Adult Protective Services

Act 70 of 2010
Adult Protective Services Law

- In 2010, the Adult Protective Services law (Act 70 of 2010) was enacted to provide protective services to adults between 18 and 59 years of age who have a physical or mental impairment that substantially limits one or more major life activities.

- Funding provided during state fiscal year 2012-13.

- The APS law is similar to the Older Adult Protective Services Act (OAPSA).
• Establish a program of protective services in order to detect, prevent, reduce and eliminate abuse, neglect, exploitation and abandonment of adults in need

• Establish a uniform statewide reporting and investigative system

• Define geographic regions and select APS agencies to serve those regions through a competitive bid process
• Successful bidders must be separate from agencies providing direct services to adults and from county MH/ID programs

• Ensure the adult’s right to receive services in the most integrated setting and in the manner least restrictive of individual liberties

• Prescribe administrative and criminal penalties
**Definitions**

**Abuse:**
- Infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish
- Willful deprivation by a caregiver of goods or services which are necessary to maintain physical or mental health
- Sexual harassment or rape

**Neglect:** The failure to provide for oneself or the failure of a caregiver to provide goods, care or services essential to avoid clear and serious threat to the physical or mental health of an adult
**Exploitation:** An act or course of conduct by a caregiver or other person against an adult or an adult’s resources, without the informed consent of the adult or with consent obtained through misrepresentation, coercion or threats of force, that results in monetary, personal or other benefit, gain or profit for the perpetrators or monetary or personal loss to the adult

**Abandonment:** The desertion of an adult by a caregiver
Recognizing Signs

• Sudden or unexplained changes in financial status or physical or behavioral health (particularly those not typically associated with the adult's disability) may be indicators of abuse, neglect, exploitation and abandonment.

• There is no universal response to abuse, neglect, exploitation and abandonment. Be observant.
Who is eligible to receive protective services?

• A resident of the Commonwealth
• Between 18 and 59 years of age with a physical or mental impairment that substantially limits one or more major life activities
• Need the assistance of another person to obtain protective services in order to prevent imminent risk to person or property
Who is a mandated reporter?

An employee or administrator of a facility who has reason to suspect that a recipient is a victim of abuse or neglect shall make an oral report to the local adult protective services agency. Facility employees include:

- Assisted Living Facility
- Domiciliary Care Home
- Home Health Care Agency
- Intermediate Care Facility for Individuals with Intellectual Disabilities
- Nursing Home
- Older Adult Daily Living Center
- Personal Care Home
- Residential Treatment Facility
- An organization or group of people that use public funds and is paid, in part, to provide care and support to adults in a licensed or unlicensed setting
Priority. Priority reports require immediate attention because specific details in the report indicate the possibility that the adult reported to need protective services is at imminent risk of death or serious injury or serious bodily injury. These investigations must begin within 24 hours.

Non-priority. A non-priority report does not appropriately fall within the priority category and, therefore, does not require immediate attention by the agency. These investigations must begin within 72 hours.
Categorization

No need for protective services. A report shall be placed in this category when the person reported to be in need of protective services meets either of the following criteria: (a) has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health; and (b) is not at imminent risk or danger to his person or property.
What is an APS agency required to do?

• Investigate allegations
• Determine if abuse, neglect, exploitation or abandonment has occurred
• Provide services to adults who voluntarily consent
• Cooperatively develop a service plan with agency staff, the adult, the adult’s guardian and other family and advocates when appropriate
• Provide services in the least restrictive environment and the most integrated setting
What is an APS agency required to do?

• Ensure services do not supplant any public or private entitlements or resources
• Ensure protective services are short-term. Seek court orders if denied access to the alleged victim or records related to the alleged victim
• Seek judicial relief to require a facility to protect the safety of an adult when the licensed program is believed to continue to jeopardize the safety of the adult

Note: DPW or its delegates may perform any duty granted to an agency until the agency is operational
Transitional Phase

- DPW program offices investigate reports involving active DPW consumers
  - **Office of Developmental Programs** - Active consumers are adults who are enrolled in one of the waivers, receive base services or who receive supports coordination
  - **Office of Long Term Living** - Active consumers are adults enrolled in one of the waiver programs or state funded community base programs
  - **Office of Mental Health and Substance Abuse Services** - Active consumers are adults who are receiving treatment and served by a facility that follows the OMHSAS incident management bulletin
Memorandum of Understanding between DPW and Department of Aging (PDA)

Several Area Agencies on Aging (AAA) volunteered to investigate cases and provide services for adults who are not active DPW consumers

PDA hired 7 contractors to investigate cases for adults who reside in non-participating counties and who are not active DPW consumers
Next Steps

• Outreach and Education

• Request for Proposal
  • Bids received and currently under review

• Regulations Development
  • Draft regulations currently with Office of General Counsel
  • Regulations will be posted for public comment

• Implementation of Statewide Abuse Hotline
Contact Information

DPW Contact for Adult Protective Services:

Winter Roberts, Adult Protective Services Manager
Adult Protective Services Division
Email: wroberts@pa.gov
Phone: 717.736.7050

PDA Contact for Adult Protective Services:

Denise Getgen, Division Chief
Consumer Protection Division
Email: dgetgen@pa.gov
Phone: 717.772.0184