



AGING PROGRAM DIRECTIVE

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Subject: **ISSUANCE OF REVISED AGING SERVICE POLICY AND PROCEDURE MANUAL – CHAPTER VII: PROTECTIVE SERVICES**

To: Pennsylvania Department of Aging
Area Agencies on Aging
Pennsylvania Association of Area Agencies on Aging
Pennsylvania Council on Aging

From: 
Robert Torres
Secretary

Purpose: The purpose of this Aging Program Directive (APD) is to issue a new chapter, specific to Protective Service operations, in the Aging Service Policy and Procedure Manual. This new chapter provides clarity on existing statutory, regulatory, and policy requirements, and issues new policy requirements for Area Agencies on Aging (AAA) Protective Service staff. As required by the Cooperative Grant Agreement, these policies must be implemented and adhered to by AAA.

Background: Area Agencies on Aging are required to provide protective services for older adults and adhere to the statutory requirements of the Older Adults Protective Services Act (OAPSA), 35. P.S. 10225-101 et seq. and its accompanying regulatory requirements, found in 6 Pa. Code Chapter 15.



Chapter VII is the first Chapter published pertaining to Protective Services. This Chapter offers clarification and reconciliation of differing interpretations of statutory and regulatory requirements in the provision of protective services.

In addition to statutory and regulatory clarifications, this Chapter includes several new policies which are being issued to address gaps in guidance or to change existing protective service policy and procedure.

Content:

Chapter VII: Protective Services contains the following information and policies:

Section I: Overview

Section II. Implementation

- A. Annual Plan
- B. Detection
- C. Prevention
- D. Reduction or Elimination

Section III. Program Eligibility Requirements

- A. Requirements for Receiving Reports of Need
- B. Criteria for Protective Services
- C. Voluntary and Mandatory Reporting

Section IV. Program Requirements

- A. Categorization
- B. Notifications
- C. Initiation and Purpose of Investigation
- D. Investigative Process
- E. Access to Older Adults and Records
- F. Emergency Intervention
- G. Rights of Protective Service Clients
- H. Death of an Older Adult
- I. Protective Services Collaboration with Licensing, Law Enforcement, and Others
- J. Interviewing
- K. Abuse and Neglect Cases
- L. Financial Exploitation Investigations
- M. When an Older Adult Cannot Be Located
- N. Abbreviated Investigations

Section V. Resolution of Reports

- Substantiation
- Unsubstantiation

Section VI. Protective Service Provision

- Assessment
- Requirements of a Service Plan



- Delivery of Services
- Case Management
- Rights of Alleged Abusers
- Case Closure
- Maintenance of Records
- Confidentiality

Section VII. Documentation Standards and Timeframes

Section VIII. Training Requirements

- A. Intake
- B. Protective Services Caseworker
- C. Annual In-Service Trainings
- D. Additional Training Requirements
- E. Training Records

Section IX. Quality Assurance Protocol

Chapter VII contains hyperlinks to relevant federal and state statutes and state regulations that support these policies.

Directives:

**Aging Services Policy and Procedure Manual
Chapter VII: Protective Services**

Section I. Overview

The Older Americans Act requires states to provide for the provision of protective services for older adults. The Pennsylvania Department of Aging (the Department) is the designated State Unit on Aging and receives federal dollars toward this requirement. As a result, the Department is required to ensure that AAAs, in providing protective services on behalf of the Department, adhere to all pertinent statutory and regulatory requirements.

Section I provides an overview of the statutory and regulatory authorities governing the requirements of Older Adults Protective Services, as well as an overview of pertinent statutory updates since the initial passage of Pennsylvania's Older Adults Protective Services Act (OAPSA).

In addition, this section highlights key definitions including the following: older adult, older adult in need of protective services, at risk, sexual abuse, serious physical injury, serious bodily injury, and suspicious death. These definitions are specifically highlighted in this Chapter to provide clarification of their meanings and application.



Finally, this section provides clarification of the governing and legal authority the Department maintains in issuing clarifications or new policies to ensure adherence to statutory and regulatory requirements.

New Policy of Note

If protective services are needed beyond thirty (30) calendar days, the AAA will notify its assigned PDA PS Specialist in writing. This notification must include the following information:

- Initials of the older adult
- The older adult's SAMS ID #
- Which services are needed beyond thirty (30) calendar days
- Why services are needed beyond thirty (30) calendar days

New Policy of Note

Per regulation [§15.25](#) and [§10225.302\(b\)](#) of OAPSA, a report received orally shall be committed immediately to writing on the standardized RON form required by PDA. Reports received by the AAA in other ways (e.g. in person, email, mail) must also be committed immediately to writing on the standardized, required RON form. PDA is aware that the immediate input of a RON is not always possible in emergency situations when immediate initiation and risk reduction is in progress. In these circumstances, addressing risk to an older adult supersedes the input of a RON in SAMS. However, in these specific circumstances, it is required that the RON be committed to the electronic assessment form within twenty-four (24) hours of the receipt of the RON.

If PDA's electronic database is not accessible, the PS Caseworker is to use Mobile Assessments. If Mobile Assessment is not available, the PS Caseworker is to call their PS Supervisor. The PS Supervisor is to immediately email their assigned PDA PS Specialist describing why they are unable to enter the RON into the electronic database.

Technology interruptions should not negatively impact the ability of an individual to make a RON or delay an older adult from receiving services. Agencies must accept an oral RON if access to SAMS is not available. All the same requirements regarding referrals and activities remain in place until the technological issues are resolved and documentation can be entered as required. Exceptions only apply to power outages and when the SAMS application is not accessible due to maintenance or other issues outside the control of the intake worker. When the technological issue is resolved, the necessary information must be entered in SAMS including the reason for the late entry. All intake workers, including on-call workers,



must have the ability to access SAMS, whether through their computer or using Mobile Assessment.

Section II. Implementation

This section outlines the requirement of each AAA to submit an annual protective services plan. Additionally, AAAs are required, by regulation, to conduct community outreach in the detection and prevention of elder abuse.

The basic premise of a protective services investigation is outlined in this section. The goal of a protective services investigation is to prevent, reduce, or eliminate abuse, neglect, exploitation, or abandonment. AAAs may purchase services to meet the needs of an older adult as identified through a protective services investigation. AAAs are required, in instances in which service provision is required beyond thirty (30) calendar days, to notify the Department in writing of the reasoning for the extension in service provision.

Section III. Program Eligibility Requirements

Section III outlines the intake process of Reports of Need (RON), the criteria to be used in determining if an individual is eligible for protective services, and the requirements of voluntary and mandatory reporting.

It is a regulatory requirement that AAAs accept RONs twenty-four (24) hours a day, seven (7) days a week, including holidays, regardless of the age of the alleged victim. The criteria for protective services are outlined in this section, which also provides guidance on the handling of reports for individuals who may not meet criteria qualify for older adult protective services but may qualify under an alternative regulatory jurisdiction or for other aging services outside those of a protective nature.

The criteria for protective services remain as outlined in the regulations:

1. A person within the jurisdiction of the commonwealth.
2. Aged 60 years or older.
3. Incapacitated.
4. Absence/void of a responsible caretaker.
5. At imminent risk of danger to person or property.

Section IV. Program Requirements

This section of the chapter explains the process through which a protective services RON is taken through the process of categorization, investigation,



and the possible extenuating circumstances which can necessitate additional referrals to or intervention by other agencies.

New Policy of Note

When a RON is received regarding an inmate, the intake worker should advise the reporter that a referral will be made to the Department of Corrections and also provide information regarding the Pennsylvania Prison Society where the reporter can also make his or her own report.

New Policy of Note

All Protective Services caseworkers must read their AAA's current, approved protective services plan annually and be familiar with how the AAA's protective services structure meets their responsibility under OAPSA and related regulations. All Protective Services caseworkers must be trained by the AAA on their scope of duties under OAPSA and related regulations offered through staff meetings or formal internal or external training.

New Policy of Note

When an AAA determines it cannot or should not investigate, the Protective Services caseworker must document the reason and provide an explanation regarding why they cannot conduct the investigation, and which AAA will investigate the RON to the Department. Additionally, the AAA shall make arrangements with another AAA to conduct the investigative activities and provide written details of these arrangements to the Department. The AAA will document the referral of the case to the accepting AAA in writing within the case record.

Policy Clarification

During an investigation, the Protective Services caseworker gathers information, makes direct observations, conducts interviews with appropriate collateral contacts, and reviews appropriate records. Based on the information gathered and analyzed, the Protective Services caseworker must determine if there is enough evidence to show that the older adult is or was in need of protective services either at the time of the RON or at the time of the incident. Under [15.44\(a\)](#) a case may be substantiated when the investigation confirms the details in the report of need (and the older adult meets definition of an older adult in need of Protective Services) or when



the investigator determines through a thorough investigation that the older adult in the report is an older adult in need of protective services. In some instances, a case is substantiated based on the information provided in the RON, in other instances, a case is substantiated based on other factors found during the investigation. A thorough investigation should be conducted to substantiate a case, an older adult must be in need of protective services as defined by the regulation. If an investigation determines that there is no need for protective services, the report must be classified as unsubstantiated.

New Policy of Note

An AAA shall notify the Department when an alleged victim/victim dies while a protective services investigation/case is active. The notification shall be in writing as soon as the supervisor is notified of the death. For clarification, an active protective services case includes any case where an investigation has been initiated, is being conducted or services are being coordinated/provided, or any other case that has not yet been completed and closed per Department directive. This includes any death of the alleged victim/victim, regardless of whether there is a nexus between the death and the need for protective services.

New Policy of Note

Referral process protocols shall be developed by the AAA for when it is appropriate to report criminal activity identified during protective services investigations. Protocols should be easy for PS caseworkers to follow. If an investigation by the AAA results in a report of criminal conduct, law enforcement officials shall have access to relevant records maintained by the AAA or the department. When an AAA provides law enforcement with records, documents, photographs, etc., under [§§15.105](#) or [15.157](#), the AAA must document the release of the records with the standardized cover letter citing the regulation authorizing the release of the records. The cover letter must include a concise and clear outline of the following information:

- The information is statutorily confidential
- Why the AAA is sending the records for law enforcement review
- What the AAA is requesting law enforcement to do with the information provided
- Summary of the allegations
- Factual findings of the investigation
- What documents they are providing
- AAA's concerns
- Contact information for AAA staff most knowledgeable about the facts of the case



New Policy of Note

If law enforcement verbally requests that the alleged perpetrator *not* be contacted and/or interviewed by the PS caseworker, the PS caseworker can accommodate this request, however, they shall require a written request from law enforcement.

Policy Clarification

During a protective services investigation, it is necessary to conduct interviews with the appropriate collateral contacts to obtain enough information to form an objective view of older adult's situation. The Protective Services caseworker is responsible for the timing of each interview conducted during an investigation however, activities that would ensure the safety of the older adult should occur first. The Protective Services caseworker must comply with the timeframes provided in the regulations to assure that the investigation is conducted expediently. Interviews with appropriate collateral contacts must be pursued based on the details of the case presented.

New Policy of Note

In cases where someone claims to be or is acting as the Power of Attorney (POA) agent, a copy of the POA document must be obtained by the AAA and uploaded into the file attachments for the consumer. In cases where the alleged perpetrator is the POA, it is a best practice to contact the law firm, if applicable, to ensure the POA has not been revoked.

Section V. Resolution of Reports

Section V clarifies the terms of substantiation and unsubstantiation. This section of the chapter clarifies instances in which a case can neither be substantiated or unsubstantiated, in which an AAA is unable to confirm the allegations made in the RON or identify that the alleged victim is in need of protective services.

Section VI. Protective Service Provision

After a protective services investigation is conducted and a case is found to be substantiated, the AAA is required to offer protective services. Arrangement of services must include an assessment of the needs of the older adult, based on the thoughts of the older adult as well as the protective services caseworker.

A service plan must be developed by the AAA in cooperation with the older adult or the older adult's legal guardian, and their family members or



significant others, when appropriate. An older adult has the right to accept the service plan, refuse part(s) of the service plan, or refuse the entire service plan.

This section of the Chapter also provides guidance regarding the identification of a perpetrator, notification to the perpetrator of such identification, and instances in which the perpetrator is a juvenile or a facility.

New Policy of Note

The Protective Services caseworker must maintain *regular* contact with the older adult. This contact shall occur as necessary to observe the older adult for any new concerns, behaviors or needs. Contact must include either a telephone call or face-to-face (FTF) visit to the older adult or their responsible party. All contact must be documented within the record. Protective Services are expected to know the needs of the incapacitated person as well as the incapacitated person's health and emotional state for making informed decisions.

Section VII. Documentation Standards and Timeframes

Documentation standards and timelines are outlined in further detail in the Chapter. However, for consistency in highlighting *new policies*, the following provides a summation of new policy pertaining to documentation standards:

- For emergency cases or instances of media or legislative involvement, documentation must be made **twenty-four (24) hours** after activity was completed.
- For priority cases, cases with significant changes, and/or high-profile cases, documentation must occur as soon as possible, but no later than **three (3) calendar days** after activity was completed.
- For non-priority cases, including routine case activities and findings, documentation must occur no later than **three (3) calendar days** after activity was completed.
- For ongoing supervisory consultations or directives, documentation must occur no later than **three (3) calendar days** after activity was completed.
- For supervisory review following case closure, documentation must occur no later than **ten (10) calendar days** after activity was completed.

Section VIII. Training Requirements

This section outlines the training requirements for Protective Services staff. Protective Services staff, as well as AAA directors who directly oversee



protective services duties, are required to participate in trainings. Protective Services supervisors and staff are required to participate in annual in-service trainings, with additional requirements consisting of five (5) year refresher courses and monthly Protective Services supervisory webinars.

New Policy of Note

Representation is required from every AAA at monthly Protective Services supervisory training webinars. If there is a legitimate reason why a AAA cannot participate in the monthly webinar, the AAA will contact the AAA's assigned Protective Services Specialist with rationale and confirmation that the AAA will review the recorded webinar within ten (10) business days.

New Policy of Note

Training records for protective services staff must be kept up to date and will be reviewed during quality assurance monitoring visits to verify that annual in-service training and additional mandatory training requirements are met by Protective Services staff. Staff records shall include certificates showing the training that the staff person attended. If multiple trainings are attended to meet the 6-hour minimum requirement, or as required by the Department, personnel records should indicate the title of the training (content), date, duration, and location of each training.

Section IX. Quality Assurance Protocol

This section briefly outlines the quality assurance (QA) protocol to monitor AAA protective services operations on an annual or bi-annual basis. Additional monitoring may be required because of complaints received, reports from other sources or outcomes of prior QA monitoring. The official QA by the Department may include virtual or on-site reviews of various cases as determined by the Department.

Additional Directives for Implementation of Changes:

This Chapter includes the following Appendices:

- Appendix A.1. • 35 P.S. 10225.101 et seq
- Appendix A.2. • Pa Code Title 6, Chapter 15
- Appendix B.1. • Guidance for Designating a Report as No Need
- Appendix B.2. • Release of Information
- Appendix B.3. • Email Correspondence and Personal Identifiable Information
- Appendix C.1. • AAA Notification Requirements for Facility Reports
- Appendix C.2. • State-operated mental health and ID facilities
- Appendix C.3. • AAA Notification Requirements for Under 60 Reports of Need



- Appendix C.4. • APS Report of Need Referral and Payment Process
- Appendix C.5. • Event Reporting System- DOH Notification Requirements
- Appendix C.6. • Instructions for Registering for Training-Submitting RON
- Appendix C.7. • Event Reporting System Manual AAA RONs
- Appendix C.8. • 2019 Mandatory Abuse Reporting Flow Chart
- Appendix D.1. • SAMS Data Entry Requirements
- Appendix D.2. • A&D OAPSA Documentation Procedural Manual
- Appendix E.1. • Facilities Mandated to Report Abuse
- Appendix E.2. • General Reporting Provisions- Voluntary vs Mandatory
- Appendix E.3. • Mandated Reports- Reporting Requirements and Restrictions on Employees
- Appendix E.4. • Facility Abuse Definitions
- Appendix E.5. • Mandatory Abuse Reporting Packet
- Appendix E.6. • OAPS and LTC Ombudsman Discussion
- Appendix E.7. • OAPS Process for CHC
- Appendix E.8. • OAPSA MCO Client Info Request Form
- Appendix E.9. • OAPSA Service Plan for PS and Informed Consent
- Appendix E.10. • Resolution Process for PS
- Appendix E.11. • OAPSA Final Disposition MCO Notification Form
- Appendix F.1. • PS to Waiver Crosswalk
- Appendix G.1. • Act 53 Amending Title 18 - Neglect & Abuse of Care-Dependent Person
- Appendix G.2. • OAG Referral Form
- Appendix G.3. • OAG Referral Flowchart
- Appendix G.4. • Act 53 FAQs
- Appendix G.5. • Webinar 2713 revisions and new crime 2713.1 (Updated June 2019)
- Appendix G.6. • Sexual Assault Laws
- Appendix G.7. • Chapter 275. Appeal & Fair Hearing & Administrative Disqualification Hearings
- Appendix G.8. • EVS Information
- Appendix G.9. • EVS TIP Sheet #11
- Appendix H.1. • Revision History