



# Abuse, Neglect and Exploitation in FY17

In the New Mexico DD Waiver and Mi Via Waiver  
population.

Presented by the Division of Health Improvement,  
Incident Management Bureau

- Individuals with I/DD are a diverse group of people with different vulnerabilities. Cognitive challenges, dependence on the care provided by other people, difficulty communicating needs, challenging behaviors and poor memory or recall are some of the factors that contribute to the increased vulnerability of people with I/DD. Many adults with I/DD are unable to recognize danger, understand rights, and protect themselves against actions or inactions that are illegal, abusive or in any way threatening to their health and emotional, financial and physical well-being.

- According to Dr. Nora Baladerian in the *2012 National Survey on Abuse of People with Disabilities*, “Nearly half of victims with disabilities did not report abuse to authorities. Most thought it would be futile to do so. For those who did report, nearly 54% said nothing happened. In fewer than 10% of reported cases was the perpetrator arrested.”
- Dr. Baladerian’s research indicated 87% of the respondents reported verbal-emotional abuse, 51% reported physical abuse, 42% reported sexual abuse, 37% reported neglect, and 32% reported financial abuse.
- We know through Dr. Baladerian’s research and others that reporting of abuse, neglect and exploitation is low. Abuse reporting increases significantly when family members are involved in their loved one’s care, so educating family members of individuals with I/DD is crucial in increasing reporting.
- The *2012 National Survey on Abuse of People with Disabilities*, authored by Dr. Nora Baladerian, Thomas F. Coleman and Jim Stream for the 2013 Spectrum Institute, disability and abuse project.

# FY15/FY17 IMB Activity

	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>
Total DD Waiver and Mi Via Self-Directed Waiver population	4,959	4,681	4,680
Total Intakes received by IMB	2,060	1,991	2,097
Number of Cases Assigned for Investigation	1,452	985	1,272
Number of Allegations Substantiated	592	478	359
Number of Consumers determined to have been abused	434	197	254
Number of Consumers who were re-abused in 12-month period	97	32	19
State-Wide ANE Rate –	11.9%	10.2%	5.8%
Re-Abuse rate -	16.3%	16.2%	7.4%

## ***IMB data by Region: 07/01/2014 - 06/30/2015***

71% of all Intakes were assigned for Investigation. 41% of the assigned cases substantiated.

Region(s)	Total Intakes Received	Total Assigned P-1	Total Assigned P-2	Total Emergency cases	Total Assignments	Closed at Intake	NRI'd/ NJ'd	Cases Screened out
Metro	908	117	529	5	651	144	113	257
Northeast	143	16	76	1	93	27	23	50
Northwest	185	14	127	0	141	31	13	44
Southeast	406	43	242	2	287	76	43	119
Southwest	418	38	241	1	280	75	63	138
Totals	2060	228	1215	9	1452	353	255	608

## ***IMB data by Region: 07/01/2015 - 06/30/2016***

**49% of all Intakes were assigned for Investigation. 17% of the assigned cases were substantiated.**

Region(s)	Total Intakes Received	Total Assigned P-1	Total Assigned P-2	Total Emergency cases	Total Assignments	Closed at Intake	NRI'd/ NJ'd	Cases Screened out
Metro	916	101	337	5	443	74	390	473
Northeast	148	14	37	0	51	15	68	97
Northwest	147	10	49	0	59	15	60	88
Southeast	372	37	127	1	164	44	158	207
Southwest	428	41	139	2	183	45	189	245
Totals	2014	203	689	8	899	193	865	1110

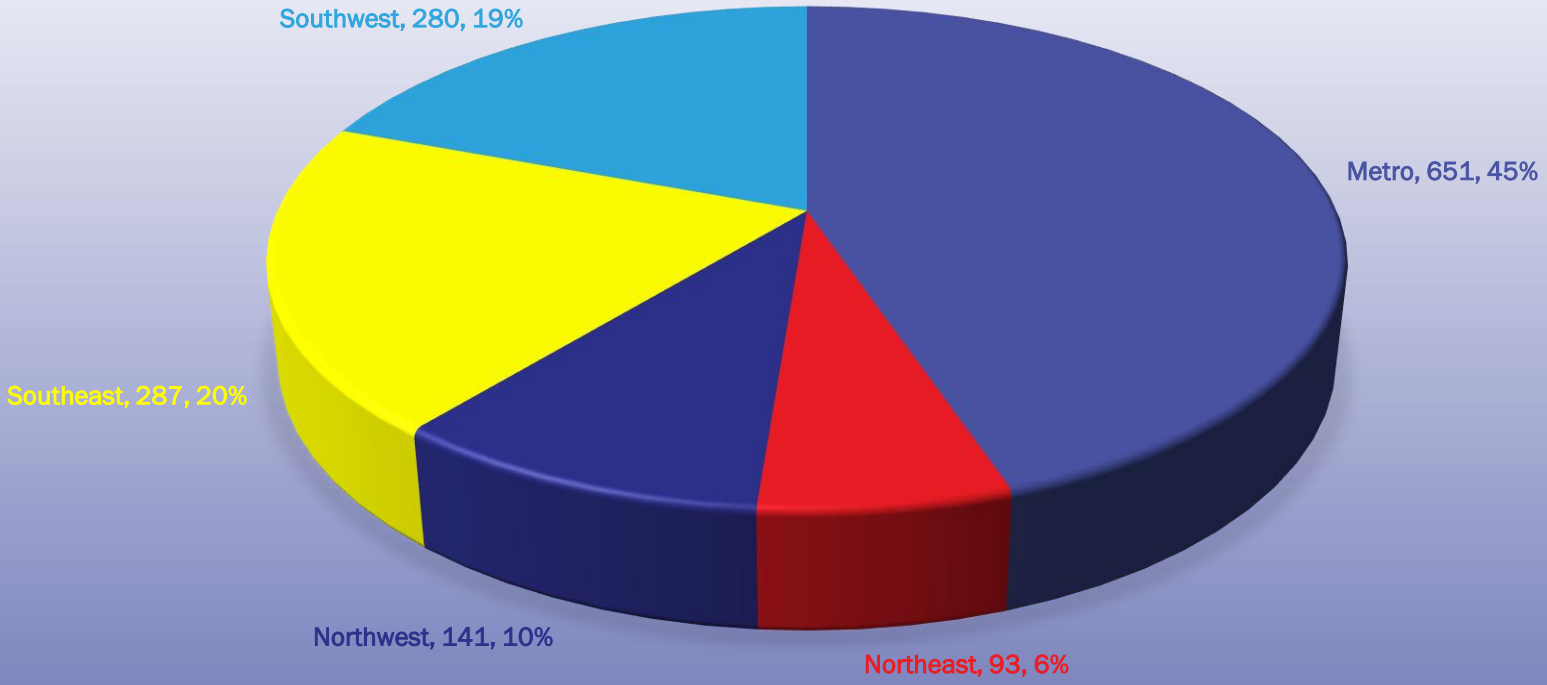
# IMB data by Region: 07/01/2016-06/30/2017

61% of all Intakes were assigned for investigation. 21% of the assigned cases were substantiated.

Region(s)	Total Intakes Received	Total Assigned P-1	Total Assigned P-2	Total Emergency cases	Total Assignments	Total Intakes Screened out
Metro	1066	172	478	0	650 (61%)	416
Northeast	150	25	61	1	87 (58%)	63
Northwest	118	17	52	0	69 (58.5%)	49
Southeast	323	47	156	0	203 (62.8%)	120
Southwest	437	61	195	1	257 (58.8%)	180
Totals	*2097	322	942	2	*1272 (60.6%)	*828

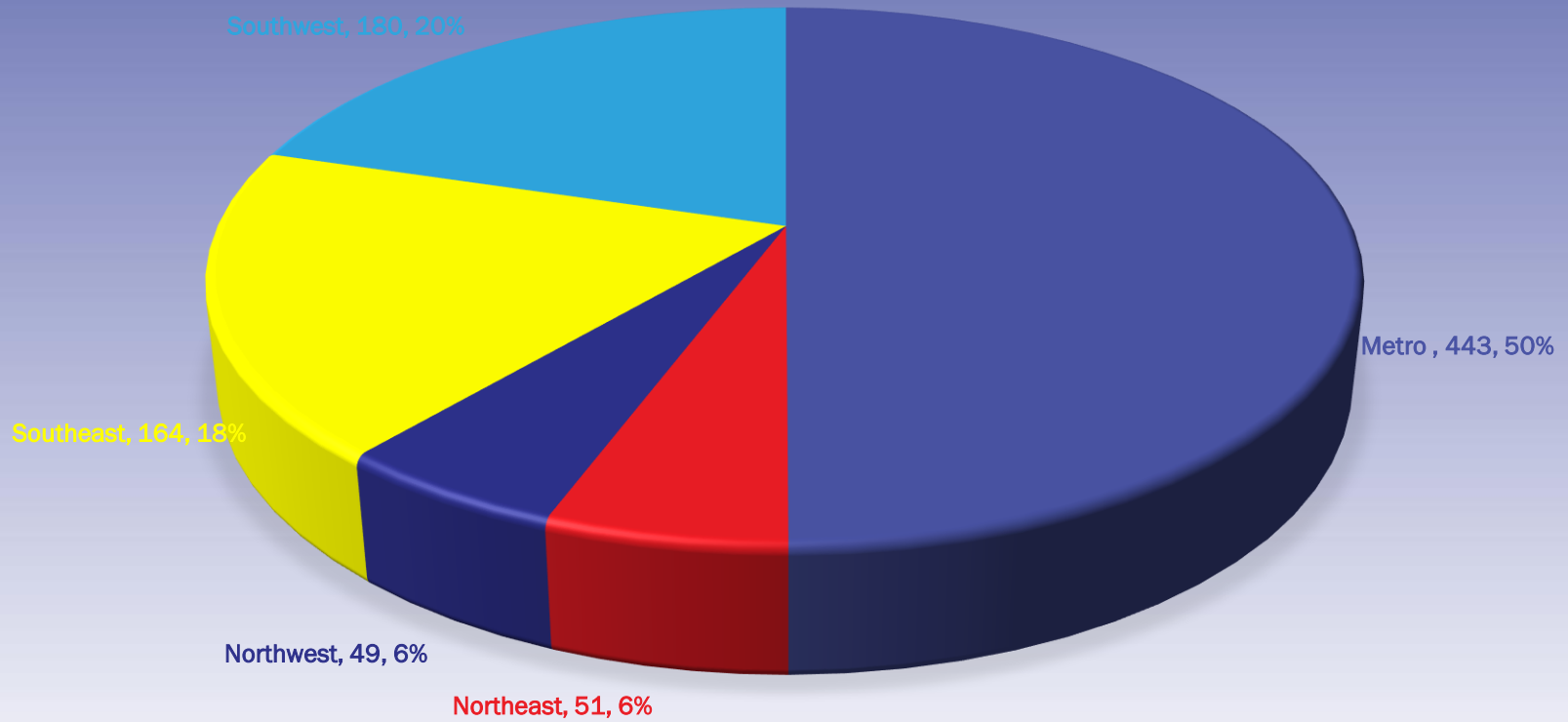


### ANE INVESTIGATIONS BY REGION FY15

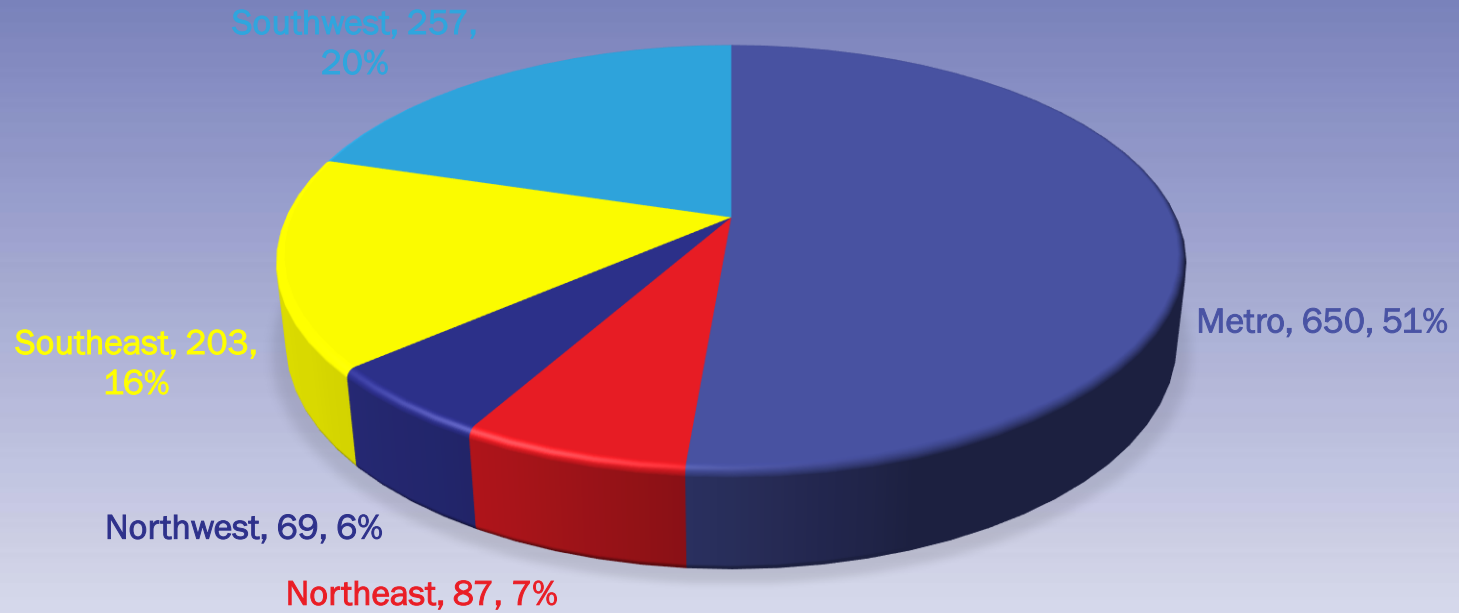




# ANE INVESTIGATIONS BY REGION FY16

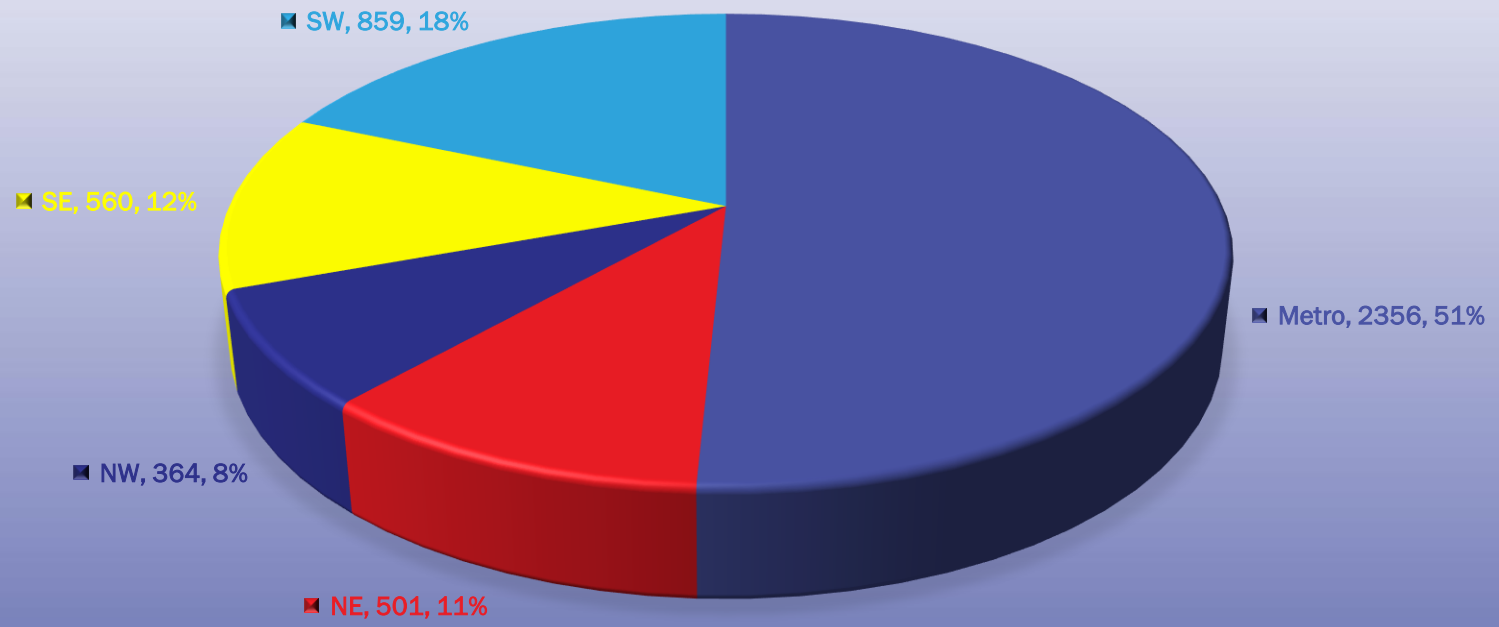


# ANE INVESTIGATIONS BY REGION FY17



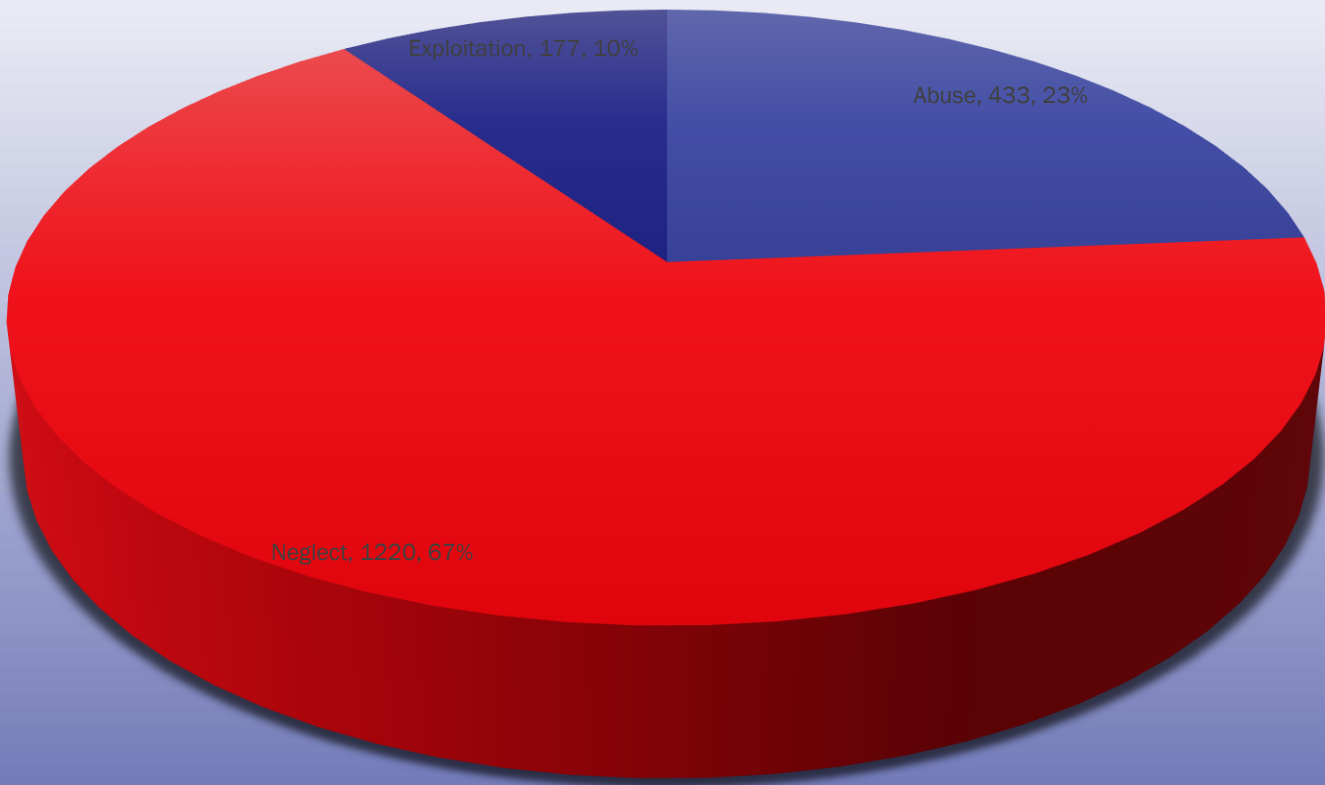


### DD WAIVER AND MI VIA POPULATION BY REGION FY15



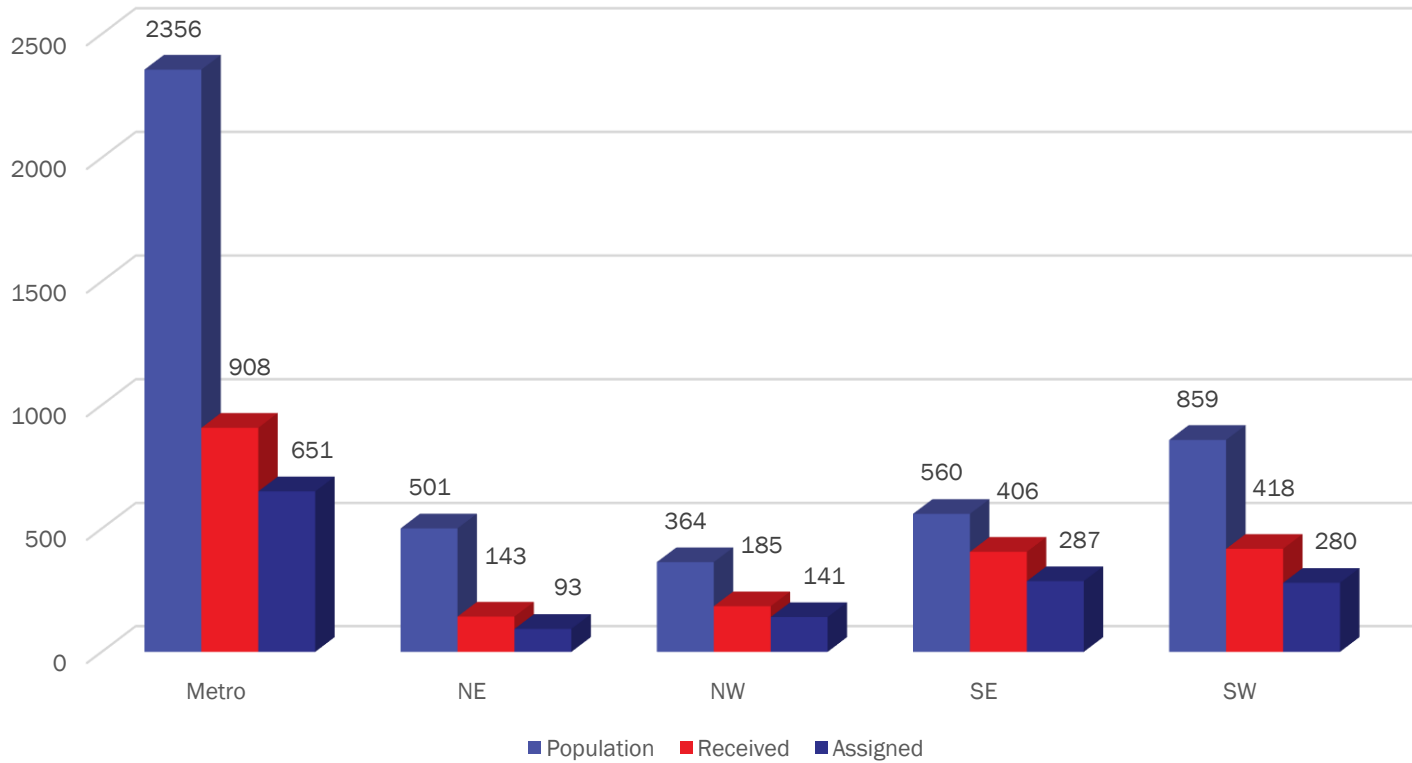


### Percentage of ANE allegations investigated



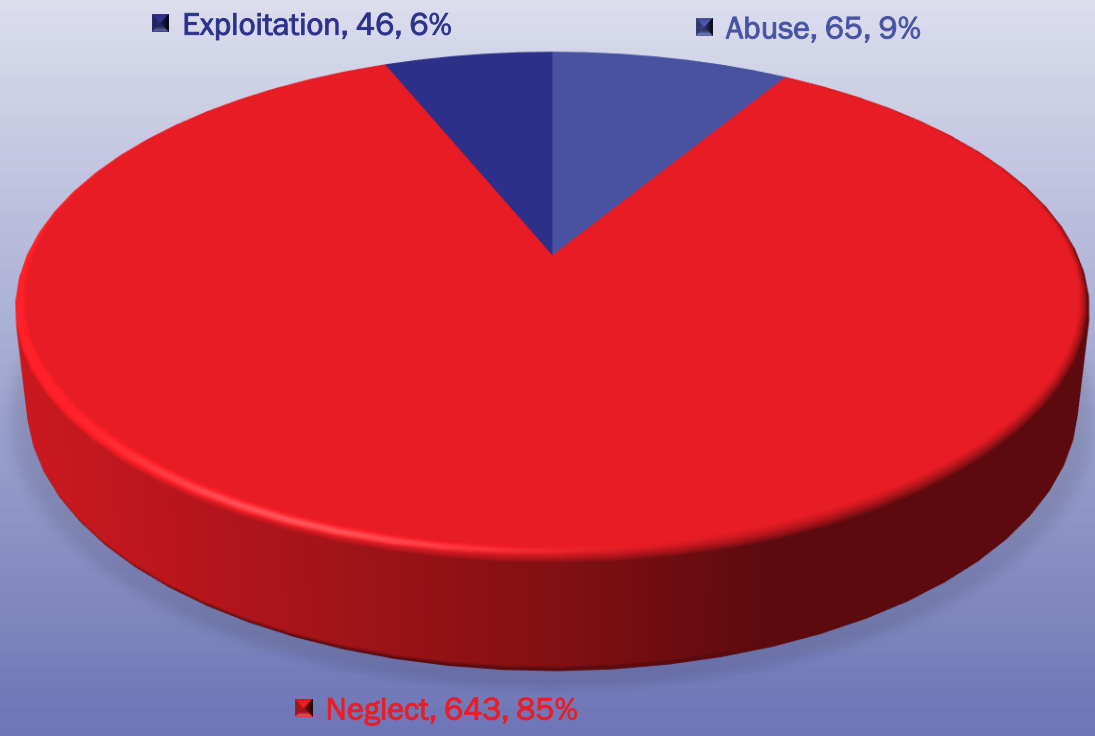


DD and Mi Via population, versus received intakes and assigned allegations.

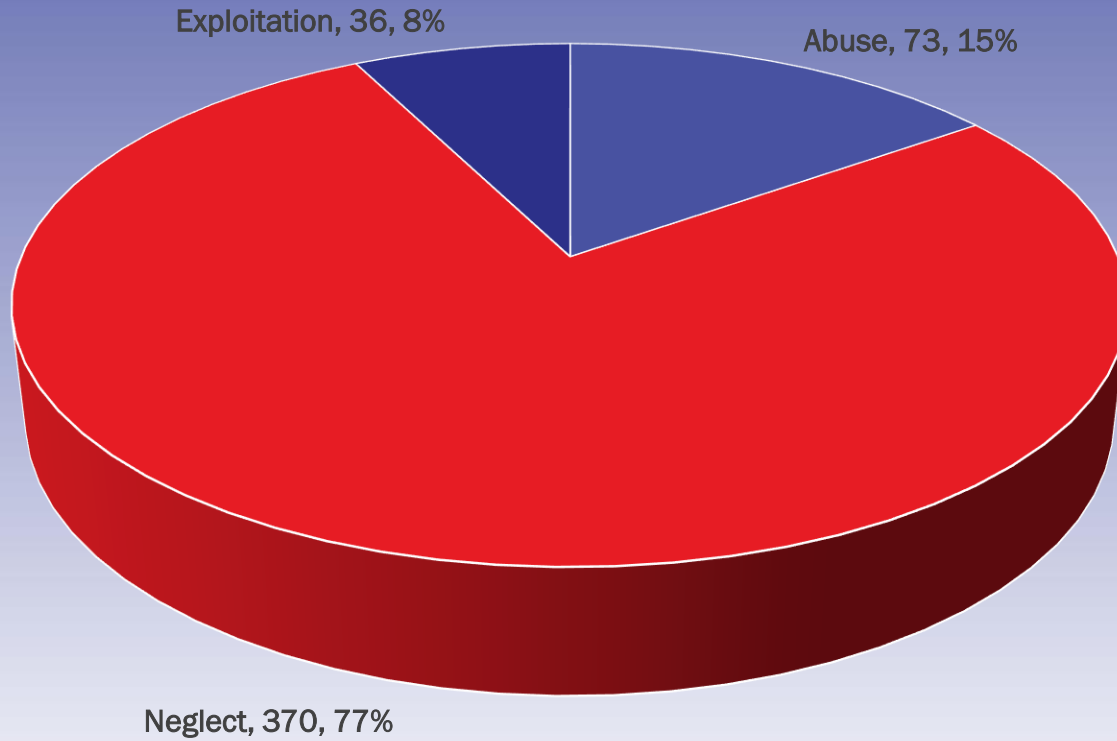




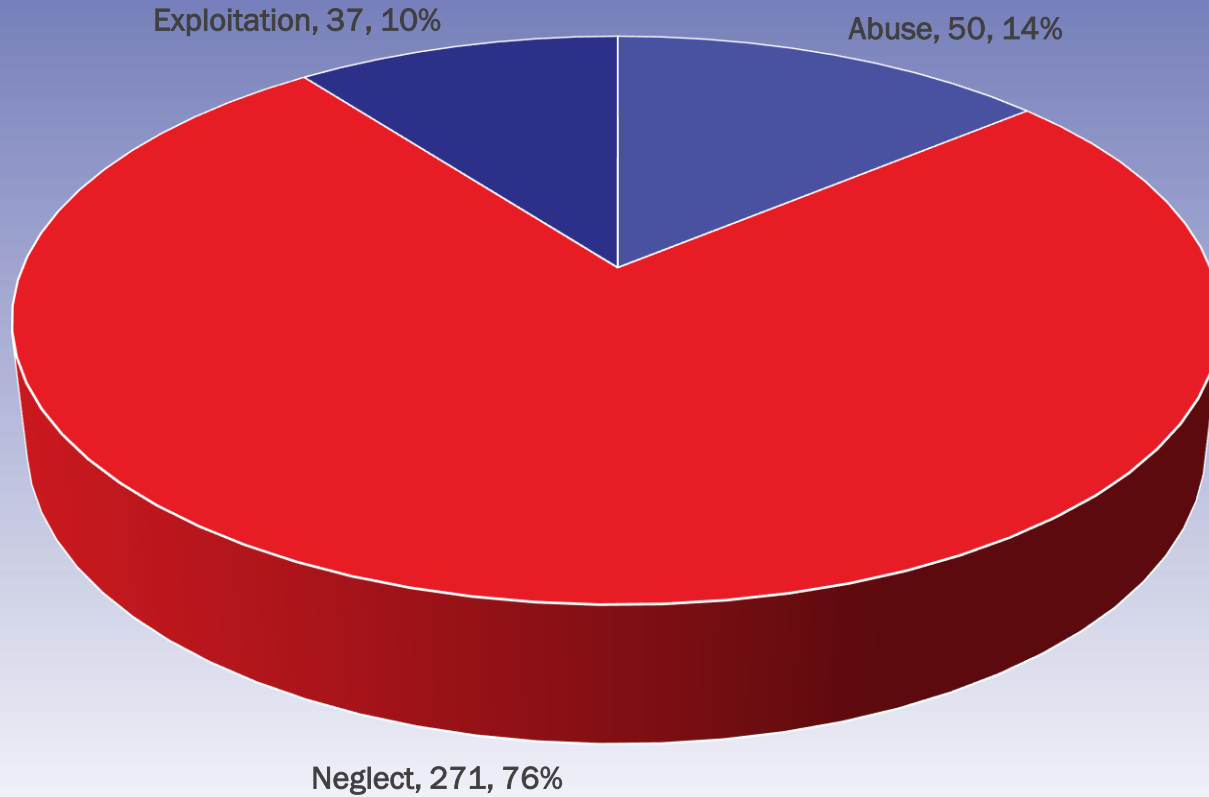
### FY15 SUBSTANTIATED ANE BY TYPE



## FY16 Substantiated Cases by Type

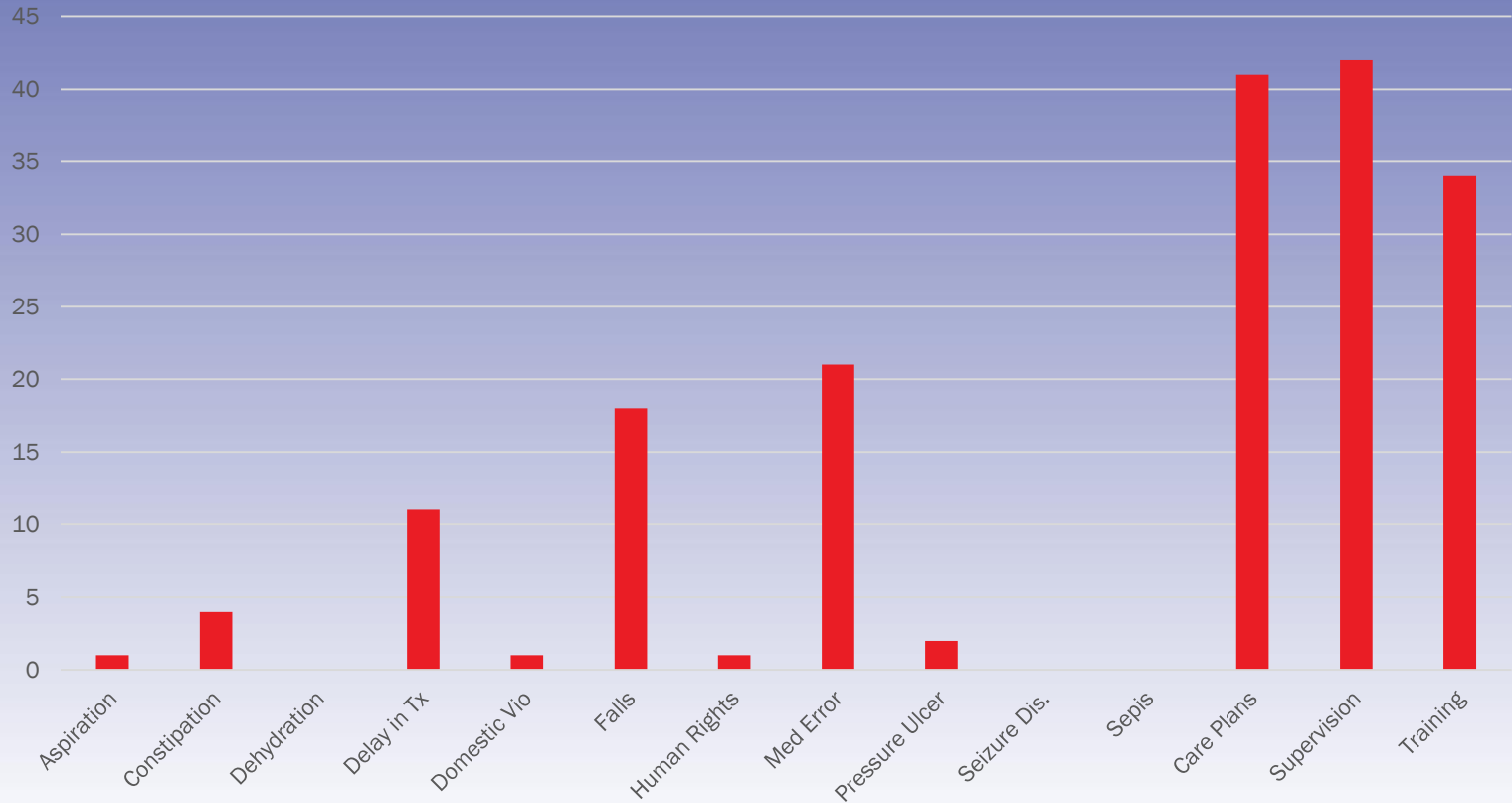


# FY17 Substantiated Cases by Type

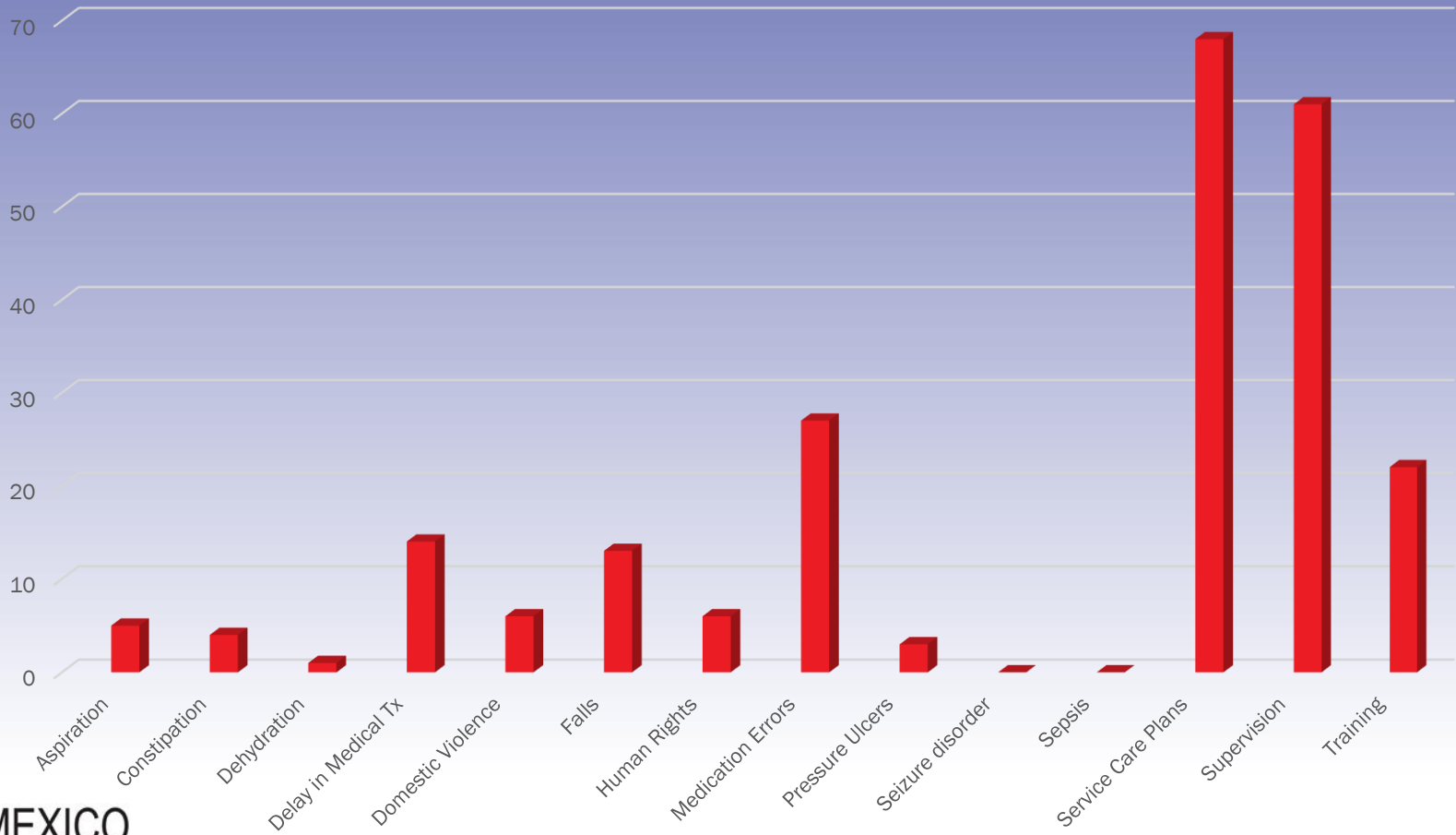




## FY16 Causation



# FY17 Causation



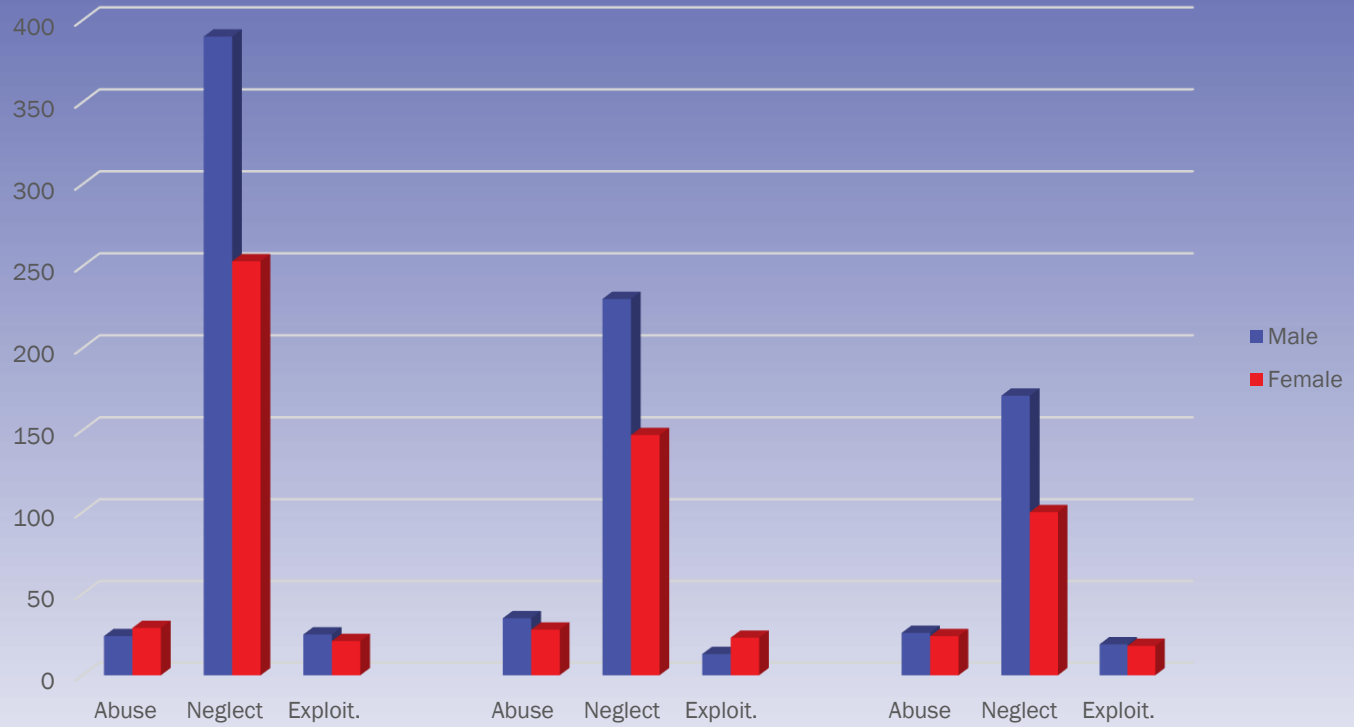
## Likely Risk of Harm

As you can see, most IMB investigations involve allegations of Neglect; the caregiver failed to do something they are required to do. The Neglect rule was rewritten in 2014, but IMB staff were given little guidance on how to evaluate neglect, versus what is a staff performance issue.

The issue is the part of the Neglect rule in NMAC 7.1.14.7(S) that states, “Neglect causes, or is likely to cause harm to a person.”

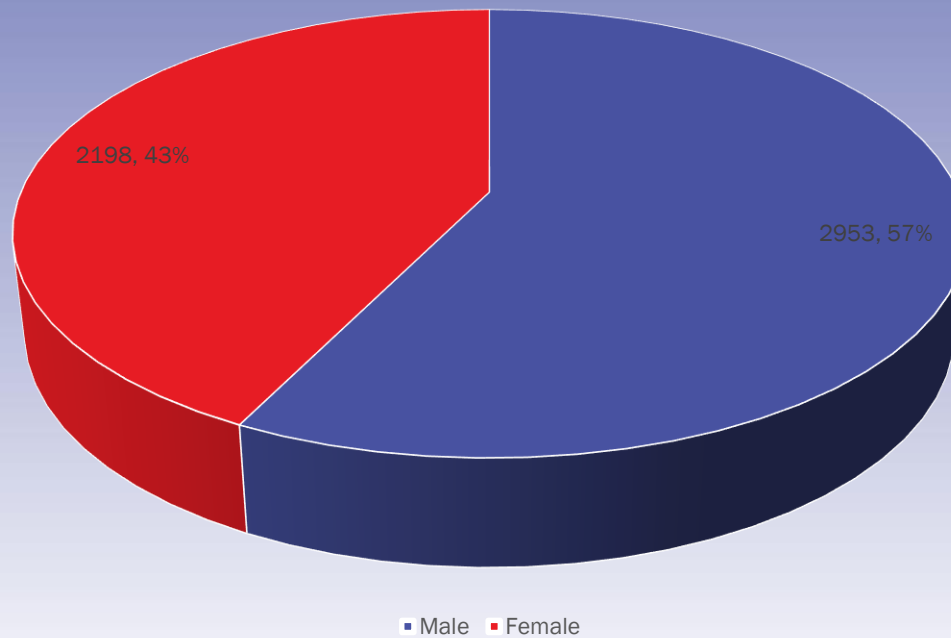
It’s easy to determine when Neglect results in harm to a consumer, but it’s harder to determine what is “...likely to cause harm to a person.”

## ANE by Gender FY15 - FY17



# In New Mexico, males represent 14% more of the I/DD Waiver population.

NM I/DD POPULATION BY GENDER FY16



If an investigation is Substantiated, IMB may refer the investigation documentation to:

- **Law Enforcement:** Notified anytime there is reasonable cause to believe that a crime has been committed. This often occurs at the beginning of an investigation.
- **Developmental Disabilities Supports Division:** Holds the state contract with all community based providers, and is responsible for certification, regulatory and corrective actions functions for providers of services in individuals with developmental disabilities.
- **Licensing Boards:** Responsible for issuing sanctions, fines or other corrective action to licensed professionals (e.g. Nurses, Licensed Counselors, Social Workers, Physicians and Dentists).
- **Medicaid Fraud Unit:** Also investigates and prosecutes physical, sexual and financial abuse or neglect of consumers who receive Medicaid funding.
- **Employee Abuse Registry:** Established on January 1, 2006, the EAR is an electronic registry of persons with Substantiated registry referred abuse, neglect or exploitation that meet severity standards. It supplements other pre-employment screening requirements such as Caregiver Criminal History Screening (CCHS).
- **Internal Review Committee (IRC):** Oversees the performance of community based providers to assure qualified providers are providing appropriate services under various Department contracts and agreements, including the DD Waiver, DD State General Fund and Medically Fragile Waiver.

# IMB Staffing

Metro	Two regional Supervisors and 14 Investigators, including an RN.
NE/NW	Regional Supervisor and 4 Investigators. 4 Intake Specialists. New RN for Intake.
SE/SW	Regional Supervisor and six Investigators.

# Contact Info

Incident Management Bureau 24-hour ANE Hotline

(800) 445-6242

Bureau Chief Ed Stallard

(505) 259-4314





# Questions?

