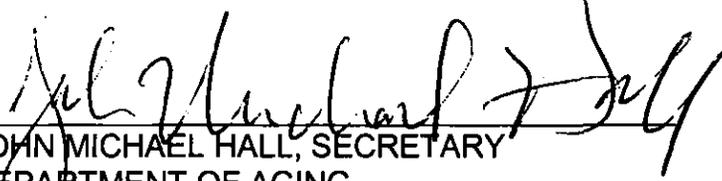


 COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF AGING Harrisburg, PA 17101	PENNSYLVANIA DEPARTMENT OF AGING	
	1. File Number: APD # 10-24-01	2. Disposition: Note well and retain for reference.
	3. Issuance Date: August 30, 2010	4. Effective Date: Immediately
	5. Program Area: Protective Services	
6. Origin: Bureau for Advocacy, Protection & Education		7. Contact: Bureau for Advocacy, Protection & Education (717) 787-2796

AGING PROGRAM DIRECTIVE

SUBJECT: PROTECTIVE SERVICE REPORTS OF ABUSE, NEGLECT, EXPLOITATION AND ABANDONMENT FOR INDIVIDUALS UNDER AGE 60

TO: EXECUTIVE STAFF
 AREA AGENCIES ON AGING
 PA COUNCIL ON AGING
 PA ASSOCIATION OF AREA AGENCIES ON AGING

FROM: 
 JOHN MICHAEL HALL, SECRETARY
 DEPARTMENT OF AGING

PURPOSE: To clarify required procedures for handling Protective Services reports of need for individuals under age 60.

SCOPE AND BACKGROUND: Under the Older Adults Protective Services Act (OAPSA), the Area Agencies on Aging (AAAs), as the local entities the Department contracts with to carry out its provisions, are required to receive reports of abuse, neglect, exploitation and abandonment (ANEA) for older adults. Each AAA must have a system in place to receive

ANEA reports 24 hours a day, seven days a week, including holidays.

It has been the Department's position since 1990, shortly after the inception of the protective services program, that AAAs receive all ANEA reports, regardless of an individual's age, and categorize each report in accordance with the protective services regulations. The OAPSA regulations explicitly address this issue:

. . . (4) *No need report.* The investigation of a report categorized as no need for protective services shall consist of the protective services caseworker's review of the report categorization. If the caseworker agrees with the initial categorization, appropriate referral shall be made within 72 hours after the report was received, to the area agency service management system, or, if concerning an adult less than 60 years of age, to another community agency, if available. . . .

6 Pa.Code § 15.42(a)(4).

After passage of OAPSA, the Department issued guidance reiterating that AAAs must be ready and willing to receive ANEA reports for adults under the age of 60. In fact, the Department issued a policy directive in 1990 (APD 90-01-04) specifically referencing § 15.42(a)(4) and containing the following passage:

Q – How should the AAA handle reports when the age of the alleged victim is under age 60?

A -- Act 79 requires a person to be over age 60 to meet the definition of an older adult in need of protective services. The lack of a victim over age 60 defines the report as "No Need for Protective Services". The person who received the report of need should complete the standard report form and categorize it as no need for protective services. The completed report should be reviewed by a protective services caseworker and, if the caseworker agrees with the appropriateness of the categorization, appropriate referrals to available community agencies should be made. . . .

As a result of recent interactions with AAAs and discussions with the Department's Protective Services Advisory Committee, we believe there may be some inconsistency in how ANEA reports are received and documented by AAAs for individuals under the age of

60. Some agencies receive and record all ANEA reports, regardless of the age of the alleged victim, while others only receive and record ANEA reports for individuals under age 60 when the case involves mandatory reporting from a long-term care facility.

To clarify, OAPSA does not prohibit AAAs from receiving reports of need involving victims under the age of 60. In fact, AAAs are required to receive such reports, classify them as "no need" and make an appropriate referral to other, relevant community resources for follow-up.

AAAs and Office of Long-Term Living (OLTL) Home and Community-Based Providers must also comply with the provisions contained in OLTL Bulletin number 05-10-01, "Incident Management Policy for Office of Long-Term Living (OLTL) Home and Community-Based Service Programs," regardless of whether a report is required under OAPSA.

DISCUSSION:

The Department reiterates that all ANEA reports be received, recorded and categorized in accordance with protective services regulations. The Department is committed to assisting not only individuals over age 60, but also assuring that appropriate assistance is provided to other vulnerable populations. Recording and referring all ANEA reports is also consistent with state and federal efforts to promote a "no wrong door" approach to human services.

This directive does not mean that AAAs are obligated to conduct a protective services (PS) investigation or provide protective services where the report involves a person under age 60. Nor should this APD be interpreted as meaning that AAAs are obliged to promote or hold themselves out as the primary receiving entity for ANEA reports involving persons under age 60.

However, when such a report does come in to the AAA, the agency must accept and record the report and then follow the process described in PS regulations §§ 15.26(b)(5)(i)(A) and (ii), 15.42(a)(4) and this APD. It is not permissible to inform callers that the AAA does not accept reports involving alleged victims under age 60.

Receipt: AAAs shall receive all ANEA reports in accordance with PS Regulation §15.24 (Receiving reports; agency intake process). AAAs shall receive and record reports of need – from both voluntary and mandatory reporters -- regardless of an individual's age.

Data Entry: All ANEA reports shall be recorded in accordance with PS Regulation §15.25 (Report form and content). It is imperative that the AAA record these reports so that accurate data can be maintained regarding the receipt and incidence of under-60 reports, along with documentation of appropriate referrals. All forms used for recording ANEA reports are located in the electronic database. Reports shall be completed and recorded in accordance with electronic recording policies and procedures.

Screening and Referral: All ANEA reports shall be screened and referred in accordance with PS Regulation §15.26 (Screen and referral of reports received) and PS Regulation §15.42(a)(4) (Standards for initiating and conducting investigations, No need report). Reports received for an individual under the age of 60 shall be categorized as a "no need". The completed report should be reviewed by a PS caseworker and appropriate referrals shall be made to other community agencies. No further action is required by the AAA once the under-60 report has been categorized as "no need" and appropriate referrals have been made and documented.