Commonwealth of Pennsylvania
DEPARTMENT OF AGING

The Older Adults Protective Services

Annual Report

FY 2007-08

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Protective Services Annual Report Objective

The Older Adults Protective Services Annual Report is developed to inform the General Assembly, state government officials and the general public about the various types and frequency of abuse and neglect perpetrated on older Pennsylvanians, as well as the steps taken by the statewide aging network to prevent abuse and protect older victims. Previous annual reports are available by visiting the Department of Aging web site at www.aging.state.pa.us.

If you have any questions about this annual report or require additional information, please contact us at (717) 783-1550.

Laws and Regulations Governing Protective Services in PA 35 P.S. §10225-101-5102 and Title 6 PA Code, Chapter 15

- The Older Adults Protective Services Act (OAPSA) became effective on July 1, 1988. The department completed program regulations on November 26, 1988.
- OAPSA was amended by Act 169 in 1996 (effective July 1998) with the addition of the Criminal History Background Checks for Employees working in facilities defined by the Act.
- OAPSA was again amended by Act 13 in 1997, with the addition of the Mandatory Abuse Reporting required by administrators and/or employees of facilities as defined by the Act.
- For more information on OAPSA, please visit us at www.aging.state.pa.us.

Who is in Need of Protective Services under OAPSA?

An older adult in need of protective services is defined as “an incapacitated older adult in the commonwealth over the age of 60 who is unable to perform or obtain services necessary to maintain physical or mental health, for whom there is no responsible caretaker and who is at imminent risk of danger to his person or property.” In the context of OAPSA, incapacitated older adult refers to an older adult who, because of one or more functional limitations, needs the assistance of another person to perform or obtain services necessary to maintain physical or mental health. Incapacity in this context has no direct reference to the term "incapacitated person" as defined in the Incapacitated Persons Act (P.L. 508, No. 164) (20 P.S. §5501-5537) as amended.

What are Protective Services?

Protective services are defined as those activities, resources and/or supports provided to older adults under OAPSA to detect, prevent, reduce or eliminate abuse, neglect, exploitation and abandonment.

Program Oversight

In Pennsylvania, the Department of Aging works closely with the 52 Area Agencies on Aging (AAAs) serving older adults by implementing the protective services program at the local level. Reports can be made on behalf of an older adult whether the person lives in the community or in a care facility such as a nursing home, personal care home, domiciliary care home, assisted living facility or hospital. Reporters may remain anonymous and they have legal protection against retaliation, discrimination, intimidation and civil or criminal prosecution. Any person who believes that an older adult is being abused in any way may file a report 24 hours a day, 7-days a week with any AAA or by calling the **statewide elder abuse hotline number at 1 (800) 490-8505**.

The Consumer Protection Division, under the Bureau for Advocacy, Protection and Education, is responsible for monitoring and conducting compliance reviews of protective services programs and providing ongoing technical assistance to the local agencies. The department strives to improve the delivery of services to abused and neglected older adults by developing strong working relationships with other community agencies and care providers.

Partnership with Temple University

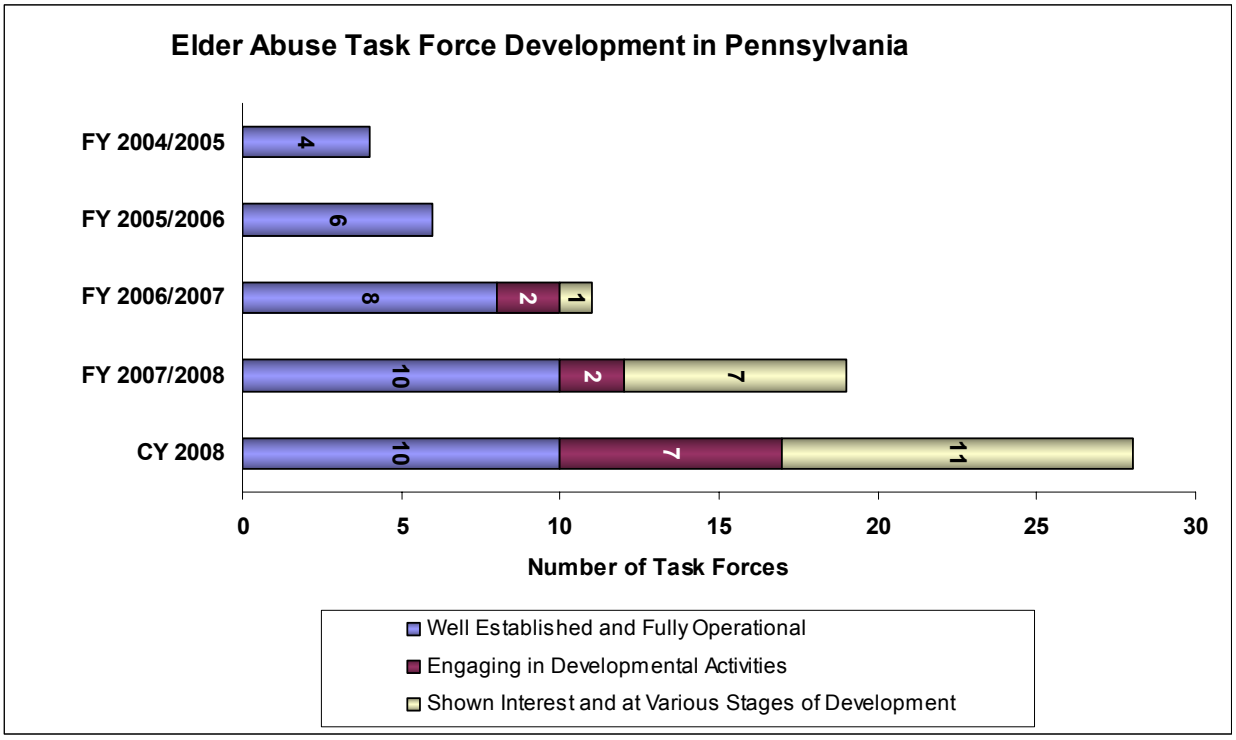
The Department of Aging Institute on Protective Services at Temple University, Harrisburg, provides support, training, resources, and expert consultation to the AAAs, criminal investigators and prosecutors, and other community agencies. These entities work together to uncover, investigate, and prosecute crimes against the elderly.

During this fiscal year, 1,040 professionals were trained to identify, investigate, resolve and prosecute elder victimization in Pennsylvania. Individuals trained include 562 protective services personnel and 478 law enforcement, judicial and other governmental personnel. Other significant areas of training involved a large number of protective services personnel, police and district attorney personnel who have been trained to understand and identify elder victimization. And more importantly, these trainees have been given tools for notifying protective services and law enforcement personnel of any elder victimization they uncover.

Elder Abuse Task Forces

The purpose of elder abuse task forces is to provide protective services investigators with access to and credibility with law enforcement. Through the establishment of elder abuse task forces, individuals victimizing the elderly are now prevented from continuing with that mistreatment due to intervention by not only protective services but also the criminal justice system, when appropriate. The criminal justice system will work closely with protective services by responding to what the protective services system has uncovered and effectively investigated. This is probably the single most important long term accomplishment as it ensures that community resources are available for on-going protection of the elderly.

In the past four years, an investment of approximately $100,000 has been made by the department to provide expert consultation to the AAA network in order to assist in investigating financial exploitation cases. From that investment, we have recovered approximately $1.4 million for victims, and an additional $4.7 million in assets were protected from theft. This demonstrates a total of $6.2 million that was recovered or protected. Additionally, we have estimated an additional $800,000 in funds, which are in litigation.

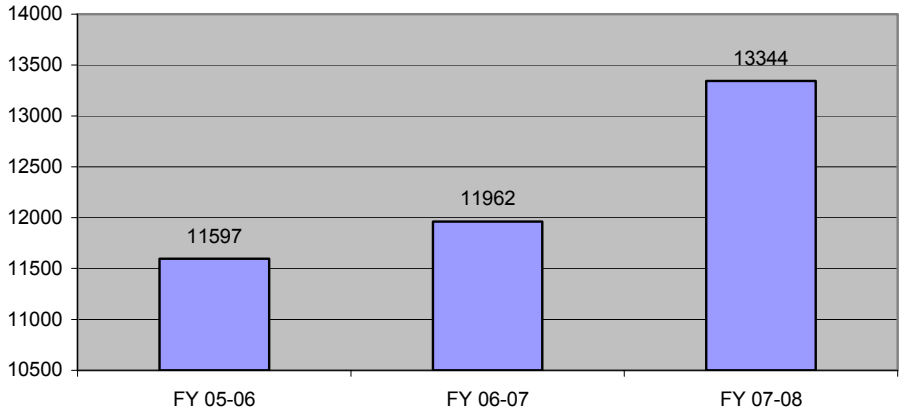


There are now 28 counties that either have an established Elder Abuse Task Force or are in the process of developing one in their counties. The counties with an established task force: Adams, Allegheny, Bedford, Berks, Bradford, Bucks, Butler, Chester, Columbia, Cumberland, Elk, Fayette, Franklin, Fulton, Huntingdon, Indiana, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Mercer, Montgomery, Montour, Schuylkill, Somerset, Washington, and Wyoming.

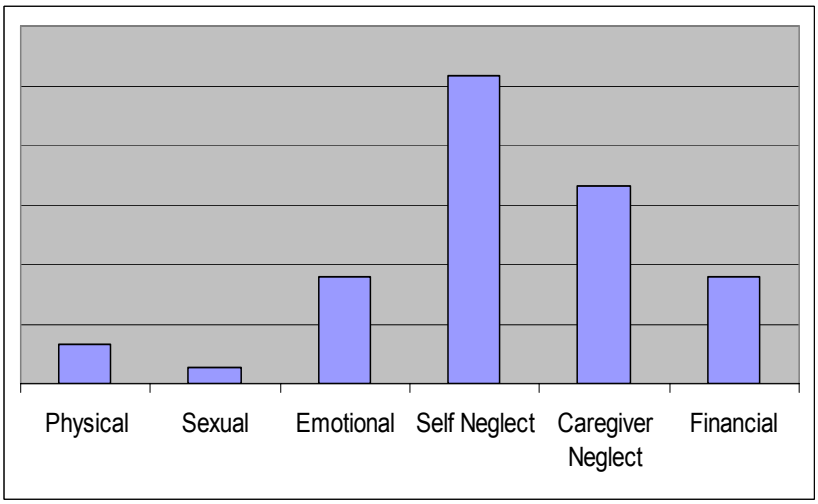
Data

The total number of reports of need for protective services reported by the AAAs rose 11.6% to 13,344 during this fiscal year. This rise may be a result of increased trainings, enhanced collaboration with other state agencies and community partners, and improvements in data collection methods and agency monitoring efforts. Of these 13,344 reports, 72% (9,654) were determined to be appropriate for investigation. Of the investigations conducted, 28% (2,736) of the cases were substantiated as needing protective services (refer to **Appendix B**). The most frequent reports received and substantiated were those of self neglect (followed by caregiver) and then emotional abuse and financial exploitation.

Reports Received by Fiscal Year



Substantiated Types of Abuse in FY 07-08



Filing Reports

There are two types of reporting under OAPSA, voluntary and mandatory reporting. Under the provisions of voluntary reporting, any person who has reasonable cause to believe that an older adult needs protective services may report that need to the local AAA or by calling the **statewide elder abuse hotline number at 1 (800) 490-8505**. Voluntary reporters may choose to remain anonymous and still be assured that their report will be thoroughly investigated.

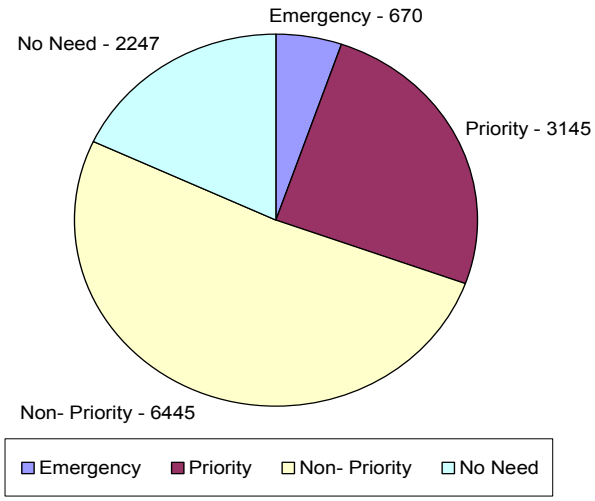
Administrators and/or employees of certain facilities are mandated reporters. Under OAPSA, administrators and/or employees are required to report any suspected abuse of a recipient of care to the AAA. If the suspected abuse involves **sexual abuse**, **serious physical injury**, **serious bodily injury** or **a suspicious death**, a mandatory report must be made to the local AAA, the Department of Aging, and local law enforcement.

When an allegation of abuse is received, the AAA use the information contained in the report to determine if the alleged victim meets the criteria for a protective services investigation to be completed. If the alleged victim does not meet the criteria specified by the law, the case is referred to a local resource to ensure the allegation is investigated, or the consumer receives the necessary care and services that they need. For example, these local resources may include licensing agencies, various community resources or partners, who conduct protective services for those under 60 years of age.

In addition to determining if the alleged victim meets the criteria for protective services, all reports are categorized, and include:

- Emergency – requiring immediate response
- Priority – requiring response no later than 24 hours
- Non-priority – requiring response no later than 72 hours
- No-need – requiring referral for other resources

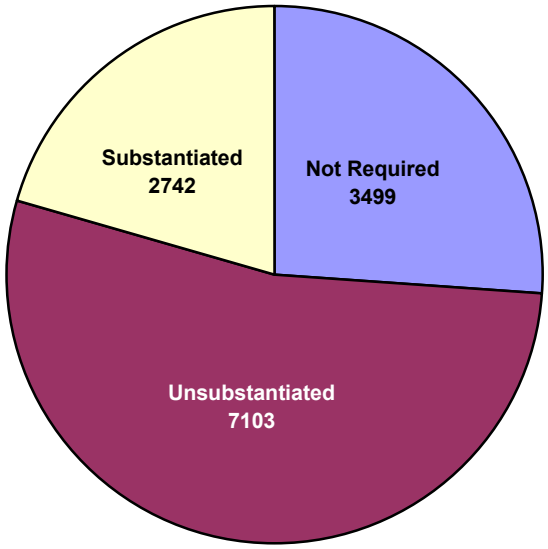
Categorizations of Reports Received in FY07-08



Investigation

The purpose of the investigation is to determine if the older person (victim) named in the report is in need of protective services (substantiated report) or is not in need of protective services (unsubstantiated report). Of the 13,344 reports received, 72% (9,654) were investigated by the AAAs and 28% (2,736) of those cases were substantiated. **Appendix A** provides county-by-county data on reports and substantiation rates.

Report of Outcomes



Characteristics

Throughout the course of a protective services investigation, information is gathered concerning the characteristics of individuals reported to need protective services (victim) and alleged abusers (perpetrator). Each is described as follows:

Victims

In Pennsylvania, elder abuse is most concentrated among the very old. The age group most often found to need protective services (39%) is over the age of 81. Additionally, the majority of older adults found to need protective services are Caucasian females (67%) and dependent on their abusers.

Alleged Perpetrators

Our data reveals that 55% of perpetrators were 30-59 years of age. The distribution of perpetrators by sex reveals that the majority are female. Pennsylvania's data is similar to national data in that the largest group of abusers is that of female caregivers.

Provision of Services

The purpose of OAPSA is to provide a uniform statewide system offering older people access to a core group of protective services, which includes receiving reports, conducting investigations, developing service plans, and coordinating the provision of other services (i.e., meals, transportation and day care). OAPSA also provides AAAs with the ability to purchase other necessary services for protective services clients on a temporary basis when there is no other way to provide services.

Services Provided

Rank	By Persons Served
1	Petition to Court (Guardianship, Access to Person or Records)
2	Physician Assessment
3	Personal Care
4	Legal Advice and Representation
5	Home Delivered Meals - lunch
6	Competency Evaluation
7	Overnight Shelter
8	Guardianship
9	Home Support
10	Home Delivered Meals - dinner

The department is currently participating in a federal grant project funded by the U.S. Administration on Aging that is focused on improving the delivery of legal assistance to seniors, particularly those with barriers to accessing traditional services. Working closely with SeniorLAW Center, the AAA network, Pennsylvania Bar Association, Pennsylvania Office of Attorney General, and other organizations, the department is assessing the current legal services being provided and the legal needs of older Pennsylvanians with the goal of expanding low-cost methods for delivering services and legal education to meet the greatest needs.

Court Actions

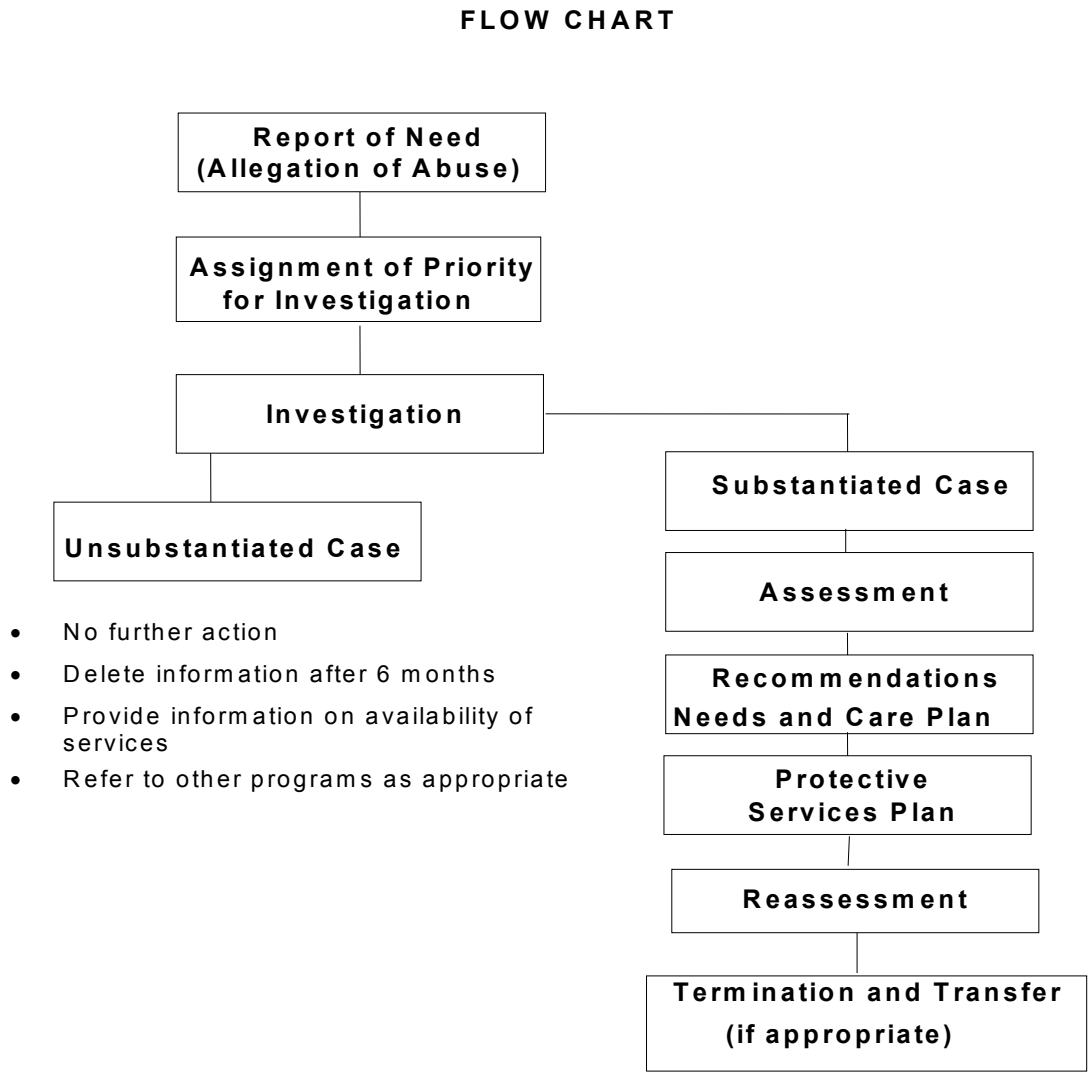
Court actions are another service offered by the AAAs during protective services cases. The types of court actions may include assisting a consumer file a Protection From Abuse order (PFA), gaining access to a consumer for the purpose of assessing the person's level of risk or needs, gaining access to a consumer's records for the purpose of conducting a comprehensive investigation, and in extreme circumstances, that involve the risk of death or serious physical harm, involuntarily providing services to a consumer.

During this fiscal year, 275 petitions were filed and of those, 239 were granted by the court. Of the 275 petitions filed, guardianship petitions were filed more than any other kind (56.3%). Involuntary emergency interventions accounted for the second highest number of petitions (98 or 35.6%) filed. Access to records (2.9%), access to person (2.9%), protection from abuse (1.4%) and injunction against interference (0.7%) account for the remaining petitions filed.

In the past, there was concern that AAAs would be spending excessive time in court and using emergency involuntary intervention orders to force services on competent, non-consenting adults. The data supports such fears may have been unjustified as roughly only 1.8% of the 13,344 reports of need received involved intervention requiring court actions.

Process Overview

The following diagram provides an overview of the steps taken by each AAA when an allegation of abuse is received. The purpose of the flowchart is to provide clarity of the processes undertaken by the agencies in order to ensure assistance is provided to those who may be in need. When it is determined that an older adult does not require protective services or does not meet the criteria outlined in the OAPSA, agencies frequently make a referral to another local or community resource that may be of assistance to the older adult.



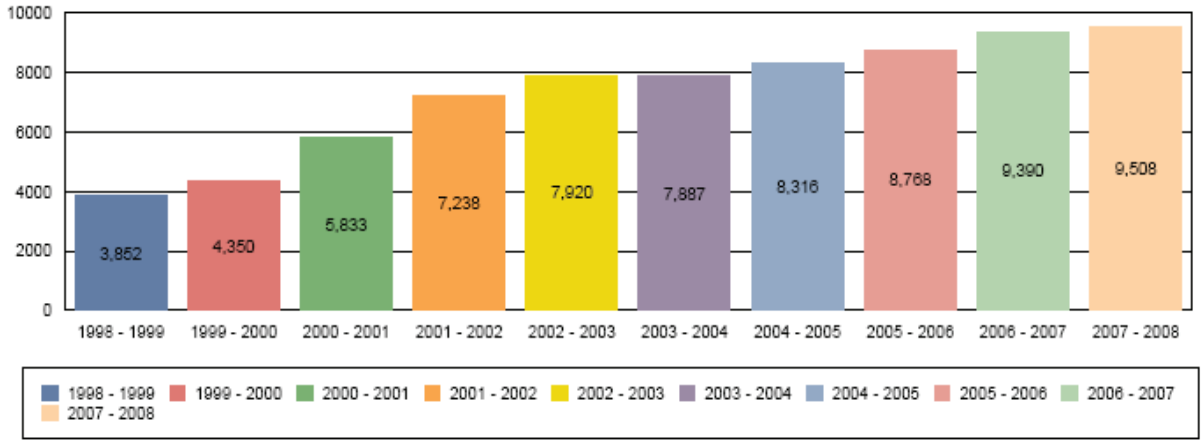
Amendments to the Older Adult Protective Services Act

Criminal History Background Checks, Act 169

This amendment mandates that **all** employees of facilities, defined within OAPSA, are required to submit to a criminal history background check and be free of convictions for offenses designated under OAPSA. All employees must obtain a Pennsylvania state criminal history record check, and employees who have not resided within the commonwealth for the past two consecutive years must, in addition to a state criminal history record check, obtain a federal criminal history record check. The department is responsible for administering the federal criminal history background checks. Applications received by the department have continued to increase annually with 9,508 applications received and processed in FY 2007-08. Of these, 71 were prohibited due to having at least one criminal conviction of a prohibited offense.

To date, the department has prohibited 650 applicants from employment and clearances have been provided to 66,053 applicants. In total, 98% of all applicants have been approved for employment. The following chart shows the number of cases processed by the department since the amendment became effective in 1998.

Criminal History Background Check
Received by Fiscal Year (Month-to-Date)
Period of July 1, 1998 to June 30, 2008



Nixon v. Commonwealth of PA, et al
576 Pa. 385; 839 A.2d 277 (2003)

The Supreme Court of Pennsylvania issued its decision in the Nixon case on December 30, 2003, following the Commonwealth Court's decision, 789 A.2d 376 (2001), which in effect held the criminal history background check prohibitive hire provisions of the OAPSA unconstitutional "as applied to the individual plaintiffs." The court only granted specific relief to the individual plaintiffs and not to all persons affected by the criminal history background check provisions.

The department anticipates future legislative action to address the court's decision. In the interim, the department has issued guidance to all facilities in complying with OAPSA. The policy was developed by the Chief Counsels of Aging, Health and Public Welfare and the Office of General Counsel.

Mandatory Abuse Reporting, Act 13

The 1997 amendment to OAPSA provided for mandatory abuse reporting by employees and/or administrators of those facilities defined by OAPSA. The mandatory abuse reports received by the department have continued to rise from 211 cases reported during FY 2006-07 to 345 cases reported in FY 2007-08 - a 63.5% increase.

For more information on Criminal History Background Checks and Mandatory Abuse Reporting, please visit us at www.aging.state.pa.us/psonlinetraining

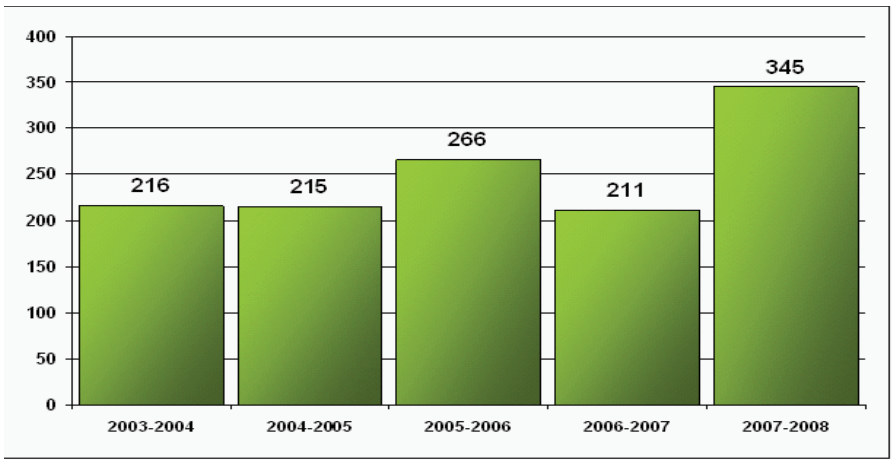
The following charts in the preceding page demonstrate the rising numbers of mandatory abuse reports reported to the Department of Aging. This rise may be a result of increased trainings, enhanced collaboration with other state agencies and community partners, improvements in data collection methods and agency monitoring efforts. The first chart details the various types of mandatory reporters that filed the reports that were received and types of abuses reported. The second chart graphically depicts the numbers of mandatory abuse reports received over the past five years.

Mandatory Abuse Reports Received by Source and Type (2007 & 2008 Comparison)

Type of Reporting Facility	Serious Bodily Injury		Serious Physical Injury		Sexual Abuse		Suspicious Death		Under Age 60		Totals		% of Total	
	06'07	07'08	06'07	07'08	06'07	07'08	06'07	07'08	06'07	07'08	06'07	07'08	06'07	07'08
ADLC	0	0	2	2	0	3	0	0	0	0	**2**	**5**	**0.95**	**1.45**
CRRS	0	0	0	0	0	2	0	0	0	0	**0**	**2**	**0.00**	**0.58**
DC	0	0	0	1	0	1	0	0	0	0	**0**	**2**	**0.00**	**0.58**
FLH	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0.00**	**0.00**
Group Home	0	0	2	0	1	1	1	0	0	0	**4**	**1**	**1.90**	**0.29**
Home Health	2	0	2	2	4	2	0	0	3	9	**11**	**13**	**5.21**	**3.77**
Hospice	0	0	0	0	1	0	0	0	0	0	**1**	**0**	**0.47**	**0.00**
Hospital	0	0	1	0	1	0	0	0	1	0	**3**	**0**	**1.42**	**0.00**
ICF/MR	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0.00**	**0.00**
LTSR	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0.00**	**0.00**
Nursing Home	6	12	38	64	74	114	4	5	20	36	**142**	**231**	**67.30**	**66.96**
PCH	3	5	8	18	25	61	2	0	10	7	**48**	**91**	**22.75**	**26.38**
Unknown	0	0	0	0	0	0	0	0	0	0	**0**	**0**	**0.00**	**0.00**
Total Number	**11**	**17**	**53**	**87**	**106**	**184**	**7**	**5**	**34**	**52**	**211**	**345**		
Abuse By % of Total	**5.21**	**4.93**	**25.12**	**25.22**	**50.24**	**53.33**	**3.32**	**1.45**	**16.11**	**15.07**			**100.00**	**100.00**

(Facility Abbreviations: ADLC - Adult Daily Living Center; CRRS - Community Residential Rehab Services; DC - Domiciliary Care Home; FLH - Family Living Home; LTSR - DPW/Long Term Structured Residence; PCH - Personal Care Home)
A home health care agency is defined to include those agencies licensed by the Department of Health and any public or private organization that provides care to care-dependent individuals in their place of residence.

Mandatory Abuse Reports Received Over Last 5 Years (from July 01, 2003 to June 30, 2008)



APPENDIX A – Frequency Report

County	2005-2006		2006-2007		2007-2008		
	Reports	Substantiated Reports	Reports	Substantiated Reports	Reports	Investigations	Substantiated Investigations
Adams	3	1	12	0	16	6	2
Allegheny	1,143	218	1,143	218	1,131	693	271
Armstrong	76	26	96	36	84	77	30
Beaver	194	40	499	29	397	307	56
Bedford	110	45	81	29	111	98	32
Berks	202	22	263	31	316	258	72
Blair	20	9	16	4	41	31	14
Bradford (see Tioga)	*	*	*	*	*	*	*
Bucks	146	19	163	31	163	90	17
Butler	418	30	330	21	165	152	12
Cambria	123	14	144	15	153	111	16
Cameron	60	6	54	0	60	25	7
Carbon	17	2	36	8	72	56	15
Centre	70	17	41	22	95	64	27
Chester	265	56	205	19	233	148	44
Clarion	19	10	10	5	34	22	16
Clearfield	365	63	248	127	312	217	65
Clinton	35	10	41	17	37	34	19
Columbia	241	60	248	75	215	206	91
Crawford	61	26	44	11	58	54	9
Cumberland	115	24	134	40	94	83	13
Dauphin	210	75	181	56	222	146	61
Delaware	368	49	377	79	594	362	164
Elk (see Cameron)	*	*	*	*	*	*	*
Erie	106	14	157	38	209	154	40
Fayette (see Washington)	*	*	*	*	*	*	*
Forest	22	11	29	6	33	29	8
Franklin	38	6	31	7	43	44	14
Fulton (see Bedford)	*	*	*	*	*	*	*
Greene (see Washington)	*	*	*	*	*	*	*
Huntingdon (see Bedford)	*	*	*	*	*	*	*
Indiana	24	3	24	5	53	42	12
Jefferson	113	34	88	27	75	67	28
Juniata (see Mifflin)	*	*	*	*	*	*	*
Lackawanna	128	32	154	49	228	199	98
Lancaster	704	241	737	235	797	589	258
Lawrence	96	51	57	28	55	36	3
Lebanon	45	7	42	16	49	32	13
Lehigh	60	16	82	16	122	114	24
Luzerne	525	194	683	146	664	406	187
Lycoming (see Clinton)	*	*	*	*	*	*	*
Mckean (see Cameron)	*	*	*	*	*	*	*
Mercer	16	3	7	1	10	8	2
Mifflin	79	10	117	10	143	91	35
Monroe	27	14	33	7	65	41	12
Montgomery	246	42	272	55	483	212	54
Montour (see Columbia)	*	*	*	*	*	*	*
Northampton	113	22	92	32	81	75	18
Northumberland	58	12	93	28	94	71	28
Perry	29	3	18	2	71	45	8
Philadelphia	2,330	0	2,127	295	2,469	2,021	354
Pike	5	0	7	*	24	10	5
Potter	19	0	13	4	28	26	1
Schuylkill	230	11	228	12	273	145	22
Snyder (see Union)	*	*	*	*	*	*	*
Somerset	53	7	63	13	63	55	12
Sullivan (see Tioga)	*	*	*	*	*	*	*
Susquehanna (see Tioga)	*	*	*	*	*	*	*
Tioga	131	18	111	23	136	82	37
Union	47	29	63	22	59	39	18
Venango	114	34	113	10	130	112	13
Warren (see Forest)	*	*	*	*	*	*	*
Washington	893	0	1,202	407	1,264	778	232
Wayne	22	2	15	3	38	27	9
Westmoreland	575	17	493	16	625	454	60
Wyoming (see Luzerne)	*	*	*	*	*	*	*
York	488	129	445	98	488	413	82
STATEWIDE TOTAL*	**11,597**	**1,784**	**11,962**	**2,484**	**13,344**	**9,654**	**2,736**

*** Cases shared between multiple AAAs are counted for each AAA, but not duplicated in Statewide Total**

APPENDIX B – Abuse Reports Received in FY 2007-08

County	Number of Reports	Number of Investigations	Number of Substantiated Reports	% Investigated Reports Substantiated	2006* Population Age 60 & Older	Rate/10,000 Reports Received	Rate/10,000 Substantiated Reports
Adams	16	6	2	33.3%	18,406	8.7	1.1
Allegheny	1,131	693	271	39.1%	273,075	41.4	9.9
Armstrong	84	77	30	39.0%	16,102	52.2	18.6
Beaver	397	307	56	18.2%	41,924	94.7	13.4
Bedford	111	98	32	32.7%	24,172	45.9	13.2
Berks	316	258	72	27.9%	75,627	41.8	9.5
Blair	41	31	14	45.2%	28,836	14.2	4.9
Bradford (see Tioga)	*	*	*	*	*	*	*
Bucks	163	90	17	18.9%	113,395	14.4	1.5
Butler	165	152	12	7.9%	34,462	47.9	3.5
Cambria	153	111	16	14.4%	35,433	43.2	4.5
Cameron	60	25	7	28.0%	18,764	32.0	3.7
Carbon	72	56	15	26.8%	14,877	48.4	10.1
Centre	95	64	27	42.2%	21,547	44.1	12.5
Chester	233	148	44	29.7%	77,520	30.1	5.7
Clarion	34	22	16	72.7%	8,759	38.8	18.3
Clearfield	312	217	65	30.0%	19,200	162.5	33.9
Clinton	37	34	19	55.9%	33,275	11.1	5.7
Columbia	215	206	91	44.2%	17,728	121.3	51.3
Crawford	58	54	9	16.7%	19,457	29.8	4.6
Cumberland	94	83	13	15.7%	44,525	21.1	2.9
Dauphin	222	146	61	41.8%	48,334	45.9	12.6
Delaware	594	362	164	45.3%	106,847	55.6	15.3
Elk (see Cameron)	*	*	*	*	*	*	*
Erie	209	154	40	26.0%	52,893	39.5	7.6
Fayette (see Washington)	*	*	*	*	*	*	*
Forest	33	29	8	27.6%	11,149	29.6	7.2
Franklin	43	44	14	31.8%	29,446	14.6	4.8
Fulton (see Bedford)	*	*	*	*	*	*	*
Greene (see Washington)	*	*	*	*	*	*	*
Huntingdon (see Bedford)	*	*	*	*	*	*	*
Indiana	53	42	12	28.6%	17,674	30.0	6.8
Jefferson	75	67	28	41.8%	10,396	72.1	26.9
Juniata (see Mifflin)	*	*	*	*	*	*	*
Lackawanna	228	199	98	49.2%	49,823	45.8	19.7
Lancaster	797	589	258	43.8%	91,246	87.3	28.3
Lawrence	55	36	3	8.3%	21,977	25.0	1.4
Lebanon	49	32	13	40.6%	26,814	18.3	4.8
Lehigh	122	114	24	21.1%	66,969	18.2	3.6
Luzerne	664	406	187	46.1%	81,327	81.6	23.0
Lycoming (see Clinton)	*	*	*	*	*	*	*
Mckean (see Cameron)	*	*	*	*	*	*	*
Mercer	10	8	2	25.0%	27,155	3.7	0.7
Mifflin	143	91	35	38.5%	15,675	91.2	22.3
Monroe	65	41	12	29.3%	27,659	23.5	4.3
Montgomery	483	212	54	25.5%	152,692	31.6	3.5
Montour (see Columbia)	*	*	*	*	*	*	*
Northampton	81	75	18	24.0%	56,297	14.4	3.2
Northumberland	94	71	28	39.4%	22,651	41.5	12.4
Perry	71	45	8	17.8%	8,282	85.7	9.7
Philadelphia	2,469	2,021	354	17.5%	260,741	94.7	13.6
Pike	24	10	5	50.0%	12,733	18.8	3.9
Potter	28	26	1	3.8%	4,186	66.9	2.4
Schuylkill	273	145	22	15.2%	34,017	80.3	6.5
Snyder (see Union)	*	*	*	*	*	*	*
Somerset	63	55	12	21.8%	18,160	34.7	6.6
Sullivan (see Tioga)	*	*	*	*	*	*	*
Susquehanna (see Tioga)	*	*	*	*	*	*	*
Tioga	136	82	37	45.1%	34,729	39.2	10.7
Union	59	39	18	46.2%	15,185	38.9	11.9
Venango	130	112	13	11.6%	13,060	99.5	10.0
Warren (see Forest)	*	*	*	*	*	*	*
Washington	1,264	778	232	29.8%	89,341	141.5	26.0
Wayne	38	27	9	33.3%	10,676	35.6	8.4
Westmoreland	625	454	60	13.2%	87,535	71.4	6.9
Wyoming (see Luzerne)	*	*	*	*	*	*	*
York	488	413	82	19.9%	75,277	64.8	10.9
STATEWIDE TOTAL	**13,344**	**9,654**	**2,736**	**28.3%**	**2,518,030**	**53.0**	**10.9**

*** Based on 2005 PSU population**

Statewide Elder Abuse Hotline
1 (800) 490-8505

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