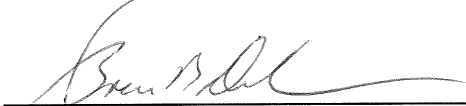
 COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF AGING Harrisburg, PA 17101	PENNSYLVANIA DEPARTMENT OF AGING	
	1. File Number: ATAB #11-24-01	2. Disposition:
	3. Issuance Date: October 13, 2011	4. Effective Date: Immediately
	5. Program Area: Protective Services	
6. Origin: Bureau for Advocacy, Protection & Education		7. Contact: Consumer Protection Division (717)783-8975

AGING TECHNICAL ASSISTANCE BULLETIN

SUBJECT: Protective Services Conflict of Interest Cases

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

FROM: 
BRIAN M. DUKE, SECRETARY
PENNSYLVANIA DEPARTMENT OF AGING

REGULATORY REFERENCES: 35 P.S. §§ 10225.101- 10225.5102 (Older Adults Protective Services Act)
6 Pa. Code §15.42(b)

PURPOSE: To establish procedures for the notification and submission of written records of investigative activities relating to conflict of interest cases.

SCOPE AND BACKGROUND: Title 6 Pa. Code §15.42(b) "Reports involving county or area agency on aging employees" requires the Area Agency on Aging (AAA) to notify the Department of Aging if an employee of the county, the AAA or its subcontractor, is the subject of a report which alleges abuse, neglect, exploitation, or abandonment. The notification shall be made by phone to a person designated by the Department and shall include pertinent details of the report. The notification shall be made during the current business day or the next day of normal business hours. A copy of the completed report of need shall be immediately forwarded by mail to the

Department. Copies of written records of investigative activities shall also be forwarded to the Department for review.

**TECHNICAL
ASSISTANCE:**

With the implementation of the electronic database, AAA's have questioned the need to forward hard copy case records by mail to the Department.

This Aging Technical Assistance Bulletin clarifies that reports of need and copies of written records of investigative activities contained in the electronic database will no longer need to be mailed to the Department.

The new procedures are as follows: the Department will access and perform case monitoring via the electronic database. AAA's must continue to provide telephone notification to the Department during the current business day or the next day of normal business hours. Notifications should be made to the AAA's assigned protective services specialist, and shall include details of the report. At the time of the notification, AAA staff shall advise the Department if they are able to conduct an unbiased investigation. For those cases in which the AAA does not feel they can/should conduct the investigation, an explanation and rationale regarding why the AAA cannot conduct the investigation shall be documented and provided to the Department. In addition, the AAA shall have made arrangements with another AAA to conduct the investigative activities and will provide details of these arrangements to the Department. Upon completion of the investigation, the AAA conducting the investigation shall inform the Department through an electronic notification (email) as to the investigation outcome.

Should an AAA identify a conflict of interest other than that stipulated under §15.42(b), the AAA's director and/or solicitor shall be consulted to determine the AAA's ability to conduct the investigation. If it is determined that the AAA cannot conduct the investigation, procedures set forth in this ATAB shall be followed.

All electronic communication referenced above shall identify the consumer only by use of the consumer's SAMS identification number and the first initial of the consumer's first and last name (example J.D., ID#123456789).

As provided in 6 Pa. Code §15.42(b), the Department reserves the right to intervene in the AAA's investigation of a report under this subsection if it is determined appropriate to assure a fully objective investigation.