



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #427

Adult Protective Services System (Health Services -- Services for the Elderly and People with Disabilities)

[LFB 2023-25 Budget Summary: Page 264, #3]

CURRENT LAW

Wisconsin law defines adult protective services (APS) as any services that, when provided to an individual with developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacity, keep the individual safe from abuse, neglect, or financial exploitation, prevent the individual from experiencing deterioration, or stop the individual from inflicting harm on oneself or another person.

Protective services may include: outreach, identification of individuals in need of services, counseling and referral for services, coordination of services, tracking and follow-up, social services, case management, legal counseling or referral, guardianship referral, diagnostic evaluation, and collaboration with law enforcement as necessary.

Each county designates an agency (usually the county health or human services department) that investigates reports of abuse, neglect, financial exploitation, and self-neglect, of adults at risk (AAR, ages 18 to 59) or elder adults at risk (EAAR, ages 60 and older). Tribes may designate a contact for the purpose of receiving information or inquiries about APS-related matters from tribal members, county APS units, or other interested external parties. Tribal nations often work in cooperation with county APS units to investigate cases of suspected abuse, neglect, self-neglect, or financial exploitation, or to petition for guardianships or protective services.

DISCUSSION POINTS

1. AB 43/SB 70 would provide \$4,138,300 GPR in 2023-24 and \$9,499,200 GPR in 2024-25 to increase funding for adult protective services training, needs assessments for tribal

adult protective services, guardian support and elder justice training grants, and other adult protective services. Table 1 shows funding that would be provided under AB 43/SB 70 for the various adult protective services projects.

TABLE 1
Adult Protective Services Funding Summary
AB 43/SB 70

	AB 43/SB 70			Ongoing Annual Total Under AB 43/SB 70
	Base GPR Funding	2023-24	2024-25	
Items Currently Funded with Ongoing State GPR				
Adult Protective Services	\$4,900,600	\$2,500,200	\$5,000,200	\$9,900,800
Elder Abuse Prevention	2,029,500	1,500,200	3,000,200	5,029,700
Domestic Violence Prevention	74,300	37,900	75,700	150,000
Guardianship Support	100,000	50,000	100,000	200,000
Other APS Training	0	50,000	100,000	100,000
Items Currently Funded with One-Time ARPA Funds*				
Data Reporting and Case Management	0	0	407,000	407,000
Adult Protective Services Online Training System	0	0	195,900	195,900
Adult Protective Services Contract Team	0	0	600,200	600,200
Tribal Demonstration Projects	0	0	20,000	20,000
Total	\$7,104,400	\$4,138,300	\$9,499,200	\$16,603,600

*These items are currently funded with one-time ARPA funds totaling \$3,180,800 over three years.

2. The Department of Health Services (DHS) estimates that between 2010 and 2040, the percentage of people in Wisconsin ages 65 and older will increase from 13.7% to 23.7% and the percentage of Wisconsin residents ages 85 and older will increase from 2.1% to 4.4% of the state's total population.

3. Table 2 shows the number of completed APS incident reports between 2013 and 2021, the most recent year for which data is available, as well as the percent change in the number of cases during that time.

TABLE 2
Number of Complete Incident Reports by Year

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	2013-21 Percent Change
AAR Incident Reports	1,861	1,996	1,924	1,996	1,855	2,065	2,372	2,264	2,208	18.6%
EAAR Incident Reports	5,785	6,347	6,528	7,019	7,361	7,761	8,929	9,473	9,406	62.6%

Note: Calls for information only do not involve allegations of abuse, neglect, or financial exploitation, and are not included in the numbers shown in this table.

4. In 2021, the three primary reasons for completed EEAR incident reports were self-neglect (4,799 reports), financial exploitation (1,306 reports), and neglect by others (969 reports). For completed AAR incident reports during the same year, the three primary reasons were self-neglect (1,055 reports), neglect by others (460 reports), and financial exploitation (280 reports).

5. Prior to the statewide expansion of Family Care, APS units were funded with a combination of state community aids basic county allocations (BCA) funds, county funds, and funding DHS provided to counties as part of the state's previous Medicaid long-term care waiver programs. When much of this funding was redirected to support the Family Care program, state GPR was budgeted to maintain state support for county APS units, at the rate of 2% of a county's 2006-level BCA allocation. These allocations, calculated in 2009, have remained unchanged through 2022.

6. In addition to community aids allocations, EAAR agencies in APS units have access to an elder abuse direct service allocation to offset the cost of allegation response. Elder abuse direct service funds are statutorily restricted to serving individuals age 60 and older. These funds total \$2,029,500 GPR annually and are routinely expended each contract year.

7. Information from completed EEAR incident reports between 2013 and 2021 show that an average of 872 people annually or 11% of the subjects in the reports have been enrolled in Family Care, while an average of 54% of the subjects of these reports (an average of 4,094 people annually) have not been served by any county or state-funded programs. For AAR during that same period, 35% (an average of 732 people annually) have been enrolled in Family Care, while 19% (an average of 390 people annually) have not been served by any county or state-funded programs.

8. Based on the number of people who have not been served by any county or state-funded programs, including Family Care, and the increased number of APS incident reports, it could be argued that there is a need for additional APS funding available to serve all individuals. Under this proposed increase, shown in Table 1, the Department intends to reformulate allocations using population and equity-based factors, while holding APS units harmless.

9. DHS distributes funding from a "domestic abuse in later life" fund to the state's three area agencies on aging, which conduct outreach, awareness and other special projects each year from this fund, which totals \$74,250 GPR per year. The fund for domestic violence in later life has not increased since DHS began distributing funds consistent with current practice around 2012.

10. The Department also indicates a need for additional support to protect individual rights. As such, the bill would provide \$100,000 for APS staff training relating to the assessment of client decision making abilities. The Cornell-Penn Interview for Decisional Abilities (IDA) training costs \$1,000 per student, so funding in the bill would cover 100 IDA courses per year. The Department indicates that, with 400 APS staff across the state, this funding could ensure statewide training by 2027, with continued funding to account for staff turnover.

11. The Department currently provides \$100,000 annually through a contract with Greater Wisconsin Agency on Aging Resources (GWAAR) to support the Guardianship Support

Center. Funding for the grant has not increased since 2004-05, when it was reduced from \$250,000 GPR to \$100,000 GPR annually.

12. The funding increase in AB 43/SB 70 would enable the Guardianship Support Center to add a second non-state position, to provide resources and support to guardians, informing them of their legal responsibilities and assisting them in meeting those requirements.

13. Finally, the bill would provide funding to continue one-time, federally-funded projects with GPR on an ongoing basis, beginning in 2024-25, including: the APS data system to allow for collaboration with other systems and integration with other data sets including the National Adult Maltreatment Reporting System; online training for APS staff including to maintain the learning environment and training module production; contracted state support for APS including ensuring effective use of the previously described data system and online training, as well as tribal partnerships and case management support; and support for the costs of stakeholder meetings to develop a tribe-specific APS system (to be further developed in the 2025-27 biennial budget).

14. Based on the increased utilization of APS services, and the anticipated acceleration of this trend as the population continues to age, the Committee could choose to provide \$4,138,300 GPR in 2023-24 and \$9,499,200 GPR in 2024-25 to increase funding for adult protective services training, needs assessments for tribal adult protective services, guardian support and elder justice training grants, and other adult protective services. [Alternative 1]

15. Under Alternatives 2a through 2i, the Committee could choose the items it wishes to retain from the previous table based on the understanding that the items in the table are not interrelated and as such could be continued on a standalone basis based on the Committee's own priorities. [Alternative 2]

16. Finally, the Committee could choose to take no action on this item. [Alternative 3]

ALTERNATIVES

1. Provide \$4,138,300 GPR in 2023-24 and \$9,499,200 GPR in 2024-25 to increase funding for adult protective services training, needs assessments for tribal adult protective services, guardian support and elder justice training grants, and other adult protective services.

ALT 1	Change to Base
GPR	\$13,637,500

2. Select any combination of the following items.

a. Provide \$2,500,200 GPR in 2023-24 and \$5,000,200 GPR in 2024-25 to increase funding for adult protective services.

ALT 2a	Change to Base
GPR	\$7,500,400

b. Provide \$1,500,200 GPR in 2023-24 and \$3,000,200 GPR in 2024-25 to increase funding for elder abuse prevention.

ALT 2b	Change to Base
GPR	\$4,500,400

c. Provide \$37,900 GPR in 2023-24 and \$75,700 GPR in 2024-25 to increase funding for the "domestic abuse in later life" fund.

ALT 2c	Change to Base
GPR	\$113,600

d. Provide \$407,000 GPR in 2024-25 to fund the APS data system to allow for collaboration with other systems and integration with other data sets, including the National Adult Maltreatment Reporting System.

ALT 2d	Change to Base
GPR	\$407,000

e. Provide \$195,900 GPR in 2024-25 to fund online training for APS staff, including to maintain the learning environment and training module production.

ALT 2e	Change to Base
GPR	\$195,900

f. Provide \$600,200 GPR in 2024-25 to fund contracted state support for APS, including ensuring effective use of the APS data system and online training, as well as tribal partnerships and case management support.

ALT 2f	Change to Base
GPR	\$600,200

g. Provide \$20,000 GPR in 2024-25 to support the costs of stakeholder meetings to develop a tribe-specific APS system.

ALT 2g	Change to Base
GPR	\$20,000

h. Provide \$50,000 GPR in 2023-24 and \$100,000 GPR in 2024-25 to increase funding for guardianship grants.

ALT 2h	Change to Base
GPR	\$150,000

i. Provide \$50,000 GPR in 2023-24 and \$100,000 GPR in 2024-25 to fund adult protective services staff training on client decision making.

ALT 2i	Change to Base
GPR	\$150,000

3. Take no action.

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