

Minutes
Adult Protection Coordinating Council
February 24, 2025

Call to Order/Freedom of Information Act (FOIA)/Americans with Disabilities Act (ADA) Compliance

Beth Franco presided and called the meeting to order.

Introductions

The council completed introductions for those present.

Approval of Minutes

Beth Franco called for approval of minutes from November 18, 2024. A motion was made by Kathy Bradley to approve the minutes, and it was seconded by Wilson Dillard.

Agency Updates

Department of Social Services:

Emma Belcher reported:

- ARPA funding for various housing projects has been extended to September 2025
- The Agency contracted with Patriot Living of Florence for ten stabilization beds
 - These beds have been moved to the Ruby Donald facility in the upstate due to Patriot Living's closure

Department on Aging:

Brenda Stalzer Marchant reported:

- The Department continues to provide various dementia related learning opportunities to the public and provided flyers to the group
- Currently employing two Dementia Care Specialists, with the goal of ten throughout the entire state
 - Provide education and support to families
 - Hoping to get these set up in local libraries to provide the best access to the public
- Grants that support dementia education and respite are ongoing
- March 9-15 is Older Workers Employment Week, and the Department is hosting a job fair for older adults at Midlands Tech in West Columbia
- Geriatric loan forgiveness program is currently accepting applications
 - Encourages physicians to complete fellowships in geriatric related specialties
- Check line 28 on your taxes. This money goes to the Elder Care Trust Fund which supports programs to help older adults age in place

Department of Health and Human Services:

Russell Morrison reported:

- Margaret A. will be continuing on the committee in the future but could not attend today due to conflict. (We reported last meeting that we would be transitioning our representation)
- Upcoming policy updates:
 - SCDHHS will be updating policy for Medicaid home and community-based settings requirements. Compliance with federal requirements for HCBS settings was part of the CMS-approved statewide transition plan and included processes for review of categories of settings in which HCBS are delivered. The transition plan has been completed, and

SCDHHS is incorporating information from the transition plan, to include ongoing monitoring processes, into permanent Medicaid policy. This will include coordination with DDSN for any updates to DDSN policy related to Medicaid waivers that are operated by DDSN. The policy draft will go out for a 30-day public comment period.

- Recent policy updates:
 - Updates to interaction between Medicaid HCBS waiver programs and Hospice benefit
 - Reminder that SCDHHS updated operational requirements for Psychiatric Residential Treatment Facilities (PRTFs) effective July 1, 2024. Medicaid bulletin #24-037. This included the following:
 - Updated provider attestation requirements related to mission, approach to practice, quality assurance plan, and safety or risk mitigation plans
 - Updated staffing ratio and requirements (to include minimum of one licensed professional with supervisory capacity must be onsite 24 hrs./day, seven days/week)
 - Updated documentation requirements (to include documentation of crisis prevention and intervention plans, updates to requirements for individual plans of care including discharge plans with recommendations for continuity of necessary services)
- Russell made the suggestion to sign up for bulletin alerts on the SCDHHS website.

Disability Rights SC:

Beth Franco reported:

- The Agency is monitoring proposed changes to the budget and how it impacts other Agencies that they work with. They are educating and asking people to call their representatives to show support.
- Expanding monitoring to including CTH-IIs
- There has been an increase in calls from individuals who are being denied Medicaid services or who are being dropped from Medicaid or are waiting for placement in facilities

Ombudsman:

Dale Watson reported:

- There has been an increase in facility closures over the last few months (approximately seven across the state)
- Three of the four Patriot Living facilities have closed, with the fourth facility has only four residents
 - Closing due to property sales and difficulty with meeting the licensure requirements. This is something that will probably increase with the smaller, older facilities.
- The total number of beds across the state is shrinking
 - DDSN receives a lot of applications for residential, but it is difficult to assess the need for a CRCF versus a boarding home
- The Agency is tracking where the residents go when facilities close down as well as working to make sure residents are assessed for level of care need prior to placement
- Beth Franco requested a presentation at the next meeting of types of facilities, reason for closures, projections, where residents are going
- Discussed OSCAP and how it could be beneficial and/or cause more gaps in residential services
 - Requirements include ADA requirements, nursing staff, level of care services

Data Reports

DSS/APS:

Emma Belcher reported:

- Intakes: 6,120 total with 1,401 accepted (23%) and 4,310 not accepted (48%). This is consistent with past reporting
- 79% of intakes fall into the neglect category, which is also consistent with past reporting
- 1,137 cases involve individuals 60 and older and are predominately female
- There is an average weekly caseload of 935, with an average of 116 case managers
- 79% of cases close within 6 months, with 4% closing between 6-12 months
 - Cases lasting more than 12 months are typically those where guardianship is being looked at as an option

SLED:

Sabrina Fellers reported:

- The Department accepted approximately 100 fewer intakes than in 2023, which is probably due to the veterans' homes being transferred out from under DMH in July of 2024 and no longer reporting to SLED's hotline
 - Decrease in veteran deaths from 2023-2024
- 865 reports were documented but did not go through intake
 - These are sometimes repeat calls for the same incident
- 172 cases were opened in 2024, with 6 cases referred from local law enforcement
- Closed 183 cases and 153 determined to be unfounded (including non-suspicious deaths)
- 9 arrests, with 2 being large cases as they involved cases of death at a DDSN contracted facility
- Presented 144 cases to the Fatalities Review Committee
- Trained 1300 people across the state
 - Laws surrounding abuse/neglect
 - Mandated reporting
 - Steps after a report is submitted

Ombudsman:

Dale Watson reported:

- The Department received a total of 65 abuse cases, 23 neglect cases and 8 exploitation cases
 - The percentages were lower for DDSN
 - 14% increase in number of complaints for the same period in 2023
- DDSN and DMH intakes come from SLED
- Qualities of Care include dignity, respect, falls, etc.
 - Anything that does not fall into another category

Attorney General:

Jennifer Long reported:

- The Department reported 23 complaints, with 7 cases opened leading to 11 arrests
- There were 7 convictions, 58 pending cases and 37 cases closed
- \$7,232.58 in restitution

Other Discussion Topics:

Group Discussion

Southeastern Protection & Advocacy

- Currently have children under the state's care that are being sent to other states. The coalition of Southeastern P&As is going to start looking at the following:
 - Where are they going?
 - Where is the money going? Rates are higher in other states, therefore there are not as many beds available in South Carolina
 - Who is monitoring their care?
- Going to start using the assistance of various agencies to gather data regarding the number of children affected
- ICPC: Interstate Compact on Placement of Children tracks those in DSS custody and may have viable data on foster children
 - All states are supposed to have an ICPC office, but some are more communicative than others
 - Children receive an ICPC caseworker in the state where they are placed, but ICPC does not routinely monitor in all states
- DJJ and private placements (parents) can place youth in other states

Purpose of Council and Reporting:

- Are there reports that are not currently being shared that align with the mission of the Council?
 - AARP may have reporting related to exploitation
 - This is a topic that is getting a lot of attention and there have been many conversations among Council members regarding this issue
 - Beth will reach out to Charmaine at AARP
 - Beth will reach out to Dr. Banks at DMH to get a new Council member and discuss reporting options from the Department
- Beth Franco shared that she intends to create and submit a report to the Legislative Oversight Committee to show the Council's findings and recommendations
 - Kathy Bradley asked about a report for 2024. Beth shared that she would connect with Margaret Alewine to check
 - Suggestion for a two-year report to present in 2025 to the Medical Affairs Committee
- Beth Franco suggested that the Council have someone come in to speak more about exploitation
- Ann Dalton shared that any call related to neglect automatically goes to SLED
 - Other calls include critical incidents (choking, altercations, medication errors, self-injury, suicidal ideation, etc.)
 - There is a report generated that includes allegations, reports, standard of care, etc. That she can share with the Council
- Russell Morrison shared that reporting from HHS would need to contain parameters because the Agency uses several systems and would need to know which system to pull data from
 - Is there a way to pull how many referrals waiver case managers are sending to DSS?
- Dale Watson asked if there is nobody in a facility to make decisions for a person, what happens?
 - Who makes decisions about care, applications for assistance, etc.?
 - Administrators of facilities are concerned about overstepping

- Wilson Dillard shared that the Medical Care Consent Act in South Carolina covers situations like this
- Beth Franco shared that the bylaws have not been reviewed since 2019. Suggested that this be an agenda item for the next meeting.
 - Review the bylaws prior to the next meeting and bring questions or suggested revisions.

Meeting Attendance

Members Attending:

| <u>Name</u> | <u>Agency/Organization</u> |
|--------------------------|---|
| Emma Belcher (proxy) | SC Dept. of Social Services/APS |
| Ann Dalton | SC DDSN |
| Russell Morrison (proxy) | SC DHHS |
| Theresa Brown | SC LLR |
| Beth Franco | Disability Rights SC |
| Sabrina Fellers | SLED SVU/Vulnerable Adult Investigation Unit |
| Jennifer Long | Attorney General |
| Dale Watson | Long Term Care Ombudsman |
| Kathy Bradley | Family Member of Consumer of Institutional Services |
| Brenda Stalzer Marchant | SC Department on Aging |
| Wilson Dillard | SC Health Care Association |
| Maggie Meekins | SC Court Administration |
| Jennifer Aplin | SC Commission on Prosecution Coordination |
| Scott Cooke | Department of Consumer Affairs |

Members Absent:

| <u>Name</u> | <u>Agency/Organization</u> |
|-------------------------|---|
| Connie Munn | SC Department on Aging |
| Troy Bell | SC Assn of Community Residential Programs |
| | SC Medical Association |
| | SC Police Chiefs Association |
| Jarrod Bruder | SC Sheriffs' Association |
| Lewis "Jackie" Swindler | SC Criminal Justice Academy |
| Bailey Parker | SC Department of Consumer Affairs |
| Brian Bennett | Criminal Justice Academy |
| Mike Lanier (proxy) | SC Criminal Justice Academy |
| Delores Johnson (proxy) | SC Assn of Community Residential Programs |
| Krisdee Clark | SC Home Care and Hospice Association |