



House Committee on Human Services

September 28, 2004

APS Reform Presentation Overview

- Executive Order RP 33 Overview
- Adult Protective Services:
 - Case Reviews
 - Reform Activities



Governor's Executive Order RP 33

Albert Hawkins, Executive Commissioner

Overview of Governor's Executive Order

- Executive Order RP33 was issued on April 14, 2004, in response to reports in the El Paso area that indicated serious fundamental and systemic problems within the Adult Protective Services (APS) program
 - The order directs the Health and Human Services Commission (HHSC) to oversee the systemic reform of the APS program of the Department of Family and Protective Services (DFPS)
 - Specific actions and outcomes required under the executive order:
 - Systemic reform;
 - Administrative & organizational reform;
 - Review of case files;
 - Increased use of technology;
 - Partnering with law enforcement & local communities; and
 - Review of statutes

HHSC Response

- HHSC began an examination of operational, policy, and other aspects of the APS program
- Office of Inspector General (OIG) was instructed to perform case reviews of all cases in the El Paso and Fort Worth regions



Adult Protective Services (APS) Case Reviews

Brian Flood, Inspector General
Office of Inspector General

APS Case Reviews

- The OIG initiated an investigation of APS cases
- The case review team consisted of:
 - Office of Inspector General
 - HHSC Internal Audit Division
 - DFPS Internal Audit Division

APS Case Reviews

Case Review Timeline:

- April 2004 - the team was deployed to El Paso to begin case reviews of more than 1200 cases involving 200 clients
 - The review focused on cases with referrals in the last two years and that had more than three total referrals to APS
- June 2004 - OIG continued case readings in Fort Worth
- July 2004 - OIG began case reviews statewide

APS Case Reviews

- OIG's investigation addressed the In-Home Program that assists and provides services to persons living independent of any type of facility
- 2,166 cases reviewed statewide
- The OIG investigation focused on:
 - **Case Reviews** – reviewed using a stratified random sample to determine if APS conducted investigations and provided services in compliance with APS policy
 - **Field Investigation** - conducted to verify information in the client's case files
 - **Staff Interviews** – provided further knowledge of problem areas

APS Case Reviews

- The OIG investigation focused on (continued):
 - **Community Questionnaire** - interviews were conducted with community members that work in collaboration with APS
 - **Data Analysis** - identified additional problem areas
 - **Management Structure** – a partial review conducted to identify problem areas
 - **APS Policy** – a limited review of policy was conducted
 - **Internal APS Reports** – review of APS internal reports were conducted to assist in determining problems in APS
 - **Staff Records** - reviewed to determine any personnel issues

APS Reform Key Dates

- The Executive Order required HHSC to report back to the Governor on APS reform actions

Key Report Dates:

- May 19, 2004 – HHSC submitted an *optional* 30-day Preliminary Findings Report
- July 12, 2004 – HHCS submitted 90-day Implementation Plan Report
- November 1, 2004 – HHSC will submit 180-day Report

30-Day - Preliminary Findings Report

The preliminary report indicated serious deficiencies existed in most all aspects of the APS program

Major Findings:

- Case Readings indicated poorly performed assessments, inadequate documentation, and lack of appropriate follow-up.
- Current capacity tool is ineffective and statistically weak.
- Conflict exists between providing guardianship services and conducting investigations within the same agency.
- Technology has not been developed or deployed to support the investigative process.
- Records indicated poor compliance with documentation requirements.
- Staff turnover twice as high in El Paso compared to the statewide average.
- Staff training is inadequate and inconsistent.
- Inconsistent application of policy and procedure increases the potential of a negative outcome.
- Lack of partnerships with local and community stakeholders hamper effective response to individuals.

Initial Reform Activities

June 2004 - HHSC held two work sessions with outside stakeholders

- APS Investigative Outcomes Work Session
- Community and Judicial Relations Work Session

HHSC developed cross-agency workgroups to:

- Examine all aspects of the APS Program;
- Identify deficiencies; and
- Recommend corrective actions

Workgroups:

- Investigation & Service Delivery
- Client Assessment Tool
- Guardianship
- Funding
- Mobile Technology
- Judicial Relations
- Community Relations
- Staffing
- Training
- Performance Management
- Records Retention
- IMPACT

Preparation of 90-Day Implementation Plan

HHSC's APS examination focused on:

- Ensuring clearly defined outcomes at each step of the APS involvement with clients including local partnerships that define and maintain ongoing services;
- Defining management structure and support systems that are clearly aligned with the outcomes defined for the APS process; and
- Identifying the current problems that prevent APS staff from achieving these outcomes

90-Day Implementation Plan

- July 12, 2004 – HHSC submitted the 90-day Implementation Plan to the Governor
- Report outlines corrective actions to be taken in each area of the APS program and a general timeline for implementing reforms
- Three underlying themes emerged:
 - Goals of APS are not well defined;
 - There is not a clear delineation of the APS process steps; and
 - Few performance standards exist for the APS process.

90-Day Implementation Plan: Timeline

First Phase:

- Development, clarification, and revision of APS policies
 - Implementation of these policies is anticipated by the fall of 2004

Second Phase:

- Development of procedures to ensure revised policies are effectively implemented
 - Development and implementation of revised procedures anticipated by the spring of 2005

Third Phase:

- Development of an administrative structure and supporting technology
 - Implementation of the administrative structure and technology anticipated by the summer of 2005

Current Activities

Critical areas receiving highest priority:

- Ensuring sufficient staff in critical areas of the state
- Debra Wanser hired as the Assistant Commissioner of Adult Protective Services
- Development and deployment of a new Risk Assessment Tool
 - Tool will review **all** aspects of the clients life including living conditions, physical & medical status, mental health, financial, social interaction and support
 - Field testing of the new tool will begin in fall 2004
- Expanding the capacity of local Guardianship Programs
 - Additional funds for local communities to expand guardianship infrastructure
- Transfer of Guardianship duties out of the APS Program

APS Reform Funding

- HHSC will submit a funding request for FY 05 and the next biennium to the Governor and the LBB to:
 - Provide additional staff resources
 - Deploy new risk assessment tool
 - Provide improved training
 - Increase resources for local guardianship
 - Deploy technology tools