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From: Barb Paul <bpaul@ohsaging.com>
Sent: Thursday, May 18, 2023 10:48 AM
To: PW, OLTL Regs Public Comments <RA-PWOLTLREGSPUBCOM@pa.gov>
Cc: Kim Briggs <kbriggs@ohsaging.com>; Rochelle Wanner <rwanner@ohsaging.com>
Subject: [External] Comments on proposed regulations for Adult Protective Services

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To Whom it May Concern:

While I have not had a great deal of time to look at these in detail; Some items below did jump out at me.

Under 15.2 Definitions:

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**.

This highlight leaves it a bit vague; what agency are you referring to?

Suggestion: Stay consistent with what you have under 15.21 as it relates to the statewide toll-free hotline:

(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**.

Under 15.21:

(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**.

My question: it is referenced reports can also be made to the “agency”. As agency is defined in the definitions; that would be the contracted provider or Liberty. Does this mean that Liberty will take its own reports in addition to the Hotline reports? Similar to how the AAA does for 60+?

Under 15.43 and 15.44: I see it clearly identified how long unsubstantiated cases should be held prior to destruction but I don’t see anywhere the destruction requirements for SUB cases.

Re: 15.45 (a) (3)

(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.

So as I read the highlight; the agency may seek a court order to FORCE a state licensed facility to protect the health and safety of the older adult. As someone in protective services for 15 years; what does that look like? It supersedes the licensing authority? And how do you force a facility to do something when licensing cant do it?

Under 15.45 (b) (2)

(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.

Comment: So as I read this it is conflicting information. Says that if investigation is run by both “agency” (Liberty) and state agency that has jurisdiction (such as Dept of Health) that “this investigation may suffice for the “agency”which agency????? VERY confusing.

15.102. Maintenance of case records.

Comment: more a suggestion re destruction of SUB case records; it is clearly defined that after one year unsub cases are destroyed/expunged but does not clearly state that in the SUB cases; only says to keep them 3 years. Could make that more clear.

15.105 (2) Limited access to Records

(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 Right-to-Know Law (65 P.S. §§ 67.101—67.3104).**

Comment: the highlight should have its own bullet or sentence at the end of this section I would think. The entire section relates to who is able to receive info; this sentence is specific to information NOT to be released; if that makes sense.

15.121 STAFF QUALIFICATIONS AND TRAINING

I see no requirement under this section for the PS workers to have a Criminal History Background Check? Is that correct?

Suggestion: that a Criminal History Background check be required.

Any annual trainings required? Any specific requirements for Supervisors?

15.131 General Reporting Requirements

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

Comment/question: similar question as above the agency is defined as Liberty in my mind; will they be taking their own reports in addition to Helpline?

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 **WRITTEN** 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.

Suggestion: I would strongly suggest that it be required that any facility asking for an employee to continue working during the investigation; Make it a requirement it be put in writing. It does not have to be formal; but PUT in writing the employee will be reassigned to another wing, Employee will be assigned to day shift where more staff around, be retrained, etc..... My experience with Older adult protective services is we get a plan from the facility; and it is not followed. The facility claims “other staff were not aware of the plan” “we got short staffed” “our investigation was done”, etc..... Any facility should be required to submit a written plan of supervisions.

Thanks for the opportunity to comment.

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