

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



July 20, 2011

The Honorable Vincent C. Gray  
Mayor  
District of Columbia  
Mayor's Correspondence Unit, Suite 316  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20005

Dear Mayor Gray:

Enclosed please find a copy of a Management Implication Report (MIR 11-I-003), entitled *Lack of Awareness, Policies and Procedures, Training Requirements, and Oversight Mechanisms Regarding the Reporting of Suspected Abuse and Neglect of Elders and Other Vulnerable Adults*, that the Office of the Inspector General (OIG) sent to the Office of the City Administrator (OCA) and the Superior Court of the District of Columbia (DCSC) on March 31, 2011. DCSC's response to the MIR, dated April 18, 2011, and a response from the D.C. Department of Human Resources (which received a courtesy copy of the MIR on March 31, 2011) dated May 9, 2011, are also enclosed.

The OIG asked OCA to provide written comments to the MIR by April 21, 2011, but did not receive a reply. On May 13, 2011, the OIG requested an update on the status of OCA's response to the issues and recommendations cited in the MIR, but has not received one. The MIR will soon be posted to [www.oig.dc.gov](http://www.oig.dc.gov). In the event that OCA furnishes a written response that describes actions taken or planned, dates for completion of planned actions, and/or reasons for any disagreement with issues and recommendations presented in the MIR, the OIG will update the information on our website as necessary.

We are providing this information so that you and others can be aware of the importance and implications of the issues cited in the MIR. Also, later this year the OIG will publish a final report of inspection of the Department of Human Services' Adult Protective Services division. If you have any questions, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202)727-2540.

Sincerely,



Charles J. Willoughby  
Inspector General

CJW/ef

Enclosure

cc: See distribution list

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DISTRICT OF COLUMBIA  
OFFICE OF THE INSPECTOR GENERAL  
CHARLES J. WILLOUGHBY  
INSPECTOR GENERAL

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INSPECTIONS AND EVALUATIONS DIVISION  
*MANAGEMENT IMPLICATION REPORT*

**OFFICE OF THE CITY ADMINISTRATOR  
AND  
THE SUPERIOR COURT OF THE  
DISTRICT OF COLUMBIA**

**LACK OF AWARENESS, POLICIES AND PROCEDURES,  
TRAINING REQUIREMENTS, AND OVERSIGHT  
MECHANISMS REGARDING THE REPORTING OF  
SUSPECTED ABUSE AND NEGLECT OF ELDERS AND  
OTHER VULNERABLE ADULTS**

**MIR 11-I-003**

**MARCH 31, 2011**

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**Inspections and Evaluations Division**  
**Mission Statement**

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness, and economy in operations and programs. I&E goals are to help ensure compliance with applicable laws, regulations, and policies, identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Inspector General



March 31, 2011

Allen Y. Lew  
City Administrator  
Office of the City Administrator  
1350 Pennsylvania Avenue, N.W., Suite 533  
Washington, D.C. 20004

The Honorable Lee F. Satterfield  
Chief Judge  
Superior Court of the District of Columbia  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001

Dear Mr. Lew and Judge Satterfield:

This is a Management Implication Report (MIR 11-I-003) to inform you that in District agencies employing mandated reporters,<sup>1</sup> the Office of the Inspector General (OIG) has found a significant lack of awareness, policies and procedures, training requirements, and oversight for reporting known and suspected abuse of elders and other vulnerable adults. These deficiencies and lack of internal controls increase the risk that some of these adults may remain in dangerous or physically threatening situations. In addition, there may be a greater risk of financial liability for the District if designated employees fail to properly report such threats. The OIG issues MIRs on matters of priority concern that affect multiple District agencies.

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<sup>1</sup> According to D.C. Code § 7-1903(a)(1) (Supp. 2009), mandated reporters are individuals required by law to report known or suspected incidents of abuse, neglect, and/or exploitation of elders and other vulnerable adults. Self-neglect is not included in District reporting requirements; however, any person may voluntarily report an alleged case of self-neglect. The following appointments and professionals are considered to be mandated reporters of abuse, neglect, and/or exploitation of elders and other vulnerable adults: (1) conservators (an individual who handles the assets and income of an incapacitated adult); (2) court-appointed mental retardation advocates; (3) guardians (an individual who makes health care, quality of life, and placement decisions for an incapacitated adult); (4) health care administrators; (5) licensed health professionals; (6) police officers; (7) humane officers of any agency charged with the enforcement of animal cruelty laws; (8) bank managers; (9) financial managers; and (10) social workers.

## Background

D.C. Code § 7-1903(a)(1) (Supp. 2009) provides:

[W]henever a conservator, court-appointed mental retardation advocate, guardian, health-care administrator, licensed health professional, police officer, humane officer of any agency charged with the enforcement of animal cruelty laws, bank manager, financial manager, or social worker has as a result of his or her appointment, employment, or practice substantial cause to believe that an adult is in need of protective services because of abuse, neglect, or exploitation by another, he or she shall immediately report this belief [to Adult Protective Services].

In addition, D.C. Code § 7-1912(a)(1) (Supp. 2009) provides:

Any person required to report [abuse, neglect, and/or exploitation] under § 7-1903(a)(1) who willfully fails to do so shall be guilty of a misdemeanor and, upon conviction, subject to a fine not exceeding \$300.

According to the National Center on Elder Abuse (NCEA):<sup>2</sup>

[E]lder abuse refers to intentional or negligent acts by a caregiver or “trusted” individual that causes (or potentially causes) harm to a vulnerable elder. Most common categories of abuse are:

- Neglect
- Physical abuse
- Sexual abuse
- Financial abuse and exploitation ....
- Emotional or psychological abuse . . .
- Abandonment
- Self-neglect<sup>[3]</sup>

[M]any mandated reporters may not make reports, as they:

- May not receive regular training and education to accurately distinguish the signs of “normal” aging from elder abuse or neglect
- May be in denial about the prevalence of elder abuse, and therefore not look for or identify suspicious activities or symptoms . . . .<sup>[4]</sup>

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<sup>2</sup> NCEA “serves as a national resource center dedicated to the prevention of elder mistreatment . . . . To carry out its mission, the NCEA disseminates elder abuse information to professionals and the public, and provides technical assistance and training to states and to community-based organizations.”

[Http://www.ncea.aoa.gov/NCEARoot/Main\\_Site/About/What\\_We\\_Do.aspx](http://www.ncea.aoa.gov/NCEARoot/Main_Site/About/What_We_Do.aspx) (last visited Feb. 3, 2010).

<sup>3</sup> The APS program was established by the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156). However, the law was expanded by the Karyn Barquin Adult Protective Services Self-Neglect Expansion Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-67). Prior to D.C. Law 16-67, APS could not intervene to provide protective services in cases of self-neglect.

According to the National Committee for the Prevention of Elder Abuse (NCPEA):<sup>5</sup>

Spiraling rates of elder mistreatment are reported by both practitioners and researchers. In a recent national study of Adult Protective Services (APS), typically the agency of first report concerning elder abuse, there were 253,421 reports of abuse of adults age 60+ or 832.6 reports for every 100,000 people over the age of 60 . . . . The National Elder Abuse Incidence Study (National Center on Elder Abuse, 1998) found that more than 500,000 persons aged 60+ were victims of domestic abuse and that an estimated 84% of incidents are **not reported** to authorities . . . . Given the significant underreporting, the Senate Special Committee on Aging estimated that as many as five million older Americans may be victims of abuse, neglect, and/or exploitation every year.<sup>[6]</sup> (Emphasis added.)

The District's Adult Protective Services (APS) program is located within the Department of Human Services (DHS)<sup>7</sup> Family Services Administration (FSA).<sup>8</sup> APS is responsible for investigating reports of alleged abuse and intervenes to protect vulnerable adults who are at risk.<sup>9</sup>

## Observations

During its ongoing inspection of APS, the OIG inspection team learned that some District agencies that employ, appoint, or oversee mandated reporters do not have policies and procedures for either reporting suspected abuse or training mandated reporters to do so. According to a senior APS manager, there is no formal APS-led training for mandated reporters in APS or other District agencies, and this individual would like to see APS function as a central resource for such training and information in order to improve outreach and awareness.

The team contacted 10 District agencies<sup>10</sup> that employ or appoint mandatory reporters and/or oversee entities with mandatory reporter employees (see Table 1, below). The team surveyed

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<sup>4</sup> [http://www.ncea.aoa.gov/Ncearoot/Main\\_Site/pdf/publication/HowToAnswerToughQuestionsAboutElderAbuse\\_final.pdf](http://www.ncea.aoa.gov/Ncearoot/Main_Site/pdf/publication/HowToAnswerToughQuestionsAboutElderAbuse_final.pdf) (last visited Nov. 23, 2010).

<sup>5</sup> NCPEA "is an association of researchers, practitioners, educators, and advocates dedicated to protecting the safety, security, and dignity of America's most vulnerable citizens. It was established in 1988 to achieve a clearer understanding of abuse and provide direction and leadership to prevent it." <http://www.preventelderabuse.org/> (last visited Dec. 15, 2010).

<sup>6</sup> *Id.*

<sup>7</sup> "The mission of the Department of Human Services (DHS) is to coordinate and provide a range of services that collectively create the enabling conditions for economic and socially challenged residents of the District of Columbia to enhance their quality of life and achieve greater degrees of self-sufficiency." [http://dhs.dc.gov/dhs/cwp/view.a.3.q.492334.dhsNav\\_GID.1461.dhsNav.%7C31045%7C.asp](http://dhs.dc.gov/dhs/cwp/view.a.3.q.492334.dhsNav_GID.1461.dhsNav.%7C31045%7C.asp) (last visited Mar. 2, 2011).

<sup>8</sup> "The Family Services Administration provides protection, intervention, and social services to meet the needs of vulnerable adults and families to help reduce risk and promote self-sufficiency." <http://dhs.dc.gov/dhs/cwp/view.a.3.q.492397.asp> (last visited Mar. 2, 2011).

<sup>9</sup> See <http://dhs.dc.gov/dhs/cwp/view.a.3.q.492691.asp> (last visited Nov. 15, 2010).

each agency for information concerning policies and procedures on mandated reporting and training of mandated reporters.

**Table 1: District Government Agencies Surveyed That Have Mandatory Reporting Responsibility for Abuse of Elders and Other Vulnerable Adults**

Agency	Mandatory Reporting Responsibility		
	Employs	Appoints	Oversight
D.C. Office on Aging (DCOA)	X		
D.C. Public Schools (DCPS)	X		
Department on Disability Services (DDS)	X		X
Department of Health (DOH)	X		X
Department of Mental Health (DMH)	X		X
Metropolitan Police Department (MPD)	X		
D.C. Superior Court (DCSC) <sup>11</sup>		X	
Department of Consumer and Regulatory Affairs (DCRA) <sup>12</sup>	X		
Department of Insurance, Securities, and Banking (DISB) <sup>13</sup>			X

**Policies and Procedures**

The Government Accountability Office (GAO) recommends that:

Appropriate policies, procedures, techniques, and mechanisms exist with respect to each of the agency’s activities . . . . [and] activities described in policy and procedures manuals are actually applied and applied properly . . . .

<sup>10</sup> This is a sample rather than an exhaustive list of District agencies that employ, appoint, or oversee mandated reporters.

<sup>11</sup> The Mental Health and Mental Retardation Branch of DCSC’s Family Court Operations Division is responsible for appointing mental retardation advocates, who are designated as mandated reporters according to D.C. Code § 7-1903(a)(1). DCSC’s Probate Division appoints guardians and conservators, who are also included under D.C. Code § 7-1903(a)(1).

<sup>12</sup> Title 29 DCMR § 2904.3 provides:

When DCRA receives an original complaint alleging abuse, neglect, and exploitation by an individual, facility, or agency, DCRA shall transmit that information by telephone to APS immediately, with written follow-up of the complaint not later than (1) working day from receipt of the complaint.

<sup>13</sup> DISB’s Banking Bureau charters and regulates banks, savings banks, and other depository financial institutions, and licenses and supervises non-depository financial institutions, such as mortgage lenders and brokers, money transmitters, and check cashers. After the passage of the Karyn Barquin Adult Protective Services Act Self-Neglect Expansion Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-67), DISB sent bulletin 06-BB-03-12/05 in December 2006 to all banks and thrifts with a physical presence in the District, informing them of bank managers’ and financial managers’ legal obligation to report abuse, neglect, and/or exploitation of elders and other vulnerable adults.

The OIG asked senior officials in the nine agencies listed in Table 1 whether they had policies and procedures for reporting knowledge or suspicion of abuse, neglect, and exploitation. Seven of the nine agency officials (DCOA, DCPS, DCRA, DCSC, DDS, DHS, and DMH) stated they had none. MPD's policy was last updated in 1986, but MPD informed the team that its policy will be revised in the coming months.<sup>14</sup> An official in DCSC's Family Court Operations Division stated that "[a]t this time, we do not have monitoring tools, written policies or procedures on mandatory reporting under D.C. Code § 7-1903, but we are in the process of creating them. After the aforementioned has been created and approved, it will be incorporated into our training mandated for [mental retardation] advocates." DOH did not reply to any aspect of the OIG's inquiry.

The OIG also asked the agencies whether each has a policy requiring that mandated reporters obtain training. Seven agency officials said no: DCOA, DCPS, DCRA, DCSC,<sup>15</sup> DDS, DHS, and DMH. An MPD official stated that the "[d]epartment . . . requires and trains members to coordinate with partner agencies and to refer social service issues to our partners whenever relevant circumstances are encountered." MPD also noted that "[n]o such policy is needed as all sworn members must meet the same requirements."

The OIG also asked how agencies notify individuals that they are mandated reporters. DCOA officials responded that it communicates that information directly through "in-service training and other professional development programs." Officials from DMH and DHS said they rely on the licensing processes applicable to professionals who are mandatory reporters and the associated continuing education and training requirements to communicate mandated reporter duties and responsibilities. However, the OIG learned that the professional boards associated with credentialing certain mandated reporter positions (e.g., licensed health professionals), do not require training in relation to mandatory reporting of abuse, neglect, and/or exploitation.

An official from DCSC's Family Court Operations Division stated:

We will conduct training for new and continuing advocates in March 2011. At this training, we will inform the advocates of their responsibilities under D.C. Code § 7-1903 along with providing them with information and training tools. We will also update our advocate application to include mandatory reporting requirements . . . [and] we will include the requirements in the [mental retardation] advocate duty description . . . ."

A program manager from DCSC's Probate Division reported that he/she has begun informing conservators and guardians of their mandated reporter responsibility, and providing them with basic information about APS.<sup>16</sup>

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<sup>14</sup> In 1986, MPD promulgated Special Order 86-18 to establish the policy and procedures governing the involvement of police officers carrying out the responsibilities required by the Adult Protective Services Act of 1984.

<sup>15</sup> The OIG also spoke with a program manager from DCSC's Probate Division who opined that APS is solely responsible for providing training to court-appointed guardians and conservators on abuse, neglect, and/or exploitation.

<sup>16</sup> This individual contacted APS to obtain information.

MPD Special Order 86-18 dated March 21, 1986, states that members of MPD “are responsible for reporting incidents where an adult is apparently in need of protective services because of abuse, neglect, or exploitation . . . .” According to an MPD official, “[o]fficers are informed of such requirements through agency directives . . . and training. New recruits are taught all directives in recruit training [and] [w]hen a new directive is published, it is issued to all members and added to the recruit curriculum.”

DCPS, DCRA, and DDS officials stated that they do not directly inform mandated reporters of their duties and responsibilities. The OIG contacted DISB to determine whether any outreach or awareness notifications have been sent to bank and financial managers since the initial DISB bulletin sent in 2006. A senior public affairs employee stated that DISB has not sent any additional notifications.

### **Practices in Other Jurisdictions**

The OIG noted that the NCEA recognizes San Diego County’s Health and Human Services Agency for its creation of a “promising practice” statewide resource website with audio training for mandated reporters of abuse, neglect, and/or exploitation.<sup>17</sup> The audio training is designed to educate mandated reporters on how to recognize abuse, neglect, and/or exploitation. The website also provides a test on the content of the audio training and awards a certificate acknowledging mastery of the training material. The OIG also noted that Virginia’s Department of Social Services APS website includes, among other items, general information on abuse and neglect, a PowerPoint training course, and an Acknowledgement of Mandated Reporter Status form to document that employees received notification of their mandated reporter status.<sup>18</sup>

### **Conclusion**

The OIG has found that District agencies that employ, appoint, or oversee designated mandated reporters are not instructed, by either the D.C. Code or D.C. Municipal Regulations (DCMR), to ensure that such individuals are aware of their mandated reporter status and trained to identify and report suspected and actual abuse, neglect, self-neglect, and exploitation of elders and other vulnerable adults. Although the D.C. Code identifies the professions that have a mandated reporter responsibility, it is silent on the need for policies and procedures for such reporting and does not address training of affected employees. The OIG believes that the directors of District agencies that employ, appoint, or oversee mandated reporters, in close coordination with APS, are best positioned to ameliorate these deficiencies by developing and implementing policies and procedures on awareness, reporting, and training, and thereby incorporating the mandated reporting responsibility of its workforce into each agency’s organizational mission.

The elderly and other adults susceptible to abuse, neglect, and exploitation are among the District’s most vulnerable citizens. Consequently, it is imperative that mandated reporters, charged by law to recognize and report at-risk situations, are assisted by their employing,

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<sup>17</sup> See [http://sandiego.networkofcare.org/aging/elder\\_abuse.cfm](http://sandiego.networkofcare.org/aging/elder_abuse.cfm) (last visited Dec. 2, 2010).

<sup>18</sup> See [http://www.dss.virginia.gov/family/aps\\_mandated.html](http://www.dss.virginia.gov/family/aps_mandated.html) (last visited Oct. 28, 2010).

appointing, or oversight agencies and APS to understand their responsibilities and trained to fulfill their legal obligations.

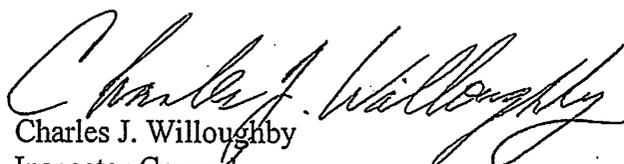
**Recommendations:**

1. That the Mayor issue an executive order requiring each District agency with mandated reporters to:
  - a. assign an employee to identify the agency's mandated reporters; keep an updated roster of such reporters; and provide this roster to APS on an agreed-upon timetable;
  - b. ensure that mandated reporters are aware of their status;
  - c. coordinate closely with APS to develop and implement internal agency policies and procedures for reporting abuse, neglect, self-neglect, and exploitation of elders and other vulnerable adults; and
  - d. coordinate closely with APS on the requirements for and the provision and monitoring of training for mandated reporters.
2. That the Mayor collaborate with the D.C. Council to amend D.C. Code § 7-1903 to include:
  - a. a requirement that agencies with mandated reporters coordinate with APS to develop and implement internal policies and procedures for recognizing abuse, neglect, self-neglect, and exploitation, and reporting suspected or actual cases to APS; and
  - b. an APS-coordinated training requirement for mandatory reporters that will be enforced either through the licensing process or the employee's agency.
3. That the City Administrator recommend amending DCMR Title 29 - Public Welfare to include provisions requiring:
  - a. training for all mandated reporters on recognizing at-risk and harmful situations for vulnerable adults and reporting them to APS;
  - b. mandated reporters to sign an Acknowledgement of Mandated Reporter Status form to be maintained in the employee's personnel file; and
  - c. mandated reporters to immediately report and cooperate with APS and other officials investigating allegations of abuse, neglect, self-neglect, and exploitation.
4. That the Director of the D.C. Department of Human Resources (D/DCHR) update the District Personnel Manual and promulgate an issuance aligned with the above-mentioned amendments to the DCMR that includes a list of every District government position (with agency name, position title, and occupation series number) occupied by a mandated reporter of abuse of vulnerable adults.
5. That the Director of APS (D/APS) consider collaborating with the D/DCHR to develop a mandated reporter training curriculum and training course offered through DCHR's Workforce Development Administration (WDA).

6. That the Director of the Department of Health recommend that the Health Occupation Boards, which oversee the licensing of mandated reporter occupations, consider a requirement that applicants take mandated reporter training prior to obtaining or renewing their professional licenses.
7. That the D/APS consider publishing a brochure on mandated reporting and collaborating with DISB on disseminating it to all banks and thrifts with a physical presence in the District to ensure that employees designated as mandated reporters are aware of their responsibilities and opportunities for mandated reporter training.
8. That the D/APS collaborate with DCSC's Probate Division to inform court-appointed guardians and conservators of their mandated reporter responsibilities and opportunities for mandated reporter training.
9. That the D/APS collaborate with DCSC's Family Court Operations Division to inform court-appointed mental retardation advocates of their mandated reporter responsibilities and opportunities for mandated reporter training.

Please provide your comments on this MIR by April 21, 2011. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreements with the concerns and recommendations presented. Please distribute this MIR only to those who will be directly involved in preparing your response. Should you have any questions prior to preparing your response, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations at (202) 727-8452.

Sincerely,

  
Charles J. Willoughby  
Inspector General

CJW/jct

cc: The Honorable Kwame Brown, Chairman, Council of the District of Columbia  
The Honorable David A. Catania, Chairperson, Committee on Health  
The Honorable Mary M. Cheh, Chairperson, Committee on Government Operations and the Environment  
The Honorable Jim Graham, Chairperson, Committee on Human Services  
The Honorable Phil Mendelson, Chairperson, Committee on Public Safety and the Judiciary  
Mr. Irvin B. Nathan, Acting Attorney General for the District of Columbia  
Dr. Mohammad N. Akhter, Acting Director, Department of Health  
Ms. Judy Banks, Interim Director, Department of Human Resources

Mr. Stephen T. Baron, Director, Department of Mental Health  
Ms. Donna S. Dunston, Interim Executive Director, D.C. Office on Aging  
The Honorable Zoe Bush, Presiding Judge, Family Court Operations, D.C. Superior  
Court  
Ms. Deborah A. Carroll, Esq., Interim Director, Department of Human Services  
Ms. Kaya Henderson, Acting Chancellor, D.C. Public Schools  
Ms. Cathy L. Lanier, Chief, Metropolitan Police Department  
Mr. Phillip A. Lattimore, III, Acting Director and Chief Risk Officer, Office of Risk  
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Mr. Nicholas A. Majett, Acting Director, Department of Consumer and Regulatory  
Affairs  
Ms. Laura L. Nuss, Director, Department on Disability Services  
Ms. Nyasha Smith, Secretary of the District of Columbia, Office of the  
Secretary of the District of Columbia  
Mr. William A. White, Acting Commissioner, Department of Insurance, Banking, and  
Securities  
The Honorable Rhonda Reid Winston, Presiding Judge, Probate Division, D.C. Superior  
Court



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District of Columbia**

**Office of the Inspector General**

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**Charles J. Willoughby  
Inspector General**

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Lee F. Satterfield  
Chief Judge

Superior Court of the District of Columbia  
Washington, D.C. 20001



2011 APR 21 PM 4:00

(202) 879-1600

April 18, 2011

Charles J. Willoughby  
Inspector General  
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Suite 500  
717 14th Street NW  
Washington, DC 20005

Re: Inspections and Evaluation Division "Management Implication Report"

Dear Mr. Willoughby:

I am in receipt of your March 31, 2011 Management Implementation Report concerning "Lack of Awareness, Policies and Procedures, Training Requirements, and oversight Mechanisms Regarding the Reporting of Suspected Abuse and Neglect of Elders and Other vulnerable Adults" (MIR). The Report recommends: "8. That the D/APS [District's Adult Protective Services] collaborate with DCSC's [District of Columbia Superior Court] Probate Division to inform court-appointed guardians and conservators of their mandated reporter responsibilities and opportunities for mandated reporter training. 9. That the D/APS collaborate with DCSC's Family Court Operations Division to inform court-appointed mental retardation advocates of their mandated reporter responsibilities and opportunities for mandated reporter training." While recognizing the independence of the Superior Court as it relates to the authority of the Office of Inspector General, it is in the spirit of cooperation that the Court provides the Inspector General with the Court's plan for implementing such recommendations.

With respect to recommendation number 8, the Probate Division was contacted by Management Analyst of the District of Columbia Office of the Inspector General (OIG) in October 2010 about trainings provided to guardians and conservators on mandatory reporting responsibilities. The Probate Division reviewed D.C. Code § 7-1903 and took the following steps to increase the awareness of court-appointed guardians and conservators about their mandatory reporting responsibilities. First, at the fiduciary training session held on October 27, 2010, the approximately 175 participants were notified that guardians and conservators are mandated reporters and are obligated to report instances of abuse, neglect and exploitation. These participants were also provided copies of the APS brochure, "Breaking the Silence" which provides information about the need to report, and the way in which to report, such abuse, neglect or exploitation. Second, at the January 26, 2011 Auditing Conference held by the Probate Division, each of the 76 participants, many of whom were conservators, were given copies of the APS brochure "Breaking the Silence" in their conference folders. Third, at the February 22, 2011 Probate Division Bench Bar meeting, the Director of APS was a presenter and

copies of the APS brochure were provided to participants. Lastly, at the March 11, 2011 annual Guardianship Conference, attended by approximately 175 court-appointed guardians, the Director of APS and her staff conducted a presentation on "Financial Exploitation: The Indelible impact on Our Elderly." Numerous guardians and conservators who attended were given copies of the APS Fact Sheet during the information fair held during the conference, and all participants were given copies of the APS brochure "Breaking the Silence" in their conference folders.

The Probate Division plans to provide ongoing mandated reporter information as follows:

1. Distribute at annual auditing conference
2. Distribute at annual guardianship conference
3. Distribute at monthly orientation for new family guardians
4. Distribute at training of new attorneys seeking appointment to Probate Panel Fiduciary list
5. Distribute at semi-annual Probate Division Bench Bar meetings attended by members of the Probate Fiduciary Panel
6. Include in Probate Division brochure "Now that you're a guardian.../conservator...", provided to non-lawyer guardians and conservators upon appointment
7. Add link to APS website under the Probate Division's webpage link to public resources

To meet the OIG's recommendations, the Probate Division can in addition provide a listing of all court-appointed guardians and conservators to APS upon request, post information regarding any training opportunities offered by APS upon request and otherwise collaborate with APS to inform guardians and conservators of their responsibilities and training opportunities.

With respect to recommendation number 9, Family Court Operations was also contacted in October by OIG and was provided with questions about protocols for ensuring that "Mental retardation advocates" receive mandated reporter training. The Family Court's response to this inquiry was referenced in the OIG MIR dated March 31, 2011. By Administrative Order 11-01, the Court has changed the name of its Mental Health and Retardation Branch to the Mental Health and Habilitation Branch, effective January 5, 2011. In addition, on March 26, 2011, the Court, along with the Office of the Attorney General, Quality Trust and mental habilitation attorney specialists conducted a half-day training for the Court's Mental Habilitation Advocate Program. There were fifty-six attendees at the training, of which thirty were prospective applicants for the advocate positions. As part of their training, the advocates and prospective advocates were informed that they are Mandatory Reporters pursuant to D.C. Code 7-1903, and were provided with copies of the statute.

As a result of the March training, the Mental Habilitation Advocates (formerly court appointed mental retardation advocates) as mandatory reporters of alleged cases of abuse, neglect, self-neglect, or exploitation of a client they believe are in need of protective services, have been instructed that they must comply with the following reporting requirements:

1. Suspected allegations of abuse, neglect or exploitation of clients should be reported to the Department of Human Services, Adult Protective Services Hotline by calling (202) 541-3950 or visiting 645 H Street NE, Washington, DC.
2. A written report should also be submitted to the Volunteer Advocate Case Monitors, of the Mental Habilitation Advocate Program, in the Mental Health and Habilitation Branch, of the Superior Court of the District of Columbia.
3. The written report should contain the following information:
  - a. Name, age, physical description, and location of the adult alleged to be in need of protective services
  - b. Name and location of the persons allegedly responsible for the abuse, neglect, or exploitation
  - c. Nature and extent of the abuse, neglect, or exploitation
  - d. Basis of the reporters knowledge
  - e. Any other information the reporter believes may be helpful to an investigation
  - f. Identification of the court appointed advocate
4. The written report will be forwarded to the client's attorney and the presiding judge for further action.

The Court will conduct a total of three of these trainings this year. Notice of these trainings will be sent to all Advocate Program participants and applicants, and will be posted on the Court's website.

We look forward to further collaboration with the District's Adult Protective Services, and thank you for your support in providing critical services to the residents of the District of Columbia.

Regards,



Lee F. Satterfield  
Chief Judge  
Superior Court of the District of Columbia

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Human Resources

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**Office of the Director**

May 9, 2011

Charles J. Willoughby  
Inspector General  
Office of the Inspector General  
717 14<sup>th</sup> Street, N.W., 5<sup>th</sup> Floor  
Washington, D.C. 20005

**Re:** MIR 11-I-003: Lack of Awareness, Policies, and Procedures, Training Requirements, and Oversight Mechanisms Regarding the Reporting of Suspected Abuse and Neglect of Elders and Other Vulnerable Adults

Dear Mr. Willoughby:

Thank you for allowing the D.C. Department of Human Resources (DCHR) an opportunity to respond to the recommendations made in MIR 11-I-003. Listed below are the two (2) recommendations that expressly reference the DCHR by name and our response regarding each.

**Recommendation No. 4:** That the Director of the D.C. Department of Human Resources update the District Personnel Manual and promulgate an issuance aligned with the above-mentioned amendments to the DCMR that includes a list of every District government position (with agency name, position title, and occupation series number) occupied by a mandated reporter of abuse of vulnerable adults.

**Response:** The DCHR agrees that the pertinent District government agencies with mandatory reporting obligations should be provided guidance on any new policies or procedures for recognizing and reporting the abuse and neglect of the elderly and other vulnerable adults. DCHR, however, should not be the agency responsible for drafting the pertinent issuance.

DCHR is the personnel authority for most subordinate District agencies. Our agency provides human resource management services that enable the District government to attract, develop, and retain a well-qualified, diverse workforce. The issuances that DCHR prepares generally involve matters that affect the terms and conditions of employment with the District government. A District Personnel Manual (“DPM”) Issuance related to the policies and procedures for recognizing and reporting the abuse of the elderly, by contrast, involves issues of public health, safety, and welfare – matters

outside of DCHR's area of expertise. Agencies whose substantive work and expertise include protecting the elderly, such as the Adult Protective Services and the D.C. Office on Aging, are better-suited to draft and publish the pertinent DPM issuances, particularly since these agencies are likely to have a hand in the substantive rulemaking.

DCHR further recommends that the proposed amendments to DCMR Title 29 – Public Welfare include the list of all District government positions identified as “mandated reporters.”

**Recommendation No. 5:** That the Director of Adult Protective Services consider collaborating with the Director of the D.C. Department of Human Resources to develop a mandated reporter training curriculum and training course offered through DCHR's Workforce Development Administration (WDA).

**Response:** For the reasons explained above, the substantive components of any training curriculum related to recognizing and reporting the abuse of the elderly or other vulnerable adults is outside of DCHR's area of expertise. However, DCHR's Workforce Development Administration can offer assistance in facilitating the training, including arranging the meeting space and sponsoring the training.

Again, thank you for allowing DCHR to weigh in on the recommendations made in MIR-11-I-003. Should you have any questions regarding our responses to the recommendations, please do not hesitate to contact me at (202) 442-9600.

Sincerely,

  
Shawn Y. Stokes  
Acting Director