own care or protection because of the infirmities of aging including, but not limited to, organic brain damage, advanced age, and physical, mental or emotional dysfunction. A resident of a facility is a vulnerable adult.
- Repealed several Sections of the Code of Laws of South Carolina, 1976, and placed all applicable Sections in one area of the Code.

- Addressed overlapping jurisdictions.
- Addressed confusing and duplicate reporting requirements.
- Clarified and set out identical statutory definitions of abuse, neglect and exploitation for instances that occur in the community and in facilities. Previously, the Department of Social Services and the Long Term Care Ombudsman program operated under different definitions.
- Set out the circumstances under which law enforcement can take an adult into protective custody (See Section 43-35-45).

Amendments to the Act since 1993 expanded the investigative entities to include the Attorney General's Office and SLED. There was further clarification of the investigative jurisdictions to provide for SLED investigations of allegations in facilities operated or contracted for operation by the Department of Mental Health and the Department of Disabilities and Special Needs.

Additionally, Article 5 was added to the Act to create a Vulnerable Adult Fatalities Review Committee. Amendments to the Act in 2012 provided technical corrections and revised membership and duties of the Council. Article 2 was added effective May 16, 2014 to create the Vulnerable Adult Guardian ad Litem program in the Department on Aging, formerly Office on Aging.

III. Legislative Intent

The General Assembly found it necessary to create the Omnibus Adult Protection Act: 1) To provide a system of adult protection in South Carolina; 2) To clarify the roles and responsibilities of agencies involved in the system; 3) To provide a mechanism for problem resolution and interagency coordination; 4) To address continuing needs of vulnerable adults; 5) To uniformly define abuse, neglect and exploitation for vulnerable adults in all settings; 6) To clarify reporting procedures for allegations of abuse, neglect and exploitation; 7) To provide procedures for emergency protective custody; 8) To define the role of the court in the adult protection system; and, 9) To provide services in the least restrictive setting possible.

IV. Adult Protection Coordinating Council

Article Three of the Act created an Adult Protection Coordinating Council under the auspices of the South Carolina Department of Health and Human Services (SCDHHS). The Council was created because of the depth of concern about the need for frequent, continued coordination and cooperation among the entities involved specifically in the adult protection system. Pursuant to amendments to the Act in 2012, the Council is composed of twenty-one

public and private organizations and two consumers or family member of a consumer, one from the institutional care service provision system and one from the home and community-based service provision system. (See Appendix A.)

When created, the Council was thought to be the first council of its type in the United States. Staffing for the Council is provided by the Division of Long Term Living of the SCDHHS.

V. Summary of Activities

Members of the Council continue to make every effort to coordinate activities in the adult protection system. The Council consists not only of members from traditional health and human services agencies, but from a variety of public and private entities and law enforcement organizations. There is coordination among various state level agencies and departments. The public and private sectors are working together through this Council to develop resources and coordinate services.

The Council is committed to accountability for the accomplishment of its statutory duties as it relates to the adult protection system and as outlined in the Act. (See Appendix B.) Activities to address statutory duties sometimes overlap. Activities undertaken by the Council over the past year to address its mandates are discussed below.

Public Awareness

During 2019, Council reviewed existing public awareness materials and continued to discuss public awareness activities and identify potential partners for collaboration and assistance. A communications plan utilizing social media was developed with assistance from AARP. Topics to address issues regarding vulnerable adults were identified and information will be developed focused on the topics. The information will be used during the month for which there is a national or state emphasis. In addition to social media dissemination of information, material will also be provided other organizations to use with their outreach.

The initial information will focus on reporting allegations of abuse, neglect and exploitation of vulnerable adults. A reporting flyer was developed and will be provided to partners to post information on their social media platforms and to other interested parties.

Bylaws Amendment

A Bylaws Committee was convened to consider an amendment to Council's Bylaws that would address member absenteeism. An amendment was drafted and submitted to Council at the November 2018 meeting. It was approved by Council in February 2019 and implemented.

Training

The Council remains committed to training and education for law enforcement, human

services and other professionals who serve vulnerable adults who may be at risk of abuse, neglect and exploitation. In addition to providing general, basic training for a diverse audience, training has been provided for specific professional groups.

Since it is difficult for law enforcement officers to attend training events, Council decided to pursue training specifically for law enforcement. In collaboration with, and assistance from, the SC Criminal Justice Academy, plans were developed and produced for a two-hour training opportunity through the Academy's Acadis system. This system can be accessed only by certified law enforcement officers and is available to the officers at any time convenient for them. The training was released on Acadis in October 2018 and by all reports was well received. Subsequently, another training event was approved by Council and Criminal Justice Academy that would focus on working with special population groups. During 2019, planning and development of topics regarding dementia, intellectual and developmental disabilities, and mental health was ongoing and will continue into 2020.

Community Residential Care Facility (CRCF) Interagency Committee

Pursuant to recommendations in a report in 2018 from the Office of Inspector General (OIG), *Review of Community Residential Care Facilities Program, DHEC*, an interagency workgroup was established by SC Department of Health and Human Services (DHHS) to address CRCF recommendations involving DHHS and other agencies. These agencies included DHEC, Long Term Care Ombudsman, Labor, Licensing and Regulation (LLR), Department of Disabilities and Special Needs (DDSN), Protection and Advocacy for People with Disabilities (P&A), and Department of Mental Health (DMH). Council agreed for the workgroup to become a committee of the Council, receive Council input, and provide Council with progress reports.

The CRCF Interagency Workgroup has continued to meet to collaborate and discuss issues. Following CRCF closures during 2019, the Workgroup reviewed agency roles and responsibilities, protocols and processes for emergency relocation of CRCF residents.

Data

Data from the investigative entities is found in Appendix C. Investigative entities include Department of Social Services Adult Protective Services: Department on Aging (formerly Lieutenant Governor's Office on Aging), State Long Term Care Ombudsman; SLED; and Attorney General's Office, Medicaid Fraud Control Unit. Data reports are received from the investigative entities at quarterly Council meetings.

Other Activities

The US Department of Justice (USDOJ) attorneys for South Carolina provided information on the Federal Elder Justice Act (EJA) initiatives. The statute required Federal agencies to work together to address elder justice issues. The attorneys were available for consultation for investigative entities and were also interested in collaboration with Council.

The SC Bar Vulnerable Adult Task Force provided Council with updates on their initiatives for legislation to create an adult abuse registry, public guardianship and single point of entry programs in addition to recommendations for a Department of Aging and an advisory role for Council. During 2019, comprehensive legislation was being drafted to encompass these topics. Council would have an opportunity to review and comment on the draft legislation. A committee was established to review the draft when received and provide analysis to Council. It was anticipated legislation would be filed in January 2020.

Ms. Stacey Roberts, DMH, Director of Training and Assessment, presented a PowerPoint regarding DMH's Community Crisis Response and Intervention (CCRI) program. This program, funded with a Medicaid contract, rolled out statewide over the past year and was an extension of local mental health services. Calls after hours were rolled over to the 24-hour hotline for response. In some locations, DMH staff were co-located with law enforcement.

Mr. Michael Leach, newly appointed Director for DSS, addressed Council. He expressed his vision for adult protective services, outreach to members of the General Assembly, caring relationships with clients, and advocacy for the agency's needs.

Ms. Kathy Bradley, Council member and founder of the non-profit, Our Mothers Voice, provided a presentation, "Behavior is Communication." The power point program demonstrated work with facilities to understand dementia patients' behavioral communication and tips to deal with behaviors. Appropriate responses to behavioral communications lead to improved quality of life for dementia patients.

Mr. Brian Bennett, Instructor, SC Criminal Justice Academy, developed an assessment form for law enforcement to use in emergency protective custody situations. The form was based on the Omnibus Adult Protection Act and its use could potentially avoid inappropriate referrals to adult protective services. The form was developed for the Criminal Justice Academy but could be used by anyone making an assessment.

Ms. Anna Maria Connor, Esq., P&A, discussed WINGS, a program developed by the American Bar Association regarding guardianship. P&A was interested in developing a program in our state in collaboration with a statewide multi-disciplinary group.

Council received information that DHHS, AARP, Institute for Medicine and Public Health (IMPH), and Department on Aging (DOA) were participating in an 18-month learning collaborative with the Centers for Health Care Strategies (CHCS). The learning collaborative was focused on caregiver support and an action plan had been developed.

VI. Future Directions

Council will continue to develop and implement public awareness activities with assistance from partners.

Another Acadis training will be developed targeting law enforcement and working with special population groups. Following completion of this initiative, the next training event will be planned.

Council will stay abreast of initiatives for an adult abuse registry, public guardianship program, and single point of entry program, and the comprehensive legislation to create these programs and other recommendations.

When available, Council will review the comprehensive draft legislation from the SC Bar's Vulnerable Adult Task Force.

Council will continue to receive information from members and others regarding new and ongoing programs and initiatives.

Appendix A
2019 Members/Designees

Chair:

Dr. Peter Liggett, Deputy Director
SC Department of Health and Human Services
Long Term Living and Behavioral Health

Vice Chair:

Ms. Alice Hughes, RN, Financial Forecasting Manager
Blue Cross Blue Shield of South Carolina
S. C. Association for Home and Hospice Care

Mr. Jarrod Bruder, Executive Director
S. C. Sheriffs' Association

Mr. Ken Moore, Esq., Assistant Deputy Attorney General
Office of the Attorney General

Ms. Ann Dalton, Director, Quality Management
S. C. Department of Disabilities and Special Needs

Mr. Ryan Alphin, Executive Director
SC Law Enforcement Officers Association
S. C. Police Chiefs' Association

Ms. Lisa Catalanotto, Executive Director
S. C. Commission on Prosecution Coordination

Ms. Beth Franco, Director
Protection and Advocacy for People with Disabilities, Inc.

Mr. Steve Morris, Director
Department on Aging

Mr. Brian Bennett, Instructor
S. C. Criminal Justice Academy

Lieutenant Sabrina Fellers, SLED
Special Victims Unit

Ms. Dale Watson, State Long Term Care Ombudsman
Department on Aging

Ms. Kelly Cordell, Director, Adult Advocacy
S. C. Department of Social Services
Adult Protective Services

Ms. Angie Smith, Interim Bureau Chief
Department of Health and Environmental Control
Bureau of Health Facilities Licensing

Ms. Necole Stinson, CME Coordinator
S. C. Medical Association

Ms. Meredith Buttler, Administrator
SC Department of Labor, Licensing and Regulation
Board of Long Term Health Care Administrators

Ms. Elizabeth Wellman, Esq.
SC Court Administration

Ms. Amy Davenport, Family Member
Consumer of the Home and Community-Based Service Delivery System

Ms. Maxine McAlhany, President
SC Association of Community Residential Programs

Dr. Judy Johnson
Human Services Provider Association

Ms. Kathy Bradley, Family Member
Consumer of the Institutional Care Service Delivery System

Ms. Marjorie Wilson-Guess
SC Department of Mental Health

Mr. Wilson Dillard, NH Administrator
South Carolina Health Care Association

Appendix B Duties of the Council

Omnibus Adult Protection Act, Section 43-35-330, Duties of Council.

1. Provide and promote coordination and communication among groups and associations which may be affected by the council's actions and recommended changes in the system;
2. Identify and promote training on critical issues in adult protection, facilitate arrangements for continuing education seminars and credits, when appropriate, and determine and target problem areas for training based on analysis of the data;
3. Coordinate data collection and conduct analyses including periodic monitoring and evaluation of the incidence and prevalence of adult abuse, neglect and exploitation;
4. Assist with problem resolution and facilitate interagency coordination of efforts to address unmet needs and gaps in the system;
5. Promote and enhance public awareness;
6. Promote prevention and intervention activities to ensure quality of care for vulnerable adults and their families; and
7. Annually prepare a report of the council's activities and accomplishments for the calendar year and distribute the report to council members, the Chairman of the Medical Affairs Committee of the Senate, the Chairman of the Medical, Military and Municipal Affairs Committee of the House of Representatives, directors or chairs of member agencies or entities who have a designee serving on the council, and other interested parties as well as publishing the report on the department's website.

Appendix C Data

The data below represents the total number of reports for the investigative entities for the calendar year 2019.

ADULT PROTECTIVE SERVICES - Total reports: 10,308

For further information, see the Data and Resources section of the South Carolina Department of Social Services at <https://dss.sc.gov/about/data-and-resources/>.

LONG TERM CARE OMBUDSMAN - Total reports: 1,429

For further information, call the State Long Term Care Ombudsman, Department of Aging at 803-734-9900 or 1-800-868-9095.

MEDICAID FRAUD CONTROL UNIT – Total reports: 101

For further information, call the Medicaid Fraud Control Unit, South Carolina Attorney General's Office, at 803-734-3660.

VULNERABLE ADULT INVESTIGATIONS UNIT – Total reports: 831

For further information, call the Vulnerable Adult Investigations Unit, SLED, at 803-896-7654.