

# RESPONSE FROM ARIZONA DEPARTMENT OF ECONOMIC SECURITY



DEPARTMENT OF ECONOMIC SECURITY  
*Your Partner For A Stronger Arizona*

Katie Hobbs  
Governor

Vacant  
Director

September 27, 2023

Mr. Craig LeCroy  
LeCroy & Milligan Associates  
2002 North Forbes Boulevard, Suite 108  
Tucson, Arizona 85745

Dear Mr. LeCroy:

On behalf of the Arizona Department of Economic Security (ADES/Department), I am pleased to respond to the report *Examining the Delivery of Services to Vulnerable Adults in the Arizona Adult Protective Services System* completed by LeCroy & Milligan Associates, Inc. (LMA) on behalf of the Arizona Office of the Auditor General (OAG) and to take this opportunity to highlight the following key points.

While the report primarily addresses a state-wide system of protections and supports for vulnerable adults in Arizona, it does not provide a clear definition of the Adult Protective Services System, and who is included. This system is broad and spans both public and nonprofit entities, each with its own specific role and set of responsibilities.

ADES' Adult Protective Services (APS) is responsible for investigating allegations of abuse, neglect, and exploitation of vulnerable adults, placing perpetrators on the APS Registry and referring clients to stabilizing services. APS has implemented numerous initiatives and improvements in many of the areas discussed in this report that have strengthened both the investigative process and the client experience. Recognizing the myriad of services and entities necessary to protect vulnerable adults, APS looks forward to working with system partners in the recommended working group. ADES further welcomes additional direction from the Governor and the Legislature as Arizona establishes a strategic direction and related accountability mechanisms for its adult protective services system.

In September 2023, the Administration for Community Living (ACL) within the U.S. Department of Health and Human Services (HHS) issued Notice of Proposed Rulemaking (NPRM) on Adult Protective Services Functions and Grant Programs. The implementation of these standards, which are largely informed by the 2020 Voluntary Consensus Guidelines for State Adult Protective Services, will drive APS' strategic direction and, in doing so, play a critical role in the system's direction. This proposed rulemaking provides considerable detail on required and recommended APS practices.

Understanding that data sharing among collaborating entities can be beneficial for both clients and systems, each of the system entities have specific responsibilities around the protection of client information. To this end, data sharing efforts will need to be carefully understood and considered by the working group in order to make informed recommendations.

We appreciate the Legislature calling for this examination of the system of protections for adults in Arizona. We also thank LMA and the OAG for your efforts to conduct this examination and for your professionalism in seeking our feedback on the written report.

Sincerely,

A handwritten signature in cursive script that reads "Angie B. Rodgers".

Angie Rodgers  
Executive Deputy Director  
Cabinet Executive Officer

Enclosure

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**Chapter Two: Strategic Direction**

**Recommendation 1: Establish a working group—** ADES should work with the Governor, President of the Arizona Senate, and Speaker of the Arizona House of Representatives to establish and appoint members to a working group to develop a strategic direction for Arizona's Adult Protective Services system. Specifically, to ensure working group membership adequately represents various system stakeholders, the Governor, President of the Arizona Senate, Speaker of the Arizona House of Representatives, and ADES should consider appointing 5 members each, for a total of 20 members, or appointing an alternate number of members with each appointing an equal number. When appointing working group members, the Governor's Office, President of the Arizona Senate, Speaker of the Arizona House of Representatives, and ADES could consider a wide range of stakeholders, such as representatives from AHCCCS, ADHS, and the Attorney General's Office; public fiduciaries; representatives from local law enforcement; vulnerable adult advocates; Tribal representatives; legislative members; and members from the Arizona House of Representatives' Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: ADES looks forward to working with the Governor, President of the Arizona Senate, and the Speaker of the House of Representatives to establish a working group responsible for developing a strategic direction for Arizona's system of protections of vulnerable adults.

**Recommendation 2: Develop report identifying roles/responsibilities and other needs—** ADES in conjunction with the working group should develop a report that identifies the working group's roles and responsibilities and identifies any authority, resources, legislation, or other action needed to ensure the working group's ongoing success in identifying and implementing the strategic direction for Arizona's adult protective services system. ADES should submit the report to the Governor, President of the Arizona Senate, Speaker of the Arizona House of Representatives, Senate and House Health and Human Services committees, Joint Legislative Budget Committee, and Arizona House of Representatives' Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults by November 1, 2024.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: Once a working group is established, ADES is committed to partnering with other members to develop a report identifying roles and responsibilities of work group members as well as any authority, resources, legislation, or other action needed to ensure the group's ongoing success. The timeliness of this report will ultimately depend on when the working group is established.

**Recommendation 3: Develop a strategic direction—**Once the roles and responsibilities and any needed authority, resources, legislation, or other action has been provided and/or approved, DES in conjunction with the working group should develop a strategic direction for Arizona's adult protective services system that will help ensure the safety of vulnerable adults and establishes protocols for services during and after an investigation. This should include: Evaluating how Arizona's adult protective services system can target systems beyond just the individual victim to help alleviate mistreatment risk; Determining whether a specific state agency should be assigned the responsibility of case management services to help ensure that vulnerable adults receive the services they have been referred to after a ADES APS investigation; Establishing processes, in conjunction with recommendations in Chapter Three, for measuring and reporting on vulnerable adult level outcomes, including key outcomes that will help demonstrate whether Arizona's processes are reducing maltreatment, vulnerable adult-centered, and provide services both during

and after an investigation; Considering practices from other states, including those outlined in this report; Addressing gaps outlined in this report; and Reviewing and considering whether to continue and or build upon efforts outlined in other plans, such as Report of the Abuse & Neglect Prevention Task Force (2019), Implementation and Impact of Arizona's Abuse & Neglect Prevention Task Force Recommendations (May 2022), Arizona State Plan on Aging 2023-2026 (2023), Adult Protective Services Action Plan (March 2020), ADES APS Year in Review Reports (SFYs 2020, 2021 and 2022), and ADES Annual Report (SFY 2022).

Department response: The chapter conclusion is agreed to, and a different method of dealing with the audit recommendation will be implemented.

Response explanation: ADES is committed to participating in the working group in order to ensure the safety of vulnerable adults. However, the working group, with direction from the Governor and Legislature, should set the working group's direction and priorities. ADES APS' strategic direction and perspective within this working group will also be largely determined by the federal standards currently being established by ACL.

**Recommendation 4: Develop action plan for implementing strategic direction—**Once the strategic direction is established, ADES in conjunction with the working group should complete the following task: Develop an action plan for implementing Arizona's strategic direction, including identifying ADES and other state agency responsibilities, policies, protocols, practices, and/or statutory changes that are needed, and critical resources and commitments that must be in place for ensuring Arizona's strategic direction can be met. The action plan should include specific tasks with estimated completion dates along with assigned responsibilities and a process to regularly review progress and modify the plan as needed.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: ADES looks forward to participating in the working group to develop an action plan for implementing the Adult Protective Services system strategic direction.

### Chapter Three: Accountability Mechanisms

**Recommendation 1: Identify accountability mechanisms—** ADES in conjunction with the working group identified in Chapter Two, Recommendation #1, should identify accountability mechanisms that could be implemented for Arizona's adult protective services system, such as independent oversight and quality assurance processes.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: ADES agrees that accountability mechanisms for the system of protections for vulnerable adults can be established to further build upon successful APS initiatives. Successful APS initiatives include, but are not limited to, the following:

- APS has extensive quality assurance mechanisms already in place around its investigatory protocols, including ongoing quality assurance review of open investigations, real time data dashboards to identify trends and issues that need attention, and a standalone case review unit that reviews and closes all cases that are not going through the substantiation process. This case closure process was recently recognized at the National Adult Protective Services Association conference as an innovative practice that should be replicated in other states.

- The *Adult Protective Services Functions and Grant Programs* rulemaking will provide federal oversight of APS. The proposed rules specifically state that within APS, “services” includes receiving reports of abuse, neglect, and exploitation, investigating these reports, case planning, monitoring, evaluation, and other casework, and providing, arranging for, or facilitating the provision of services. ADES/APS data is currently set up to track and measure service outcomes as described in the NPRM.
- APS maintains a publically available data dashboard that includes information on allegations, caseloads, demographics, etc. This dashboard provides for transparency and accountability around APS investigations.
- Consistent with best practice, APS conducts client satisfaction surveys to capture the client’s experience and drive improvements within the program.

ADES looks forward to partnering with the working group to identify accountability mechanisms for the system of protections for vulnerable adults.

**Recommendation 2: Identify and develop common, system-wide outcomes—** ADES in conjunction with the working group identified in Chapter Two, Recommendation #1, should identify and develop a set of common, system-wide outcomes that can be used to assess the effectiveness of Arizona’s strategic direction, including identifying which entities will collect outcome data and how they will do so, and developing a quality assurance process for ensuring the outcome data is complete and accurate. The outcomes should include (1) reduced elder and vulnerable adult mistreatment; (2) reduced recurrence of victimization and or self-neglect; (3) service plans that are vulnerable adult-centered; and (4) vulnerable adult engagement with services during and after an investigation that alleviate mistreatment.

Department response: The chapter conclusion is agreed to and a different method of dealing with the audit recommendation will be implemented.

Response explanation: ADES looks forward to collaborating with the working group to develop system-wide outcomes for the protection of vulnerable adults that can be used to assess the effectiveness of the system’s strategic direction. Although ADES agrees that the working group should review and consider the outcomes recommended in the report, ultimately the working group should determine what specific outcome data is necessary to support Arizona’s strategic direction.

**Recommendation 3: Identify system-wide performance reporting process and develop report identifying roles/responsibilities and other needs—** ADES in conjunction with the working group identified in Chapter Two, Recommendation 1, should identify a system-wide performance reporting process that could compile performance and outcome information on an annual basis to assess the effectiveness of Arizona’s strategic direction. In designing the performance reporting process, the working group should resolve the data issues identified in this report, including, limitations of a lack of data on service provision; lack of unique identifiers, absence of outcome reporting between agencies, concerns with confidentiality; and lack of case management processes that may be a barrier to sharing vulnerable adult level information and reporting on aggregate outcomes for vulnerable adults. ADES in conjunction with the working group should develop a report that identifies the authority, roles and responsibilities, and resources needed to design and implement the system-wide reporting process. ADES should submit the report to the Governor, President of the Arizona Senate, Speaker of the Arizona House of Representatives, Senate and House

Health and Human Services committees, Joint Legislative Budget Committee, and Arizona House of Representatives' Ad Hoc Committee on Abuse and Neglect of Vulnerable Adults.

Department response: The chapter conclusion is agreed to and a different method of dealing with the audit recommendation will be implemented.

Response explanation: Although ADES agrees that the working group should review and consider the data issues raised in the report, ultimately the working group should design the performance reporting process. In considering system-wide outcome data, the working group will have to carefully consider confidentiality limitations around the use of Personally Identifiable Information (PII). Each entity in the system has unique requirements and restrictions around the use of its data. The working group will be best positioned to identify meaningful performance reporting processes that speak to the effectiveness of the entire adult protective services system while balancing important considerations, such as the confidentiality of information.

However, once a working group is established, DES is committed to partnering with other members to develop a report identifying roles and responsibilities of work group members as well as any authority, resources, legislation, or other action needed to ensure the group's ongoing success. The timeliness of this report will ultimately depend on when the working group is established.

**Recommendation 4: Implement system-wide performance reporting process**—Once the roles and responsibilities and any needed authority, resources, legislation, or other action has been provided and/or approved, ADES in conjunction with the working group should take the necessary steps to implement a system wide performance reporting process that compiles performance and outcome information on an annual basis to assess the effectiveness of Arizona's strategic direction.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: Once a working group is established, ADES is committed to partnering with other members to develop a report identifying roles and responsibilities of work group members as well as any authority, resources, legislation, or other action needed to ensure the group's ongoing success. The timeliness of this report will ultimately depend on when the working group is established.

#### Chapter Four: Community Engagement

**Recommendation 1: Incorporate community engagement into strategic direction**— ADES in conjunction with the working group identified in Chapter Two, Recommendation 1, should incorporate community engagement into the strategic direction for Arizona's adult protective services system identified in Chapter Two, Recommendation #3.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: ADES is proud of its ongoing community engagement work. In 2023, APS worked with stakeholders across the system to launch SpeakUpAZ!, a state-wide campaign to raise awareness of the abuse, neglect, and exploitation of vulnerable adults. Through collaboration with the working group, DES hopes to build on its recent successes.

**Recommendation 2: Continue community engagement efforts—** ADES APS should continue community engagement efforts and ensure educational materials at a minimum include the information recommended by the ACL 2020 Voluntary Consensus Guidelines for state APS systems.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: As described in the report, APS' current and ongoing community engagement activities currently align with the ACL 2020 Voluntary Consensus Guidelines for state APS Systems. APS plans to continue this work and will work with partners in the working group to ensure best practices inform all community outreach activities.

**Recommendation 3: Continue satisfaction survey—** ADES APS should continue its vulnerable adult satisfaction survey; expand it to include other case participants; offer a Spanish language option; continue to use feedback from the survey to improve its processes for vulnerable adults; and consider incorporating survey responses into performance reports.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: As described in the report, ADES plans to continue conducting monthly client satisfaction surveys in English and Spanish. Themes from these surveys are used to inform and improve APS practices.

**Recommendation 4: Continue to partner with key agencies—** ADES APS, AHCCCS, and ADHS should continue to find ways to partner in community engagement activities, such as Speak Up AZ!, to educate the public on recognizing and reporting signs of abuse, neglect, and exploitation of adults.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: ADES is proud of its ongoing community engagement work. In 2023, APS worked with stakeholders across the system to launch SpeakUpAZ!, a state-wide campaign to raise awareness of the abuse, neglect, and exploitation of vulnerable adults. Through collaboration with the working group, DES hopes to build on its recent successes.

**Recommendation 5: Obtain input from vulnerable adults—** ADES in conjunction with the working group identified in Chapter Two, Recommendation 1, should involve vulnerable adults and their families in the development of the strategic direction for Arizona's adult protective services system.

Department response: The chapter conclusion is agreed to and the audit recommendation will be implemented.

Response explanation: Through participation with the working group, ADES will engage vulnerable adults, their families, and supporting organizations to identify opportunities for system improvement.