



April 24, 2021

Governor Tom Wolf  
Office of the Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

**RE: Immediate Need for Addressing Abuse of PA Citizens with Disabilities. They cannot wait any longer.**

Dear Governor Wolf,

As you are aware through our many partnerships, for over 25 years Vision for Equality has worked tirelessly towards our mission of assisting and empowering people with disabilities and their families to seek quality and satisfaction in their lives as well as equal access to support and services. Dedicating ourselves and believing in an individual- and family-centered outlook in the Intellectual Disability Community has allowed us to remain on the forefront of the disability rights movement.

While we have addressed a variety of pressing issues, none have been more in need of change than addressing the **crisis of abuse and neglect of individuals with disabilities**. The most recent article detailing the ongoing [Devereux Abuse Scandal](#) brings up the fact, that there remains **no meaningful infrastructure in PA to protect its most vulnerable citizens**. Even though [State Representative Katie Muth called for formal investigation](#), the impact of Devereux's egregious abuse and neglect hasn't seemed to move other policy makers to make the changes needed to ensure that people with disabilities are protected once and for all. Devereux is in a long line of our state's failure to protect those with disabilities, particularly for those who lack the ability to self-report or who are afraid to do so.

National statistics confirm that individuals with disabilities are **seven times** more likely to be a victim of sexual assault, as well as having increased incidents of neglect and abuse. These citizens continue to be left behind in discussions about combating abuse and victim's rights. The 2018 NPR series, "[Abused and Afraid](#)," which featured reports from Joseph Shapiro, revealed how this is truly a hidden epidemic. While this report angered and moved advocates and lawmakers alike to address the crisis; in January 2020, the Office of Inspector General report found **PA has continued to fail at addressing abuse and neglect with their mishandling of more than 10,000 incidents!** The brief and full report can be found [here](#). This is unacceptable, we need actionable steps

Vision for Equality fought for nearly a decade and was instrumental in seeing the PA [2010 Adult Protective Services Act](#) put in place to protect adults aged 18-59 with disabilities. Now, a full decade later, no meaningful regulations have been put in place to give this Act the leverage needed to carry out those protections. In 2019, as Governor, you enacted an [Executive Order](#) to protect vulnerable populations from abuse and neglect and established the Office of Advocacy and Reform and the Council on Reform. While we applaud your intention; **adults with disabilities were provided the least amount of effort and resources in the Council's outlined objectives, membership, and goals**. Naming a council is simply not enough, we need **action**, and we need it now. We did provide the Council our public comment and suggestions in December of 2019 but have not heard from the Council or seen any efforts enacted since that time.

We believe that the Pennsylvania House Human Services and Senate Health and Human Services Committees have an obligation to ensure that regulatory legislation, designed to protect vulnerable populations, is finally put in place to seal these protections. We strongly suggest that the work of these committees should include legislation that targets the use of monitored security cameras in homes and residential settings to provide a "key witness" to abuse. Many of the supported individuals have severe cognitive and language challenges and are often falsely considered



unreliable or incapable witnesses to an incident of abuse or neglect which is critical in establishing an offense or a crime. For some a camera maybe **the only witness** and is essential in seeking criminality, ridding the system of an abuser. In many instances it is the only reliable source to protect the person.

**Provider accountability around abuse and neglect must be additionally prioritized in these efforts.** Providers currently continue to be able to self-report and investigate incidents under the [6400 Regulations](#) much to the disapproval of self-advocates and families. Progress is unattainable when the investigating agency is itself. We are protecting a population, many with extremely limited communication skills, with no independent oversight. While the current regulations *do allow* for monitored security cameras; many providers fail to even explore this. Their resistance is even after a handful of providers have successfully begun using them in residential settings and provider-owned vehicles. Providers continually claim that monitoring security cameras violate staff member's privacy and are cost prohibitive. It does not take much to see how ineffective our current PA regulations are to protect individuals when the providers continue to be able to have choice and control around security camera utilization. [CMS's Final Rule](#) does support the use of monitored security cameras that are utilized in a person-centered approach, so we must follow the lead of other states like [New Jersey who are working to enact legislation that would require the use of monitored security cameras to address neglect, abuse and incidents](#) over simply allowing the choice of utilizing security cameras up to providers.

We recognize that there are many hurdles, barriers, and resistance of providers to having monitored security cameras in residential settings and additional privacy considerations for individuals as well. We believe the benefits are worth fighting for to end abuse and neglect. We are not suggesting that they be placed in ways that limit privacy or dignity but for everyday citizens in PA the [law](#) is clear on their right to have home security cameras. What is not clear is how that translates to a provider setting for those with disabilities, particularly those with communication differences or incapacities. For those most vulnerable, security cameras, monitored and recorded, are a key witness. **Yet how many more stories must we hear like [Devereux](#), [Blossom](#) or [McGuire](#) before we create meaningful solutions?** Monitored security cameras may have prevented it all together or in the very least ended the decades long abuse much sooner. [The debate over security cameras in provider settings has been going on for over a decade.](#) We have done enough talking, it is time for action.

We recognize there are many areas of need in addressing the complex issue of abuse and neglect. Yet the way we can elicit meaningful change is through micro-progression that targets the same outcome: **to end abuse and neglect for vulnerable people once and for all.** One of those ways is to require the use of security cameras by providers. We have long supported other actions, including the creation of an Abuse Registry in PA of caregivers that prevents the hiring of those that have founded cases of abuse and restrict the providers ability in hiring known offenders that put residents at further risk. Yet year after year, legislators in PA fail to join the more than 26 other states that have registries addressing these concerns and hiring practices. We must agree on the need for multiple prong approaches and stop seeking a "one size fits all" solution over creating any solution at all and just returning back to business as usual; that is until the next "Devereux" story.

Vision for Equality would appreciate the opportunity to partner with you, the Department of Human Services, PA Senators and PA House of Representatives to create sustainable solutions immediately. One of which we believe is **requiring cameras to be used with consent by the individual(s) and their families in residential settings.** We recommend consideration of the following 6 prong approach:

- Require mandatory use of technology, currently video monitoring with audio and night vision, in residential settings to greatly reduce incidents of abuse and neglect. Other technology that can achieve the same result should be considered as technology continues to evolve. The rights of individuals with intellectual and



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developmental disabilities, including the right to privacy, should be preserved to the greatest extent practical. Just like any other citizen, the individual and their family have a right to choose and may consent to the limitation of the individual's privacy, by knowingly agreeing to video monitoring. While the current regulations *do allow* for security cameras; many individuals living in residential settings are denied the choice and control to use them in their homes that are supported by providers.

- Emphasize the need to comply with the CMS HCBS Final Rule which includes accommodations and practices that include the person and their family at the center of every consideration and decision that may or does affect them. We support self-direction in this initiative which includes the people who act as supportive decision makers and extends the context to all places and providers. This includes the individual and their family can select and deselect staff at any time for any reason without fear of reprisal or loss of services. Commitment, not just compliance, with on-going collaboration and coproduction of services and supports is necessary to ensure our mutual goals.
- Ensure everyone has access and support to own their communication. This is especially relevant for those who do not communicate using their voice or language comprehension is challenging. Mandating this, as we do for other aspects of a person's support is critical and should not be left to the provider to assess and approve.
- Develop and maintain an Abuse Registry of caregivers who have founded cases of abuse, neglect, and/or exploitation, similar to the law passed in [Massachusetts](#) in February 2020 with unanimous House, Senate, and Administration support.
- Increase provider accountability and transparency. Providers currently self-report and investigate incidents under the [6400 Regulations](#), much to the disapproval of self-advocates and families. **Investigations should be independent and conflict free.**
- Enact regulations, for the decade old, PA [2010 Adult Protective Services Act. This act](#), put in place to protect adults aged 18-59 with disabilities, needs governing regulations to carry out its protections.

As Governor, we hope you will join us in our efforts to hold legislators, DHS, and PA's APS accountable and work together to create and implement the change needed to end abuse and neglect for people with disabilities in PA. While we are aware that the planned March 2020 hearing in the House Human Services committee was postponed by the pandemic, it is beyond time to hold hearings on this issue. We want your Administration's support when we again ask that public hearings are held in the House and Senate **immediately** to address abuse and neglect and the use of security cameras in residential settings and vehicles. We believe that individuals and their families should have the opportunity to be informed of all system changes and be the ones who participate in **all** policy reformation that will impact their lives. With Administration support, we will ensure that they are informed of the hearings and our efforts to create true and lasting change as well.

There is a saying in the disability community among self-advocates and their families, **"Nothing about ME, without ME."** All efforts to support and protect individuals with disabilities must include their voices at policymaker's tables.

If you have any questions, please feel free to contact us. We would welcome a meeting virtually to discuss next steps on how cameras and a registry can be a meaningful part of our joint efforts in Pennsylvania to end abuse and neglect today. Thank you for your time and dedication to this important issue. The work of justice and advocacy is never done; we must be diligent daily to ensure that we tirelessly seek equitable and just communities for ALL people.



# Vision for Equality

Serving People with Disabilities and Their Families

Security cameras and monitoring do not just reduce incidents; they save lives. We believe ensuring people's safety and well-being is the highest priority of services provided to our loved ones.

Sincerely,

*Audrey Coccia*      *Maureen A. Devaney*

Audrey Coccia

Maureen Devaney

Co-Executive Directors

CC: Robert P. Casey Jr., US Senate  
Theresa Miller, Secretary, Department of Human Services  
Meg Snead, Acting Secretary, Department of Human Services  
Michele Brooks, Majority Chair, Senate Health and Human Services Committee  
Bob Mensch, Vice Chair, Senate Health and Human Services Committee  
Art Haywood, Minority Chair, Senate Health and Human Services Committee  
Frank Farry, Majority Chair, House Human Services Committee  
Angel Cruz, Minority Chair, House Human Services Committee  
PA Senate Health and Human Services Committee Members  
PA House Human Services Committee Members  
Dan Miller, Chair, Democratic Caucus  
Kristin Ahrens, Deputy Secretary, Office of Developmental Programs  
Michael Gamel-McCormick, Disability Policy Director, Special Committee on Aging, for Senator Bob Casey  
Drew Wilburne, Director of Intergovernmental Affairs, Department of Human Services  
Denise Getgen, Director of Protective Services, PA  
Kathleen Buckley, Director of the Office of Victims Service, PA  
John Delaney Jr., Esq., Chair, Victims Services Advisory Council

**The Following Organizations have additionally signed on to this letter in agreement:**

Eileen A. MacDonald, Executive Director, [Delaware County Advocacy and Resource Organization](#)

Matthew Seeley, Esquire, Executive Director, [Pennsylvania Statewide Independent Living Council \(PA SILC\)](#)

Donna Bouclier, Chief Executive Officer, [Terrapin House](#)

Marian Frattarola-Saulino, Founder and Executive Director, [Values Into Action](#)

Debbie Robinson, Executive Director, **Speaking for Ourselves**

Sheila Stasko, Director, [PA Waiting List Campaign](#)

Meghann Luczkowski, Program Manager, [PA Families Need Nurses Now](#)

Joan Nelson and Ramona Griffins, Managers, [Envision New Possibilities](#)

Barbara Nattile, Manager, [Philadelphia Parent Support Groups](#)



Tom Carasiti, Board Chair, **GDC Lifespan**

**Resources to consider related to ending abuse and neglect for PA vulnerable populations:**

**Article on Devereux:** <https://www.inquirer.com/news/inq/devereux-advanced-behavioral-health-abuse-children-pennsylvania-20200811.html>

**Allegheny County caretaker charged with attacking man with autism and intellectual disabilities:**  
<https://pittsburgh.cbslocal.com/2021/01/12/allegheny-county-caretaker-charged-with-attacking-man-with-autism-and-intellectual-disabilities/>

**PA Provider McGuire wrongful death case:**

<https://www.timesonline.com/news/20191122/abuse-wrongful-death-suits-filed-against-mcguire-memorial-former-employees>

<https://www.ellwoodcityledger.com/news/20200227/former-mcguire-memorial-employee-pleads-guilty-to-dozens-of-charges/1>

**PA Provider Blossom wrongful death, poor handling of case and closure of provider:**

<https://www.inquirer.com/philly/business/death-disability-blossom-philadelphia-intellectual-20180425.html>

<https://www.inquirer.com/philly/business/blossom-philadelphia-closing-at-end-of-the-year-20180912.html>

**NJ proposes bill to require providers to have cameras in group home settings:**

<https://legiscan.com/NJ/bill/A4013/2020>

**NPR Abused and Afraid Series:**

<https://www.npr.org/series/575502633/abused-and-betrayed>

**PA 2020 OIG Report Summary (over 10,000 incidents of abuse and neglect were not reported or underreported):**

<https://www.oig.hhs.gov/oas/reports/region3/31700202.asp>

**Adult Protective Services and link to Act 70 (no regulations have been passed to support this bill, a decade later):**

<https://www.dhs.pa.gov/about/Fraud-And-Abuse/Pages/Adult-Protective-Services.aspx>

**Executive Order to Protect Vulnerable Populations:**

<https://www.governor.pa.gov/newsroom/gov-wolf-acts-to-reform-services-and-systems-to-protect-and-advocate-for-vulnerable-pennsylvanians/>

**PA Regulations Current Updates around HCBS related to Regulations 6100-6500 (Providers self-report and investigate incidents of abuse and neglect):**

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol49/49-40/1509.html>