

Interviews with Experts

An interview with Bill Benson about funding sources for Adult Protective Services.



Bill Benson is the National Adult Protective Services Association's Policy Advisor, and in that role, he leads the charge to address the need of Adult Protective Services programs to obtain adequate funding to meet the needs of the both program and the victims that APS serves, and to strengthen the nation's laws and strategies for combatting vulnerable adult and elder abuse.

Can you please explain how APS is currently funded across the country?

Adult Protective Services (APS) programs are funded in a variety of ways. Most significantly, there are two primary funding streams at the state level. One stream is from state's general revenue. The decision to use state general revenue is up to state legislators and states' executive branch to decide to what extent they want to support APS and how much money they spend out of their general revenue for APS functions. The other stream that is used by many states is federal money available to states for social services through the Social Services Block Grant or SSBG. SSBG provides states a menu of 29 services that they can opt to fund from their SSBG allocation. States have the flexibility to pick and choose from the SSBG list of services. While it fluctuates to some extent from year to year, approximately 37 states choose to use SSBG to fund some portion of their APS program. In a few notable cases, states completely or almost completely fund their APS program with SSBG funding. Examples include South Carolina, Oklahoma, Tennessee and Alabama. There are also potential funding options that are used at the community or local government level, with some programs being funded solely by local dollars. Some communities elect to pay for services from local property taxes. Ohio is an example of a state that does this. Ohio has a county-administered APS system. They have had great success in funding aging services out of local levies (property taxes). So, there really isn't one funding stream for APS. However, most states use general revenue dollars and many also rely on SSBG.

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What is SSBG?

Let's start with a little bit of background. SSBG is part of the Social Security Act, specifically Title XX. During the Reagan Administration Title XX funding was turned into a block grant and states were given a great deal of flexibility as to what can be funded with this money. At that time, the annual funding for SSBG was \$2.8 billion. SSBG can be used for a broad menu of services ranging from child welfare or protective services, disability services, behavioral health, refugee assistance to older adult services. This allows states to address their own

specific priorities. A lot of the funding goes to child welfare but about 10% goes to Older Adults. Services for older adults run the gamut from home-delivered meals to case management to chore services to APS. As I mentioned earlier, about 37 states use SSBG to fund some part or even all of their APS program.

I should note that in 1996, as part of welfare reform, there was an agreement made to “borrow” \$1 billion from SSBG with a commitment to repay that funding within 5 years. However, it has never been repaid. Since then we’ve had a total of about \$1.7 billion in annual SSBG funding, so obviously states had to make significant cuts in what they funded with SSBG. Of the \$1.7 billion, some \$206.5 million in FY 2016 (the most recent year for which data is available) was spent on APS nationwide among the 37 states using SSBG for APS.

As I noted, the amount of SSBG money used for APS fluctuates, not only in the number of states using SSBG for this purpose but also in the amount of money dedicated to APS. In recent years it has ranged from a low of \$197 million to a high of \$215 million. But it is not evenly spent across the country. Texas accounts for the largest portion of that funding because they are a larger state and have a large APS program. It is worth noting that states do have the option of transferring money out of Temporary Assistance for Needy Families, or TANF, to SSBG. This has mainly been done to fund child welfare services, but several states report that they have been able to transfer some TANF funds to SSBG for their APS programs. We are trying to learn more about that.

Over the past decade there have been major threats to SSBG including proposals at various times by Congressional members and the Presidential administration. States have reported that if SSBG were to disappear it would wreak havoc on the APS program and the services it relies on. Particularly in states that rely on SSBG, it is unlikely that funding could be fully replaced by state general funds or other sources.

What are some less common ways states have funded APS?

As noted earlier, some states have used local property taxes to fund APS. In Ohio, a number of counties have successfully put forward ballot initiatives to use a “mill tax” for aging services which has generated millions of dollars. And, in some cases, some of those dollars go to APS.

Another less common approach to funding APS is to obtain Victims of Crime Act (VOCA) funding. VOCA funding comes from the Crime Victims Fund created by VOCA, with the funding coming from fines and penalties paid by convicted federal offenders, not from tax dollars. Congress puts a cap on the amount that can be spent from the Fund, but several years ago

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Congress raised the cap significantly thus providing much more money from services for victims of crime. As a result, it opened the door to APS obtaining VOCA funding without it having to be taken from established services funded by VOCA. VOCA funding is allocated to states and is administered by the state agency authorized to oversee VOCA. The funding must be used to provide services to victims of crimes so it cannot, for example, be used for services for self-neglecting clients. But clearly many reports of abuse handled by APS involve crimes

against victims and are ideal for services paid for by VOCA funding. A growing number of APS programs have been successful in applying for VOCA funding. Like SSBG, there have been proposals to reduce this funding.

There are a few states (California comes to mind) that are using Medicaid (Medi-Cal in California) – Title XIX of the Social Security Act – to provide some funding for APS. Using Title XIX funding requires understanding the intricacies of Medicaid Administrative Claiming. This is reimbursement for Medicaid program administration and involves: 1) including the APS program in the state’s federal cost allocation plan; and 2) ensuring the APS program has the infrastructure and processes in place to collect the information necessary to meet federal requirements for reimbursement. If approved, the federal government (that is, the Center for Medicare and Medicaid Services or CMS) will reimburse the states for 50% of eligible services to Medicaid recipients. So, you must make the link between what APS does and the service needs of the Medicaid recipient. There is a formula that is based on the number of clients served, the amount of time spent and the cost of the services. The amount of time allowed usually based on random moment time studies (RMTS). The bottom line is that, to use Title XIX funding, you need to be very deliberate, you need to understand the program, you need to have strong administrative skills and capacity, and you need to know what is and is not allowable. In addition to this use of Title XIX funding, we understand some states are paying for their APS nurses under SPMP (skilled professional medical personnel) regulations and get reimbursed at the 75% rate. Pursuing Medicaid funding for APS is not for the faint of heart but the rewards can be huge. In 2015 the National Adult Protective Services Association (NAPSA) issued an APS Administrator Briefing Paper titled, “Alternate Sources of Funding for APS Programs.” It addressed both Medicaid and VOCA funding and is worth reading carefully.

Outside of this, we’ve not heard of many other creative ideas. But we believe that there may be other ways to fund APS that we have not heard about.

What part of APS does the federal government fund?

There are no dedicated funds for APS from the federal government. States can choose to use SSBG but it’s not a dedicated funding stream earmarked for APS. There are \$5.2 million from the Older Americans Act for elder abuse prevention that goes to area agencies on aging. The Administration for Community Living provides limited competitive grant funding to states based on available elder justice appropriations to enhance APS services and other purposes. But, the bottom line is that there is no federal funding for salaries and operating costs to maintain and sustain Adult Protective Services in the states.

What can states do to help advocate for federal funding for APS?

The Older Americans Act **explicitly** (unlike any other federal statute) **requires** advocacy by all levels of the aging network; so, states and area agencies on aging need to advocate on behalf of older adults. In my opinion, it is essential that states make the case that APS is important and that investigating abuse and providing remediation for victims is a government function that

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needs to be adequately supported. States need to make the case that abuse is a serious problem. It is likely there are people up your chain of command who need to be educated. Policy makers need to hear from state legislative representatives, including governors' offices, directly and through their national associations, such as the National Governors Association, the National Conference of State Legislators, and the Council of State Governments. State governments and their national associations should be aware of APS and how it is funded. They should know about APS. States need to share stories with policy makers and talk about the impact APS has in reducing abuse and helping victims to recover and stay safe.

States need to explain that having federal dollars for APS will help to reduce pressure on states to provide a responsive and quality APS programs reliant only on state and local funding. Moreover, our population demographics demand that we increase funding for APS.

We all need to support a strong national advocacy organization by being active, involved members. This includes being active on committees and stepping up to provide information about your program so that it can be used to inform national policy. Many of you are doing that now and we are immensely grateful for all you do.

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