WV Aged and Disabled Waiver (ADW)
State Plan Personal Care Services Program

Quarterly Provider Meeting

Arlene Hudson, Director of Medicaid Operations, BoSS

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Summersville, West Virginia

Agenda

- Welcome
- Abuse in Later Life
- ADW Application Update
- Personal Care Policy Manual Update
- EVV Update
- Conflict Free Case Management Update
- Questions and Answers

Abuse in Later Life



Training Goals

As a result of this training, participants will be able to:

- Describe the dynamics of abuse in later life.
- Identify and utilize resources in the community.

Three Keys

- Focus on victim safety.
- Be aware of and avoid assumptions.
- Recognize abuse tactics.

Objectives

As a result of this training, participants will be able to:

- Describe the dynamics of abuse in later life.
- Analyze abuser tactics and how our perspectives can shape the way a situation is viewed and influence the remedies that are offered.
- Discuss how life experience and societal influences impact working with older survivors of abuse.
- Identify strategies to meet victims where they are.
- Create a safety plan with older victims.
- Describe existing services and strategies to work effectively with other stakeholders.

Elder Abuse

- Physical abuse
- Sexual abuse
- Emotional abuse
- Financial Exploitation
- Neglect

Abuse in Later Life

- **Age:** 50+
- **Gender:** Female and male
- **Relationship:** Ongoing with expectation of trust
- **Forms:** Physical, emotional and sexual abuse, neglect, financial exploitation and abandonment

Target Population: Not Included in this Training

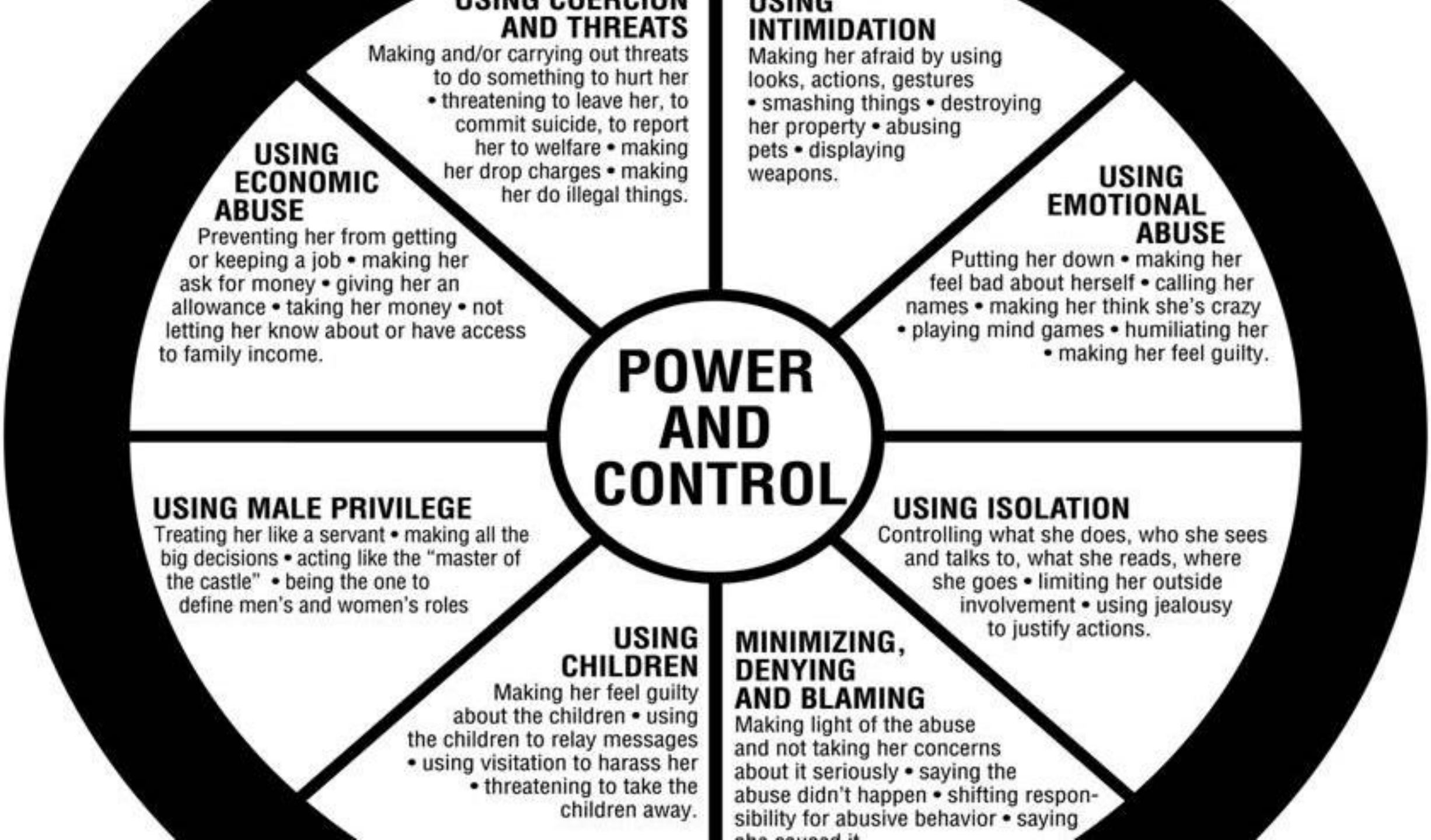
- Self-neglect
- Victims of abuse age 18 – 49
- Crimes by strangers

How Are Older People Injured?

- Unintentional injuries
- Well-intended caregivers
- By persons who can't control their behavior due to medical conditions
- Abuse, neglect and/or exploitation

Abuse, Neglect, and/or Exploitation

- Greed
- Power and control dynamics


USING COERCION AND THREATS
Making and/or carrying out threats to do something to hurt her • threatening to leave her, to commit suicide, to report her to welfare • making her drop charges • making her do illegal things.
USING INTIMIDATION
Making her afraid by using looks, actions, gestures • smashing things • destroying her property • abusing pets • displaying weapons.
USING ECONOMIC ABUSE
Preventing her from getting or keeping a job • making her ask for money • giving her an allowance • taking her money • not letting her know about or have access to family income.
USING EMOTIONAL ABUSE
Putting her down • making her feel bad about herself • calling her names • making her think she's crazy • playing mind games • humiliating her • making her feel guilty.
POWER AND CONTROL
USING MALE PRIVILEGE
Treating her like a servant • making all the big decisions • acting like the "master of the castle" • being the one to define men's and women's roles
USING ISOLATION
Controlling what she does, who she sees and talks to, what she reads, where she goes • limiting her outside involvement • using jealousy to justify actions.
USING CHILDREN
Making her feel guilty about the children • using the children to relay messages • using visitation to harass her • threatening to take the children away.
MINIMIZING, DENYING AND BLAMING
Making light of the abuse and not taking her concerns about it seriously • saying the abuse didn't happen • shifting responsibility for abusive behavior • saying


Violence
Physical
Sexual
Psychological Abuse
Emotional Abuse
Threatens
Targets Vulnerabilities & Neglects
Financially Exploits
Denies Access to Spiritual Traditions/Events
Psychological Abuse
Power & Control
Psychological Abuse
Uses Privilege
Ridicules Personal & Cultural Values
Emotional Abuse
Emotional Abuse
Isolates
Uses Family Members
Psychological Abuse

What is similar in both wheels?

- When you compare the Duluth Power and Control Wheel and the National Clearinghouse on Abuse in Later Life (NCALL) Abuse in Later Life Power and Control Wheel, what is similar on both wheels?

Similar

- Threats
- Isolation
- Use of family member
- Power and control in the center of the wheel
- Physical and sexual abuse on the outer rim

What is Different Between the Wheels?

- When you compare the Duluth Power and Control Wheel and the NCALL Abuse in Later Life Power and Control Wheel, what is different between the two wheels?

Difference

- Using “Family Members” rather than “Using Children”
- “Uses Privilege” rather than “Uses Male Privilege”
- “Targets Vulnerabilities and Neglects”
- “Denies access to spiritual and traditional events”
- “Ridicules personal and cultural values”
- “Emotional Abuse” and “Psychological Abuse” as inner spokes

Types of Abuse in Later Life

- Intimate Partner Violence
- Stalking in Later life
- Sexual Abuse in Later Life
- Neglect
- Financial Exploitation

Intimate Partner Violence in Later Life

- Significant segment of elder abuse is intimate partner violence
- Long-term relationship
- New relationship
- Late onset

Stalking in Later Life

- Intimate partner violence
- Dating violence
- Acquaintance, neighbor or stranger

Stalking

§61-2-9a. Stalking; harassment; penalties; definitions.

(a) Any person who repeatedly follows another knowing or having reason to know that the conduct causes the person followed to reasonably fear for his or her safety or suffer significant emotional distress, is guilty of a misdemeanor and, upon conviction can serve up to 6 months and/or fined up to $1000.

(b) Any person who repeatedly harasses or repeatedly makes credible threats against another is guilty of a misdemeanor and, upon conviction upon conviction can serve up to 6 months and/or fined up to $1000.

WV Law - Stalking

Stalking:

- Repeatedly following someone; and
- Knowing, or having reason to know that the conduct causes the person followed to reasonably fear for his or her safety or suffer significant emotional distress.

WV Law - Harassment

Harassment:

- Any person who repeatedly harasses or repeatedly makes credible threats against another.

Definition of harassment:

- "Harasses" means willful conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress.

Signs of Stalking or Harassment

- Follows victim;
- Sends unwanted gifts, letters, cards, or e-mails;
- Drives by or hangs out by home or work;
- Damages victim's home, car, or other property;
- Threatens victim, family, friends, or pets;
- Finds information about the victim;
- Posts information or spreads rumors; and/or
- Other actions that control, track, or frighten the victim

Technology and Stalking

- Computers and the Internet
- Phones
- Global Positioning Systems (GPS)

Stalking and Older Victims

- May be less likely to be believed.
- May not be aware that stalking is a crime.

Consider

- Incident and behavior logs
- Safety planning
- Legal advocacy
- Refer to law enforcement (criminal remedies)or civil attorneys (protective orders)

- Information: Stalking Resource Center: http://www.ncvc.org/src/Main.aspx

Protective Orders

Domestic Violence Protective Order – if family relationship, current/former partner or live in the same household.

Personal Safety Order – if not eligible for a DVPO but only if:

- Crime of stalking; and
- Credible threat of bodily injury.

Sexual Abuse in Later Life

- **Victims:** any age and range of ability.
- In private dwellings or facility settings.
- **Offenders:** spouses/partners, adult sons, grandchildren, caregivers, family members, and others. Least common offenders—strangers.
- Sexual abuse may be a tool of power and control.
- Perpetrators may target older victims.
- Dementia may cause inappropriate sexual behavior.

Sexual Offenses

- Hands-on offenses (sexual abuse/assault);
- Hands-off offenses (voyeurism, exhibitionism); or
- Harmful genital practices – includes painful, intrusive or unnecessary procedures that are committed during the provision of personal care to people requiring assistance.

From work of Dr. Holly Ramsey-Klawsnik

Unique Issues for Older Victims of Sexual Abuse

- Less likely to have strong support system.
- May exacerbate existing illness.
- Longer recovery time.
- Increased chance of serious injury.
- Increased vaginal/anal tearing and bruising that may never heal.
- Brittle pelvis or hip bones more likely to fracture.
- Increased risk of infection.

Barriers to Reporting

- Less likely to have strong support system.
- May exacerbate existing illness.
- Longer recovery time.
- Increased chance of serious injury.
- Increased vaginal/anal tearing and bruising that may never heal.
- Brittle pelvis or hip bones more likely to fracture.
- Increased risk of infection.

Neglect

- Refusal or failure of a caregiver to fulfill duties to care for an older adult.
- Failure of a person who has fiduciary responsibilities to provide care for an older adult.
- Failure of a facility or in-home service provider to provide necessary care.

Neglect: Refusal or Failure to Provide Necessities Such As:

- Food
- Water
- Clothing
- Shelter
- Personal hygiene
- Medication
- Medical care
- Comfort
- Personal safety
- Assistive living devices

Reporting Neglect

If you suspect neglect, call:

- 911
- Law enforcement
- APS

Role of APS

- Assessing a victim's living situation and risk factors.
- Assessing a victim's capacity to understand his/her risk and ability to give informed consent.
- Developing a case plan.
- Arranging for services.

Financial Exploitation

- Illegal or improper use of an older adult's funds, property or assets.
- Because not all older adults use the banking system, consider cash, gold, jewelry, antiques, and homes as assets.

Who Commits Financial Exploitation?

- Family members, partners, and trusted individuals.
- Caregivers.
- Faith leaders or members of a faith community.
- Court appointed guardians or persons with powers of attorney.
- Strangers who may become “friends” such as in “sweetheart scams”.
- Strangers scams targeting older adults.

How Does Financial Exploitation Occur?

- Scams
- Identity theft
- Theft
- Coercion and extortion
- Fraud and deception
- Abuse of legal authority (i.e. Power of Attorney)
- Manipulation

Adult Child as Abuser?

- Often protect their children rather than focus on own personal safety.
- May feel shame, guilt, and embarrassment.
- May feel alone and isolated.
- May have limited access to information.

Abuser Behaviors

Abusers often:

- Lie;
- Manipulate;
- Charm;
- Justify their behavior; and/or
- Blame the victim and others.

Common Abuser Justifications

Blames the Victim

- "She's clumsy." (accident)
- "She didn't do what I wanted." (victim's behavior)
- "She started it." (mutual abuse)
- "He hit me when I was a child." (learned behavior)

Common Abuser Justifications

Abuser Excuses:

- "I have a problem with my temper." (anger)
- "I was drunk or high." (substance abuse problem)
- "I'm sick. It's not my fault." (physical or mental health issue)
- "In my culture, elders share their resources." (culture)
- "He is too difficult to care for." (caregiver stress)

Caregiver Stress

- Emotions associated with the stress or perceived stress of providing care

Providing Care Can Be Stressful

- Behaviors may include overeating, substance abuse, self-medication, depression, or health problems as a result of the stress

Reframing Abuse and Caregiver Stress

- Everyone experiences stress—most do not abuse an older adult
- Victim is the target—not others
- Caregiver stress used as an excuse to manipulate professionals and gain sympathy

Possible Dangers of Focusing on Caregiver Instead of Victim

- Victim safety is not addressed.
- May be only opportunity to talk with victim.
- Victim may not reach out for help again.
- The abuser may not be held accountable.
- Remedies to reduce stress, anger, or substance abuse do not deal with power and control dynamics.

Avoiding Abuser Manipulation

- Talk to victim alone.
- Focus on evidence that supports the victim's account.
- Be aware that both the victim and abuser may minimize or justify the abuse.
- Avoid being charmed by an abuser.

Summary

- Multiple forms of abuse may co-occur.
- Abusers may lie, manipulate, and deny the abuse.
- Victim safety is paramount.

Victim-Centered Response

- In domestic and sexual violence movements described as "empowerment"
- In APS described as "self-determination"
- Both built on principle of listening to victims and recognizing a victim's strengths

Meeting Older Victims Where They Are: Strengths-based Response

- Builds on victim's strengths, natural allies and support networks
- Uses empowerment and self-determination strategies

Resiliency

People have the capacity to make changes in their lives to respond to a difficult situation especially if certain conditions exist.

Conditions That Support Resiliency

- Care and support from others.
- Belief in their ability to succeed.
- Positive peer relationships & influence.
- Spiritual connection.

Victim-Centered Advocacy

- "Seeks to craft alternatives that will enhance a victim's safety, given the realities facing each victim" (Davies et.al, 1998).
- Victim safety and self-determination are paramount and can restore some control to the victim.
- Requires active listening.

Questions to Consider Asking

- What is working well?
- What would you like to see continue?
- Who has helped in the past and may be willing to help now?
- If changes are successful, what would your life look like 6 months from now?

Reasons Older Victims Remain in Relationships with Abusers

What are some examples of the following:

- Internal personal values that the victim holds.
- Abuser tactics used to make it difficult for a victim to leave.
- Societal influences that create additional barriers and obstacles.

Reasons Older Victims Stay – Internal Values

- Love for an adult child; not wanting to see a child go to prison or live on the streets.
- Family values and commitment to spouse/partner and children.
- Belief that the perpetrator will change.
- Belief that it may be safer for a victim to remain with the abuser than to leave.
- Belief that if the abuser receives help the abuse will end.

Reasons Older Victims Stay – Abuse Tactics

- Threatening violence if the victim leaves.
- Threatening suicide and/or homicide.
- Blaming the victim and using guilt and justification to get the victim to stay.
- Isolating the victim from family, friends, and others.
- Manipulating the victim to believe they cannot make it on their own.

Reasons Older Victims Stay – Societal Influences

- Lack of affordable housing options.
- Lack of system response and collaboration.
- Isolation of seniors in our society.
- Racism, ageism, and sexism that may affect delivery of services from agencies.
- Limited financial options.
- Lack of options for help for perpetrator.

Tips for Working with Older Victims

- Understand – these are difficult decisions.
- Respect – these are the victim's decisions.
- Support – it can be easy to fall into the trap of blaming the victim.
- Expect – victims may want contact with family and/or partners.
- Recognize – making major life changes takes time and is a process.
- Collaborate – working with other professionals can help our understanding of victims' choices.

Let Victims Know

- It is not unusual to return to or maintain contact with an abuser.
- Acknowledge that these are difficult decisions.
- Call anytime: help is available through various resources.

What You Can Do

- Create a plan to maintain contact (if safe and the victim is interested).
- Provide information and referrals.
- Be clear about options and outcomes.
- Create a safety plan with the victim.

Planning for Victim Safety Discussion

- History of violence.
- Weapons in the home.
- Dangerous dogs or other pets.
- Environmental issues—rugs that are not secured to floors, hot water heaters set too hot, cords the victim may trip over.
- Are basic needs met—food, heat, water, phone?

A Survivor-Centered Plan

- Where will the victim live?
- Does the victim have access to resources? Are these resources available?
- Are there health issues that affect the options available to the victim?
- Who else is affected by the abuse?
- What legal issues need to be addressed in the safety plan?

Issues to Explore

- What are the victim's concerns if she decides to leave her abuser?
- What has the victim tried to stay safe in the past? How did it work?
- Has she left before? If so, what happened?
- How does the victim think the abuser might react if changes are made?
- What is the timeframe for the victim's safety plan? (staying or leaving)

Safety Planning Options to Consider

- Code word, signal like a red towel hung in the window, getting copies of papers, saving money.
- Discuss guns and other weapons.
- Explore the pros and cons of a protection order.
- Discuss options for a phone.
- Discuss the person's support system.
- Find out what the person tried in the past and how it worked.
- Discuss how the perpetrator of the abuse might react to decisions/choices.
- Discuss any financial issues.

What If the Person Has Moderate Dementia?

- Is there a caring individual/family member who could look in on Tessa?
- Could other services be brought into the home so there are more eyes and ears watching?

What If the Person Does Not Speak English

- Use a language line or certified interpreter to assist with safety planning.
- Do not use family members as interpreters.

What If the Person Does Not Want to Leave Pets or a Farm

- Obtain a restraining/protective order to remove person perpetrating the abuse so the victim can remain in the home.
- Find out if the Humane Society or other animal-friendly agency can provide shelter or foster care for pets or livestock.
- Find out if the court can include pets in a restraining/protective order.

Exercise: Who Would You Call First? Existing Services for Older Victims

Pick from the list below:

- Domestic violence program
- Sexual assault program
- Adult protective services
- Criminal justice
- Aging services
- Family members or friends
- Other
- No one

Scenario 1

- Age 58. Partner calls you “fat and stupid.” Partner takes your paycheck, puts you on an allowance and monitors your phone calls.

Who would you call first?

Scenario 2

- Age 68. Partner has broken your wrist and threatened to kill you if you leave.

Who would you call first?

Scenario 3

- Age 73. Partner had cancer and died last year. Your adult son has moved in and is stealing your Social Security check and pension.

Who would you call first?

Scenario 4

- Age 75. Adult son forces you to watch pornography with him.

Who would you call first?

Scenario 5

- Age 80. You have a heart condition and need assistance with activities of daily living. Son is not giving you your meds properly. Does not assist with bathing and feeding. Fires all ADW PAs and others who try to help you.

Who would you call first?

Debrief

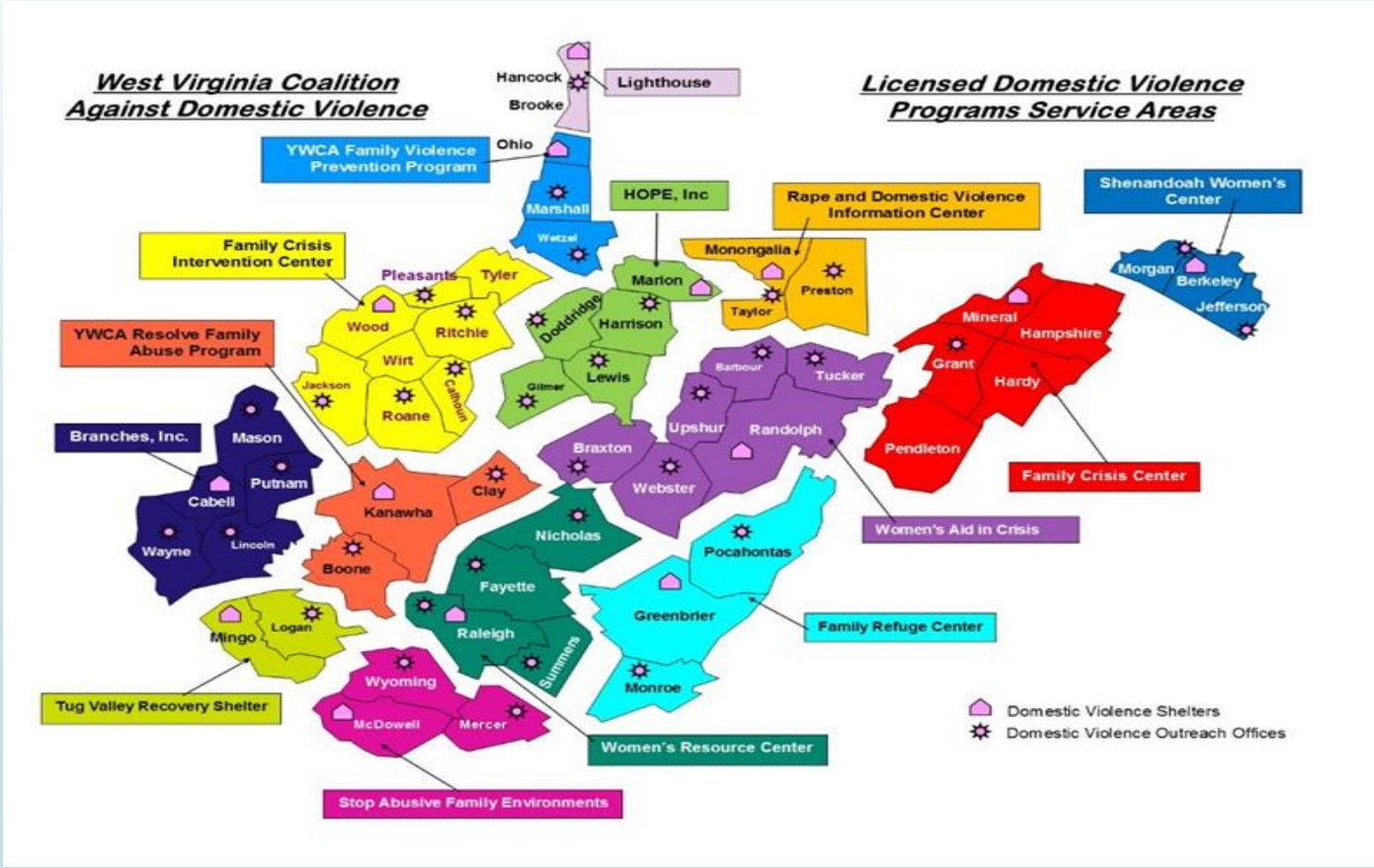
- How did you feel about the options available to you?
- How many times did you pick “other” or “no one”?

Primary Victim Services

- Adult Protective Services
- Aging Network (this includes senior centers and agencies who provide ADW and PC program services)
- Domestic Violence Programs
- Sexual Assault Programs
- Systems-based advocacy

Domestic Violence Program

- Provides services to victims of domestic violence
  - Men, Women and Children
- 24- Hour Hotline:1.800.799.SAFE
- www.wvcadv.org
- Emergency Shelter
- Advocacy
- Referrals
- Safety Planning



Domestic Violence Program

- Except for mandatory reporting, no confidential or identifying information is released without written, time-released consent from the victim
- Provide accommodations (accessibility for victims, allow caregivers) for older adults; hoping to expand services specific to older adults

Sexual Assault Program

- Child and adult victims of sexual assault and sexual abuse
- www.wvfris.org
- Hotline:

  1-800-656-HOPE

NOTE: If called, S.A.F.E. will send staff to the hospital to be with a victim to provide support and comfort. They are not trained on the laws/protocols or prepared to provide actual information/advocacy services but will provide referrals to other regions of the state for those services.

Systems-Based Advocacy

- For example: Advocate with prosecuting attorney or law enforcement agency (state and federal).
- Provides ongoing communication with the victim about the status and activity of criminal cases from the time charges are brought until the case is complete.
- Provide assistance with victim impact statements.
- Referrals.
- Information is NOT confidential with system for which they work.

Additional Considerations

- Behavioral Health Services
- WV Division of Rehabilitation Services
  - Provides services to some people with physical limitations and the deaf community
- Legal Aid of West Virginia
  - Provides services to immigrant victims & specialized attorneys that focus on financial exploitation
  - 304.647.3131
- WV Senior Legal Aid
  - Provides services to seniors with no income guidelines
  - 1.800.255.4370

Victim-Centered Approach

- Respect victim confidentiality and privacy.
- Keep focused on victim safety and offender accountability.
- Avoid assumptions about what is best victims.
- Take direction from victims.
- Work together to overcome barriers and obstacles.

Citation

- All information in the preceding slideshow was furnished by WV Coalition Against Domestic Violence in cooperation with The National Clearinghouse on Abuse in Later Life.



Questions

ADW Application Update and PC Policy Update

EVV Update

Personal Care Monthly Medicaid Eligibility Determination Checks

Individual PA/DCW NPI Assignment Implementation Update

Conflict Free Case Management Update

CMS Special Review Team

Incident Management Q & A and Future Requested IMS Enhancements

Questions and Answers



Contacts

West Virginia Department of Health and Human Resources

Bureau for Medical Services

Home and Community Based Services

Phone: 304-558-1700

Fax: 304-558-4398

Website: www.dhhr.wv.gov/bms

LuAnn Summers, ADW Program Manager

Phone: 304-356-4913

Email: Luann.S.Summers@wv.gov

Teresa McDonough, Personal Care Program Manager

Phone: 304-356-4924

Email: Teresa.M.McDonough@wv.gov

Contacts

West Virginia Bureau of Senior Services

Phone: 304-558-3317

Toll-free Complaint Line: 877-987-3646

Fax: 304-558-6647

Website: www.wvseniors.gov

KEPRO

Phone: 304-343-9663