

Regulatory Analysis Form

(Completed by Promulgating Agency)

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Department of Human Services ("Department" or "DHS")

(2) Agency Number:

Identification Number: 14-543

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

RECEIVED

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**Independent Regulatory
Review Commission**
IRRC Number:

3364

(3) PA Code Cite: 55 Pa. Code Chapter 15

(4) Short Title: Protective Services for Adults

(5) Agency Contacts (List Telephone Number and Email Address):

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(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation

- Emergency Certification Regulation
- Certification by the Governor
- Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The proposed regulation serves to strengthen and clarify the Statewide system of protective services that prevent, reduce or eliminate the abuse, neglect, exploitation or abandonment of adults 18 years of age or older but under 60 years of age who have a physical or mental impairment that substantially limits one or more major life activities. This regulation identifies mandatory reporters and prescribes penalties for their failure to report suspected abuse, neglect, exploitation, or abandonment.

This proposed regulation will safeguard rights and protect these individuals by requiring consistent and timely investigations of allegations and when necessary, by providing protective services to mitigate risk.

(8) State the statutory authority for the regulation. Include specific statutory citation.

The statutory authority for the regulation is Section 701 of the act of October 7, 2010 (P.L. 484 No. 70), known as the Adult Protective Services Act (35 P.S. §§ 10210.101--10210.704).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

This proposed regulation is mandated by Chapter Seven, Section 701 of Act 70 of 2010, which was effective as of April 2011.

There are not any federal law or regulations mandating this regulation.

There are not any relevant state or federal court decisions that relate to this proposed regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The proposed regulation is needed to codify the requirements contained in Act 70 of 2010.

The compelling public interest that justifies the regulation is to improve the safety of adults 18 years of age or older but under 60 years of age, who have a physical or mental impairment that substantially limits one or more major life activities, and who are at imminent risk of abuse, neglect, exploitation or abandonment. A system of protective services for the non-older adult population did not exist prior to the establishment of the Adult Protective Services program in 2011. These systems have been legislated and regulated across the nation including in most of Pennsylvania's neighboring states. The commonwealth has protective services systems in place to address the needs of children and older adults. Without this system and these supporting regulations, the adult population may be exposed to greater risk of harm, injury or death.

The people who will benefit from the regulation include adults in need of protective services, their families and friends, and members of the community who are concerned about them. DHS estimates there are 800,000 individuals in Pennsylvania that may qualify for these services.

Public and private organizations that provide community services will benefit from the regulation when recipients of their services are at imminent risk of abuse, neglect, exploitation or abandonment. In addition, the regulation ensures that the Department is notified when recipients are reported to be in need of protective services; such communication establishes a network to coordinate services that better serves recipients.

Based on the data collected for state fiscal year 2019-2020, 13,982 reports of need were received, which is an average of 1,165 reports per month.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no Federal standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Forty-eight other states and the District of Columbia have statutes or regulations that provide protective services to adults 18 to 59 years of age. This regulation relates to the health and safety of these adults, and it does not affect Pennsylvania's ability to compete with other states.

The promulgation of these regulations will bring the commonwealth into alignment with other states and meet the threshold of national best-practices related to protective services. When compared specifically to Pennsylvania's neighboring states, these systems are relatively similar.

Each of Pennsylvania's neighboring state systems of protective services serves a specific adult population through accepting reports of various harms to that population, investigating those reports, and providing services to protect the adult, if needed. These neighboring states include New Jersey, New York, Maryland, West Virginia, and Ohio. When evaluating neighboring states there are several domains to compare against: target population, population of mandatory reporters, and abuse definition. All these domains in Pennsylvania's APS system are legislated in Act 70 of 2010.

The target population for Pennsylvania includes individuals aged 18 to 59 who have a physical or mental impairment that substantially limits one or more major life activities. Most of Pennsylvania's neighboring states serve a target population of adults aged 18 and older with disabilities. When considering age, the Ohio APS system appears to be the outlier, only serving adults over 60 years of age. When considering disability, the Maryland APS system is the only neighboring state system which will serve any adult regardless of the presence of a disability. New Jersey's APS system, like Pennsylvania requires the presence of a disabling condition, but unlike Pennsylvania, this condition must render the individual unable to make their own decisions. New Jersey also requires the person to be "in a community setting." Maryland does not require this but does exclude people residing in nursing facilities, mental health hospitals and state centers for the intellectually and developmentally disabled from the target population.

Mandatory reporters in Pennsylvania are employees or administrators of facilities. Facilities as defined in Act 70 of 2010 are assisted living residences, domiciliary care homes, home health care agencies, intermediate care facilities, long term nursing facilities, older adult daily living centers, personal care homes, home based care providers, and residential treatment facilities. Pennsylvania's neighboring states have more broadly defined definitions for their mandatory reporting population. Maryland and New Jersey, for example, require reporting from most first responders, and all health care practitioners. Both Delaware and New York require anyone with reasonable cause to believe a member of the APS target populations in those states, needs APS services, to make a report.

Abuse, for which reports must be made in Pennsylvania is the occurrence of one or more of the following acts:

1. the infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish;
2. the willful deprivation by a caregiver of goods or services which are necessary to maintain physical or mental health;
3. sexual harassment, rape or abuse.

Compared to Pennsylvania's neighboring states this definition is broader, capturing a wider range of potential circumstances detrimental to the adult for whom a report may be made. Some states such as New York and Delaware specifically identify emotional abuse along with physical abuse in their definition. States such as Maryland and Ohio alternatively do not list this explicitly but do list expansive definitions of exploitation which may, in some circumstances cover mental/emotional abuse.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed regulation will not affect any other regulations but may cause an increase in reports to DHS's Childline and Older Adult Protective Services in that it may generate additional reports which must be investigated in the event that the agency investigating a report of need for an adult must make a report for a child or an adult over the age of 59.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department commenced 23 meetings with community stakeholders beginning in January 2011 and ending in September 2015. Participants, referred to as the Adult Protective Services coalition, included: advocates for people with physical disabilities, intellectual disabilities, and brain injuries; provider associations for in-home care, long-term living, and county commissioners; a mental health consumer's association; a planning and advisory group for people with disabilities; a university-based research and advocacy entity; and representatives from Department programs that serve adults with physical or mental impairments. The work group advised the Department on many of the novel features of Act 70 related to adults with disabilities and provided varied and diverse perspectives on how the regulation should be crafted. The Department has incorporated many of their recommendations into this proposed rulemaking.

A non-exhaustive list of specific participants in these discussions included Disability Rights Pennsylvania, the Temple Institute on Disabilities, Pennsylvania Advocacy and Resources for Autism and Intellectual Disability, and the ARC of Pennsylvania.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Persons

There are an estimated 800,000 adults between the ages of 18 and 59 who have a physical or mental impairment that substantially limits one or more major life activities, that will be affected by this regulation.

Based on the data collected for state fiscal year 2019-2020, 13,982 reports of need were received, which is an average of 1,165 reports per month.

The regulation will have a positive effect on this population of adults by adding clarity and transparency to the existing Adult Protective Services Act (Act 70 of 2010), thereby increasing their well-being and ability to live safe and productive lives.

Businesses

The regulation codifies existing requirements under Act 70 of 2010. Specifically, the regulation affects entities that use public funds and are paid, in part, to provide care and support to adults in a licensed or unlicensed setting. These entities are hospitals and health care facilities, caregivers or caregiver agencies who are paid by the Department's home and community-based waiver programs, and persons who operate under the authority of a license, permit, certificate or registration issued by a Commonwealth licensing entity or board, paid with public funds to practice some component of the healing arts to examine, treat or provide other professional or specialized service to adults. In addition, the proposed regulation also applies to assisted living residences, domiciliary care homes, home health agencies, intermediate care facilities for people with intellectual disabilities, long-term nursing care facilities, older adult daily living centers, and personal care homes.

Currently, in Pennsylvania, there are 252 hospitals which use public funds and are paid, in part, to provide care and support to adults. According to the Pennsylvania Department of Labor and Industry's Center for Workforce Information Analysis, in the first quarter of 2020 there were approximately 68,550 people working in Home Health Care Services, 14,540 in Nursing Care Facilities, 79,190 in Assisted Living Facilities for the Elderly, and another 131,560 people employed in companies that provide Services for the Elderly and Persons with Disabilities. Combined, 293,850 people work in those industries.

Further, per the Department of State, in 2020, there were 542,325 licensed or registered professionals in health-related occupations who may be paid, in part, to provide care and support to adults in a licensed or unlicensed setting. These include Chiropractors, Dentistry, Medicine, Nursing, Nursing Home Administrators, Occupational Therapists, Osteopaths, Pharmacy, Physical Therapy, Podiatry, Social Workers and Counselors, Speech-Language Pathology and Audiology.

The regulation affects these providers by clarifying existing reporting requirements to ensure the well-being and ability of the recipients to live safe and productive lives.

Small Businesses

Pursuant to 13 CFR §121.201, the United States Small Business Administrators has defined size standards as identified by the North American Industry Classification Supplement (NAICS). NAICS uses *receipts in millions of dollars* to define small businesses in the Health Care and Social Assistance industry sector. However, information supplied by the Center for Workforce Information and Analysis in the Pennsylvania Department of Labor and Industry specifies other standards.

In explaining its reasons for using other standards, the Center for Workforce Information and Analysis indicates that while there is no standard definition of a small business, the Health Care and Social Assistance industry sector is primarily composed of small businesses. Nearly 8% of all business units in this sector reported 19 or fewer employees in the most recent annual data.

More than 35,916 small businesses are subject to the regulation. These small businesses include physicians, dentist, chiropractors, optometrists, mental health practitioners, podiatrists, family planning centers, HMO

medical centers, home health care services, some hospitals, rehabilitation centers, and some retirement communities.

Affected Businesses

Businesses and small business are affected by the regulation because they are subject to Act 70's mandatory reporting requirements and the regulations provide clarification around the existing reporting requirements. These entities are hospitals and health care facilities that use public funds and are paid, in part, to provide care and support to adults and caregivers who are employed by individuals or caregiver agencies and paid by the Department's home and community-based waiver programs. The proposed regulation also affects persons who operate under the authority of a license, permit, certificate or registration issued by a commonwealth licensing entity or board, paid with public funds to practice some component of the healing arts to examine, treat or provide other professional or specialized service to adults.

Other entities, such as domiciliary care homes, home health agencies, long-term nursing care facilities, adult daily living centers, personal care homes, assisted living residences, community homes and intermediate care facilities for individuals with intellectual disabilities, community residential rehabilitation services, birth centers, residential facilities for adults, family living homes, home care registries, hospices, long-term structured residences and state hospitals are also subject to the mandatory reporting requirements of Act 70.

(16) List the persons, groups or entities, including small businesses that will be required to comply with the regulation. Approximate the number that will be required to comply.

The following persons, groups and entities are required to comply with the regulation because they are subject to its mandatory reporting requirements 252 hospitals that use public funds and are paid, in part, to provide care and support to adults and 293,850 people working in the Home Health Care Services, Nursing Care Facilities, Assisted Living Facilities for the Elderly, and Services for the Elderly and Persons with Disabilities industries. Also affected are 542,325 persons who operate under the authority of a license, permit, certificate or registration issued by a Commonwealth licensing entity or board, who may be paid, in part, to practice some component of the healing arts to examine, treat or provide other professional or specialized service to adults in a licensed or unlicensed setting (the total number of these professionals paid with public funds has not been ascertained).

More than 35,916 small businesses are subject to the regulation. These small businesses include: physicians including mental health specialists, dentists, chiropractors, optometrists, mental health practitioners, physical, occupational and speech therapists, audiologists, podiatrists, all other miscellaneous health practitioners, family planning centers, outpatient mental health centers, Health Maintenance Organization medical centers, kidney dialysis centers, freestanding ambulatory surgical and emergency centers, all other outpatient care centers, home health care services, general medical and surgical hospitals, psychiatric hospitals, specialty hospitals, residential mental health facilities, continuing care retirement communities, and establishments that are primarily engaged in providing nonmedical home care or homemaker services, adult day care or companionship for persons with intellectual or physical disabilities.

Through the Adult Services Act other entities are also subject to the mandatory reporting requirements. These entities were previously, specifically listed as mandatory reporters of abuse under the Older Adult Protective Services Act or related Department of Aging policies. Although mandatory reporting is not a new requirement, these entities still have to comply with proposed regulations. These entities are

domiciliary care homes, home health agencies, long-term nursing care facilities, older adult daily living centers, personal care homes, assisted living residences, community homes and intermediate care facilities for individuals with intellectual disabilities, community residential rehabilitation services, birth centers, residential facilities for adults, family living homes, home care registries, hospices, long-term structured residences and state hospitals.

Law enforcement is affected by the proposed rulemaking because they will receive written and oral reports from mandatory reporters when the reporters suspect that a recipient is a victim of a potential crime. Upon receipt of these reports, law enforcement is required to notify facility administrators when the report alleges that a recipient of a facility is the victim of sexual abuse, serious injury or serious bodily injury, or that a recipient's death is suspicious. Law enforcement conducts criminal investigations and notifies facility administrators when reports lead to the filing of criminal charges. Finally, during protective services investigations, law enforcement may be called upon to assist with welfare checks, whereby the police legally enter a residence when there is no response at the door and there are reasonable grounds to believe that an inhabitant is endangered.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Financial and Economic Impact to Individuals

This regulation may have a positive financial and economic impact to individuals by clarifying and adding to the processes meant to protect individual consumers from financial, mental, and physical harm. The result of this will be increased personal independence.

Social Impact to Individuals

This regulation may have a positive social impact to individuals because by clarifying and adding to the processes meant to protect individual consumers from financial, mental, and physical harm as well as remedying financial, mental and physical harms this population experiences, the service population will have greater opportunities to live full and independent lives.

Financial and Economic Impact to Businesses

This regulation should have no financial or economic impact to businesses or small businesses as it does not add any requirements that are not already required by Act 70 of 2010. Act 70 of 2010 may have had a marginal negative financial impact to businesses because of administrative costs imposed as a result of its mandatory reporting process and required compliance with employee plans of supervision or suspension. Civil penalties up to \$2,500, and criminal penalties, may be assessed against an administrator or a designee or a facility owner who fails to meet the requirements of Act 70 of 2010.

Social Impact to Business

This regulation may have a positive social impact by adding transparency to the investigative process and timelines of an APS investigation so an affected business or small business has more understanding of what to expect when an adult who may be in need of protective services is supported or involved with the business.

Financial and Economic Impact to Labor

This regulation should have no financial or economic impact to labor as it does not add any requirements that are not already required by Act 70 of 2010. Act 70 of 2010 may have had a marginal negative financial impact to labor as it requires that an employee that is alleged to have committed abuse, neglect, exploitation, or abandonment must be either suspended or put on a plan of supervision. If suspended the employee may go a period without pay from their employer.

Social Impact to Labor

This regulation may have a positive social impact to labor by adding transparency to the processes around an APS report which adds to an employee's understanding of how, why, and how long an employee who is alleged to have committed abuse, neglect, exploitation, or abandonment from the employer may be suspended or put on a plan of supervision.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The public interest in ensuring that the Commonwealth protects adults from abuse, neglect, exploitation, or abandonment outweighs any minor impact borne by entities that use public funds and are paid, in part, to provide care and support to adults in a licensed or unlicensed setting of complying with these regulations as mandatory reporters. The public interest in protecting its citizens outweighs any adverse effect on mandatory reporters of facilities. These adverse effects are a result of Act 70 of 2010. The regulations only serve to provide clarity and transparency to the process and procedures surrounding a report and APS investigation as provided by law.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed regulation is not expected to add costs or savings to the regulated community. The activities which would add cost to a regulated entity, like the cost of staff time to make oral and written reports to the Department and, possibly, police when the staff member has reason to believe an individual is the victim or abuse, neglect, exploitation or abandonment, have already been required by Act 70 of 2010. The proposed regulations do not add requirements that should add any costs. The cost of this reporting is expected to be one to two 15-minute units per full-time equivalent (FTE) whenever a report must be made.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The proposed regulation will not have any savings impact on local governments.

There are no legal, accounting or consulting procedures that are required by the proposed regulation.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no new savings to the state government associated with the proposed regulation since the Adult Protective Services program is currently operating.

There are no legal, accounting or consulting procedures that are required by the proposed regulation.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

As explained in answer to items (19)-(21) above, the proposed regulation does not add legal, accounting or consulting procedures or additional reporting, record keeping or other paperwork. The reporting and paperwork requirements are already in Act 70 of 2010 and the proposed regulations only provide clarity and transparency to these requirements.

(22a) Are forms required for implementation of the regulation?

Yes, a Waiver Request Form is required for implementation of the regulation. All other forms referenced in the regulation have been implemented pursuant to Act 70 of 2010. For ease of reference, the links to those forms are provided in response to item (22b) below.

(22b) If forms are required for implementation of the regulation, attach copies of the forms here. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

The Waiver Request Form which is referenced at § 15.3 (relating to waivers) is being drafted to be implemented with this regulation. The form will require the facility requesting the waiver to provide its address, legal entity information, and a responsible party to contact. It will require the specific regulation seeking to be waived and have a narrative portion requesting the facility to provide the reason(s) the facility cannot meet the regulation including how the regulation creates an unreasonable and undue hardship on the facility. Lastly, the form will require the facility to explain how it will meet the objective of the regulation, if it will not be in compliance with the regulation.

The Mandatory Abuse Report form is available at

http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_167248.pdf. The Mandatory Abuse Report form is referenced in the regulation at the following sections: § 15.131 (relating to general reporting requirements for mandatory reporting of suspected abuse, neglect, exploitation, or abandonment), § 15.132 (relating to additional reporting requirements), § 15.133 (relating to contents of reports), and § 15.134 (relating to reports to Department and coroner by agencies).

The Report of Need form is available at http://www.dhs.pa.gov/cs/groups/webcontent/documents/document/c_224791.pdf. The Report of Need form is referenced in the regulation at the following sections: § 15.12 (relating to administrative functions and responsibilities of agencies), § 15.25 (relating to report form and content), § 15.27 (relating to handling of completed reports), § 15.42 (relating to standards for initiating and conducting investigations), § 15.45 (relating to state-licensed facilities), § 15.46 (relating to law enforcement officials), and § 15.81 (relating to rights of adults reported to be in need of protective services)

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(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government	\$7,952,000	\$8,183,000	\$8,420,000	\$8,664,000	\$8,915,000	\$9,166,000
Total Costs	\$7,952,000	\$8,183,000	\$8,420,000	\$8,664,000	\$8,915,000	\$9,166,000
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

Program	2017-2018	2018-2019	2019-2020	2020-2021
General Government Operations	\$94,477,000	\$96,196,000	\$107,884,000	\$106,235,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

(a) An identification and estimate of the number of small businesses subject to the regulation.

More than 35,916 small businesses may be subject to the regulation. These small businesses include: physicians including mental health specialists, dentists, chiropractors, optometrists, mental health practitioners, physical, occupational and speech therapists, audiologists, podiatrists, all other miscellaneous health practitioners, family planning centers, outpatient mental health centers, Health Maintenance Organization medical centers, kidney dialysis centers, freestanding ambulatory surgical and emergency centers, all other outpatient care centers, home health care services, general medical and surgical hospitals, psychiatric hospitals, specialty hospitals, residential mental health facilities, continuing care retirement communities, and establishments that are primarily engaged in providing nonmedical home care or homemaker services, adult day care or companionship for persons with intellectual or physical disabilities. In addition, approximately 26,958 caregivers, who are employed by individual adults and paid by the Department's home and community-based waiver programs, are subject to the regulation.

(b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.

There are no new projected reporting, recordkeeping or other administrative costs needed for compliance with the proposed regulation. All reporting and record keeping requirements in the regulations are already in Act 70 of 2010. The regulated community should already follow those requirements. The bulk of the cost to the regulated community to comply with Act 70 of 2010 and the proposed regulation consists of the wages paid to the mandated reporters for the time expended to make oral and written reports. The reporting process takes an average of 25 minutes to complete. In addition to staff time, administrative expenses are incurred because when making most reports, the regulated community bears the cost of making one phone call and transmitting one email or fax. However, for the reports that require additional steps, the regulated community bears the cost of making a total of three phone calls and transmitting two emails or faxes.

(c) A statement of probable effect on impacted small businesses.

The small business' projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation are same as those required for a business of any size and are minimal and the reporting requirements are already required under Act 70 of 2010.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no less intrusive or less costly alternative method of achieving the purpose of the proposed regulation, which is to prevent, reduce or eliminate the abuse, neglect, exploitation or abandonment of adults 18 years of age or older up to 59 years of age who have a physical or mental impairment.

The structure of the APS proposed regulations are based largely on the language in Act 70 of 2010. Therefore, many of the methods for achieving the purpose of the regulation are in place and the regulations only add clarity and transparency. This Act 70 of 2010, as well as the proposed regulations, are very similar

to the Older Adult Protective Services (OAPS) regulations which offers protective services to persons aged 60 or older in Pennsylvania that are unable to perform or obtain services that are 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.

This OAPS target population is not the same as the APS target population, but it is very similar. For this reason and for operational efficiency, both APS and OAPS use local Area Agencies on Aging to receive and file reports of need.

The mandatory reporter population is the same for both APS and OAPS. The definition of abuse for APS and OAPS is the same as well.

By mirroring the proposed APS regulations as closely as possible to the OAPS regulations the Department of Human Services is attempting to offer APS services in the least intrusive way possible.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The following special provisions have been developed to meet the needs of affected groups or persons, some of which may be minority populations, the elderly, or farmers. All of which are residents of the Commonwealth 18 years of age or older up to 59 years of age, who have a physical or mental impairment that substantially limits one or more major life activities, and who need the assistance to obtain protective services in order to prevent imminent risk to person or property:

Outreach:

- a) The adult protective services agency is responsible for the coordination of the protective services-related activities of local agencies and organizations having substantial contact with potential adults in need of protective services or perpetrators of abuse, neglect, exploitation and abandonment.
- b) The administrator of a facility shall post notices in conspicuous and accessible locations and use other appropriate means to notify employees, recipients and other individuals of protections and obligations under the Adult Protective Services Act and keep them informed of the protections and obligations. Non-licensed home settings, that serve home and community-based recipients, may post notices at their discretion. All facilities are required to provide notice to recipients and their families about the availability of protective services upon enrollment.

Reporting:

To facilitate reporting of adults in need of protective services, the Department established a state-wide toll-free telephone access to all persons, including persons who are deaf or hard of hearing. The state-wide toll-free telephone number is 800-490-8505. Individuals who are deaf, hard of hearing or who have speech barriers may report using a TTY via voice relay (or other similar technology).

Service Plan:

On the basis of the assessment, the agency shall provide for the development of a service plan of recommended actions which reflect the least restrictive alternatives for removing or reducing

imminent risk to person or property and promote self-determination and continuity of care being provided at the time of the agency's intervention.

Training:

- a) The protective services investigator training curriculum includes the following topics:
- (1) The Adult Protective Services Act and other laws related to abuse, neglect, exploitation and abandonment.
 - (2) Americans with Disabilities Act, including the principles of the most integrated setting.
 - (3) Disability competence, including issues and barriers faced by adults with disabilities.
 - (4) Independent living.
 - (5) Individual choices in services and the rights of an adult to refuse services.
 - (6) Cultural competence.
 - (7) Domestic violence and sexual assault.
 - (8) Experience of trauma.
 - (9) Communication skills, including complex communication needs.
 - (10) The service delivery system in the Commonwealth for persons with disabilities.
 - (11) Housing for persons with disabilities.
- b) Training may be developed and delivered in collaboration with people with disabilities, family members and advocates.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Department drafted the regulation to conform to applicable State law. The following alternative regulatory provisions proposed by stakeholders participating in the Adult Protective Services coalition have been considered and rejected:

- Recommendations that conflicted with Act 70. For example, expanding the categories assigned to Reports of Need, extending the maintenance of case records to 5 years, indicating that school nurses and other school health personnel are not mandatory reporters, and indicating that teachers are mandatory reporters.
- Recommendations about current procedures that are working effectively. For example, the current procedure of using a single statewide hotline number automatically routed to the county of origin works to provide informed responses to the needs of adults for protective services; the current procedure of requiring mandatory reporters to submit written reports works effectively without granting the agency access to the Department's incident management reporting system; and the current procedure utilizes sign language interpreters and language interpreter services as needed without including these services on the list of types of protective services.
- Recommendations that addressed an issue already addressed in the agreement between the Department and the agency. For example, the ratio of caseworkers to cases; and agency staff qualifications, which require a college degree but allow for exceptions.
- Recommendations that were beyond the statutory authority of the Department. For example, when the court gives notice related to an emergency order to provide services.

The Department considers the proposed regulation to provide the least burdensome acceptable alternatives.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

a) The establishment of less stringent compliance or reporting requirements for small businesses

Since the Adult Protective Services Act sets forth the required reporting requirements, the establishment of less stringent compliance or reporting requirements for small businesses was not considered (35 P.S. § 10210.501).

b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses

Since the Adult Protective Services Act sets forth the required timelines for reporting requirements, the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses were not considered (35 P.S. § 10210.501).

c) The consolidation or simplification of compliance or reporting requirements for small businesses

Since the Adult Protective Services Act sets forth reporting requirements, consolidating or simplifying the reporting requirements for small businesses was not considered (35 P.S. § 10210.501).

d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation

As the regulation does not require design or operational standards, consideration of this factor is not applicable.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation

As the regulation does not contain requirements affecting small businesses, which are not set forth in the Adult Protective Services Act, the exemption of small businesses from all or any part of the requirements contained in the regulation was not considered.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

- | | |
|---|--|
| A. The length of the public comment period: | <u>30 days</u> |
| B. The date or dates on which public meetings or hearings will be held: | <u>Public meetings or hearings will not be held.</u> |
| C. The expected date of delivery of the final-form regulation: | <u>Spring 2024</u> |
| D. The expected effective date of the final-form regulation: | <u>60 calendar days after final publication in the Pennsylvania Bulletin</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>60 calendar days after final publication in the Pennsylvania Bulletin</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>There are no required permits, licenses or other approvals that must be obtained.</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Department will continue to evaluate the effectiveness of the regulation through its regular monitoring of, and discussions with, the agency on how to improve its efforts to provide protective services. The Department is also required by Act 70 of 2010 to provide an annual report to the General Assembly on the Adult Protective Services program.

MANDATORY ABUSE REPORT



Date of Report:	Time:
-----------------	-------

Name of victim/recipient/consumer (Last, First, M.I.):		Facility name:	
Address:		Address:	
City:	State:	Zip Code:	City: State: Zip Code:
Phone:		Phone:	
Date of birth:	Sex:	Facility type: (NH, PCH, DC, CLA, etc.)	
Date and time of incident: Date: / / Time: : A.M. / P.M.		Facility licensing agency:	Facility licensing number:
Date and time of report to licensing agency: Date: / / Time: : A.M. / P.M.		Licensing agency contact and telephone number: Name: Telephone # :	
<p style="text-align: center;">OAPSA (OVER 60)</p> Abuse type: (check one) <input type="checkbox"/> ABUSE not Involving sexual abuse, serious bodily injury, serious physical injury or suspicious death <input type="checkbox"/> SEXUAL ABUSE (rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest) <input type="checkbox"/> SERIOUS BODILY INJURY <input type="checkbox"/> SERIOUS PHYSICAL INJURY <input type="checkbox"/> SUSPICIOUS DEATH		<p style="text-align: center;">APS (UNDER 60)</p> Abuse/Neglect type: (check one) <input type="checkbox"/> ABUSE, NEGLECT, EXPLOITATION or ABANDONMENT <u>not</u> Involving sexual abuse, serious injury, serious bodily Injury or suspicious death <input type="checkbox"/> SEXUAL ABUSE (rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, or incest) <input type="checkbox"/> SERIOUS BODILY INJURY <input type="checkbox"/> SERIOUS INJURY <input type="checkbox"/> SUSPICIOUS DEATH	
Date/Time oral report to AAA: Date: / / Time: : A.M. / P.M.	Name of AAA contacted:	AAA/APS Agency use only Date/Time oral report to county coroner: (If applicable) Date: / / Time: : A.M. / P.M.	AAA/APS Agency use only Name of coroner: (If applicable)
Date/Time oral report to local law enforcement: (if applicable)	Name of law enforcement agency: (if applicable)	Date/Time oral report to PDA/DHS: (if applicable)	
Contact information: (Please check appropriate block) <input type="checkbox"/> Guardian <input type="checkbox"/> Attorney-in-fact <input type="checkbox"/> Next of kin		Alleged perpetrator name:	Relationship to victim:
Name:		Address:	
Address:		City:	State: Zip Code:
City:	State:	Zip Code:	Phone number: Age: Sex:
Phone:	Relationship:	Type of position: (RN, LPN, CNA, etc.)	Work shift: Date of hire:

PLEASE COMPLETE REVERSE SIDE

Details and description of abuse: (attach additional sheets if necessary)

**Actions taken by facility, including taking of photographs and X-Rays, removal of victim and notification of appropriate authorities:
(attach additional sheets if necessary)**

Other pertinent information, comments or observations directly related to alleged abuse incident and victim:

Name and title of reporter: (Please type of print)

Name:

Title:

Signature of reporter:

Reporter contact information:

Telephone number:

Email address:

Date:

Name and title of person preparing report: (Please type of print)

Name:

Title:

Signature of person preparing report:

Person preparing report contact information:

Telephone number:

Email address:

Date:

RON 10-1-2021

1. REPORT OF NEED GENERAL INFORMATION

1.A. RON INTAKE

1. Protective Services Care Enrollment Start Date

____/____/____

2. Date RON Received (MM/DD/YYYY)

____/____/____

3. Time RON Received (Include AM or PM)

4. When was the APS (Under 60) RON Received?

- Weekday (8 AM to 5 PM)
 Evening (5:01 PM to 7:59 AM), Weekend, or Federal Holiday

5. Date(s) of the incident(s) (MM/DD/YYYY)

2. REPORTER'S DATA

2.A. REPORTER'S INFORMATION

1. REPORTER'S First and Last Name

2. REPORTER'S Phone Number

3. Is this a MANDATED Report?

- Yes-Skip to 2.B
 No

4. Type of VOLUNTARY Reporter (NOTE: Reporters with asterisk (*) are mandatory for APS).

- AP-Alleged Perpetrator
 Anonymous
 AAA-Area Agency on Aging
 Assisted Living Facility (AL)
 Consumer
 Domiciliary Care Home (Non-Mandated Reporter)
 Family Member
 General Public
 Home Health Care Agency (Other)
 Hospital*
 Law Enforcement Agency
 LTC Ombudsman
 Personal Care Home (Non-Mandated Reporter)
 Physician's Office*

- State Center
 Skilled Nursing Facility (Non-Mandated Reporter)
 Social Service
 School - Employee other than nurse - APS only
 Other-Document Details in Notes

2.B. MANDATORY REPORTERS (If voluntary report, skip to 3.A.)

1. NAME of the Organization/Facility- (mandatory facilities CANNOT report anonymously)

- _____
2. Type of MANDATORY Reporter (Note: Facilities with an asterisk (*) are exempt from reporting under age 60 abuse to PDA.)
- Adult Training Facility/Vocational Program-DHS
 Birth Center (BC)-DOH
 Assisted Living Facility-DHS
 Community Homes for Individuals with ID - DHS*
 Community Residential Rehabilitation Services-MH (CRRS) -DHS*
 Domiciliary Care Home (DC)-PDA
 Home Care Agency-DOH
 Home Care Registry-DOH
 Hospice-DOH
 Hospital—APS only
 Hospital Long Term Care-DOH
 Intermediate Care Facility / Intellectual Disability (ICF/ID) -DHS*
 In-Home Direct Service Worker
 Licensed Home Health Care (HH)-DOH
 Long Term Structured Residence (LTSR)-DHS
 Older Adult Daily Living Center (OADLC)-PDA
 Other Public Funded Entity (Licensed or Unlicensed) - Document Details in Notes
 Primary Care Physician - APS only
 School - Nurse - APS only
 Personal Care Home (PCH)-DHS
 Residential Treatment Facility-DHS
 Skilled Nursing Facility-DOH
 State Mental Hospital-DHS
 State Center - DHS - APS only
 VA Skilled Nursing Facility Licensed by DOH

2.C. MANDATORY REPORTS (Sexual Abuse, Serious Physical Injury, Serious Bodily Injury or Suspicious Death)

1. Type of abuse reported

- Sexual abuse
- Serious bodily injury (risk of death, permanent disfigurement, loss/impairment)
- Serious physical injury (causes severe pain, impairs physical functioning)
- Suspicious death
- Abuse not one listed above-(document details in Notes)

2. Was the mandatory reporter advised of additional reporting requirements to the appropriate State Agency and Law Enforcement?

- Yes
- No (Not one of the four serious, skip to 2.C.5)

3. Date the PS Agency reminded the facility of the additional reporting requirements to the appropriate State Agency and Law Enforcement (MM/DD/YYYY)

____/____/____

4. Time the PS Agency reminded the facility of the additional reporting requirements to the Appropriate State Agency and Law Enforcement (include AM or PM)

5. When was the mandatory written report received?

- Within 48 hours
- Over 48 hours
- Not received

6. Was the facility's mandatory written report forwarded to the appropriate state agency?

- Yes
- No

3. ALLEGATIONS AND CONSUMER'S CHARACTERISTICS

3.A. CONSUMER'S CURRENT SITUATION

1. Reported allegations. Document all details provided for each allegation in the Notes section.

- Abandonment
- Caretaker/Caregiver neglect
- Emotional abuse
- Exploitation
- Physical abuse
- Self neglect
- Sexual abuse

2. Identify where the incident occurred

3. Is the consumer in a life threatening situation?

- Yes
- No
- Unknown

4. Is the consumer at risk of or found to be socially isolated?

- Yes
- No
- Unknown

5. Check all Program Offices through which the Consumer was receiving services at the time of intake:

- Adult Daily Living Center (ADLC)-PDA
- Aging & Disability Resource Centers (ADRC)-PDA
- Bureau of Supports for Autism and Special Populations (B SASP)
- Department of Health (DOH)
- Department of Human Services (DHS)
- Family Caregiver-PDA
- Managed Care Organization (MCO)
- Office of Developmental Programs (ODP)
- Office of Long-Term Living Community HealthChoices (OL TL CHC)
- Office of Long-Term Living Omnibus Budget Rehabilitation Act (OBRA, ACT 150)
- Office of Mental Health & Substance Abuse Services (OH MSAS)
- Office of Medical Assistance Programs (OMAP)
- OPTIONS - PDA
- Other (explain in Notes)
- None
- Unknown

6. Reported physical and health conditions of consumer (document all details in Notes)

- None/not reported
- Amputation
- Arthritis
- Functional limitations
- Medication mismanagement (e.g., undermedicated, substance abuse, etc.)
- Physical trauma (e.g., bruises, cuts, burns, signs of sexual abuse, etc.)
- Poor personal hygiene (e.g., dirty, odorous, poor dental health, etc.)
- Poor nutritional status (e.g., malnourished, dehydrated, weight loss, etc.)
- Recent hospitalizations (e.g., hospitalized in last 30 days)
- Unmet personal needs (e.g., lack of false teeth, eyeglasses, hearing aid, etc.)
- Untreated medical condition (e.g., ulcerations, bedsores, etc.)
- Other (document details in Notes)
- Unknown

7. Type(s) of disability(ies) reported

- ALS (Lou Gehrig's)
- Alzheimer's/Dementia
- Autism Spectrum Disorder
- Blind/Visually Impaired
- Brain Injury (Traumatic/Acquired)
- Chemical Dependency, including Alcohol and Substance Abuse
- Communication difficulty
- Deaf/Hearing Impaired
- Epilepsy
- Intellectual disability (ICF/ID)
- Mental health concerns (treated or untreated)
- Medical Diagnoses Leading to Physical Disability
- Physical Disability
- None/Not Reported
- Other-Document Details in Notes
- Unknown

8. Indicate the types of substance abuse:

- None/not reported
- Alcohol
- Illegal drugs
- Misusing prescribed medications
- Other (document details in Notes)
- Unknown

9. Reported emotional and mental conditions of Consumer - Document all Details in Notes.

- None/not reported
- Confusion (e.g., memory loss, wandering, etc.)
- Disoriented (e.g., to person, place, or time)
- Feels threatened or intimidated
- Hallucinations (e.g., hearing voices, seeing non-existent objects or people, etc.)
- Recent suicidal talk/actions/thoughts
- Social Isolation: Consumer Imposed
- Social Isolation: Imposed by Another Person(s)
- Unable to communicate and/or comprehend
- Other (document details in Notes)
- Unknown

10. Reported problems with the physical environment of Consumer - Document all Details in Notes.

- None/not reported
- Architectural barriers (e.g., inaccessible bathroom, bedroom, stairs, exit, etc)
- Garbage/trash accumulation
- Inadequate utilities (e.g., heat, plumbing, etc.)
- In need of repair
- Insect/pest problem(s)

- Pet/animal problem(s) (e.g., overpopulation, inadequate care, etc.)
- Safety hazard(s) (e.g., fire danger, leaky roof, etc.)
- Other (document details in Notes)
- Unknown

11. Note any dangers - Document Details in Notes.

- None/not reported
- History of Violent Behavior in Home
- Gang Activity
- Neighborhood Dangers
- Known Drug Activity
- Pets
- Weapons
- Other (document details in Notes)
- Unknown

12. Reported financial problems of consumer (document details in Notes)

- None/not reported
- Depleted bank account with no reason
- Mismanagement of funds (e.g., unpaid bills, utility shut-offs, etc.)
- Missing assets (e.g., checks, cash, personal property, etc.)
- Unexpected change of name on accounts
- Other unusual financial arrangements or relationships
- Unknown

13. Does the consumer have assistance with legal/financial concerns?

- Yes
- No-Skip to 4.A.1
- Unknown-Skip to 4.A.1

14. If response to 3.A.13 is "Yes," check all appropriate options from list below.

- Guardian
- Informal Representative
- Lawyer
- Power of Attorney (Healthcare)
- Power of Attorney (Durable)
- Representative Payee

4. ALLEGED PERPETRATOR'S DATA

4.A. ALLEGED PERPETRATOR'S INFORMATION

1. Who is the alleged perpetrator?

- Brother
- Caretaker-Individual
- Daughter
- Daughter-in-Law
- Domestic Partner
- Facility/Entity
- Father
- Friend or Neighbor (NON-Caretaker)
- Granddaughter
- Grandson
- Managed Care Organization (MCO)
- Mother
- Non-relative
- Other Relative (explain in Notes; e.g. Step-relationships)
- Service Coordinator
- Service Provider
- Sister
- Son
- Son-in-Law
- Spouse/Intimate Partner
- Unknown

2. Name of alleged perpetrator (document n/a or unknown)

3. Does the alleged perpetrator currently have access to the consumer and/or the consumer's assets?

- Yes
- No
- Unknown

5. CONSUMER'S INFORMATION

5.A. CONSUMER'S DEMOGRAPHIC DATA

1. Consumer's LAST name

2. Consumer's last name SUFFIX

3. Consumer's FIRST name

4. Consumer's MIDDLE initial

5. Consumer's DATE OF BIRTH (DOB) (If unknown, document an indicated age range in 5A6, if DOB entered here, skip Question 5.A.6)

____/____/____

6. If Date of Birth is unknown, indicate the consumer's age range

- Under Age 18
- Age 18-59
- Age 60+

7. Consumer's Social Security Number (SSN)

____-____-____

8. Consumer's MEDICAID or MCI Number (If applicable)

9a. Consumer's current gender identity (defined as one's inner sense of one's own gender)? (Select one)

- Female
- Male
- Non-Binary
- Transgender Female (male to female)
- Transgender Male (female to male)
- Something else that was not named. Please specify (Document Details in Notes)
- Choose not to disclose

9b. Consumer's sex assigned on their birth certificate at birth (Select one)

- Female
- Male
- Something else that was not named. Please specify (Document Details in Notes)
- Choose not to disclose

10. Consumer's ETHNICITY

- Hispanic or Latino
- Not Hispanic or Latino
- Unknown

11. Consumer's RACE(S)

- American Indian/Native Alaskan
- Asian
- Black/African American
- Native Hawaiian/Other Pacific Islander
- Non-Minority (White, non-Hispanic)
- White-Hispanic
- Other-Document in Notes
- Unknown/Unavailable

12. Consumer's marital status

- Divorced
- Domestic Partner
- Legally Separated
- Married
- Single
- Widowed
- Other
- Unavailable/Unknown

13. What type of communication assistance will the consumer require?

- American Sign Language (ASL)
- Language
- Language and Mechanical
- Mechanical
- None/Not Reported
- Unknown

14. Consumer's primary language

- American Sign Language (ASL)
- Arabic
- Armenian
- Assistive Technology
- Cantonese
- Chinese/Other
- English
- Farsi (Persian)
- Filipino (Tagalog)
- French
- German
- Greek
- Haitian Creole
- Hebrew
- Italian
- Japanese
- Korean
- Lithuanian
- Mandarin
- Mein
- Polish
- Portuguese
- Romanian
- Russian
- Serbian-Cyrillic
- Spanish
- Thai
- Turkish
- Vietnamese
- Other-Document in Notes

Unknown

15. Current living arrangement (include in the "Lives Alone" category, Consumers who live in AL, Dom Care, and PCH, pay rent or have no roommate.)

- Lives Alone
- Lives with spouse or domestic partner
- Lives with child(ren) but not spouse
- Lives with other family member(s)
- Other (document details in Notes)
- Unknown

16. Consumer's place of residence at the time of the Report of Need

- Apartment
- Assisted Living (AL)
- Caretaker/Caregiver's Home
- Community Homes for Individuals with ID
- CRR (Mental Health)
- Domiciliary Care Home (DC)
- Family Living/Shared Living
- Homeless
- Intermediate Care Facility (ICF)
- Long Term Structured Residence (LTSR/MH)
- Mental Health Inpatient Psychiatric Facility
- Own Home
- Personal Care Home (PCH)
- Skilled Nursing Facility (DOH)
- Other-Document Details in Notes
- Unknown

5.B. CONSUMER'S RESIDENTIAL ADDRESS INFORMATION

1. RESIDENTIAL County – REQUIRED

- Adams
- Allegheny
- Armstrong
- Beaver
- Bedford
- Berks
- Blair
- Bradford
- Bucks
- Butler
- Cambria
- Cameron
- Carbon
- Centre
- Chester
- Clarion
- Clearfield
- Clinton
- Columbia
- Crawford
- Cumberland
- Dauphin
- Delaware
- Elk
- Erie
- Fayette
- Forest
- Franklin
- Fulton
- Greene
- Huntingdon
- Indiana
- Jefferson
- Juniata
- Lackawanna
- Lancaster
- Lawrence
- Lebanon
- Lehigh
- Luzerne
- Lycoming
- McKean
- Mercer
- Mifflin
- Monroe
- Montgomery
- Montour

- Northampton
- Northumberland
- Perry
- Philadelphia
- Pike
- Potter
- Schuylkill
- Snyder
- Somerset
- Sullivan
- Susquehanna
- Tioga
- Union
- Venango
- Warren
- Washington
- Wayne
- Westmoreland
- Wyoming
- York
- Out Of State

2. Name of facility (if not residing in a facility, document as N/A.)

3. RESIDENTIAL Street Address (Include number of house, apartment, or room.)

4. RESIDENTIAL Street Address Second Line (if needed)

5. RESIDENTIAL City or Town

6. RESIDENTIAL State

7. RESIDENTIAL Zip Code (required)

8. RESIDENTIAL Municipality (Usually a Township or Borough where Consumer Votes, Pays Taxes.)

9. Is the Consumer's MAILING address the SAME as their residential address?

- Yes
- No (Enter complete address in Notes)
- Unknown

10. Does Consumer reside in a RURAL Area?

- Yes
- No

11. Primary Telephone Number

12. Where is the Consumer CURRENTLY located?

13. Directions to Consumer's CURRENT location

8. TELEPHONE Number

9. WORK TELEPHONE Number

10. Consumer has family physician/primary care physician?

- Yes
- No-Skip to 6.A.1
- Unknown-Skip to 6.A.1

11. Primary care physician's name?

12. Primary care physician's work phone number?

13. Date of the Consumer's last visit to his/her primary medical provider?

6. REPORT OF NEED CATEGORIZATION AND SUMMARY

6.A. REPORT OF NEED INTAKE

1. What is the Category assigned to the Report of Need at intake? QUESTION MAY NOT BE CHANGED AFTER INTAKE

- Emergency (immediately refer to caseworker)–Skip to 6.A.3.
- Priority (Immediately refer to caseworker)–Skip to 6.A.3.
- Non-priority–Skip to 6.A.3.
- No Need for OAPSA: Referred to APS (complete 6.A.2.)
- No Need for PS (complete 6.A.2.)
- Referred to another planning and service area (AAA)-Skip to 6.A.3

5.C. COLLATERAL CONTACTS

1. NAME of Friend or Relative (other than spouse/partner) to Contact in an Emergency.

2. Emergency Contact's RELATIONSHIP to Consumer

3. COUNTY

4. STREET ADDRESS

5. CITY/TOWN

6. STATE

7. ZIP CODE

2. If 6.A.1 is categorized as No Need for OAPSA or PS, select the reason.

- APS Criteria: Able to obtain PS without the assistance of another person
- APS Criteria: No imminent risk to person or property
- APS Criteria: No physical/mental impairment limiting any major life activities
- APS Criteria: Not a resident of PA
- APS Criteria: Under age 18 or over age 59
- OAPSA Five Criteria: Able to perform or obtain services without assistance
- OAPSA Five Criteria: Not within the jurisdiction of PA
- OAPSA Five Criteria: Has a responsible caretaker
- OAPSA Five Criteria: No imminent risk to person or property
- OAPSA Five Criteria: Under age 60
- Consumer in state-operated facility (corrections or mental health facility)
- Consumer deceased at time of RON

3. What agencies were notified of the RON at Intake? (Document in Notes the contact name, date, time, & method of notification)

- Attorney General
- Referred to Adult Protective Services (under 60) (select APS in 6.A.4.)
- Coroner
- Referred to another Area Agency on Aging (specify AAA in 6.A.4)
- Department of Aging (PDA)
- Department of Health (DOH)
- Department of Humans Services (other than APS) (DHS)
- Law Enforcement - At time of RON - (e.g. NN due to death)
- Mental Health & Developmental Disabilities
- Ombudsman
- Other, including ChildLine (document details in Notes)
- None (document details in Notes)
- State-operated facility

4. AAA Responsible for conducting investigation or Reassessment (update if active case is transferred to another AAA for investigation)

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- 51
- 52
- APS

6.B. RON CONFIRMATION (completed by INVESTIGATING agency only. Leave blank if referring RON)

1. Date RON was received for confirmation (MM/DD/Y
YYY)

2. Time RON was received for confirmation (include AM or PM)

3. Does the supervisor/caseworker agree with the category assigned at Intake? (May not be the same person who took and created the RON at Intake.)

- Yes-Skip to 6.B.5
- No (select "final" category in 6.B.4; do not change 6.A.1)

4. If disagreeing with Intake's categorization, enter the final and appropriate category here (do not change 6.A.1)

- Emergency-Immediately refer to caseworker
- Priority-Immediately refer to caseworker
- Non-Priority
- No need for PS-Explain in Notes

5. Assigned caseworker's name

7. SIGNATURES

7.A. RON SIGNATURES

1. Signature & Title of Intake Worker

2. Date Intake Worker Completed RON (MM/DD/YYYY)

3. Signature and title of PS staff confirming Intake

4. Date Intake category confirmed by PS staff (MM/DD/YYYY)

5. Signature of supervisor confirming accurate completion of RON and assignment to caseworker

6. Date of supervisory oversight signature (MM/DD/YYYY)

Title : _____

_____ Date

Title : _____

_____ Date

RECEIVED

MAR 30 2023

Independent Regulatory
Review Commission

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved
as to form and legality.
Attorney General

Amy M.
By: Elliott
(Deputy Attorney General)

10/31/2022
Date of Approval

Check if applicable
Copy not approved.
Objections attached.

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated
by:

DEPARTMENT OF HUMAN SERVICES
(Agency)

LEGAL COUNSEL: _____

DOCUMENT/FISCAL NOTE NO. 14-543

DATE OF ADOPTION: _____

BY: _____

TITLE: SECRETARY OF HUMAN SERVICES
(Executive Officer, Chairman or Secretary)

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

By: Alan C. Koltash

May 13, 2022
Date of Approval

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable.
No Attorney General approval
or objection within 30 days
after submission.

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

OFFICE OF LONG-TERM LIVING

55 Pa. Code Chapter 15

Protective Services for Adults

Statutory Authority

Notice is hereby given that the Department of Human Services (Department) under the authority of Section 701 of the act of October 7, 2010, P.L. 484 No. 70, known as the Adult Protective Services Act (35 P.S. §§ 10210.101—10210.704), intends to adopt the regulation set forth in Annex A.

Effective Date

This proposed regulation will be effective 60 calendar days after final publication in the *Pennsylvania Bulletin*.

Purpose and Explanation of the Regulation

The purpose of this proposed regulation is to strengthen and clarify the Statewide system of protective services that prevent, reduce or eliminate the abuse, neglect, exploitation or abandonment of adults 18 years of age or older but under 60 years of age who have a physical or mental impairment that substantially limits one or more major life activities.

The Adult Protective Services Act (Act 70 of 2010) was enacted to provide a system to address situations of abuse, neglect, abandonment, and exploitation of adults 18 years of age or older but under 60 years of age with disabilities. Prior to that time, the Commonwealth lacked the authority to help those who needed temporary intervention to ensure their well-being and ability to live safe and productive lives. A third-party agency (agency), selected by the Department through a competitive bidding process, began to implement the Adult Protective Services (APS) program on April 1, 2015. The agency

receives allegations of abuse, neglect, exploitation or abandonment, which are referred by a Statewide hotline that is operated and maintained by the Department.

Act 70 provides for the detection, prevention, reduction and elimination of abuse, neglect, exploitation and abandonment for adults who lack the capacity to protect themselves and are at imminent risk of abuse, neglect, exploitation or abandonment. In providing protective services, Act 70 declares that adults in need of protective services have the right to make choices, subject to the laws and regulations of this Commonwealth, regarding their lifestyles, relationships, bodies and health, even when those choices present risks to themselves or their property. Adults in need of protective services also have the right to refuse protective services and the right to receive services in the most integrated settings and in the manner least restrictive of individual liberties.

Act 70 directed the Department to develop, in consultation with the adults it protects, their families and advocates, and all other departments that are affected by the act, the regulations necessary to implement Act 70. 35 P.S. § 10210.701(a). The Department commenced 23 stakeholder meetings between January 2011 and September 2015. Participants included advocates for people with physical disabilities, intellectual disabilities, brain injuries, provider associations for in-home care, long-term living along with county commissioners, a mental health consumer's association, a planning and advisory group for people with disabilities, a university-based research and advocacy entity, representatives from Department programs that serve adults with physical or mental impairments, and adults with disabilities. The stakeholder group advised the Department on many of the novel features of Act 70 related to adults with disabilities and provided diverse perspectives on how the regulations should be crafted.

The Department has incorporated many of the stakeholder group's recommendations into this proposed rulemaking.

This regulation will enhance the rights and protections of adults 18 years of age or older but under 60 years of age who have a physical or mental impairment that substantially limits one or more major life activities by augmenting the statutory requirements of Act 70. Since the implementation of Act 70, explanation and elaboration needed on the statutory language was accomplished only through contract or written policy memorandum. This regulation adds transparency and specificity to the Act 70 requirements to ensure consistent and timely investigations of allegations of abuse, neglect, exploitation or abandonment, and, when necessary, to provide services to prevent, reduce or eliminate the risk to person or property. This regulation will also aid stakeholders in understanding the law and how it works to mitigate or reduce the effects of abuse and neglect. The Older Adults Protective Services Act, Act of November 6, 1987, P.L. 381, No. 79 (OAPSA) was the starting point for Act 70. Moreover, the OAPSA regulations, 6 Pa. Code Chapter 15, were also the starting point for these regulations. This helps ensure consistency throughout the protective services processes in Pennsylvania.

Affected Individuals and Organizations

Individuals with disabilities, who are 18 years of age or older, but under 60 years of age, and who are at imminent risk of danger to their person or property, are affected by the proposed rulemaking. The proposed rulemaking provides a system of temporary intervention to ensure individuals' well-being and ability to live safe and productive lives.

Any person in the community concerned about an imminent risk of danger to an adult's person or property is also affected. Facilities that receive public funds to provide care and support to adults with disabilities, and employees of those facilities, are also affected by the proposed rulemaking. This is because facilities are now mandated to follow oral and written reporting procedures when they have reason to suspect that a recipient is the victim of abuse, neglect, exploitation, or abandonment.

State agencies are also affected by the proposed rulemaking because they are notified when an adult reported to need protective services is a recipient of one of their programs or is living in a facility that the agency licenses or regulates. In addition, law enforcement is affected by the proposed rulemaking because, during the protective services process, mandatory reporters are required to submit written and oral reports to law enforcement when mandatory reporters suspect that a recipient is a victim of designated types of abuse that also may be crimes. Upon receipt of these reports, law enforcement may be required to notify facility administrators, conduct criminal investigations and make notifications regarding criminal charges. Further, during protective services investigations, law enforcement may be called upon to conduct welfare checks, whereby the police legally enter a residence when there is no response at the door and there are reasonable grounds to believe that an inhabitant is endangered.

Accomplishments and Benefits

This proposed rulemaking supports the existing adult protective services reporting system, particularly for adults substantially limited by a physical or mental impairment and at imminent risk to their person or property, and for providing temporary interventions to ensure their well-being and ability to live safe and productive lives. The proposed

rulemaking protects health and safety, privacy, autonomy and individual choice by strengthening and clarifying the requirements of Act 70 and adding transparency to the existing systems.

Paperwork Requirements

Written reports of alleged abuse, neglect, exploitation or abandonment shall be submitted for every oral report made by facilities designated as mandatory reporters. When a mandatory reporter is *not* required to report to a State licensing or regulating agency, the reporter shall use a two-page mandatory abuse report form. This form is a paperwork requirement, which takes approximately a half-hour or less to complete. The reporter is required to submit the form within 48 hours via e-mail or fax to the agency, and in certain cases, to law enforcement. The 48-hour, written reporting requirement is required by Act 70. This regulation emphasizes that requirement and adds information on what happens to the report after it is received by the agency.

Facilities subject to this paperwork requirement include hospitals, county mental health and crisis centers, domestic violence agencies and individuals authorized by a Commonwealth licensing agency or board to practice some component of the healing arts for adults. In addition, skilled nursing facilities licensed by the Department of Health are subject to this paperwork requirement.

The proposed regulation does not change the timeframes set forth in Act 70 for the completion of required paperwork. The paperwork consists of written reports to be submitted to the agency and, when applicable, to law enforcement. No new legal, consulting or accounting procedures are required by the regulation.

Proposed Regulation

Section 15.1 (relating to scope) clarifies the purpose of the Act. This section explains how the chapter applies to adults in need of protective service, parties who make and investigate reports, as well as families and facilities.

Section 15.2 (relating to definitions) proposes to include definitions for the following terms: "abandonment," "abuse," "Act," "Administrator," "adult," "agency," "assessment," "care," "caregiver," "case record," "court," "department," "desertion," "employee," "exploitation," "facility," "geographic area," "health care provider," "home health care agency," "incident reporting system," "informed consent," "intimidation," "investigation," "law enforcement official," "least restrictive alternative," "major life activities," "mandatory reporting," "mental anguish," "most integrated setting," "neglect," "pain," "protective services," "public funds," "recipient," "report," "Secretary," "serious bodily injury," "serious injury," "service plan," "sexual abuse," "State-licensed facility," "State-operated facility," and "subject." Many of these definitions come from Act 70 and others are taken from the OAPSA and modified to be relevant to Act 70 and these proposed regulations. This allows for consistency in protective services. About one-third of the definitions in this regulation are new.

Section 15.3 (relating to waivers) creates the process for facilities to provide a written request to the Department for unreasonable and undue hardship. These waivers would be provided to the Secretary of the Department or their designee for consideration.

Section 15.11 (relating to administrative functions and responsibilities of the Department) reiterates statutory requirements related to contracted agencies, education, and coordination. The Department must contract with one or more agencies. The Department is to develop and maintain an ongoing program of public information and education. The Department is also responsible for providing coordination, to the extent permitted by law, with child protective and older adult protective services.

Section 15.12 (administrative functions and responsibilities of agencies) elaborates on the statutory requirement for the agency to investigate and provide protective services to adults. This section also proposes the scenarios under which an agency shall refer a report of need to another agency of the Department to avoid a conflict.

The following sections are related to the reporting of suspected abuse, neglect, exploitation, or abandonment.

Section 15.21 (relating to general reporting requirements) proposes to restate the important statutory provision that anyone having reasonable cause to suspect abuse or neglect may report this to adult protective services.

Section 15.22 (relating to safeguards for those who make or receive reports) provides for clarification of the individuals protected from discriminatory, retaliatory, or disciplinary action in Act 70 due to a report and reiterates which individuals may bring civil

suit for an employer or any other person who takes discriminatory, retaliatory, or disciplinary action in relation to a report.

Section 15.23 (relating to receiving reports and general agency responsibility) reiterates the statutory requirement that there must be 24-hours a day, 7-days a week capability of receiving reports of adults in need of protective services. This section also proposes how the agency is to be accessible by requiring, for example, that certain professional staff will be accessible and the public will have access to a toll-free hotline to make reports of need. This hotline must have a TTY voice relay system or similar technology. TTY is a special device that lets people who are deaf, hard of hearing, or speech-impaired use the telephone to communicate, by allowing them to type messages. In addition, individuals with limited English proficiency may report using language resources.

Section 15.24 (relating to anonymity of reporters) allows for the anonymity of reporters except for mandatory reporters as defined by the Act.

Section 15.25 (relating to report form and content) clarifies that reports are to be received in a manner prescribed by the Department and provides the minimum content that should be contained in a report.

Section 15.26 (relating to screening and referral of reports received) elaborates on the screening process in Act 70 and provides further clarification of the specific

categorizations in which each report received can be placed. Each categorization (priority, non-priority, another geographic area, and no need or not eligible for protective services) must meet minimum requirements for initiation as well as minimum requirements for determining when reports are to be categorized as “no need” or “not eligible for protective services.”

Section 15.41 (relating to reports required to be investigated) reiterate Act 70's requirement that all reports are to be investigated by the agency and the timeline for initiation of the investigation. The regulation requires that only trained investigators may conduct investigations and when trained investigators are not available, the agency must contact the Department.

Section 15.42 (relating to standards for initiating and conducting investigations) elaborates on the standards and timelines for initiating, conducting, and concluding an investigation when the report is a priority, nonpriority, or categorized as no need or not eligible for protective services. The proposed regulation also provides for when the Department can conduct an investigation and requires the agency to refer an investigation if there is a conflict of interest.

In sections 15.43-15.44 (resolution of unsubstantiated and substantiated reports), the proposed regulation provides for the steps to be followed after an investigation finds that a report is unsubstantiated or substantiated. These sections also reiterate the Act's

requirements for referral of needed services in an unsubstantiated report and the creation of a service plan for a substantiated report.

In section 15.45 (relating to State-licensed facilities), the proposed regulation requires that when a report involves a State-licensed facility, the agency that provides adult protective services is required to notify the State agency that licenses the facility. The agency is still responsible to investigate and provide protective services, if needed. The regulation also provides that the agency may seek judicial relief if it finds that the State-licensed facility is jeopardizing the adult's health and safety.

The proposed regulation requires that the agency notify the appropriate entity that has jurisdiction over a State-licensed facility of a report of need for an adult in that facility. The agency that provides adult protective services may coordinate its investigation with the licensing agency's investigation to avoid duplication and develop remedies as permitted by law.

The proposed regulation also requires that, when an agency receives a report concerning a consumer who resides in a State-operated facility, the agency is to initiate the investigation by referring the report to the appropriate administrative or program office under its patient rights program. The agency must monitor the investigation, but that the referral may suffice for the purposes of the agency's investigatory duties. The referral to the appropriate administrative or program office does not relieve the agency of its responsibility to provide protective services.

In section 15.46 (relating to law enforcement officials), the proposed regulation reiterates the necessity for cooperation between law enforcement officials and adult protective services caseworkers. The proposed regulation seeks to elaborate on what is needed for coordination, such as established points of contact with law enforcement officials and procedures for when to make reports. The regulation also provides for parameters on simultaneous investigations and when a protective services caseworker may request the assistance of a law enforcement officer for safety purposes.

Section 15.47 (relating to emergency medical services) reiterates that Act's requirement that a consumer has the right to normal protections of the emergency medical services or police protection that would be available to anyone, regardless of age, in similar circumstances.

Section 15.61 (relating to access to adults) reiterates the Act's language regarding when agencies shall have access to the adult that may need protective services, and how agencies may proceed if access is denied. In conjunction with sections 15.62, 15.63, and 15.71-15.72, the proposed regulation, along with the Act, establishes a framework for agencies to access adults in need and their confidential records that are necessary to complete an investigation.

Sections 15.73-15.76 (related to petition, forcible entry, health and safety requirements, non-restrictive setting and documentation) of the proposed regulation

tracks the Act's language regarding actions taken when a court order for access or removal of a consumer is granted. The proposed regulation also requires that these emergency actions be documented in the case record.

Section 15.81 (relating to rights of adults reported to need protective services) was developed to clarify the rights that adults in need have under the Act. The agency must ensure that these specific rights are protected. This section clarifies that these adults have the right to privacy and to additional information contained in the report, as well as the right to appeal, to request protection from abuse orders, to refuse protective services except as provided by court order, to obtain counsel if there are court proceedings, and to have their personal information maintained in a confidential manner by the agency.

Sections 15.91—15.96 (relating to the provision of services) provide clarification to the agency on the expectations of the Department on how to provide necessary services, how to determine what specific needs an adult has, how to develop a plan to identify the needed services and what may be included, how the delivery of the risk reducing services should take place, how to document in the case management system with what should be included, when case closure and termination are appropriate, and how to complete such termination and closure.

Sections 15.101—15.105 (relating to confidentiality) provide how the agency is required to safeguard records to maintain confidentiality and prevent unauthorized access. The proposed regulation tracks the confidentiality requirements in the Act and

sets forth records retention requirements for unsubstantiated reports, proposes requirements regarding agency staff training and staff responsibilities, imposes penalties for violation of confidentiality requirements, and imposes limits on access to records and disclosures of information.

Sections 15.111—15.112 (relating to financial obligations) clarify for the agency that funding authorized under the Act may not be used for protective services when public or private entitlements or other resources are available to the adult. The agency shall determine if the adult is eligible for any public or private entitlements prior to authorizing protective service funding. Once eligibility is established and it is determined that resources are not available, the agency may proceed with using protective service funding. The purchase of these services is limited to a 30-day period and may be renewed with the Department's approval.

In sections 15.121 – 15.123 (relating to staff qualifications, training, and availability of training), the proposed regulation specifies the qualifications and training required for agency staff and the availability of the training provided by the Department.

In section 15.131 (relating to general reporting requirements), the proposed regulation specifies the general reporting requirements for mandatory reporters as required by the Act. A mandatory reporter is required to make an immediate oral report to the Adult Protective Services Hotline, followed up within 48 hours with a written report to the appropriate protective services agency. In addition, as proposed by § 15.132 and

required by the Act, if the allegation involves sexual abuse, serious injury, serious bodily injury or suspicious death, the administrator or employee shall also immediately make an oral report to local law enforcement and to the Department, followed up within 48 hours with a joint written report to law enforcement.

Section 15.133 (relating to content of reports) clarifies that a report shall be made on a form prescribed by the Department, and outlines the minimum content required in each report.

Section 15.134 (relating to reports to the Department and coroner by agencies) restates the Act's requirement of an agency to provide a report within 48 hours to the Department if such report involves sexual abuse, serious injury or serious bodily injury or suspicious death and provides for minimum reporting requirements. This section also restates the Act's requirement for an agency to provide a report to a coroner or medical examiner if there is reasonable cause to suspect that the consumer died because of abuse or neglect.

Section 15.135 (relating to investigation) clarifies the requirements for the agency's response to receipt of a report under §§ 15.131 and 15.132.

Section 15.136 (relating to restrictions on employees) elaborates on the Act's requirements for a facility to suspend an employee or implement an approved plan of supervision when such employee is alleged to have committed abuse.

Section 15.137 (relating to confidentiality of and access to confidential reports) reiterates the Act's rules for confidentiality and exceptions to the rule for designated entities. This section also prohibits the release of information that would identify the individual who made a report under this chapter, or an individual who cooperated in a subsequent investigation.

Section 15.138 (relating to penalties) clarifies the Act's administrative penalties that will be imposed by the Department for violation of §§ 15.131—15.137, as well as the criminal penalties enacted in Act 70.

Section 15.139 (relating to immunity) restates the immunity provided by the Act for an administrator or facility that acts in good faith.

Sections 15.150—15.153 (relating to appeals and fair hearings), in conjunction with § 15.81 and § 15.93 and the Act, the regulation proposes how the agency shall safeguard the rights of adults in need of protective services, which include the right to refuse protective services. The Department is proposing to add an appeals procedure for the Act's right to appeal the denial of protective services. Under this appeals procedure, an adult or the adult's legal representative may file an informal complaint with the Department of Human Services, Adult Protective Services, 625 Forster Street, Room 631, Harrisburg, PA 17120. If the resolution of the informal complaint is not acceptable and the adult or their legal representative timely notifies the Department in writing, the

Department will submit a request for a formal hearing to the Department's Bureau of Hearings and Appeals.

Fiscal Impact

The total expenditures to the Commonwealth for operating APS was \$12,162,334.28 in Fiscal Year 2020-2021 and a similar amount is anticipated for Fiscal Year 2021-2022 and Fiscal Year 2022-2023.

Contact Persons

Brian Macdaid, Human Services Licensing, is the primary contact for this proposed regulation. The contact information for Mr. Macdaid is (717) 772-4982 and bmacdaid@pa.gov.

Laura E. Deitz, Director of Adult Protective Services, is the secondary contact for this proposed regulation. The contact information for Director Deitz is (717) 736-7050 and ldeitz@pa.gov.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Department at the following address: Brian Macdaid, Bureau of Human Services Licensing, Department of Human Services, Office of Administration, Health and Welfare Building, 625 Forster Street, Room 631, Harrisburg, PA 17120 or RA-PWOLTLRegsPubCom@pa.gov within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No.14-543 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments by using the AT&T Relay Service at 1-800-654-5984 (TTY users) or 1-800-654-5988 (voice users).

Regulatory Review Act

Under § 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 30, 2023, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Human Services and the Senate Committee on Health and Human Services. In addition to submitting the proposed rulemaking, the Department has provided the IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

Under § 5(g) of the Regulatory Review Act, if the IRRC has any comments, recommendations or objections to any portion of the proposed regulation, it may notify the Department and the Committees within 30 days after the close of the public comment period. Such notification shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the Department, the General Assembly and the Governor, of any comments, recommendations or objections raised, prior to final publication of the regulation.

ANNEX A
TITLE 55. HUMAN SERVICES
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SUBPART B. RIGHTS
CHAPTER 15. PROTECTIVE SERVICES FOR ADULTS

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GENERAL PROVISIONS

§ 15.1. Scope.

(a) This chapter governs the administration and provision of protective services for adults under the Adult Protective Services Act (35 P.S. §§ 10210.101 – 10210.704), and the mandatory reporting of the abuse, neglect, exploitation or abandonment of adults.

(b) This chapter applies to adults in need of protective services, their families, agencies selected to provide protective services for adults in need of protective services, parties who make and investigate reports of a need for protective services for adults and facilities.

§ 15.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Abandonment — The desertion of an adult by a caregiver.

Abuse — The occurrence of one or more of the following acts:

(1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.

(2) The willful deprivation by a caregiver of goods or services which are necessary to maintain physical or mental health.

(3) Sexual harassment, rape or abuse as the term is defined in 23 Pa.C.S. § 6102 (relating to definitions).

The term does not include environmental factors which are beyond the control of an adult or a caregiver, including, but not limited to, inadequate housing, furnishings, income, clothing or medical care.

Act — The act of October 7, 2010 (P.L. 484, No. 70), known as the Adult Protective Services Act (35 P.S. §§ 10210.101 – 10210.704).

Administrator — The person responsible for the administration of a facility. The term includes a person responsible for employment decisions or an independent contractor.

Adult — A resident of this Commonwealth 18 years of age or older but under 60 years of age who has a physical or mental impairment that substantially limits one or more major life activities.

Adult in need of protective services — An adult who needs the assistance of another person to obtain protective services to prevent imminent risk to person or property.

Agency — A local contracted provider of protective services.

Assessment — Social, physical and psychological findings along with a description of the person's current resources and needs.

Care — Services provided to meet an adult's need for personal care or health care.

(1) Services may include homemaker services, assistance with activities of daily living, physical therapy, occupational therapy, speech therapy, social services, home-care aide services, companion-care services, private duty nursing services, respiratory therapy, intravenous therapy, in-home dialysis and durable medical equipment services, which are routinely provided unsupervised, and which require interaction with an adult.

(2) The term does not include durable medical equipment delivery.

Caregiver — An individual or institution that has assumed the responsibility for the provision of care needed to maintain the physical or mental health of an adult. This responsibility may arise voluntarily, by contract, by receipt of payment for care, as a result of family relationship or by order of a court of competent jurisdiction. It is not the intent of the act to impose responsibility on any individual if the responsibility would not otherwise exist in law.

Case Record — A complete account of the information received, and the actions taken by the agency on each report received. This includes documentation of informed consent provided or agency efforts to obtain consent. When applicable, it shall include the following elements:

(1) The report of a need for protective services.

(2) The record of investigation.

- (3) The written findings of the assessment.
- (4) The service plan.
- (5) Notes of contact with the adult and others involved with the case.
- (6) Court documents.
- (7) Letters of notification to the adult.
- (8) Reassessments when applicable.

Court — A court of common pleas or a district magistrate court, where applicable.

Department — The Department of Human Services of the Commonwealth.

Desertion — The willful failure, without just cause by the responsible caregiver, to provide for the care and protection of an adult.

Employee — An individual who is employed by a facility, including employees of affiliated corporate entities, the term includes:

- (1) A contract employee who has direct contact with residents or unsupervised access to their personal living quarters; or
- (2) A person who is employed or who enters into a contractual relationship to provide care to an adult for monetary consideration in the adult's place of residence.

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 caregiver or monetary or personal loss to the adult.

Facility — The term means:

(1) An assisted living residence as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(2) A domiciliary care home as defined in section 2202-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(3) A home health care agency as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(4) An intermediate care facility for individuals with an intellectual disability.

(5) A long-term care nursing facility as defined in section 802.1 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

(6) An older adult daily living center as defined in section 2 of the act of July 11, 1990 (P.L.499, No.118), known as the Older Adult Daily Living Centers Licensing Act.

(7) A personal care home as defined in section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(8) An organization or group of people that uses public funds and is paid, in part, to provide care and support to adults in a licensed or unlicensed setting. This shall include but is not limited to health care providers and organizations or groups of people that are regulated by 55 Pa. Code Chapters 2380, 2390, 5200, 5300, 6400, 6500 (relating to adult training facilities; vocational facilities; psychiatric outpatient clinics; private psychiatric hospitals; community homes for individuals with an intellectual disability; and family living homes) and any other organization regulated under Chapter 6100 (relating to services for individuals with an intellectual disability or autism).

(9) A residential treatment facility.

Geographic area — The geographic unit, or planning and service area, within this Commonwealth, for the allocation of funds for the delivery of services to adults residing in that unit.

Health care provider — A licensed hospital or health care facility or person who is licensed, certified or otherwise regulated to provide health care services under the laws of this Commonwealth, including but not limited to a physician, podiatrist, optometrist, psychologist, physical therapist, certified nurse practitioner, registered nurse, nurse midwife, physician's assistant, chiropractor, dentist or pharmacist or an individual accredited or certified to provide behavioral health services.

Incident reporting system — Enterprise Incident Management System (EIM) or its successor.

Informed consent — Consent obtained for a proposed course of protective service provisions. The consent shall be based on a reasonable attempt to provide information which conveys, at a minimum, the risks, alternatives and outcomes of various modes of protective service provision available under the circumstances.

Intimidation — An act or omission by a person or entity toward another person which is intended to or with knowledge that the act or omission will obstruct, impede, impair, prevent or interfere with the administration of the act or any law intended to protect adults from mistreatment.

Investigation — A systematic inquiry conducted by the agency to determine if allegations made in a report for protective services can be substantiated, if the adult needs protective services, or both.

Law enforcement official — These shall include:

- (1) A police officer of a municipality.
- (2) A district attorney.
- (3) The Pennsylvania State Police.
- (4) A county sheriff.
- (5) The Attorney General.

Least restrictive alternative — The least intrusive service or environment that can effectively and safely address the adult's needs and preferences.

Major life activities — As defined in section 12102(2) of the Americans with Disabilities Act of 2008, including any amendments (42 U.S.C.A. § 12102(2)).

Mandatory reporting — The requirement that an employee or an administrator who has reasonable cause to suspect that a recipient is a victim of abuse or neglect shall immediately make an oral report to an agency.

Mental Anguish — Emotional disturbances such as distress, anxiety, depression, grief and/or psychosomatic physical symptoms.

Most integrated setting — A setting that enables individuals with disabilities to interact with individuals who do not have disabilities to the fullest extent possible.

Neglect — The failure to provide for oneself or the failure of a caregiver to provide goods, care or services essential to avoid a clear and serious threat to the physical or mental health of an adult. The term does not include environmental factors that are beyond the control of an adult or the caregiver, including, but not limited to, inadequate housing, furnishings, income, clothing or medical care.

Pain — Physical suffering or discomfort caused by illness or injury.

Protective services — Those activities, resources and supports provided to adults under the act to detect, prevent, reduce or eliminate abuse, neglect, exploitation and abandonment.

Public funds — The term includes Federal, State, county or other governmental funding sources.

Recipient — An adult who receives care, services or treatment in or from a facility.

Report — The written report regarding an adult in need of protective services received under § 15.23 (relating to receiving reports; general agency responsibility) and recorded on the standardized protective services report form.

Secretary — The Secretary of Human Services of the Commonwealth

Serious bodily injury — Injury that does one of the following:

- (1) Creates a substantial risk of death; or
- (2) Causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

Serious injury — Injury that does one of the following:

- (1) Causes a person severe pain; or
- (2) Significantly impairs a person's physical or mental functioning, either temporarily or permanently.

Service plan — A written plan that:

- (1) Is cooperatively developed by agency staff, an adult in need of protective services and the adult's appointed guardian, if any, and other family members and advocates when appropriate.
- (2) Where possible, is based on multidisciplinary, comprehensive written

assessments conducted by professionals who have met with the adult in need of protective services and are familiar with the adult's situation.

(3) Provides for services in the most integrated setting and utilizes least restrictive alternatives.

(4) Describes identified needs, goals to be achieved and specific services to support goal attainment, with regular follow-up and predetermined reassessment of client progress.

(5) Is updated as needed.

Sexual abuse — Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest, as defined by 18 Pa.C.S. (relating to crimes and offenses).

State-licensed facility — A facility licensed by a state agency

State-operated facility — A facility operated by a state agency through individuals employed by the state.

Subject — An individual identified in the report or during the investigation as the adult in need of protective services.

§ 15.3. Waivers.

(a) The Department may grant a waiver to a facility to a provision of this chapter which is not otherwise required Federal and State law and does not jeopardize the health, safety, or well-being of adults 18 years of age or older but under 60 years of age who have a physical or mental impairment that substantially limits one or more major life activities.

(b) The waiver request must be on a form prescribed by the Department.

(c) The waiver request must explain how the provision creates an unreasonable and undue hardship on the facility requesting the waiver.

(d) The waiver request will be reviewed by the Secretary of the Department or their designee.

PROGRAM ADMINISTRATION

§ 15.11. Administrative functions and responsibilities of the Department.

(a) *General responsibilities.* The Department will establish and maintain a statewide system of protective services for adults. These services will be available and accessible through agencies with which the Department contracts to perform the service. In maintaining this system of protective services, the Department's functions and responsibilities include the following:

(1) Administering the adult protective services program in a manner designed to utilize least restrictive alternatives and to ensure services are provided in the most integrated setting.

(2) Developing and maintaining an ongoing program of public information and education to promote general awareness of and informed responses to the needs of adults for protective services available under this chapter. This ongoing campaign shall require facilities to post notice of the availability of protective services and to provide notice to recipients and their families.

(3) Working with the Department of Aging, as permitted by law, to provide coordination with the older adult protective services system to ensure that when adults in need of protective services reach 60 years of age, they have continuity in the delivery of protective services.

(4) Providing coordination with the child protective services system, as permitted by law, to ensure that children who are the subject of a protective services report at 18 years of age have continuity in the delivery of protective services.

(5) Ensuring the agency has access to the incident reporting system for adult protective services.

(6) Using a competitive bidding process to contract with an agency.

§ 15.12. Administrative functions and responsibilities of agencies.

(a) An agency shall administer the delivery of protective services under this chapter in its geographic area.

(b) An agency shall be separate from entities providing direct services to adults, county mental health and intellectual disabilities service providers. An agency shall refer a report to the Department for investigation by another agency or the Department if one of the following applies:

(1) The adult reported to need protective services or perpetrator is a staff member of the agency or is related to a staff member of the agency.

(2) The adult reported to need protective services or perpetrator is affiliated with the agency as a volunteer, board member or advisor of the agency.

(3) The adult reported to need protective services or perpetrator is related to an immediate family member who is a volunteer, board member or advisor of the agency.

(4) The adult reported to need protective services or perpetrator has a financial relationship with the agency either as receiving or providing financial compensation to the agency.

(5) The report presents a conflict of interest or the appearance of a conflict of interest that may call into question the objectivity of the investigation, if investigated by the agency.

(c) The agency shall adhere to the contract standards and work statement contained in the agreement with the Department to perform the duties of an adult protective services agency.

(d) To the extent permitted by law, an agency shall collaborate with the Department or its designee in the exercise of its investigation and development of the service plan. The agency will maintain responsibility for acceptance of the final investigation and determination, as well as the development of the service plan.

REPORTING SUSPECTED ABUSE, NEGLECT, ABANDONMENT OR EXPLOITATION

§ 15.21. General reporting provisions.

(a) A person who has reasonable cause to believe that an adult is an adult in need of protective services may submit a report to the established statewide toll-free hotline for adult protective services or to the agency.

(b) Reports shall comply with §§ 15.131—15.137 (relating to mandatory reporting of suspected abuse, neglect, exploitation or abandonment).

§ 15.22. Safeguards for those who make or receive reports.

(a) *Protection from retaliation.* An employer, or any other person or entity who takes discriminatory, retaliatory or disciplinary action against the following individuals commits a violation of the act and may be subject to a civil action:

(1) An employee or other person who makes a report.

(2) A person who cooperates with the agency or the Department to provide testimony or other information about a report.

(3) An adult reported to need protective services.

(b) *Damages.* The employer or any other person who takes the discriminatory, retaliatory or disciplinary action may be subject to a civil action by the person who made the report, the adult named in the report or the person who cooperated with the agency or the Department.

§ 15.23. Receiving reports; general agency responsibility.

(a) *Twenty-four-hour capability.* The agency shall be capable of receiving reports of adults in need of protective services 24-hours-a-day, 7 days-a-week, including holidays.

(b) *Accessibility of professional staff.* The agency shall provide protective services caseworker accessibility 24-hours-a-day, 7 days-a-week, including holidays, to respond to referrals under § 15.26 (relating to screening and referral of reports received) that require immediate attention.

(c) *Toll-free public telephone or other communication access.* To facilitate reporting of adults in need of protective services, the Department shall provide toll-free telephone access to all persons, including persons who are deaf or hard of hearing and persons with limited English proficiency. Individuals who are deaf, hard of hearing or who have speech barriers may report using a Text Telephone (TTY) through voice relay or other similar technology. Individuals with limited English proficiency may report using language resources that the Department shall ensure are in place.

(d) *Reports from outside the geographic area.* If the adult reported to need protective services does not reside in the geographic area of the agency or, at that time, is not in the geographic area, the agency shall notify the agency which provides protective services in the geographic area where the adult is located and relay to that agency the information received in the report. Agencies shall cooperate and share information with such other entities, as needed.

§ 15.24. Anonymity of reporters.

Except for reports made under § 15.131 (relating to general reporting requirements), a person who reports an alleged adult in need of protective services may remain anonymous. A person who receives an anonymous report shall inform the reporter of the statutory protection from retaliation and liability. An alleged adult in need of protective services is a person who is alleged to need the assistance of another person to obtain protective services to prevent imminent risk to person or property.

§ 15.25. Report form and content.

(a) *Standardized reports.* The person receiving the report shall record information from the reporter on a form prescribed by the Department.

(b) *Handling oral reports.* When the report is made orally, the person receiving the report shall immediately record the report on the form prescribed in subsection (a).

(c) *Minimum contents.* The person receiving a report shall make every effort to obtain the following information:

- (1) The date and time of the report.

(2) The name, home address and preferred and secondary contact information for the person making the report, unless withheld under § 15.24 (relating to anonymity of reporters).

(3) The name, address and, if available, age, gender and phone number of the adult reported to need protective services.

(4) The name and phone number of the guardian, attorney-in-fact or next of kin for the adult reported to need protective services.

(5) The nature of the incident which precipitated the report, including the date, time and location, if known.

(6) The nature and extent of the need for protective services. The person receiving the report shall indicate whether the reporter perceives that the adult reported to need protective services is in a life-threatening situation.

(7) The physical and mental condition of the adult reported to need protective services, if known.

(8) The nature of the physical or mental impairment, if known.

(9) Current location of the adult reported in need of protective services, if known.

§ 15.26. Screening and referral of reports received.

(a) *Screening.* A person who met the qualifications in § 15.121(b) (relating to protective services staff qualifications) and finished the training in § 15.122 (relating to protective services staff training curriculum) who receives a report shall screen the report immediately and assign it to one of the following referral categories:

(1) Priority.

(2) Non-priority.

(3) Another geographic area.

(4) No need or not eligible for protective services.

(b) *Referral categories and actions.*

(1) *Priority.* A report placed in this category requires immediate attention because specific details in the report indicate the possibility that the adult reported to be in need of protective services is at imminent risk of death or serious injury or serious bodily injury. The person receiving a priority report shall immediately contact a protective services caseworker and provide that caseworker with the information contained in the report.

(2) *Non-priority.* A report shall be placed in this category when it does not appropriately fall within the priority category and, therefore, does not require immediate attention by the agency. A report in this category shall be referred to a protective services caseworker of the agency within the normal business hours of the agency's current or next day of business under the agency's established procedures for referring these reports.

(3) *Another geographic area.* A report that meets the criteria under § 15.23(d) (relating to receiving reports; general agency responsibility) shall be placed in this category. The report shall be referred to the agency which has the designated responsibility for protective services in the planning and service area in which the adult reported to need protective services is located at the time of the report. A report in this category will also meet the criteria for placement in one of the other categories in this subsection. The provisions for referral for the other category shall apply to a referral to another planning and service area. Agencies shall cooperate and share information with other agencies, as needed.

(4) *No need or not eligible for protective services.*

(i) A report shall be placed in this category when the adult reported to need protective services meets one or more of the following criteria:

(A) Is not a resident of this Commonwealth.

(B) Is under 18 years of age or 60 years of age or older. Reports received for these identified age groups shall be immediately referred by the person who takes the report to either child protective services or older adult protective services.

(C) Does not have a physical or mental impairment that substantially limits one or more major life activity.

(D) Has the capacity to perform or obtain, without help, services necessary to maintain physical or mental health.

(E) Is not at imminent risk of danger to his person or property.

(ii) A report in this category shall be referred to a protective services caseworker of the agency within the normal business hours of the agency's current or next day of business. The protective services caseworker shall review the details of the report and take all necessary steps to confirm or reject the categorization of no need for protective services within 72 hours of receipt. If the caseworker confirms the screening categorization and upon the request of any interested party and without objection by the adult reported to need protective services, appropriate referrals shall be made to another community service provider within 72 hours of receipt. In the event the caseworker determines the allegations pertain to a person under 18 years of age or 60 years of age or older, the caseworker shall notify child protective services or

older adult protective services immediately. The protective services case shall then be closed. If the caseworker rejects the categorization, the report shall be placed in the appropriate category and handled accordingly within 72 hours.

(iii) A report may not be placed in this category solely because the adult is temporarily relocated to a safe environment and will return to the original abusive situation or to a new location which has not been determined to be safe.

INVESTIGATING REPORTS OF NEED FOR PROTECTIVE SERVICES

§ 15.41. Reports required to be investigated.

(a) *General.* The agency shall provide for an investigation of a report received under § 15.23 (relating to receiving reports; general agency responsibility) and referred under § 15.26 (relating to screening and referral of reports received) to determine if the report can be substantiated and, if so, determine immediate steps that are necessary to remove or reduce an imminent risk to person or property. The investigation shall include sufficient collateral information provided by interviews, documents, reports or other methods to make the determination.

(b) *Trained and identified investigators.* Only a person who has completed the minimum departmental training required for protective services caseworkers under §§ 15.122—15.123 (relating to protective services staff training curriculum; and availability of training) and met the qualifications in § 15.121(b) (relating to protective services staff qualifications) may conduct investigations under this section.

(1) When, for reasons unexpected and beyond the agency's control, a trained staff person is not available to conduct investigations, the agency shall notify the Department

and seek the Department's approval for its proposed plan for carrying out its investigation responsibilities under this section.

(2) The agency shall provide each investigator with official credentials which document the identity of the investigator and the legal authority to implement this chapter.

(c) *Agency responsibility.* The agency is responsible for assuring that an investigation under this section can be conducted whenever circumstances require it. This responsibility includes the provision of standby capability for use if the agency's regularly assigned staff is not available.

§ 15.42. Standards for initiating and conducting investigations.

(a) *Requirements by report category.*

(1) *Priority report.*

(i) The investigation of a report categorized as a priority shall be initiated immediately following the referral of the report. The protective services caseworker shall make every effort to ensure the immediate safety of the adult in need of protective services and, to the extent feasible, a face-to-face visit shall be conducted within 24 hours after the report is received.

(ii) When the protective services caseworker makes every effort to gain access to the adult in need of protective services, and the protective services caseworker is denied access, the caseworker shall document the efforts made and act, as appropriate, under § 15.61 or § 15.71 (relating to access to adults; and involuntary intervention by emergency court order).

(2) *Non-priority report.*

(i) The investigation of a report categorized as non-priority shall be initiated in a timely manner, but no later than 72 hours after the report was received. The investigation of a non-priority report shall include a face-to-face visit to the adult in need of protective services no later than 72 hours after the report was received.

(ii) When the protective services caseworker makes efforts to gain access to the adult in need of protective services, and the protective services caseworker is denied access, the caseworker shall document the efforts made and take action, as appropriate, under § 15.61 or § 15.71 (relating to access to adults; and involuntary intervention by emergency court order).

(3) *No need or not eligible for protective services report.*

(i) The investigation of a report categorized as no need or not eligible for protective services shall consist of the protective services caseworker's review of the report categorization.

(ii) If the caseworker agrees with the initial categorization, appropriate referrals shall be made within 72 hours after the report was received, to another community service provider, if appropriate. If the allegations pertain to a person under 18 years of age or 60 years of age or older, the caseworker shall immediately refer the report to child protective services or older adult protective services. If the caseworker does not agree with the initial categorization, the caseworker shall place the report in another category in this subsection and the report shall be addressed under the applicable provisions for investigating a report in that category.

(b) *Reports involving conflict of interest.* In the event a conflict of interest arises or is identified as described in § 15.12 (relating to administrative functions and responsibilities of agencies), the agency shall immediately refer the case for investigation by the Department or for referral to another agency for investigation.

(c) *Written records of investigative activities.* The caseworker shall document, in the case record, investigative activities, including home visits and other contacts with the adult in need of protective services, and other persons or organizations needed to facilitate the investigation. Documentation may include, but is not limited to, dated and signed photographs and statements related to suspected abuse, neglect, exploitation or abandonment.

(d) *Completing investigations of reports.* The agency shall make all reasonable efforts to complete an investigation of a report for protective services under this section as soon as possible but no later than 20 days after the receipt of the report. The investigation of the report is completed only when the report has been determined to be substantiated or unsubstantiated, and if substantiated, after necessary steps have been taken to reduce or eliminate the imminent risk to the person or property of the adult in need of protective services.

(e) *Department conducting its own investigation.* If the Department determines that the agency is unable to conduct, or has not conducted, what the Department considers an acceptable protective services investigation, the Department may intervene in the agency's investigation, provide direct instruction to the agency regarding the investigation, or conduct its own investigation.

§ 15.43. Resolution of unsubstantiated reports.

(a) When, upon investigation of a report, the agency determines that there is no need for protective services, the report shall be classified as unsubstantiated.

(b) An unsubstantiated report, and all information obtained in investigating the unsubstantiated report, shall be maintained for a period of one year. The agency shall maintain the information in a manner that prevents unauthorized access, including electronic files. Paper files shall be maintained in a separate and locked file accessible only to authorized agency staff under § 15.102 (relating to maintenance of case records).

(c) When the subject of an unsubstantiated report has needs for other services, the subject shall be informed of the availability of services provided by other appropriate community service providers.

§ 15.44. Resolution of substantiated reports.

(a) When an investigation confirms the details of a report made under § 15.23 (relating to receiving reports; general agency responsibility) or the agency determines that the subject of the report is in need of protective services, the report shall be classified as substantiated.

(b) Prior to substantiating the report, the agency shall attempt to assess the adult in need of protective services under § 15.92 (relating to assessments). An adult in need of protective services may refuse the assessment. If an adult in need of protective services refuses the assessment, the agency may seek, when appropriate, a court order under § 15.61 (relating to access to adults).

(c) On the basis of the assessment, the agency shall provide for the development of a service plan of recommended actions that reflect the least restrictive alternatives for

removing or reducing imminent risk to person or property and promote self-determination and continuity of care being provided at the time of the agency's intervention. The service plan may include, when appropriate, the pursuit of civil or criminal remedies. The service plan shall be developed pursuant to § 15.93 (relating to service plans).

(d) After the service plan is developed, the agency shall implement it under § 15.94 (relating to service delivery).

§ 15.45. State-licensed and state-operated facilities.

(a) *General.* The following paragraphs apply to investigations of reports concerning adults reported to need protective services, who receive care in State-licensed facilities:

(1) The agency maintains general responsibility to investigate and provide protective services when there is an allegation of abuse, neglect, exploitation or abandonment of an adult who receives care in a State-licensed facility.

(2) The agency continues to maintain its general responsibility to investigate and provide protective services when there is an allegation of abuse, neglect, exploitation or abandonment of an adult who receives care in a State-licensed facility that is concurrently being investigated by another entity that has jurisdiction to investigate.

(3) The agency may seek judicial relief to require the State-licensed facility to protect the health and safety of the adult in need of protective services when the State-licensed facility is found to jeopardize the health and safety of the adult in need of protective services and this finding is supported by evidence of substantiated risk.

(4) The agency shall notify the area agency on aging ombudsman of reports and investigations concerning adults residing in State-licensed facilities for which the area agency on aging provides ombudsman services. In situations that ombudsman services,

as established by § 712(g) of the Older Americans Act of 1965 (42 U.S.C.A. § 3058g) and § 2207-A of the Administrative Code of 1929 (71 P.S. § 581-7(d)), are determined to be appropriate, the agency shall request those services from the ombudsman.

(b) Agency coordination with entities that have jurisdiction over State-licensed facilities.

(1) Except as provided under subsection (c), the agency shall notify the appropriate entity that has jurisdiction over a State-licensed facility of a report for an adult receiving care in a State-licensed facility.

(i) Notification shall identify the facility, the adult reported to need protective services and the nature of the report.

(ii) Notification shall be made immediately to the state agency that has jurisdiction over a State-licensed facility that a report has been received by the agency about an adult receiving services in a State-licensed facility.

(2) When an investigation is concurrently investigated by the agency and a state agency that has jurisdiction over a State-licensed facility this investigation may suffice for the agency investigation. The agency will maintain responsibility for acceptance of the final investigation and determination, as well as the development of the service plan. The agency shall make every effort to coordinate its investigative activities and findings with the state agency that has jurisdiction over a State-licensed facility to avoid duplication of effort and to foster jointly developed remedies to situations requiring protective services intervention.

(c) State-operated facilities. If the agency receives a report concerning an adult in need of protective services who resides in a State-operated facility, the agency shall provide for an investigation of that report as follows:

(1) The agency shall initiate the investigation by referring the report to the appropriate administrative or program office for investigation under its patient rights program.

(2) The agency shall closely monitor an investigation referred under paragraph (1) to determine that the investigation is effectively implemented and that remedies have been implemented to correct the situation which led to the making of the report.

(3) The referral of an investigation to the Department may suffice for the agency investigation. The agency will maintain responsibility for acceptance of the final investigation and determination, as well as the development of the service plan. This does not relieve the agency of its authority and responsibility to provide protective services.

§ 15.46. Law enforcement officials.

(a) *General.* This chapter may not be interpreted to deny an adult in need of protective services access to the normal protections available from the police and other law enforcement officials as appropriate.

(b) *Interagency coordination.* To facilitate the cooperation of law enforcement officials with the provision of protective services, when necessary, the agency shall fulfill the following minimum coordinating activities:

- (1) Coordination with the following:
 - (i) Police departments in the geographic area.
 - (ii) The district attorney's offices in the geographic area.
 - (iii) Pennsylvania State Police barracks in the geographic area.
 - (iv) Officials of the court system.
 - (v) Legal assistance services.

(vi) The county coroners in the geographic area.

(2) Establish designated points of contact with law enforcement officials to facilitate coordination when necessary.

(3) Establish basic procedures to be followed when the agency makes reports of criminal conduct or requests for special assistance to law enforcement officials, and when the law enforcement officials report the need for protective services to the agency.

(4) Provide for the necessary exchange of information about protective services for adults and the role of law enforcement officials in the provision of those services.

(5) Establish procedures for notifying the Department, upon notification by law enforcement officials, of any decision regarding criminal charges.

(c) *The role of law enforcement officials in protective services.* The agency's protective services caseworkers shall receive training as required under §§ 15.122—15.123 (relating to protective services staff training curriculum; and availability of training), which shall incorporate training in relevant areas of criminal law and the role of law enforcement officials when criminal conduct is encountered or suspected.

(d) *Civil and criminal information.* The agency shall take steps to inform adults in need of protective services of access to civil or criminal remedies and how to access them, as possible resolutions to situations of risk to person or property. If an adult in need of protective services requests the agency to contact law enforcement officials, the agency shall respond to that request immediately.

(e) *Police assistance to protective services caseworker.* A protective services caseworker may, as appropriate, request the assistance of a police officer when investigating a report which may pose a possible danger to the caseworker. As provided

under § 15.73 (relating to forcible entry), forcible entry may be made only by a police officer after obtaining a court order. The police officer may be accompanied by a representative of the agency.

(f) *Simultaneous investigations.* When both a report for protective services and a police report have been filed, the protective services investigation shall continue simultaneously with the police investigation. The agency may take steps to coordinate its investigation with the police investigation and, if applicable, the investigation by the state agency that has jurisdiction over the State-licensed facility. The agency shall make available to law enforcement, as provided under § 15.105 (relating to limited access to records and disclosure of information) relevant information from the case record.

(g) *Report of death.* If the death of an adult in need of protective services occurs prior to the agency's investigation of the report, during the investigation, or at any time prior to the closure of the protective services case, the agency shall immediately report that death to the police and the county coroner if it is suspected there is a connection between the death and the need for protective services.

§ 15.47. Emergency medical services.

This chapter may not be interpreted to deny an adult in need of protective services access to the normal protections of the emergency medical services or police protection that would be available to anyone, regardless of age, in similar circumstances.

AGENCY ACCESS TO PERSONS AND RECORDS

§ 15.61. Access to adults.

(a) *Access ensured by law.* The agency shall have access to adults reported to need protective services for the purpose of fulfilling its responsibility to do the following:

(1) Investigate reports received under this chapter.

(2) Assess the needs of the adult reported to need protective services and develop a service plan for addressing determined needs.

(3) Provide for the delivery of services by the agency or other service provider arranged for under the service plan developed by the agency.

(b) *When access is denied.*

(1) The agency shall make good faith efforts to clearly inform a party denying access to an adult of the legal authority for access and the available recourse through a court order in the following circumstances:

(i) When access is necessary to complete the investigation or the assessment and service plan.

(ii) To deliver needed services to prevent further abuse, neglect, exploitation or abandonment of the adult in need of protective services.

(2) If the party continues to deny the agency access to the adult in need of protective services, the agency may petition the court for an order to require the appropriate access when one of the following conditions applies:

(i) A caregiver or a third party has interfered with the completion of the investigation, the assessment and service plan or the delivery of services.

(ii) The agency can demonstrate that the adult in need of protective services denied access because of coercion, extortion or justifiable fear of future abuse, neglect, or exploitation or abandonment.

§ 15.62. Access to records.

(a) *Access ensured by law.* The agency shall have access to records relevant to the following purposes:

- (1) Investigations of reports received under this chapter.
- (2) The assessment of need and the development of a service plan when an adult's need for protective services has been or is being established.
- (3) The delivery of services arranged for under the service plan developed by the agency to respond to an adult's assessed need for specific services.

(b) *When access to records is denied.*

(1) The agency shall clearly inform the party denying access to the records of the legal authority for access by the agency and the available recourse through a court order if the agency is denied access to necessary records in one of the following circumstances:

- (i) To complete a proper investigation of a report for an assessment or a service plan.
- (ii) To deliver needed services to prevent further abuse, neglect, exploitation or abandonment of the adult reported to need protective services.

(2) If the party continues to deny access to relevant records, the agency may petition a court for an order requiring the appropriate access when one of the following conditions applies:

- (i) The adult has provided written consent for confidential records to be disclosed and the keeper of the records denies access.

(ii) The agency is able to demonstrate that the adult in need of protective services is denying access to records because of incompetence, coercion, extortion or justifiable fear of future abuse, neglect, exploitation or abandonment.

(c) *Request of certain records.* Records of state agencies, private organizations, financial institutions, fiduciaries, medical institutions and practitioners, and persons reasonably suspected of engaging in or facilitating the abuse, neglect, exploitation or abandonment of an adult, which the agency reasonably believes to be necessary to complete an investigation or assessment and service plan, shall be requested in written form and made available to the agency unless the disclosure is prohibited by any other provision of Federal or State law.

§ 15.63. Access by consent.

The agency's access to confidential records held by other entities or individuals and the agency's access to an adult in need of protective services shall require the consent of the adult or a court-appointed guardian except as provided under §§ 15.61, 15.62 and 15.71 (relating to access to adults; access to records; and involuntary intervention by emergency court order).

EMERGENCY INTERVENTION

§ 15.71. Involuntary intervention by emergency court order.

(a) *General.*

(1) When there is clear and convincing evidence that an adult in need of protective services is at imminent risk of death, serious injury or serious bodily injury the agency may petition the court for an emergency order to provide the necessary services.

(2) Only the agency, through its official representative, may bring a petition for involuntary intervention by emergency court order.

(3) Notice of petition shall be provided to the adult in need of protective services, or the adult's legal representative, when filed.

(b) *Limited order.* The court, after finding clear and convincing evidence of the need for an emergency order, shall order only such services as are necessary to remove the conditions creating the established need.

(c) *Legal representation.* When the agency petitions the court for emergency involuntary intervention, the agency shall inform the adult of the right to be represented by legal counsel at all stages of the proceedings.

(1) *Notification.*

(i) If the adult in need of protective services has legal counsel known to the agency, the agency shall attempt to notify that legal counsel before it files a petition for emergency involuntary intervention.

(ii) If the agency has no knowledge of a legal counsel who represents the adult in need of protective services, the agency shall inform the adult or the adult's legal representative about other legal services that they may be able to access.

(iii) The notification shall contain enough information about the risk to the adult in need of protective services and the proposed remedy to enable counsel to determine if representation is necessary at the emergency hearing.

(iv) Notification to legal counsel shall include a copy of the petition with the affidavits attached, as well as the time, date and place of presentation of the petition except when § 15.72(b) (relating to petition) applies.

(2) *Right to counsel.* To protect the rights of an adult in need of protective services, an emergency court order shall provide that the adult has the right to legal counsel, which shall be appointed by the court at public expense.

§ 15.72. Petition.

(a) *Contents.* The petition which the agency files for an emergency court order of involuntary intervention shall state the following information:

(1) The name, age and physical description of the adult in need of protective services, insofar as these facts have been ascertained.

(2) The address or other location where the adult in need of protective services can be found.

(3) The name and relationship of a guardian, caregiver or other responsible party residing with the adult in need of protective services, when applicable.

(4) A description of how the adult in need of protective services is at imminent risk of death or serious injury or serious bodily injury.

(5) The physical and mental status, to the extent known, of the adult in need of protective services.

(6) The attempts made by the agency to obtain the informed consent of the adult in need of protective services or the adult's court appointed guardian, when applicable, for the agency to provide protective services.

(7) The specific short-term, least restrictive, involuntary protective services that the agency is requesting.

(8) A description of how the proposed services would remedy the situation or condition which presents an imminent risk of death or serious injury or serious bodily injury.

(9) A description of how the agency will ensure the health and safety needs of any of the dependents of the adult in need of protective services, and that the personal property and the dwelling occupied by the adult in need of protective services are secure.

(10) A statement showing why the proposed services are not overbroad in extent or duration and why less restrictive alternatives as to their extent or duration are not adequate.

(11) A statement that other voluntary protective services have been offered, attempted or have failed to remedy the situation.

(12) A statement that reasonable efforts have been made to communicate with the adult in a language and manner the adult understands.

(13) Other relevant information deemed appropriate by the agency.

(b) *Oral petitions.* Nothing in this chapter precludes or prohibits the oral presentation of a petition for emergency involuntary intervention.

(c) *Affidavits.* Allegations shall be supported by affidavits provided by persons having that knowledge. The affidavits shall be attached to the petition.

(d) *Emergency order duration.* In the petition, the agency shall request an emergency order of a specific duration as may be warranted by the circumstances. The agency shall request the court to hold a hearing when the initial emergency order expires to review the need for an additional emergency court order or other continued court and protective

services involvement, or both. The issuance of an emergency order is not evidence of the competency or incompetency of the adult.

§ 15.73. Forcible entry.

Where it is necessary to forcibly enter a premise, law enforcement officials shall obtain a court order and may be accompanied by a representative of an agency.

§ 15.74. Health and safety requirements.

The agency shall take reasonable steps to assure that while an adult in need of protective services is receiving services under an emergency court order, the health and safety needs of any of the dependents of the adult in need of protective services are met and that the personal property and the dwelling occupied by the adult in need of protective services is secure.

§ 15.75. Non-restrictive setting.

In those cases, in which an adult in need of protective services must be relocated, the agency shall request the court to order the adult in need of protective services to be relocated to the most integrated setting and the least restrictive alternative that ensures the health and safety of the adult in need of protective services.

§ 15.76. Documentation.

The agency shall document in the case record the emergency intervention actions that the agency takes.

INDIVIDUAL RIGHTS

§ 15.81. Rights of adults reported to need protective services.

The agency shall observe the following minimum requirements to safeguard the rights of an adult who is in need of protective services:

(1) During the investigation, the agency shall privately notify the adult that a report for protective services has been made. The agency shall provide the adult with a brief summary of the nature of the report.

(2) If the adult in need of protective services requests additional information contained in the record, the agency shall provide the information, subject to the requirements in § 15.105 (relating to limited access to records and disclosure of information).

(3) A denial of services by the Department or an authorized agency under this chapter may be appealed as provided under §§ 15.150—15.153 (relating to appeals and fair hearings).

(4) Nothing in this chapter limits the rights of an adult in need of protective services to file a petition with a court of competent jurisdiction requesting a protection from abuse order.

(5) An adult in need of protective services has the right to refuse protective services or withdraw consent for protective services, except as provided under a court order or as requested by a legal guardian. The agency shall obtain, when possible, the adult's signed statement refusing protective services or document unsuccessful efforts to obtain a signed statement.

(6) An adult in need of protective services has the right to legal counsel when the agency petitions the court for emergency or other orders to provide protective services. The act provides that to protect the rights of an adult in need of protective services, an emergency court order shall provide that the adult has a right to legal counsel which shall be appointed by the court at public expense.

(7) As provided under §§ 15.101—15.105 (relating to confidentiality), an adult has the right to the confidentiality of information received and maintained by the agency in reports, investigations, service plans and other elements of a case record.

PROVISION OF SERVICES

§ 15.91. Protective services.

(a) *Protective services.* Protective services are activities, resources and supports provided when the agency determines that an adult needs protective services after the initiation of an investigation to detect, prevent, reduce or eliminate abuse, neglect, exploitation and abandonment. Protective services activities include the following:

- (1) Administering protective services plans.
- (2) Receiving and maintaining records of reports of abuse, neglect, exploitation or abandonment.
- (3) Conducting investigations of reported abuse, neglect, exploitation or abandonment.
- (4) Conducting assessments and developing service plans.
- (5) Petitioning the court.
- (6) Providing emergency involuntary intervention.
- (7) Arranging for available services needed to fulfill service plans, which may include, as appropriate, arranging for services for other household members to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an adult. A listing of examples of types of services that may be made available to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an adult in need of protective services is provided under § 15.93(d) (relating to service plan).

(8) Purchasing, on a temporary basis, services determined by a service plan to be necessary to reduce, correct or eliminate abuse, neglect, exploitation or abandonment of an adult in need of protective services when the services are not available within the existing resources of the appropriate provider.

(b) *Availability of protective services.* The agency shall offer protective services under one or more of the following conditions:

(1) An adult in need of protective services requests the services.

(2) Another interested person requests the services on behalf of an adult in need of protective services.

(3) If, after investigation of a report, the agency determines the adult needs the protective services.

(c) *Voluntary consent.* The agency shall provide protective services to adults in need of protective services unless the adult in need of protective services refuses or withdraws consent.

(d) *Consent exemptions.* Protective services may be provided to adults in need of protective services without consent only in the following situations:

(1) When provided under § 15.71 (relating to involuntary intervention by emergency court order).

(2) When requested by a legal guardian that has appropriate decision-making authority.

(e) *Interference with services.* If a person interferes with the provision of services or interferes with the right of an adult in need of protective services to consent to the

provision of services, the agency may petition the court for an order enjoining the interference.

§ 15.92. Assessment.

(a) When a report is substantiated by the agency, or if an assessment is necessary to determine whether the report is substantiated, the agency shall conduct an assessment. If the adult reported to be in need of protective services refuses to participate in the assessment, the agency may petition the court as provided under §§ 15.61 or 15.71 (relating to access to adults; and involuntary intervention by emergency court order).

(b) The agency, to the extent feasible, shall make face-to-face contact with the adult reported to need protective services to evaluate and document information, including the following:

- (1) Personal appearance.
- (2) Physical environment.
- (3) Physical health.
- (4) Mental functioning.
- (5) Activities of daily living.
- (6) Instrumental activities of daily living.
- (7) Mobility.
- (8) Social environment.
- (9) Economic status, including incomes, resources and receipts of public and private benefits.
- (10) Nutrition.

(11) Recent experiences, such as losses, separations and major changes in relationships or environments.

(12) The need for a formal medical or psychiatric evaluation.

(c) The assessment shall be multidisciplinary, comprehensive and written by professionals who have met with the adult in need of protective services and are familiar with the adult's situation. Whenever possible, it shall include information given by the adult for each area of functioning.

(d) The assessment shall be written so that the reader can determine which information came from the adult and which constitutes the worker's or other professional's judgment.

(e) The assessment shall be written in a standard format as prescribed by the Department. Data entries shall be based on commonly accepted and defined nomenclature to make the data more usable across and within the Department to ensure that adults are evaluated uniformly according to the standardized definitions.

§ 15.93. Service plan.

(a) When a report is substantiated, a service plan shall be prepared for the adult in need of protective services.

(b) The service plan shall be cooperatively developed by agency staff, the adult in need of protective services, unless the adult refuses, and if applicable, the appointed guardian, caregiver and other appropriate individuals.

(c) The service plan shall include a recommended course of action which utilizes the least restrictive alternative, encourages self-determination and ensures continuity of care. The recommended course of action may also include pursuit of civil or criminal remedies.

(d) The service plan shall describe the identified needs, the goals to be achieved, the specific services which will be used to support attainment of the goal and the procedures to be followed with regard to regular follow-up and assessment of progress. Specific services which may be used to implement the service plan include:

- (1) Medical services.
- (2) Psychiatric or psychological services.
- (3) Legal services.
- (4) Public or private entitlements or resources.
- (5) Financial management.
- (6) Personal or environmental safety.
- (7) Emergency shelter or temporary housing.
- (8) Transportation.
- (9) Home-delivered meals.
- (10) Attendant care.
- (11) Homemaker services.
- (12) Guardianship services.

(e) The service plan shall also address, if applicable, special needs of other dependents in the household unit, as they may affect the adult in need of protective services. The identification in a service plan of service needs of other dependents in the household does not obligate the agency to pay the costs of the services.

(f) The service plan shall describe the plan to transition the adult to long-term supports and services, if needed.

(g) The service plan shall be updated as the goals are met, or as new needs are identified and to reflect how the risk was reduced or eliminated and reviewed with the supervisor. Refusal of any part of the service plan by the adult in need of protective services is documented on the service plan.

§ 15.94. Service delivery.

(a) The agency shall provide for the timely implementation of the course of action recommended in the service plan unless the adult in need of protective services refuses. The implementation may be provided by direct provision of services by the agency, purchase of services from another service provider, referral to another entity, provision of services by family and friends or a combination of these or other methods.

(b) Protective services shall not be provided to an adult in need of protective services who refuses or withdraws consent, unless the services are requested by a guardian of the adult in need of protective services or provided under §15.71 (relating to involuntary intervention by emergency court order).

(c) Prior to purchasing the service, the agency shall first determine if the adult in need of protective services is eligible for any public or private entitlements or resources.

§ 15.95. Case management.

(a) *Coordination of services.* The agency is responsible for coordination of services being provided to the adult in need of protective services. The agency shall also ensure that services necessary to achieve the goals in the service plan are being provided.

(b) *Case records.* A separate record shall be established to contain information on protective services cases. Confidentiality of the protective services case record shall be maintained by the agency as set forth in §§ 15.101—15.105 (relating to confidentiality).

The protective services case record shall include the following:

- (1) The report of a need for protective services.
- (2) The record of investigation.
- (3) The written findings of the assessment.
- (4) The service plan.
- (5) Notes of contact with the adult and others involved with the case.
- (6) Court documents.
- (7) Letters of notification to the adult.

(c) *Reassessment.* Protective services caseworkers shall conduct reassessments for adults in need of protective services.

(1) Reassessment shall be written in the standardized format established by the Department.

(2) Reassessment shall be conducted before a protective services case is terminated or transferred or if there is a change in condition that affects the adult in need of protective services.

§ 15.96. Termination of protective services.

(a) The agency shall terminate protective services when the adult no longer meets the definition of an adult in need of protective services as defined under § 15.2 (relating to definitions).

(b) Except when the adult in need of protective services withdraws consent to the delivery of protective services, the agency may terminate protective services in one of the following ways:

(1) By closing the case when no further service intervention is required by the adult.

(2) By closing the case when a court order for services has terminated and the adult in need of protective services is refusing further service intervention.

(3) By transferring the adult in need of protective services to another appropriate organization for appropriate supports.

(c) When the agency terminates protective services, the agency shall inform the adult in need of protective services and, if applicable, the appointed guardian, caregiver and other individuals, if appropriate, of this action and its rationale and shall attempt to secure a signed statement of understanding concerning the action from the adult in need of protective services or their authorized representatives, if applicable.

(d) When the agency transfers a protective services case, the case record shall reflect the transfer of the adult in need of protective services to another entity, the specific entity to which the referral was made and the acceptance of the referral by the other entity.

CONFIDENTIALITY

§ 15.101. Confidentiality of records.

Information contained in the agency's protective services case records shall be considered confidential and shall be maintained as set forth under this chapter.

§ 15.102. Maintenance of case records.

(a) Information contained in reports, records of investigation, assessments and service plans shall be considered confidential and shall be maintained under policies and

procedures promulgated by the agency and approved by the Department to safeguard confidentiality.

(b) Protective services case records that are not stored electronically shall be kept in a locked storage cabinet, when not in use by authorized persons.

(c) Except as provided under § 15.105 (relating to limited access to records and disclosure of information), only staff with direct responsibility for protective services functions may be authorized by the agency to have access to the protective services case records. General access is restricted to agency protective services supervisors, agency protective services caseworkers and clerical staff assigned to maintain case records.

(d) *Records retention for unsubstantiated reports.* As provided under § 15.43 (relating to resolution of unsubstantiated reports), when the agency cannot substantiate a report of a need for protective services, the case opened by the unsubstantiated report shall be closed and the name of the adult reported to need protective services and other information collected shall be maintained for one year and shall be made accessible only to authorized staff for review when necessary to establish that a previous report was made.

(1) At the end of one year, case records maintained under this subsection shall be deleted or expunged, unless additional reports lead to the case records being reopened.

(2) The agency shall develop written procedures for the deletion or expungement of information in case records so that unauthorized persons are not able to gain access to information from case records. The procedures shall be submitted to the Department for approval.

(e) As provided under § 15.44 (relating to the resolution of substantiated reports), when the agency is able to substantiate a report for protective services, and services are either provided, refused or not needed, the agency shall maintain the information for 3 years or as specified by the Department both electronically and in a separate locked file accessible only to authorized staff for review when necessary.

§ 15.103. Responsibilities of staff with access to confidential information.

(a) The agency shall ensure that staff with access to case record information is trained regarding the confidentiality provisions of this chapter.

(b) A staff person who is authorized to have access to case record information is required to safeguard the confidentiality of that information. This requirement extends to known information related to a case but not recorded in writing.

(c) A staff person who is to be authorized to have access to confidential information related to protective services cases shall sign a statement provided by the Department, assuring knowledge of applicable confidentiality requirements and the penalties for violating them.

§ 15.104. Penalties for violation of confidentiality requirements.

(a) If a staff person, who is authorized to have access to confidential information under this chapter, is suspected of violating the requirements in the signed confidentiality statement under § 15.103(c) (relating to responsibilities of staff with access to confidential information), that person shall be immediately suspended from protective services duties, pending an investigation and determination of culpability.

(b) If a staff person, who is authorized to have access to confidential information under this chapter, is determined upon investigation to have violated the requirements in the

signed confidentiality statement under § 15.103(c) (relating to responsibilities of staff with access to confidential information), that person shall be subject to disciplinary action.

§ 15.105. Limited access to records and disclosure of information.

Information in a protective services case record may not be disclosed, except as provided in this section.

(1) Protective services records may be provided to a court of competent jurisdiction or to another party pursuant to a court order. A subpoena shall not be a court order for purposes of this section.

(2) Protective services records may be provided to law enforcement officials or a coroner if the information is relevant to the official's or coroner's investigation of abuse, neglect, exploitation, abandonment or death of the adult. The protective services records shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(3) In arranging specific services to carry out service plans, the agency may disclose information to appropriate service providers as may be necessary to initiate the delivery of services.

(4) The adult who is the subject of a report or the adult's guardian, if the guardian is not named as a perpetrator in the report, may receive, upon written request, a copy of the report except information that would identify the individual who made a report of suspected abuse, neglect, exploitation or abandonment or persons who cooperated in a subsequent investigation.

(5) An individual who makes a report of suspected abuse, neglect, exploitation or abandonment may receive, upon written request, confirmation from the Department that the report was received, and the agency is acting in accordance with this chapter.

(6) For the purposes of monitoring agency performance or conducting other official duties, appropriate staff of the Department, as designated by the Secretary, may access protective services records.

(7) To deliver protective services, records may be provided to a health care provider who is examining or treating the adult in need of protective services under this chapter.

FINANCIAL OBLIGATIONS

§ 15.111. Coordination of available resources.

(a) The agency shall ensure that funding authorized under the act is not used to supplant public and private entitlements or resources for which adults in need of protective services are, or may be, eligible.

(b) For all adults in need of protective services, the agency shall attempt to establish the eligibility for appropriate public and private entitlements and resources and shall exhaust the eligibility for benefits prior to the utilization of funds authorized under the act for the provision of services.

(c) The agency is required to coordinate the utilization of public and private entitlements and resources. This chapter does not establish a means test for the provision of protective services.

§ 15.112. Time limitation on service purchases.

(a) After exhausting available steps to provide necessary services through existing agency resources, utilization of other providers and the coordination of public and private entitlements and resources, the agency may purchase services on a time-limited basis.

(b) The purchase of services under this section is limited to a 30-day period which may be renewed only with approval by the Department. The agency shall consider the 30-day period to be a maximum time limit for the purchase of services and not a standard time allotment. After the decision to purchase services has been made, the agency shall continue the pursuit of alternate ways to provide the services and terminate the purchase of services as soon as possible.

(c) If at the end of 30 days of continuous service purchase on behalf of an adult in need of protective services, the services are still necessary and still available only through purchase, complete justification of the need for services and documentation of the unavailability of the services shall be made a part of the record as required by § 15.95(b) (relating to case management).

STAFF QUALIFICATIONS AND TRAINING

§ 15.121. Protective services staff qualifications.

(a) *General.* The agency shall ensure that staff directly involved with the protective services meets the minimum standards of training and experience in this chapter. The minimum standards apply to staff assigned to protective services on a full-time basis, a part-time basis or as standby staff.

(b) *Staff training and experience requirements.* Protective services staff shall meet the following:

(1) Have a Bachelor of Arts or Bachelor of Science degree or equivalent life experience as approved by the Department.

(2) Have work experience with persons with a physical or mental impairment, have worked as an investigator in child welfare or older adult protective services, or have demonstrated knowledge of investigative experience.

(3) Complete the curriculum described in § 15.122 (relating to protective services staff training curriculum).

(4) Receive in-service training in protective services annually as required by the Department.

§ 15.122. Protective services staff training curriculum.

The protective services staff training curriculum shall consist of a minimum of 30 hours of training, including the following topics:

(1) The Adult Protective Services Act (35 P.S. § 10210.101– 10210.704) and other laws related to abuse, neglect, exploitation and abandonment.

(2) Americans with Disabilities Act, including the principles of the most integrated setting.

(3) Disability competence, including issues and barriers faced by adults with disabilities.

(4) Independent living.

(5) Individual choices in services and the rights of an adult to refuse services.

(6) The criminal and civil justice systems in the Commonwealth.

(7) Investigation process and techniques.

(8) Interviewing and observation techniques.

- (9) Techniques to obtain documentary evidence.
- (10) Personal safety for those conducting investigations.
- (11) Cultural competence.
- (12) Positive behavior approaches.
- (13) Information and referral resources.
- (14) Domestic violence and sexual assault.
- (15) Experience of trauma.
- (16) Confidentiality and protected information.
- (17) Communication skills, including complex communication needs.
- (18) Coordination with other State licensing departments and program offices.
- (19) The service delivery system in the Commonwealth for persons with disabilities.
- (20) Housing for persons with disabilities.

§ 15.123. Availability of training.

(a) The Department will provide for the review of curricula described in § 15.122 (relating to protective services staff training curriculum) that is chosen or developed by the agency and will require the training be conducted on an as needed basis. The Department will also provide for annual in-service training.

(b) Training may be developed and delivered in collaboration with persons with disabilities, family members and advocates.

**MANDATORY REPORTING OF SUSPECTED ABUSE,
NEGLECT, EXPLOITATION OR ABANDONMENT**

§ 15.131. General reporting requirements.

(a) Administrators or employees, who have reasonable cause to suspect that a recipient is a victim of abuse or neglect, are required to complete the following:

(1) Immediately make an oral report to the Statewide hotline for adult protective services or to the agency.

(2) Make a written report to the agency within 48 hours.

(3) Mandatory reporting to the agency is satisfied when the administrator or employee submits a report to the incident reporting system.

(b) Employees making oral or written reports shall immediately notify the administrator or designee of the report.

(c) The agency shall notify the entities that have jurisdiction over State-licensed facilities and State-operated facilities immediately, when written reports of abuse, neglect, exploitation or abandonment are received.

(d) The agency shall coordinate with the Department to ensure that the needs of the adult in need of protective services are met and to identify what additional action is to be taken by the agency.

(e) Representatives of the Department of Aging, Department of Health, and the Department of Human Services who suspect violations under this section will report them to the Department office that administers the adult protective services program. The report shall be made in writing and include, at a minimum, the facility, the administrator, owner, operator or designee suspected of committing the violation, and a description of the suspected violation.

§ 15.132. Additional reporting requirements.

(a) Administrators or employees who have reasonable cause to suspect that a recipient is the victim of sexual abuse, serious injury, serious bodily injury or that a recipient's death

is suspicious, shall, in addition to the reporting requirements in § 15.131(a) (relating to general reporting requirements) do the following:

(1) Immediately make an oral report to law enforcement officials. An employee shall immediately notify the facility administrator or a designee following a report to law enforcement officials, unless such notification would jeopardize the investigation or subject the recipient to further risk.

(2) Make an oral report to the Department during the same day law enforcement officials are contacted or, if the incident occurs after normal business hours, at the opening of the next business day.

(3) Make a joint written report to law enforcement officials, the agency and the Department within 48 hours of making the oral report.

(b) Law enforcement officials shall notify facility administrators or their designees that a report has been made with them, unless such notification would jeopardize the investigation or subject the recipient to further risk.

(c) Administrators or employees shall, in addition to complying with these requirements, comply with reporting requirements of the entities that have jurisdiction over State-licensed facilities or State-operated facilities.

§ 15.133. Contents of reports.

(a) Written reports under §§ 15.131 and 15.132 (relating to general reporting requirements; and additional reporting requirements) shall be made on the form prescribed by the Department.

(b) The report shall include, at a minimum, the following information, if known:

(1) Name, age and address of the adult.

- (2) Name, address of the adult's guardian, attorney-in-fact or next-of-kin.
- (3) Facility name and address.
- (4) Description of the incident.
- (5) Specific comments or observations.

§ 15.134. Reports to Department and coroner by agencies.

(a) Department.

(1) Within 48 hours of receipt of a written report under § 15.132 (relating to additional reporting requirements) involving sexual abuse, serious injury, serious bodily injury or suspicious death, the agency shall transmit a written report to the Department.

(2) A report under this subsection shall be made in a manner and on the form prescribed by the Department. The report shall include, at a minimum, the following information, if known:

- (i) The name and address of the adult in need of protective services.
- (ii) Where the suspected abuse, neglect, exploitation or abandonment occurred.
- (iii) The age and sex of the alleged perpetrator and adult in need of protective services.
- (iv) The nature and extent of the suspected abuse or neglect, including evidence of prior abuse.
- (v) The name and relationship of the individual responsible for causing the alleged abuse or neglect to the adult in need of protective services, if known, and evidence of prior abuse by that individual.
- (vi) The source of the report.

(vii) The individual making the report and where that individual can be reached. The actions taken by the reporting source, including taking of photographs and x-rays, removal of the adult and notification under subsection (b).

(viii) Name and address of the recipient's guardian, attorney-in-fact or next of kin.

(ix) Name and address of the facility.

(b) *Coroner or medical examiner.* For a report under § 15.132 (relating to additional reporting requirements) that concerns the death of an adult, if there is reasonable cause to suspect that the adult died as a result of abuse or neglect, the agency shall give the oral report and forward a copy of the written report to the appropriate coroner or medical examiner within 24 hours.

(c) *Prohibition.* Except as permitted by law, the release of records that would identify the individual who made a report under this chapter or an individual who cooperated in a subsequent investigation is prohibited.

§ 15.135. Investigation.

(a) *Agency response.* Upon receipt of a report under §§ 15.131 and 15.132 (relating to general reporting requirements; and additional reporting requirements), the agency shall respond as follows:

(1) If the report is about a person who is 60 years of age or older, the agency shall immediately notify the local Area Agency on Aging.

(2) If the report is about a person who is under 18 years of age, the agency shall immediately call the Statewide child abuse hotline, "ChildLine."

(3) If the adult in need of protective services resides in a personal care home or assisted living facility, the agency shall notify the Department.

(4) If the adult reported to need protective services resides in a domiciliary care home or receives services from an older adult daily living center, the agency shall notify the Department of Aging for purposes of initiating delivery of protective services.

(5) If the agency has knowledge or believes that the adult reported to need protective services has an intellectual disability, developmental disability, physical disability or a mental health condition, the agency shall notify the appropriate state agency that has jurisdiction over State-licensed facilities and State-operated facilities.

(b) *Cooperation.* To the fullest extent possible, law enforcement officials, the facility, the Department and the agency shall coordinate their respective investigations and shall advise each other and provide applicable additional information on an ongoing basis. Nothing in this subsection shall be construed to alter investigation procedures developed by the Department.

§ 15.136. Restrictions on employees.

(a) Upon notification that an employee is alleged to have committed abuse, the facility shall immediately suspend the employee or, where appropriate and subject to approval by the agency and by the applicable state agency entity that has jurisdiction over the State-licensed facility or State-operated facility, implement a plan of supervision.

(b) A plan of supervision for a home health care agency shall include periodic, random direct observation and evaluation of the employee and the recipients by an individual who provides oversight to the employee. For a home health agency in business for less than

one year, supervision shall include random, direct observation and evaluation by an employee with prior employment experience.

(c) Following approval of an individual plan of supervision by the agency and the applicable state agency that has jurisdiction over the State-licensed facility or State-operated facility, the facility shall follow the plan. Changes to the plan must be approved by the agency and the applicable state agency that has jurisdiction over the State-licensed facility or State-operated facility prior to the implementation of the changes.

(d) Upon being notified by law enforcement officials of a decision to file criminal charges against an employee, as a result of a report made in compliance with § 15.132 (relating to additional reporting requirements), the facility shall immediately do the following:

(1) Inform the state agency with jurisdiction over the State-licensed facility or State-operated facility.

(2) Deny the employee access to those served by the facility.

(3) Inform the state agency with jurisdiction over the State-licensed facility or State-operated facility that the employee has been denied access to those served by the facility.

(e) If the agency determines that the facility has failed to carry out its responsibilities under subsection (d), the agency shall notify the appropriate state agency with jurisdiction over the State-licensed facility or State-operated facility, which shall order the facility to immediately prohibit the employee from having access to those served by the facility.

(f) If the employee is a director, operator, administrator or supervisor, the employee shall be subject to restrictions by the state agency with jurisdiction over the State-licensed facility or State-operated facility.

§ 15.137. Confidentiality of and access to confidential reports.

(a) *General rule.* Except as provided in subsection (b) and § 15.105 (relating to limited access to records and disclosure of information), a report under this chapter shall be confidential.

(b) *Exceptions.* A report under this chapter may be made available to the following:

(1) An employee of the Department or of an agency in the course of official duties in connection with responsibilities under this chapter.

(2) A licensed practitioner who is examining or treating an adult in need of protective services if the examination is for purposes of initiating the delivery of protective services under this chapter.

(3) The director, or an individual specifically designated in writing by the director, of a hospital or other medical institution where the adult in need of protective services resides, if the disclosure is for purposes of initiating the delivery of protective services under this chapter.

(4) The adult in need of protective services or the guardian of the adult.

(5) A court of competent jurisdiction under a court order.

(6) The Attorney General.

(7) Law enforcement officials of any jurisdiction in this Commonwealth, as long as the information is relevant in the course of investigating cases of abuse or neglect.

(c) *Protecting identity of person making report.* Except for reports to law enforcement officials, the release of information that would identify the individual who made a report under this chapter, or an individual who cooperated in a subsequent investigation, is

prohibited. Law enforcement officials shall treat all reporting sources as confidential information.

§ 15.138. Penalties.

(a) Administrative.

(1) An administrator or a designee or facility owner who intentionally or willfully fails to comply or obstructs compliance with 35 P.S. § 10210.501-507 or who intimidates or commits a retaliatory act against an employee who complies in good faith commits a violation and shall be subject to an administrative penalty consistent with 35 P.S. § 10210.506.

(2) Penalties.

(i) Penalties shall be determined by the state agency that has jurisdiction over the State-licensed facility or the State-operated facility.

(ii) The state agency that has jurisdiction over the State-licensed facility or the State-operated facility may issue an order assessing a civil penalty consistent with 35 P.S. § 10210.506.

(iii) An order issued under this paragraph is subject to due process as set forth in 2 Pa.C.S. §§ 501—508 and 551—555 (relating to practice and procedure of Commonwealth agencies; and practice and procedure of local agencies) and judicial review in 2 Pa.C.S. §§ 701—704 and 751—754 (relating to judicial review of Commonwealth agency action; and judicial review of local agency action).

(b) Criminal. An administrator or a designee of a facility or facility owner who intentionally or willfully fails to comply or obstructs compliance with 35 P.S. § 10210.501-507 commits

a criminal offense consistent with 35 P.S. § 10210.506 and shall, upon conviction, be sentenced consistent with 35 P.S. § 10210.506.

(c) *Penalties for failure to report.* A person required to report a case of suspected abuse or neglect under 35 P.S. § 10210.501-507 (relating mandatory reporting of suspected abuse, neglect, exploitation or abandonment) and who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation. If the agency learns of a refusal to complete all reporting requirements, the agency shall notify the appropriate law enforcement official within 72 hours.

§ 15.139. Immunity.

An administrator of a facility or a facility will not be held civilly liable for any action directly related to good faith compliance with this chapter.

APPEALS AND FAIR HEARINGS

§ 15.150. Right to appeal and fair hearing.

An adult who has been found not to be in need of protective services has the right to appeal the decision and to have a fair hearing.

§ 15.151. Notice of adverse action.

(a) The agency will provide advance written notice of any adverse action to the adult or their legal representative.

(b) The notice will include the following:

(1) The decision may be appealed in accordance with the procedures set forth in this chapter, starting with the informal complaint process under § 15.152 (relating to informal complaints).

(2) If an informal complaint is to be made, it must be filed within 30 days following the receipt of the written notice of adverse action.

(3) The agency will, if requested, provide assistance in filing the informal complaint. A request shall be made to the agency by the adult or the adult's legal representative prior to 30 days since of receiving the adverse action notice has elapsed.

(c) Copies of all notices of adverse action shall be retained by the agency and shall, where applicable, be made a part of the evidence taken in informal complaint proceedings and formal hearings.

§ 15.152. Informal complaints.

(a) *General requirement.* Prior to arranging for any formal hearings on appeals, the Department will require a party appealing under § 15.150 (relating to right to appeal and fair hearing) to proceed through the informal complaint process provided under this section.

(b) *Submission, form and content of informal complaints.*

(1) All informal complaints shall be filed in writing within 30 days following the date of the written notice of adverse action.

(2) Parties shall send their informal complaints to the Department.

(3) The complaint shall contain the following:

(i) Name and address of the complainant.

(ii) Party against whom the complaint is made.

(iii) A copy of the notice of adverse action.

(iv) A statement of all relevant facts and the grounds upon which the complaint is based.

(v) The relief or solution requested by the complainant.

(vi) While not required, the complaint may be accompanied by supporting papers.

(c) The Department shall, at a minimum, provide the following:

(1) *Investigation by the Department.* The Department will investigate each informal complaint. The investigation will include discussions and negotiations with all parties involved.

(i) The Department shall confer with all parties directly involved in the adverse action to determine all pertinent facts, clarify all applicable statutes and regulations, and develop an appropriate recommended resolution.

(ii) The Department shall notify the parties to the complaint in writing of its recommended resolution within a period of not more than 30 calendar days from the date of its receipt of the informal complaint.

(iii) The Department's written notification of a recommended resolution shall include that if the adult or their legal representative does not accept the resolution, the adult or their legal representative shall notify the Department within 10 calendar days from the date of the recommended resolution.

(d) *Cross reference.* This section supplements 1 Pa. Code §§ 35.5—35.7 (relating to form and content of informal complaints; correspondence handling of informal complaints; and discontinuance of informal complaints without prejudice).

§ 15.153. Formal hearings.

(a) If the adult or their legal representative does not accept the resolution recommended by Department under § 15.152 (relating to informal complaints) and so notifies the

Department in writing within the required 10 calendar days, this written request shall be considered a request for formal hearing with the Department's Bureau of Hearings and Appeals.

(b) The Department shall forward a copy of the originally filed complaint to the Bureau of Hearings and Appeals within three calendar days of the receipt of the notice submitted under paragraph (a).

(c) The formal hearing shall be conducted in accordance with 1 Pa. Code. Part II (relating to General Rules of Administrative Practice and Procedure) to challenge the agency's finding resulting from the investigation of a report made under this chapter.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES

March 30, 2023

Mr. David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Dear Executive Director Sumner:

Enclosed is a proposed regulation that implements the Adult Protective Services Act. The purpose of this proposed regulation is to implement a statewide system of protective services that prevent, reduce or eliminate the abuse, neglect, exploitation, or abandonment of adults ages 18 years to 59 living with a disability who are identified to be at risk. This regulation will protect the rights of these individuals by ensuring consistent and timely investigations and provision of immediate services to mitigate risk for this vulnerable population. This regulation identifies mandatory reporters and prescribes penalties for their failure to report.

This proposed regulation amends Title 55 of the Pennsylvania Code by adding Chapter 15 and is submitted for review pursuant to the Regulatory Review Act.

The Department of Human Services will provide the Commission with any assistance required to facilitate a thorough review of this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Valerie A. Arkoosh'.

Valerie A. Arkoosh, MD, MPH
Acting Secretary of Human Services

Enclosure

OFFICE OF THE SECRETARY

P.O. BOX 2675, HARRISBURG, PA 17105 | 717.787.2600/3600 FAX:717.772.2062 | www.dhs.pa.gov

From: [Freeman, Clarissa](#)
To: [Dietrich, Dawn](#)
Cc: [Whare, Jennifer \(GC\)](#); [Snyder, Rebecca](#); [Car, Thomas](#)
Subject: RE: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Date: Thursday, March 30, 2023 10:05:14 AM
Attachments: [image006.png](#)

Received.

Clarissa L Freeman, Esq. (She/Her)

Health and Human Services Committee
Senate of Pennsylvania
Office of Senator Art Haywood

10 East Wing, Main Capitol Building
Harrisburg, Pennsylvania 17120-3004
717-787-1427 (P)
717-772-0572 (F)

7106 Germantown Avenue
Philadelphia, Pennsylvania 19119-1837
215-242-8171 (P)
215-242-6118 (F)

1168 Easton Road
Abington, PA 19001
215-517-1434 (P)
215-517-1439 (F)



Our Philadelphia and Abington offices are open Monday through Friday, from 9:00am - 4:45pm. Notary services are only available in our Philadelphia office. Appointments are required. Please call us at 215-242-8171 or 215-517-1434 for assistance, or visit our [Self-Service](#) page.

You can also reach our team online Tuesday – Thursday, from 10:00am – 12:00pm & 2:00pm - 4:00pm via our **Live Chat tool** (real time text communications via computer or mobile phone with a District Representative) at www.senatorhaywood.com.

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MAR 30 2023

*Independent Regulatory
Review Commission*

From: [Bradbury, Joan](#)
To: [Dietrich, Dawn](#); [Gingrich, Adam](#)
Cc: [Whare, Jennifer \(GC\)](#); [Snyder, Rebecca](#); [Car, Thomas](#)
Subject: RE: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Date: Thursday, March 30, 2023 10:35:54 AM

Received. Thank you,
Joan

Joan Bradbury
Executive Director
Health & Human Services Committee
Senate of Pennsylvania
717-787-1475 (direct)

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MAR 30 2023

*Independent Regulatory
Review Commission*

From: Dietrich, Dawn <dadietrich@pa.gov>
Sent: Thursday, March 30, 2023 9:09 AM
To: Bradbury, Joan <jbradbury@pasen.gov>; Gingrich, Adam <agingrich@pasen.gov>
Cc: Whare, Jennifer (GC) <jwhare@pa.gov>; Snyder, Rebecca <remsnyde@pa.gov>; Car, Thomas <tcarr@pa.gov>
Subject: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Importance: High

Ⓞ CAUTION : External Email Ⓞ

Good morning.

DHS is submitting Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking) to the Senate Health and Human Services Committee and the House Human Services Committee.

Please provide written (email) confirmation that this rulemaking was received by the Committee chair's office.

Thank you,

Dawn

Dawn Dietrich | Legal Office Administrator 3
Department of Human Services | Governor's Office of General Counsel
625 Forster Street, 3rd Floor West | Harrisburg, PA 17120
Phone: 717.787.6398 | Fax: 717.772.0717
www.dhs.pa.gov

From: [Wright, Imogen L.](#)
To: [Dietrich, Dawn](#)
Cc: [Whare, Jennifer \(GC\)](#); [Snyder, Rebecca](#); [Car, Thomas](#)
Subject: RE: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Date: Thursday, March 30, 2023 9:17:02 AM

Good morning,

This is confirmation that Chairman Kinsey's office has received this rulemaking.

Thank you,
Imogen

Imogen Wright | Executive Director
House Human Services Committee (D)
303 Irvis Office Building, Harrisburg PA
Office: (717) 705-1925 | Cell: (717) 317-2197
iwright@pahouse.net

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Independent Regulatory
Review Commission

From: Dietrich, Dawn <dadietrich@pa.gov>
Sent: Thursday, March 30, 2023 9:13 AM
To: Wright, Imogen L. <IWright@pahouse.net>
Cc: Whare, Jennifer (GC) <jwhare@pa.gov>; Snyder, Rebecca <remsnyde@pa.gov>; Car, Thomas <tcarr@pa.gov>
Subject: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Importance: High

Good morning.

DHS is submitting Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking) to the Senate Health and Human Services Committee and the House Human Services Committee.

Please provide written (email) confirmation that this rulemaking was received by the Committee chair's office.

Thank you,

Dawn

Dawn Dietrich | Legal Office Administrator 3
Department of Human Services | Governor's Office of General Counsel
625 Forster Street, 3rd Floor West | Harrisburg, PA 17120
Phone: 717.787.6398 | Fax: 717.772.0717
www.dhs.pa.gov

From: Erin Raub
To: Dietrich, Dawn
Subject: Read: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Date: Thursday, March 30, 2023 9:45:04 AM
Importance: High

Your message

To:
Subject: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Sent: Thursday, March 30, 2023 1:45:03 PM (UTC+00:00) Monrovia, Reykjavik
was read on Thursday, March 30, 2023 1:44:58 PM (UTC+00:00) Monrovia, Reykjavik

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MAR 30 2023

**Independent Regulatory
Review Commission**

From: Bulletin
To: [Dietrich, Dawn](#)
Cc: [Whare, Jennifer \(GC\)](#); [Snyder, Rebecca](#); [Car, Thomas](#)
Subject: [External] RE: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Date: Thursday, March 30, 2023 9:42:27 AM

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Good morning Dawn,

We have received proposed rulemaking #14-543. One of our staff members will be in contact regarding publication in the *Pennsylvania Bulletin*.

Thank you,

Ernest L. Engvall | Legal Assistant
eengvall@palrb.us | 717.783.1530
Legislative Reference Bureau
Code and Bulletin Office

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MAR 30 2023

Independent Regulatory
Review Commission

From: Dietrich, Dawn <dadietrich@pa.gov>
Sent: Thursday, March 30, 2023 9:22 AM
To: Bulletin <bulletin@palrb.us>
Cc: Whare, Jennifer (GC) <jwhare@pa.gov>; Snyder, Rebecca <remsnyde@pa.gov>; Car, Thomas <tcar@pa.gov>
Subject: Reg. No. 14-543, OLTL Protective Services for Adults (Proposed Rulemaking)
Importance: High

Good morning.

DHS is submitting Proposed Rulemaking – Protective Services for Adults (Reg. No. 14-543). This regulation has been submitted to both the Senate Health and Human Services Committee and the House Human Services Committee this morning.

Please provide written (email) confirmation that this rulemaking was received by your office.

Thank you,

Dawn