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From: [Karen Leonovich](#)
To: [PW, OLT Regs Public Comments](#)
Cc: [Rebecca May-Cole](#)
Subject: [External] Response APS Proposed Rulemaking
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[APS Proposed Regulations.pdf](#)



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Please see the attached comments regarding the APS proposed rulemaking.

Thank you for the opportunity to provide written comments.



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Adult Protective Services Proposed Rulemaking

Please see the attached responses to the Adult Protective Services Proposed Rulemaking.

These responses have been developed by a workgroup of Area Agencies on Aging (AAAs) with the assistance of the PA Association of Area Agencies on Aging. The AAAs serve older adults in their local communities, providing services and support to those in the community and facilities. Services provided include Older Adult Protective Services. The AAA network is committed to advocating for the rights and benefits of all older adults throughout Pennsylvania.

The workgroup and P4A would like to thank the Department of Human Services for the opportunity to submit written comments regarding this proposed rulemaking. Overall, the workgroup feels the proposed rulemaking is well written and provides strong direction to the agency(ies) involved with the program.

For additional information regarding these responses, please contact:

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Thank you for your consideration.

Page	Section	Concern	Comment
2173	15.2	<i>Definition of 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.</i>	Please consider changing this to align with Older Adult Protective Services - the adult is physically located within the jurisdiction of the Commonwealth of PA. An adult visiting friends/family or involuntarily transported to PA could potentially be in need of Adult Protective Services.
2176	15.23 (a)	<i>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.</i>	Please broaden this definition to include the agency's ability to contract or partner with an outside vendor who is capable of receiving the reports. Include the agency is capable of receiving the reports from the vendor.
2177	15.26 (4) (ii)	<i>A report in this category shall be referred to a PS caseworker within the normal business hours of the agency's current or next-day business. The PS caseworker shall review the details of the report and take all necessary steps to confirm or reject the categorization of no need for PS within 72 hours of receipt.</i>	Please consider changing this timeframe from 72 hours to a much shorter time frame - possibly two (2) hours. A report miscategorized as No Need could be harmful to the adult in need of Protective Services if he/she needs to wait an additional 72 hours.

2178	15.43 (b)	<i>An unsubstantiated report, and all information obtained in investigating the unsubstantiated report, shall be maintained for a period of one (1) year.</i>	This could affect the algorithm for record expungement in the new PaSS system since it is different than the six-month requirement with Older Adult Protective Services.
2179	15.45 (c) (2)	<i>The agency shall closely monitor an investigation referred to the appropriate administrative or program office 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.</i>	Please consider defining what it means to "closely monitor." As stated, this is open to broad interpretation.
2182	15.91 (a)	<i>Provision of Services</i>	Please consider defining how the provision of services will be reimbursed. It is understood that public and private organizations will provide services as appropriate. However, some services are not provided by formal funding streams. Will DHS provide funding for those specific services? Will DHS provide funding for interim services while the enrollment processes are completed for public and private organizations?

2185	15.121 (b) (2)	<i>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.</i>	Please consider expanding the definition of work experience to allow for a larger pool of qualified candidates. The METs for Older Adult Protective Services investigators were expanded to increase the pool of qualified candidates.
2186	15.131 (a)	<i>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:</i>	Please consider providing more detail on the definition of a mandatory reporter. The definition of mandatory reporter within these proposed regulations is vague and open to interpretation.