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**DEPARTMENT OF HUMAN SERVICES**

**LICENSING DIVISION**

**LEGISLATIVE REPORT**

**MALTREATMENT REPORT**

**(Minnesota Statutes, section 626.557, subdivision 12b)**

OCTOBER 2008

## **COST OF PREPARING THE REPORT**

The cost of preparing this report is provided to comply with the requirements of Minnesota Statutes, section 3.197, which states:

**3.197 Required reports.** A report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any costs incurred by another agency or another level of government.

This report was prepared by staff from the Department of Human Services, Division of Licensing. No outside consultants assisted in the development of this report.

It took approximately 100 hours of staff time to prepare the report. Based on average per hour compensation of staff, including benefits, the staff costs for preparing the report is \$3,800.

The cost of printing and distributing 17 copies of the report is estimated to be \$30. The report will also be available to the public on the Department of Human Services, Division of Licensing web site (<http://www.dhs.state.mn.us/licensing/>).

The total cost of preparing, printing, and distributing this report is \$3,830.

## LEGISLATIVE DIRECTIVE

Minnesota Statutes, section 626.557, requires DHS to annually report to the Legislature and the Governor information about alleged maltreatment in licensed facilities.

Minnesota Statutes, section 626.557, subdivision 12b, paragraph (e), states:

*Summary of reports. The commissioners of health and human services shall each annually report to the legislature and the governor on the number and type of reports of alleged maltreatment involving licensed facilities reported under this section, the number of those requiring investigation under this section, and the resolution of those investigations. The report shall identify:*

*(1) whether and where backlogs of cases result in a failure to conform with statutory time frames;*

*(2) where adequate coverage requires additional appropriations and staffing; and*

*(3) any other trends that affect the safety of vulnerable adults.*

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**DEPARTMENT OF HUMAN SERVICES  
LEGISLATIVE REPORT  
MALTREATMENT**

**EXECUTIVE SUMMARY**

The focus of this report is the investigation of maltreatment in the Department of Human Services (DHS) directly licensed programs (approximately 4,000 programs) and adult foster care homes (approximately 4,500 homes). Adult foster care homes are licensed by the Department, however, except for investigating maltreatment, the monitoring and oversight responsibilities have been delegated to counties in Minnesota Statutes section 245A.16. This report covers the two year period of FY06 and FY07 and represents the fifth and sixth annual report required under Minnesota Statutes, section 626.557, subdivision 12b.

**Purpose**

The report provides information on the following: general trends in the number of reports received, assessed, and investigated; allegations substantiated and action taken by DHS; information on the effect of maltreatment on vulnerable adults and children; resolution of investigations; conformance with statutory time frames; progress made on the backlog of cases; and adequacy of resources.

**General Trends**

The data shows:

- The number of reports of possible maltreatment has continued to increase every year except one since 1999. (In FY04 there was a slight decrease.) In FY06 there was a modest ½ percent increase, but in FY07 the increase was 12%, to 4,649.
- There has been a steady increase in the number of reports assigned for a full field investigation since FY04. In FY06 there was an increase of 3.5% and in FY07 there was another 17% increase to 927 reports.
- The 927 maltreatment and death reports assigned for field investigation in FY07 included 1,116 allegations of maltreatment and 141 allegations of a licensing violation (1.35 allegations per report). When a report includes allegations of both maltreatment and licensing violations the report is assigned for a maltreatment field investigation.
- The number of reports assigned for investigation of alleged licensing violations has been increasing. In FY07 there was a 24% increase over FY06 to 641 reports.
- For FY06 and FY07, just over half of the field investigations were conducted in the 7 county metropolitan area, at 51% and 53% respectively. This rate has remained fairly stable and correlates positively with the reporting rates in the metropolitan counties compared to the non-metropolitan counties.

- The 740 investigations completed in FY06 was a decrease of 100 investigations over the previous year (12 percent). The 983 investigations completed in FY07 was an increase of 243 investigations over FY06 (an increase of 32 percent). In FY07 the division was fully staffed.
- After a 60 percent increase in negative licensing actions taken following maltreatment investigations in FY05 (49 negative licensing actions), there was a decrease to 41 negative licensing actions in FY06 (18 percent decrease). However, in FY07 there were 56 negative licensing actions taken, an increase over the number of negative licensing actions taken in FY05 or FY06.
- After a 29 percent increase in the number of individuals disqualified following maltreatment investigations in FY05 (from 47 to 66), there was a 23 percent decrease in the number of individuals disqualified in FY06 (from 66 to 51). The percent of completed investigations that resulted in an individual being disqualified was similar to the previous years at 8 percent. However, in FY07 there were 123 individuals disqualified following maltreatment investigations, a 140 percent increase in the number disqualified in FY06 (from 51 individuals in FY06 to 123 individuals in FY07).
- All data related to completed investigations shows some variation due to completion of older pending investigations and new trends may emerge when investigations are completed more timely.

### **Serious Maltreatment Issues**

The data shows that the effect of substantiated maltreatment on the vulnerable adult and/or child victim is often serious. From FY02 through FY07 completed and substantiated allegations demonstrate variation and there are not clear trends in the numbers. As the number of pending investigations is reduced so that investigations are completed more timely, it is likely that new and more meaningful trends may emerge.

### **Number of Investigations Completed**

The number of maltreatment field investigations completed by DHS per year for FY98 through FY03 averaged 613. FY02 had the lowest number of field investigations completed (425). The division experienced a staffing shortage during FY02. After a decrease of 25 field investigations from FY03 to FY04 (from 715 to 690), the number of field investigations completed in FY05 was 840. In FY06 there were 740 field investigations completed, and in FY07 there were 983 investigations completed. The increase in completed investigations reflects increased funding and nearly full staffing.

### **Issues Affecting DHS Output**

In 2001 the Governor and the Legislature reviewed the workload and product of this Department function and provided an increased appropriation of \$359,000 in FY02 and \$277,000 each year thereafter. Staffing issues significantly affected the number of investigations, 425, that were completed in FY02. Toward the end of FY02 six new positions were created and filled in the Intake and

Investigations Unit, and two positions that had been left vacant due to a hiring freeze were filled. Hiring and restructuring of duties facilitated the increase in the number of field investigations completed, from 425 in FY02 to 715 in FY03. As Investigators gained experience the Department was able to continue to increase the number of field investigations completed.

Staff turnover continued to be high. There were three positions vacated during FY03, two in FY04, three in FY05, and 5 in FY06. Each time a new investigator is hired, there are resources redirected to training, and it takes time for an investigator to gain the experience necessary to be fully productive. The slight decrease in investigations completed in FY04 was the result of staff turnover and an increase in travel time necessitated by an increase in assigned field investigations in greater Minnesota.

The 2005 Legislature provided an increased appropriation to the Licensing Division for the 2006-07 biennium. The increased funding provided for six additional investigators. These positions were filled in late October 2006.

During FY06 a Hay study (a committee of experts from various state departments evaluates a position using objective criteria) was conducted which resulted in the Investigator position being reclassified to a higher level of compensation. This change has reduced staff turnover.

### **Improvements Made and Planned to Increase Output**

During FY02 DHS received additional resources and reorganized duties to maximize the effectiveness of the increased resources. DHS centralized the report intake functions and restructured related duties within the Licensing Division and developed and implemented technological changes.

During FY03 and FY04 DHS continued to refine the centralization of functions and the standardized criteria for initial investigation of reports. Through the application of standardized criteria during initial investigation, reports with the greatest harm and/or greatest risk of harm are assigned for field investigation first. During both FY04 and FY05 this initial investigation resulted in an increase in the number of reports assigned for maltreatment field investigation.

As newly hired investigators gained experience, the Department was able to complete more investigations in a timely manner. In FY04, FY05, and FY06 DHS was able to complete 31 to 37 percent of investigations within 60 days and the percent of investigations taking more than 120 days to complete continued to decrease. (See Figure 6, page 11)

The additional positions funded by the 2005 Legislature (nearly fully staffed October 2006) have enabled DHS to reduce the number of pending investigations, thereby enabling the more timely completion of investigations. While the percent of investigations completed within 60 days has increased and the percent of investigations completed beyond 120 days has decreased, the average length of time to complete an investigation has remained fairly constant at between 7 and 8 months. If able to maintain staffing levels, DHS will be able to continue to improve the timeliness of investigations. DHS continues to be committed to the effective and efficient utilization of resources, the thorough and objective investigation of reports of alleged maltreatment, and timely action to prevent recurrence of maltreatment.

## I. INTRODUCTION AND BACKGROUND

The Department of Human Services (DHS), in partnership with counties, licenses approximately 26,000 service providers and monitors and investigates their compliance with Minnesota laws and rules. The purpose of licensing is to protect the health, safety, rights and well-being of those receiving services by requiring that providers meet minimum standards of care and physical environment. Licensed programs serve thousands of people in child care centers, adolescent group homes, adult day care centers, day training and habilitation programs, and residential and outpatient programs for people with chemical dependency, mental illness or developmental disabilities. The focus of this report is the investigation of maltreatment in DHS directly licensed and monitored programs (approximately 4,000) and adult foster care homes (approximately 4,500) licensed by DHS. Except for maltreatment investigations, adult foster care homes are monitored by counties.

The statutes most relevant to investigating maltreatment are Minnesota Statutes: section 626.557, the Reporting of Maltreatment of Vulnerable Adults Act (VAA); section 626.556, the Reporting of Maltreatment of Minors Act (MOMA); Chapter 245A, the Human Service Licensing Act (HSLA); and Chapter 245C, the Human Services Background Study Act. From 1995 to the present there have been significant changes to both the VAA and the MOMA. Some of these changes made DHS the sole agency responsible for investigating reports of maltreatment in DHS directly licensed programs and in adult foster care homes. All adults served in DHS licensed programs, except for outpatient chemical abuse treatment programs and the two sexual psychopath treatment programs, are categorically “vulnerable adults” under the VAA.

Also since 1995, additional statutory changes increased the complexity of investigations by initiating an appeal process and requiring extensive notifications of decisions made and actions taken. Because statutory background study requirements direct DHS to disqualify people from providing direct contact service when they are found responsible for some types of maltreatment, the changes have also addressed standards for determining who was responsible for maltreatment. Today each investigation must determine:

- what actually happened;
- whether the event met the definition of maltreatment;
- whether an individual or facility was responsible for substantiated maltreatment;
- whether the maltreatment committed by an individual was serious and/or recurring; and
- whether action was necessary to reduce the chance of recurrence of the event to protect the health and safety of vulnerable adults and children.

The complexity of investigations requires an extensive training period for new investigators and limits the number of investigations each investigator can adequately complete. Most investigations include a visit to the program, and as the number of investigations outside the metro area has increased, so has the necessary travel time. Typical investigations require many interviews and the careful review of a variety of documents. Following investigations, investigators are also involved in reviewing appeals and preparing for and testifying at appeal hearings. As a result of these increasing duties, a trained investigator can complete an average of 36 to 40 investigations per year.

## II. CURRENT STATUS AND TRENDS

### A. Reports assessed

The number of reports of suspected maltreatment of vulnerable adults and children received by DHS each year increased from approximately 3,000 in FY98 to 4,048 in FY03 (34 percent increase). In FY04, FY05, and FY06 the number of reports received remained relatively stable (decrease of two percent, from 4,048 to 3,976 in FY04, an increase to 4,143, four percent in FY05, and an increase of one half percent in FY06 to 4,165). In FY07 there was a significant increase to 4,649 (twelve percent). Reporters of maltreatment include county staff members, family members of vulnerable adults and children, staff members of licensed programs, other professionals working with people receiving services, and community persons.

Many reports received do not include adequate information to determine: the harm or risk of harm presented to the vulnerable adult or child by the reported events or conditions; or whether the issue reported represents possible maltreatment or a possible licensing violation. If the initial additional information obtained by telephone indicates harm or high risk of harm to the vulnerable adults or children affected, and it appears at that point to meet a definition of maltreatment in statute, then the report is assigned for field investigation. If the additional information indicates a possible licensing violation, the investigation may be completed by telephone. For seemingly higher risk or systemic licensing issues, the report may be assigned for a licensing field investigation. Each report involving the death of a vulnerable adult or child is immediately assigned for initial investigation.

The numbers of assigned and completed investigations in this report refers only to reports assigned for maltreatment field investigation and reports involving the death of a vulnerable adult or child. An investigation is only completed when the investigation memorandum required in statute is written, and all required notices of the findings have been issued. (This report does not address the resolution of reports assigned for investigation of alleged licensing violations.)

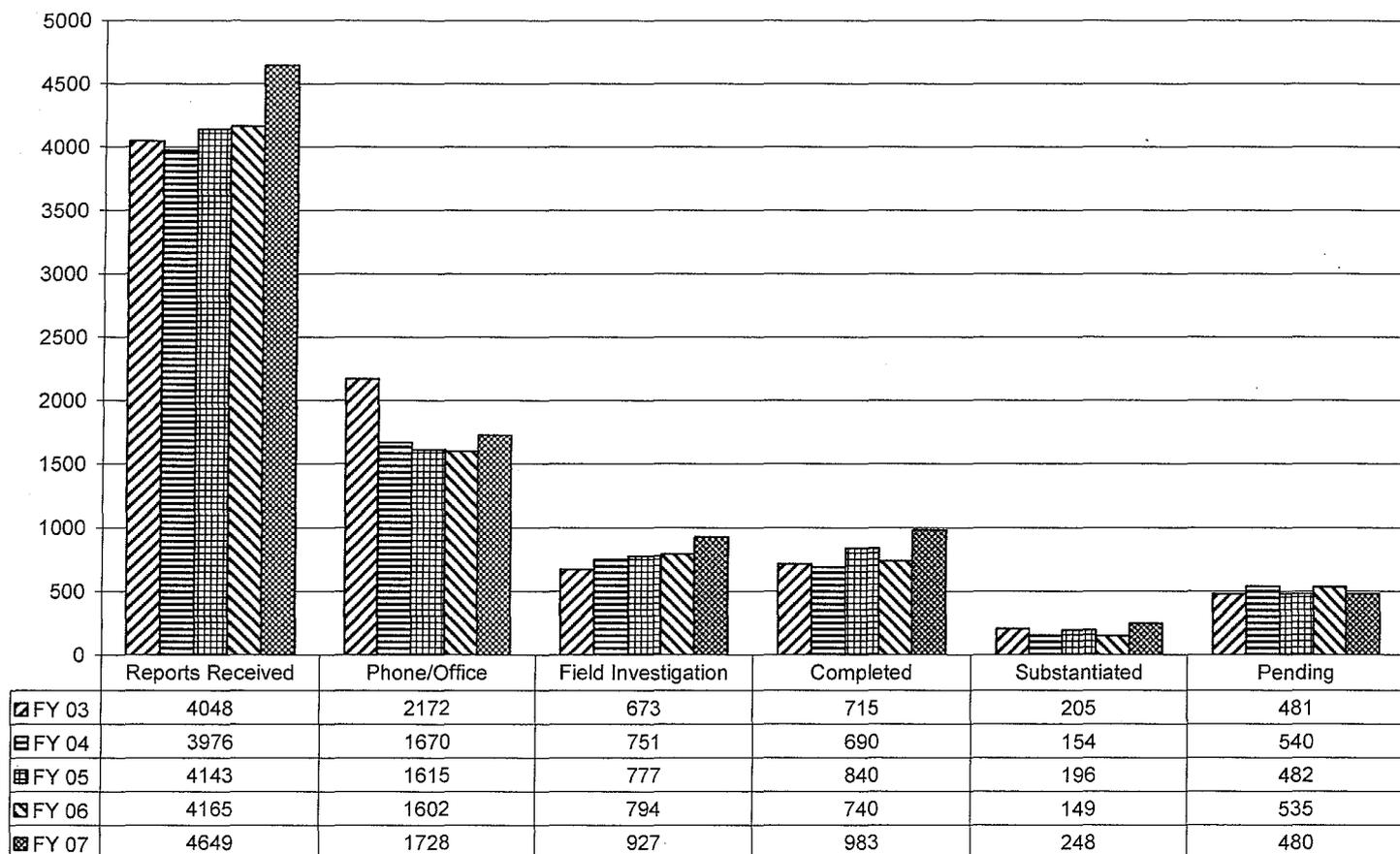
Following are trends identified in the data:

See **Figure 1** for an overview of reports received, reports receiving office or field investigations, reports substantiated, and reports pending.

- The number of reports receiving a **telephone or office investigation** increased from 1,449 in FY02 to 2,172 in FY03 (33 percent increase). During FY04 there was a decrease of 24 percent in the number of reports receiving telephone or office investigations, from 2,172 to 1,670, and then the number remained **relatively stable** at 1,615 in FY05 and 1,602 in FY06. In FY07 there was an 8 percent increase to 1728.

- The number of reports **assigned** for maltreatment field investigations was generally unchanged in FY99, FY00, and FY01, at approximately 650 per year, and then increased in FY02 to 695. In FY03 there was a slight decrease in the number of reports assigned for maltreatment field investigation from 695 to 673. In FY04 reports assigned for maltreatment field investigation increased from 673 to 751, or 11 percent. In FY05 and FY06 there were **slight increases** (3.5 percent, and .5 percent respectively) to 777 and then 794 reports assigned for maltreatment field investigation or investigation of a vulnerable adult or child's death. Then in FY07 there was an increase of 17 percent to 927 reports assigned.
- The number of investigations **completed** per year for FY98 through FY03 averaged 613. FY02 had the lowest number of investigations completed (425) due primarily to staffing shortages. The staffing issues included staff turnover, a hiring freeze that resulted in unfilled positions, a strike by MAPE employees, and redirection of some staff resources to train new investigators. The FY03 increase to 715 investigations completed represented an increase of 20 percent over the average number of investigations completed in the preceding 6 years. In FY04 there were 690 investigations of a vulnerable adult or child's death or maltreatment field investigations completed. The decrease of 25 investigations completed (four percent) was the result of staff turnover and increased travel time. In FY05 840 investigations of a vulnerable adult or child's death or maltreatment field investigations were completed, which represented an **increase** of 21 percent. In FY06 740 investigations were completed which represented a **decrease** of almost 12 percent. The decrease was due to staff turnover which delayed the filling of newly funded positions. However, with nearly all positions filled in FY07 there was an **increase** of 33% in the number of investigations completed.

Figure 1 Maltreatment and Abuse Reports and Investigations by Fiscal Years



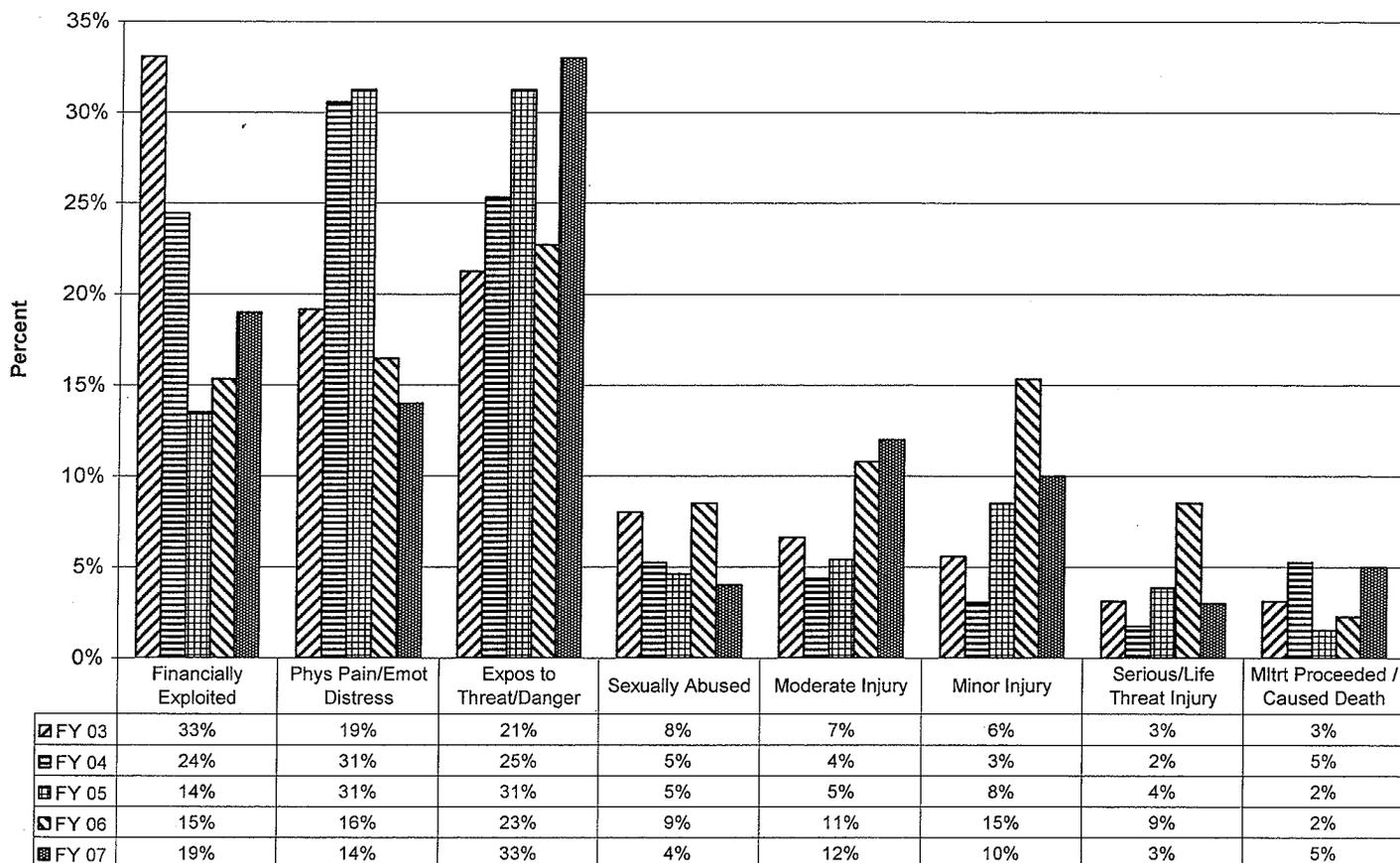
**B. Effect of Alleged Maltreatment on the Victim**

The Department tracks the effect of alleged maltreatment on the vulnerable adult or child victim by using the statutory definitions of maltreatment. Each report may include more than one allegation. There was an average of 1.35 allegations per investigation in FY07. This means that there can be more than one effect on the vulnerable adult or child victim per each report assigned for field investigation. For example, it may be alleged that a vulnerable adult was both financially exploited and physically abused.

Figure 2 shows the effect of maltreatment on the vulnerable adult or child victim in investigations completed and substantiated in FY01 through FY07. The comparison is given as a percent and compared with the total allegations substantiated. From FY02 through FY07 completed and substantiated allegations demonstrate variation in the impact on the vulnerable adult or child victim and there are not clear trends in the numbers.

As the number of pending investigations is reduced so that investigations are completed more timely it is likely that new trends may emerge.

Figure 2 Maltreatment Substantiated (Percent) by Effect on Victim by Fiscal Years

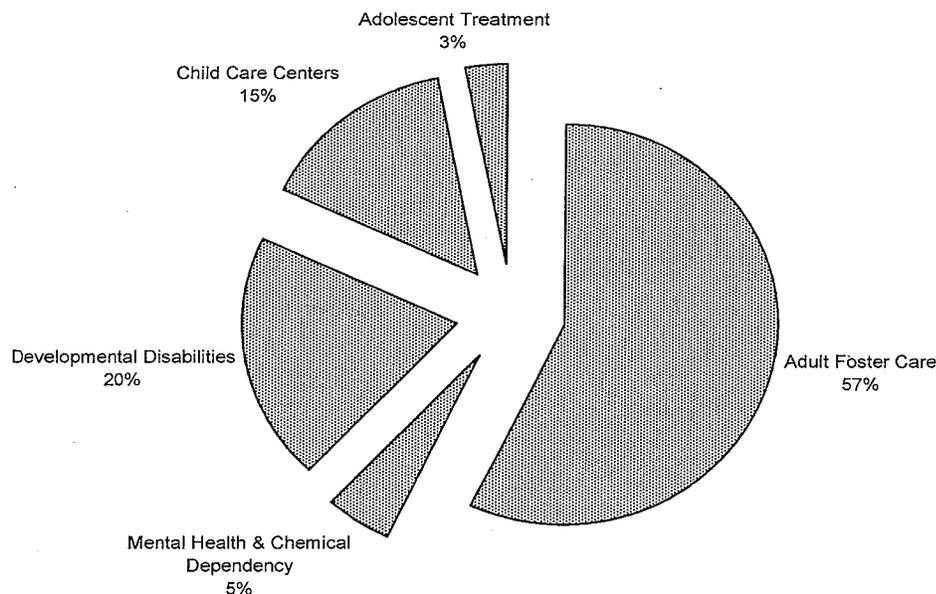


**C. Type of program/vulnerability of victim**

The data shows:

- Each year from FY02 through FY05 the percentage of reports assigned for field investigation involving a vulnerable adult (as apposed to those involving a child) has increased. In FY02 approximately 66 percent of assigned reports involved a vulnerable adult and 34 percent involved a child. In FY05, FY06, and FY07 approximately 82 percent of reports assigned for field investigation involved a vulnerable adult and 18 percent involved a child.
- **Figure 3** below shows that in FY07 the number of reports assigned for field investigation was: child care centers - 15 percent; programs serving persons with developmental disabilities - 20 percent; adult foster care homes - 57 percent; programs serving persons with mental illness and chemical dependency five percent; and adolescent treatment programs - three percent. These numbers are very similar to FY05 and FY06 with child care centers going up one percent per year and adolescent treatment centers going down one percent per year.

Figure 3 Type of Programs Where Victim of Reports Assigned for Investigation Received Services (FY 07)



### III. RESOLUTION OF INVESTIGATIONS

**Determinations:** Under the maltreatment reporting and investigations statutes and under the licensing statutes, various types of resolutions are possible at different stages of the investigation. These include an initial determination, a determination of whether maltreatment occurred, and a determination as to whether action is necessary to decrease the risk of recurrence of maltreatment.

#### A. Initial Determinations

The initial resolution of investigations includes one of the following five determinations:

- no jurisdiction because the event did not occur in a DHS licensed program;
- further investigation is not necessary because the event does not meet a statutory definition of maltreatment and does not represent a possible licensing violation;
- low risk because the vulnerable adult or child was not physically injured and risk of injury was low, often because the facility took action to reduce the risk of recurrence;
- the report is assigned for licensing field investigation; or
- the report is assigned for maltreatment field investigation.

Due to the potential seriousness of reports involving the death of a child or vulnerable adult if maltreatment or licensing violations preceded or caused a death, all reports involving a death have received at least a telephone investigation since FY99. Since the beginning of FY04 these reports have each been immediately assigned to a senior investigator for in-office investigation and are counted with the reports assigned for maltreatment field investigation.

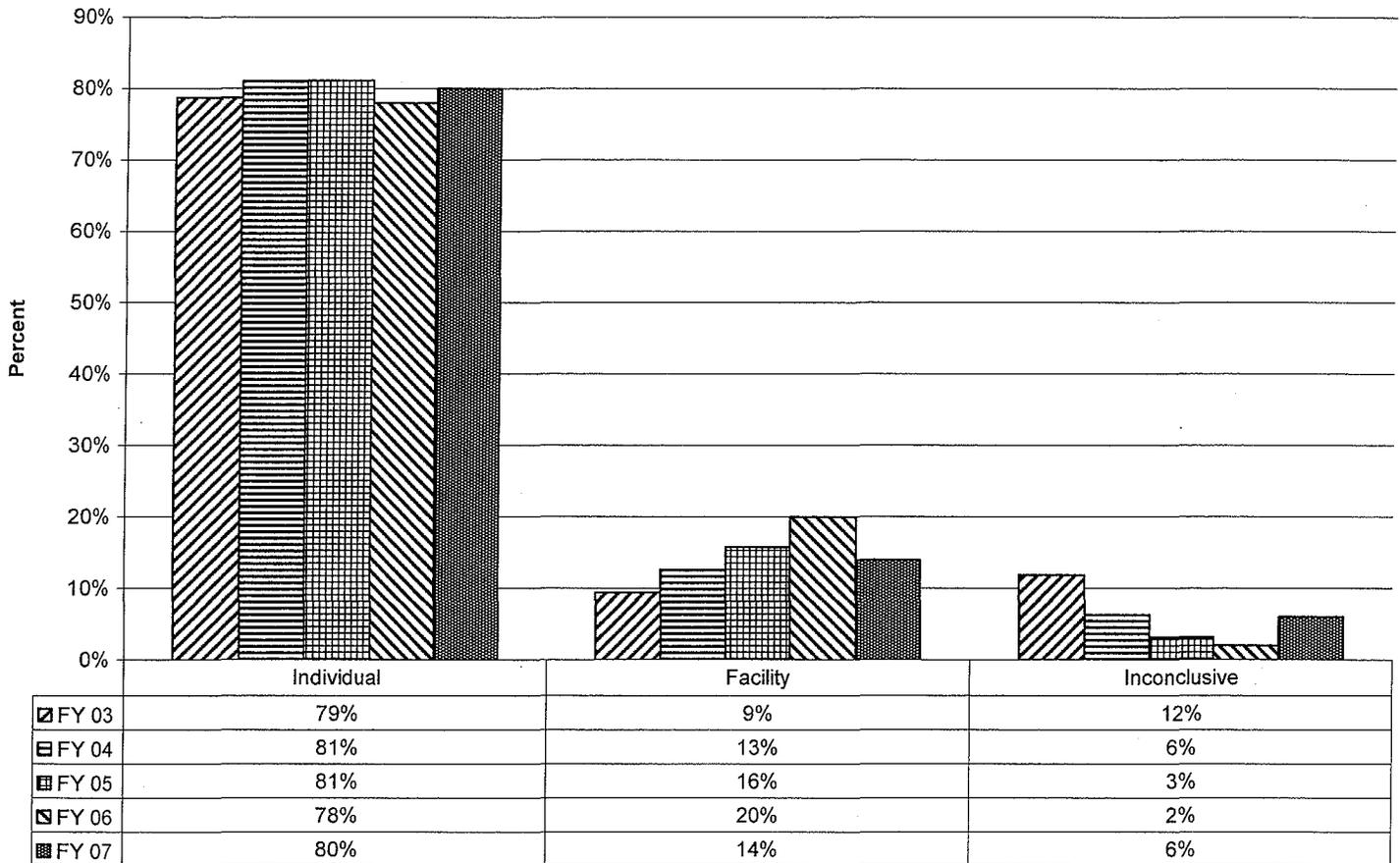
**B. Did Maltreatment Occur**

As stated earlier, each report assigned for field investigation will result in a determination of whether or not maltreatment occurred. If maltreatment occurred there is a determination of whether an individual(s) or facility was responsible for the maltreatment, whether the maltreatment was serious and/or recurring, and whether any action was necessary to reduce the risk of recurrence. The determinations of whether or not maltreatment of children occurred include: "maltreatment determined" or "maltreatment not determined." Determinations for vulnerable adult maltreatment include: "substantiated," "inconclusive," "false," or "no determination will be made."

A review of **substantiated reports and allegations** shows the following:

- The average percent of assigned reports that were substantiated between FY00 through FY03 was 24.25. FY04 through FY06 the average percent of substantiated reports decreased slightly to 21.5. In FY07 the percent of reports substantiated was 25 percent.
- A review of data for FY01 through FY07 shows that the percent of substantiated investigations that determined an individual was responsible for maltreatment increased significantly between FY01 and FY02 (from 66 percent to 82 percent) and has remained fairly stable, ranging from 78 percent to 81 percent. The number of investigations that determined a facility was responsible for maltreatment increased gradually over 5 years to 20 percent in FY06 and then decreased to 14 percent in FY07. The number of reports where responsibility was inconclusive declined, to a low of two percent in FY06, and then increased to 6 percent in FY07.

Figure 4 Responsibility for Substantiated Maltreatment

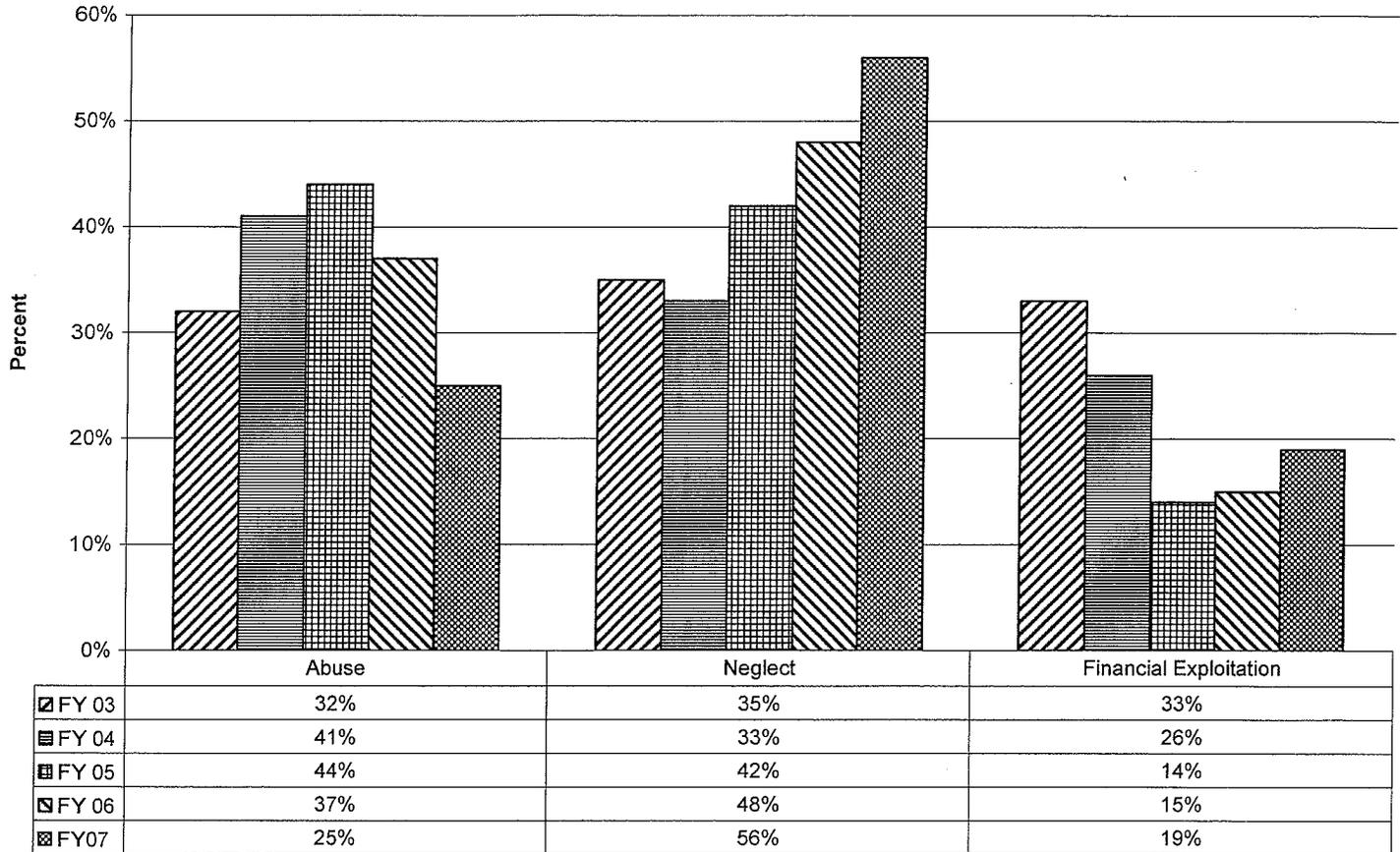


- **Figure 5** shows that over the past six fiscal years the percent of investigations that substantiated:

  - abuse increased in FY04 and FY05 to a high of 44 percent, then decreased to 25 percent in FY07
  - neglect increased six percent in FY06 and eight percent in FY07 to 56 percent; and
  - financial exploitation decreased each year from FY00 through FY06 and then increased in FY07 to 19 percent.

Of FY07 substantiated maltreatment, abuse comprised 25 percent of the total allegations, while neglect allegations were 56 percent, and financial exploitation allegations were 19 percent of the total cases. It is likely that the increase in investigations that substantiated financial exploitation of vulnerable adults was due to the completion of older pending reports. This is due to the need to complete reports with more immediate harm or risk of harm to the vulnerable adult first.

Figure 5 VAA and MOMA Allegations Completed and Substantiated by Percent



**C. Was Action Necessary to Decrease the Risk of Recurrence?**

The focus of this section is on the resolution of reports assigned for further investigation where DHS determined that maltreatment occurred, and investigations where there was a determination that some type of action was necessary to reduce the risk of recurrence. Possible actions taken by DHS to reduce the risk of recurrence of maltreatment are authorized under Minnesota Statutes, chapter 245A and 245C and include: disqualification of an individual from the provision of direct care to persons served in programs licensed by DHS, the Department of Health, the Department of Corrections, and Personal Care Provider Organizations; issuance of a citation(s) ordering a facility to correct a licensing violation; or issuance of a negative licensing action (fine, conditional license, suspension or revocation of license). The following **actions** have been **taken by DHS** following maltreatment investigations:

**Disqualifications:**

From FY00 through FY04 investigations resulted in an average of 53 individuals per year being determined responsible for serious and/or recurring maltreatment and disqualified from direct contact with persons served by licensed programs at the conclusion of the investigation. Approximately nine percent of field investigations completed resulted in the disqualification of an individual. In FY05, 66 individuals were disqualified;

approximately eight percent of field investigations completed resulted in the disqualification of an individual. In FY06, 51 individuals were disqualified, or seven percent, which is similar to the previous year. There were 123 persons disqualified during FY07 as more of the pending investigations were completed; 12.5 percent of investigations completed resulted in the disqualification of an individual.

### **Licensing actions**

Correction orders and citations:

The following citations for rule violations were issued following maltreatment investigations

- FY03 there were 140 citations issued
- FY04 there were 83 citations issued
- FY05 there were 72 citations issued
- FY06 there were 71 citations issued
- FY07 there were 104 citations issued

Negative actions:

- In FY03 there were 17 negative licensing actions taken following maltreatment investigations.
- In FY04 there were 29 licensing actions, including fines, taken immediately following maltreatment investigations. There were also approximately 16 additional actions taken on adult foster care licenses after appeals of the maltreatment finding.
- In FY05 there were 49 negative licensing actions taken following maltreatment investigations.
- In FY06 there were 41 negative licensing actions taken following maltreatment investigations. Although the total number of negative actions decreased during FY06 the percentage of completed investigations resulting in negative actions remained approximately the same (five percent).
- In FY07 there were 56 negative licensing actions taken following maltreatment investigations (again, five percent of completed investigations resulted in negative licensing action).

Investigations result in similar percentages of negative licensing actions and disqualifications of individuals. It is not clear why the percentage of reports that resulted in correction orders increased during FY06.

### **D. Appeals**

Every decision regarding maltreatment and every decision regarding consequences for maltreatment made by DHS following completion of an investigation is subject to review and appeal. A vulnerable adult, a vulnerable adult or child's designee, a substantiated individual perpetrator, or a substantiated facility may ask for reconsideration of the investigation's determination of whether maltreatment occurred. The Division of Licensing responds to each request for reconsideration received. If, after this administrative reconsideration, DHS does not change the finding, the substantiated perpetrator may request an administrative hearing. This administrative hearing is available to substantiated perpetrators only, whether they are individuals or facilities. The victim, victim's designees, or a child's parent or guardian may request review by a

maltreatment review panel. The maltreatment review panel may make recommendations to the investigation agency. Minnesota Statutes 245A.08 was changed during the 2005 session to allow a hearing without reconsideration by DHS when both a maltreatment finding and a licensing action are appealed.

**COMPLETED RECONSIDERATION AND APPEALS  
OF MALTREATMENT DETERMINATIONS**

Fiscal Year	Reports Completed	Findings	Reconsiderations		Appeal Hearings	
			Total Completed	Maltreatment Reversed	Total Completed	Maltreatment Reversed
1998	635	N/A	68	2	8	2
1999	631	1033	54	2	22	9
2000	602	1122	48	4	13	5
2001	671	1226	67	3	7	1
2002	425	692	54	1	6	2
<b>5 Yr Total</b>	<b>2964</b>	<b>4073</b>	<b>291</b>	<b>12</b>	<b>56</b>	<b>19</b>
2003	715	1010	62	2	11	5
2004	690	748	46	0	16	6
2005	840	975	25	2	21	5
2006	740	888	65	0	9	2
2007	983	1474	37	1	9	4

The increase in funding provided during the last session has allowed DHS to respond more quickly to the requests for reconsideration.

During FY05 and FY06 approximately 23 percent of hearings resulted in a changed finding. In FY07 44 percent of hearings resulted in a changed determination; four of 248 reports substantiated resulted in a changed finding (one and one half percent). (Note: In FY07 there were also 18 hearings requested and then withdrawn and 1 requested and dismissed.)

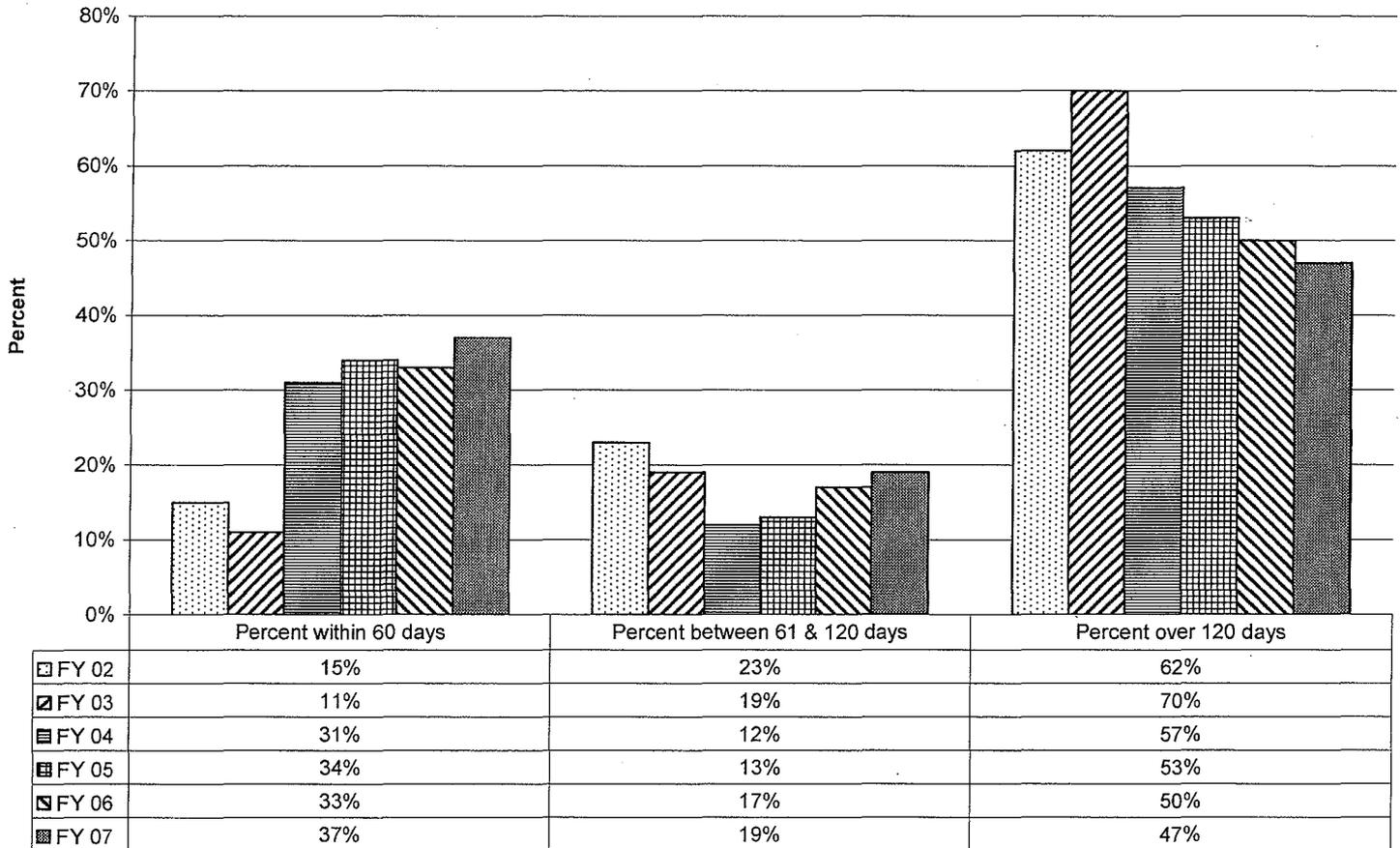
**IV. WHETHER AND WHERE BACKLOGS OF CASES RESULT IN A FAILURE TO CONFORM WITH STATUTORY TIME FRAMES**

DHS continues to meet statutory timelines in assessing reports of alleged maltreatment within 24 hours, determining an initial disposition within five days, and providing notification of the initial disposition to reporters of alleged maltreatment within five days.

Although the VAA has required that investigations be completed within 60 days since 1995, DHS has not been able to meet this timeline for all investigations. In FY02 through FY07 investigations were completed within the following timelines:

[See **Figure 6** on the following page]

Figure 6 Maltreatment Investigations - Percent Completed within Various Timelines



In FY04 and FY05 the average time to complete investigations decreased by approximately one month each year. FY03 was slightly over ten months; FY04 approximately nine months; FY05 – FY07 approximately eight months. As the chart above demonstrates, the percent of investigations completed within 60 days increased significantly in FY02 and FY03, and remained relatively consistent for FY 04, FY05, and FY06 at 31 to 34 percent and then increased to 37 percent in FY07. The percent completed in more than 120 days has decreased each year since FY03 as the percentage completed between 61 and 120 days increased. It continues to be a struggle to balance completion of the oldest investigations with the completion of current investigations. However, if current staffing levels are maintained it is likely that in FY09 there would be no old pending reports so the timeliness would improve.

The total number of pending investigations increased each year since FY98 except FY03 and FY05. FY03 had a high number of completed reports which resulted in a reduction in the pending reports by 39 reports. In FY04 the number pending increased by 59 to 540. In FY05 the number of pending returned to 482. Although resources were increased in FY02, the increase in resources was not adequate to respond to the previously mentioned staff turnover, high number of reports received and assigned, a strike, hiring freezes, and the number of already pending investigations. Although the number of pending investigations increased almost 10 percent, to 535, at the end of FY06, by the end of FY07 the number of pending investigations

decreased to 480, a decrease of ten percent. Assuming minimal increase in the number of reports received and assigned, minimal staff turnover, and maintenance of current staffing levels the increase in funding received in FY05 will provide for the gradual completion of the pending investigations. Once the pending investigations are completed, most by the end of FY08, DHS will likely be able to meet statutory timeframes for many investigations.

## **VI. WHERE ADEQUATE COVERAGE REQUIRES ADDITIONAL APPROPRIATIONS AND STAFFING**

DHS Division of Licensing completed significant work to maximize the utilization of the increased resources received in FY02. This work included the centralization of report intake functions, restructuring of duties within the division, and the hiring of additional investigators. This centralized intake unit now receives, processes, assesses, and assigns all reports of alleged maltreatment, reports of deaths of consumers, and reports of licensing violations received by DHS. Additional computer system modifications and other technological solutions to enhance and standardize data collection for managing workflow and for performance reporting continue to be developed and refined.

Each report received is prioritized for investigation, according to standardized criteria, based on the potential risk of harm to vulnerable adults or children, and the reports with the greatest harm and/or highest risk of harm are assigned for field investigation first. During FY04, FY05, and FY06 this careful initial investigation resulted in:

- an increase in the number of reports assigned for maltreatment field investigation;
- a decrease in the number of non-maltreatment phone investigations; and
- an increase in the number of completed field investigations of allegations of abuse and neglect, and a decrease in the number of completed investigations of financial exploitation.

The Governor's budget recommendation for FY05 included funding for six investigators. A seventh position was also in the budget to respond to increased investigation duties resulting from new regulations for all residential services for children in out-of-home placement. Some of the county responsibility for investigation of alleged maltreatment in facilities licensed by the Department of Corrections transferred to DHS, Division of Licensing in FY05. The additional positions were not all filled until October 2006, but have since begun to increase the number of investigations completed and will enable DHS to reduce the number of pending investigations and enable more timely completion of investigations. With the increased positions, the investigation caseload will be reduced from 50 to 36 per year. As stated above, the complexity of investigations is ever increasing, and duties include defending decisions under appeal. DHS will be able to gradually increase the number of reports assigned for field investigation. In addition, with the re-classification of the investigator position the compensation is closer to the compensation of other investigator positions and has decreased turnover in the position.

DHS and the Division of Licensing remain committed to the effective and efficient utilization of resources, the thorough and objective investigation of reports of alleged maltreatment, and timely action to prevent recurrence of maltreatment.