

**FISCAL YEAR 2016-2017  
SCOPE OF SERVICE**

**PROTECTIVE SERVICES  
SOCIAL SERVICES PROGRAM**

**I. PURPOSE**

To provide older adults who lack the capacity to protect themselves and who are at imminent risk of abuse, neglect, exploitation, or abandonment with access to services necessary to protect their health, safety, and welfare.

**II. DEFINITIONS**

- A. **The Allegheny County Department of Human Services/Area Agency on Aging (ACDHS/AAA)** provides services to adults age sixty (60) and over to help them maintain their independence.
- B. **Master Provider Enterprise Repository (MPER)** a repository of key Provider demographic data for all contracted providers who provide services for DHS. DHS applications use MPER to validate contract, services, facilities and rate information to facilitate documentation of services rendered information by Providers. Contracted Providers are required to keep all agency information including but not limited to contacts, facilities and service offering information up to date.
- C. **Social Assistance Management System (SAMS)** is software used to track all services provided to participants with Allegheny County Department of Human Services/Area Agency on Aging (ACDHS/AAA) funding.

**III. AGING PROGRAM DIRECTIVE (APD) / FEDERAL / STATE REGULATORY REFERENCE AND COMPLIANCE**

Organizations providing services outlined in this Scope of Service shall comply with all federal and state directives listed below:

**A. Aging Program Directives**

Aging Program Directives may be accessed by visiting the [Pennsylvania Department of Aging / Aging Program Directive webpage](#) . From this webpage, select the Program Area link as identified by the middle two numbers in the APD number, or follow the link below:

## Program Area 24 Protective Services Intake and Investigation

- 89-12-02 Required Standard Forms for Protective Services
- 93-12-01 Protective Services Investigations
- 93-12-01 Protective Services Investigations
- 93-24-02 Protective Services Investigations
- 97-24-01 Protective Service Report of Need and Investigation Summary and Assessment Form
- 00-24-01 Perpetrator Designation and Notification in Protective Services Cases
- 08-24-01 Passwords for Protective Services Files
- 10-24-01 Protective Service Reports of Abuse, Neglect, Exploitation and Abandonment for Individuals Under Age 60
- 15-24-01 RON Intake and Payment for Ages 18-59

### **B. Laws**

- [2006 Reauthorization of the Older Americans Act](#)
- [Pa. Statute Title 35 \(Older Adults Protective Services Act\)](#)

### **C. Regulations**

- [6 PA Code Chapter 15](#)

This Scope of Service is subject to change based on changes to the above directives.

#### **IV. PERFORMANCE EVALUATION**

Each contract year the ACDHS/AAA will inform clear expectations of acceptable performance standards to the CONTRACTOR and hold the CONTRACTOR accountable to them. These standards relate to compliance with applicable policies, regulatory guidelines, contract scopes, and Performance Based Contracting (PBC), where applicable, to support ongoing service quality and to best meet or exceed the participants' needs and to optimize service impact on its participants. The CONTRACTOR is responsible for adhering to the timelines in reporting its compliance to the scopes and using findings to build on its strengths and develop strategies on opportunities, through a continuous quality improvement process.

Monitoring tools outlining acceptable evidence are used in evaluating compliance with regulatory requirements, service standards, documentation, and reporting requirements. Monitoring tools applicable to this Scope of Service are:

PDA Protective Services Monitoring Workbook

#### **V. SERVICE STANDARDS, REPORTING AND DOCUMENTATION REQUIREMENTS**

- A. Investigation of Reports of Need ([PA Title 6, Chapters 15.41 – 15.76](#))
- B. Comprehensive Needs Assessment ([PA Title 6, Chapter 15.92](#))
- C. Reassessment ([PA Title 6, Chapter 15.95](#))
- D. Care Plan Development and Implementation ([PA Title 6, Chapter 15.93](#))
- E. Follow-Up ([PA Title 6, Chapter 15.93](#))
- F. Case Recording ([PA Title 6, Chapter 15.95](#))
- G. Financial Management Services ([PA Title 6, Chapter 15.94](#))
- H. Arranging Court Ordered Intervention ([PA Title 6, Chapters 15.61 – 15.73](#))

An Allegheny County Law Department Protective Services Legal Services (PSLS) Attorney shall be contacted to petition the Court for intervention when:

1. Access to the person reported in need is denied;

Access to older person reported in need of Protective Services is assured by law. Except in emergency or priority cases, access to persons shall be between 7:00 a.m. and 9:00 p.m. When access is denied and is necessary to complete the investigation, the assessment, or care plan or to deliver needed services, the

Protective Services Investigator shall:

Make reasonable efforts to inform the party denying access of the legal authority for access and the available recourse through a court order. If access is still denied, contact a PSLS Attorney. The Attorney may petition the Court for an order to require appropriate access when: The caretaker or third party has interfered with the investigation, assessment, care plan or the delivery of services; or It can be demonstrated that the older adult reported to need protective services is denying access because of coercion, extortion or justifiable fear of future abuse, neglect, or exploitation or abandonment.

2. Access to relevant records is denied;

Access to records necessary to conduct a proper investigation, complete an assessment or care plan or for delivery of needed services is, with the consent of client or legal guardian, assured by law. Except in emergency or priority cases, access shall be between 7:00 a.m. and 9:00 p.m. When access to these records is denied, the Protective Services Investigator shall: Clearly inform the party denying access of the legal authority for access and the available recourse through a court order;

If access is still denied, contact a PSLS Attorney. The Attorney may petition the Court for an order requiring appropriate access when: The older adult has provided written consent for confidential records to be disclosed and the keeper of the records denies access; or it can be demonstrated that the older adult is denying access to records because of incompetence, coercion, extortion or justifiable fear of future abuse, neglect, exploitation or abandonment.

3. Participant consent is withheld;

The written consent of the older person reported to be in need of Protective Services or his/her legal appointed guardian is required for access to confidential records and for the older person to receive Protective Services. When participant consent is withheld

and there is clear and convincing evidence that, if Protective Services are not provided, the person to be protected is at imminent risk of death or serious physical harm, the Protective Services Investigator shall contact a PSLS Attorney to petition the Court for an emergency order for involuntary intervention in order to provide the necessary services. When the Court is petitioned for emergency involuntary intervention, the Protective Services Investigator shall cooperate with a PSLS Attorney in arranging legal representation for the older adult. The Protective Services Investigator shall take reasonable steps to assure protection of the older adult's dependents and property while the older adult is receiving services under an emergency court order. The Investigator shall coordinate professional linkage referrals and follow-up to assure that the needed services and protections are being provided and maintained.

4. There is interference with service delivery;

If a person interferes with the provision of services or interferes with the right of an older adult to consent to the provision of services, the Protective Services Investigator shall contact a PSLS Attorney to petition the Court for an order enjoining the interference.

I. Guardianship Determination

1. Guardianship is a legal relationship in which one person (the guardian) is given the duty and the right to make decisions on behalf of another (the ward).
2. The Protective Service Investigator shall determine the appropriateness of guardianship by:
  - a. Comprehensive needs assessment: the assessment must include a verbal or written statement from a physician confirming incapacity and the need for guardianship;
  - b. Consulting with ACDHS/AAA Protective Services Program Manager on request for guardianship and appropriateness of referral;
  - c. Verifying appropriateness of referral with PSLS.

J. Termination, Transfer, and Closing of Cases ([PA Title 6, Chapter 15.96](#))

K. Purchase of Needed Services on a Temporary Basis ([PA Title 6, Chapters 5.111 – 15.113](#))

L. Protective Services Casework ([PA Title 6, Chapter 15.26](#))

Protective Services casework services shall be provided only to individuals who have been approved for Protective Services casework by the ACDHS/AAA Protective Service Program Manager or designee; and are registered in the ACDHS/AAA system.

M. Informed Participant Consent

Protective Services shall be provided only to individuals who give informed, written consent to the services. If participant consent is not given, or is withdrawn, services shall not be provided unless ordered by a court, or consented to by the participant's legal guardian, or provided through involuntary intervention by emergency court order.

N. Protective Services Participant Rights ([Pa Title 6, Chapter 15.81](#))

O. Rights of Alleged Perpetrators ([PA Title 6, Chapter 15.82](#))

P. Safeguards for those who make or receive reports

Q. Confidentiality

R. Deletion of Information in Unsubstantiated Reports ([PA Title 6, Chapter 15.102](#))

S. Responsibilities of Staff with Access to Confidential Information ([PA Title 6, Chapter 15.103](#))

T. Penalties for Violation of Confidentiality Requirements ([PA Title 6, Chapter 15.104](#))

U. Limited Access to Records and Disclosure of Information ([PA Title 6, Chapter 15.105](#))

1. For the purposes of monitoring agency performance, appropriate, authorized Pennsylvania Department of Aging (PDA) and ACDHS/AAA staff may have access to agency Protective Services records.
2. State Defined Units of Service: One (1) unit of Protective Services equals one (1) substantiated investigation.
3. Documentation and reporting procedures shall accommodate electronic transmission of information.

4. The Protective Services Investigator shall refer the participant for guardianship, following these procedures:
  - a. Complete the top section of the Guardianship Referral Form and the entire Guardianship Information form;
  - b. Forward the above forms and other relevant information to the ACDHS/AAA Protective Services Program;
  - c. In cases of emergency guardianship requests, the Referral Form should be hand-delivered, or faxed, to the ACDHS/AAA Protective Services Program, and the Guardianship Information Form hand-delivered, or faxed, to the Allegheny County Law Department Attorney assigned to process the petition;
  - d. Send copies of Guardianship Information Form, Assessment and other relevant information to Protective Services Legal Services.
  
5. The Protective Services Investigator shall collaborate in preparation for the Court hearing; the Investigator shall:
  - a. Read Petition for Guardianship and Citation (sent from PSLS or other attorney, as appropriate) to client and leave copies of both with participant, a minimum of twenty (20) days prior to the hearing. The twenty (20) day notice is not applicable prior to the emergency hearing. However, the twenty (20) day notice must be provided prior to the full hearing; the guardianship worker will assume this responsibility when guardianship responsibility is being transferred due to staff changes in the Guardianship program.
  - b. If a Doctor's Affidavit will be used to show cause as to why the client should not be at the full hearing, it must be notarized and returned to PSLS ten (10) days prior to the full hearing;
  - c. Cooperate with PSLS or other attorney, as appropriate, in case preparation;
  - d. Review case with guardianship caseworker within 10 days of court hearing; Send guardianship caseworker a duplicate of the client's case file; Introduce client to guardianship

caseworker (optional).

6. The Protective Services Investigator shall attend the Court hearing and give testimony if called upon.
- V. The CONTRACTOR is responsible for accurately recording all participant service and program data into the appropriate information management system (SAMS, Omnia etc.), by the seventh (7<sup>th</sup>) working day of the month for the prior month's transactions or state regulations and standards whichever is less. The CONTRACTOR is responsible for coordinating appropriate information management system training (SAMS, Omnia etc.) and the transfer of knowledge & information to existing and new staff.
- W. The provider will have the capacity to retrieve and submit data, information, reports and other communication through electronic internet capabilities within one business week. Failure to receive or read Area Agency on Aging communications sent to the CONTRACTOR MPER e-mail address the same day does not absolve CONTRACTOR from knowing, responding to or complying with the content of that communication.

## **VI. RESPONSIBILITIES / EXPECTATIONS OF THE PROGRAM OFFICE (ACDHS/AAA)**

The Area Agency on Aging will provide technical assistance, direction and cooperation to assist the CONTRACTOR in satisfactorily recording program and service data into the appropriate information management system (SAMS).

### **A. Laws**

- [2006 Reauthorization of the Older Americans Act](#)
- [Pa. Statute Title 35 \(Older Adults Protective Services Act\)](#)

### **B. Regulations**

- [6 PA Code Chapter 15](#)

### **C. Additional Responsibilities**

1. Intake: Receiving, screening, referring, and maintaining records of reports of need for Protective Services.

Intake is the process of receiving requests or questions, evaluating the presenting problem, making appropriate referrals, and preparing appropriate written documentation.

2. Receiving reports of abuse, neglect, abandonment, or exploitation

Reports may be received only by persons who have completed the Protective Services Intake curriculum.

3. Anonymity for reporters

a. A person who reports an older adult in need of protective services may remain anonymous, if desired;

b. A person who receives a report shall, in an attempt to secure the reporter's name if additional information or assistance is needed for investigation or service provision, inform an anonymous reporter of the statutory protection from retaliation and liability.

4. Report form and content

a. The initial report shall be recorded on the standardized PDA Confidential Report of Need for Protective Services form;

b. The person receiving a report shall make every effort to obtain information necessary to complete the standardized report form. At a minimum, the completed report shall contain the following information:

i. The date and time of the report;

ii. The name, address and phone number of the person making the report, unless withheld;

iii. The name, address and, if available, age and phone number of the person reported to be in need of Protective Services;

iv. The nature of the incident which precipitated the report;

v. The nature and extent of the need for Protective Services; indicate if the person is in a life threatening situation;

vi. The physical and mental status of the person in need, to the extent obtainable.

c. Reports shall be received and the standardized report form completed for individuals residing outside the contracted geographic served area.

D. Screening Reports of Need

The person who receives a report shall immediately screen the report to assign it to one of the following referral categories:

1. Emergency: Person reported to need Protective Services is at imminent risk of death or serious physical harm;
2. Priority: The need for Protective Services is serious enough to require early intervention;
3. Non-priority: Intervention is required but may be delayed without serious consequence;
4. Another planning and service area: The person reported in need of Protective Services resides outside the contracted geographic service area;
5. No need for protective services: A report shall be placed in this category when the person reported to be in need does not meet all of the following criteria:
  - a. Is at least 60 years old;
  - b. Is at imminent risk of danger to his person or property;
  - c. Cannot perform or obtain, without help, services necessary to maintain physical or mental health;
  - d. Has no responsible caretaker at the time of the report.

E. Referring Reports of Need

The person who receives and screens the report shall refer the report to the Social Services supervisor (except where there is a possible conflict of interest, see item 4.b. below), as follows:

1. Emergency: Immediately. If the Social Services supervisor cannot be contacted immediately, the ACDHS/AAA Protective Services Program Manager or designee shall be contacted. Protective

Services intervention must be initiated within 30 minutes of receipt of the report;

2. Priority: Immediately, but within sufficient time to allow initial contact within 24 hours; if the Social Services supervisor cannot be contacted immediately, the ACDHS/AAA Protective Services Program Manager or designee shall be contacted;
3. Non Priority: As soon as possible but by the end of the working day or the start of the next working day;
4. No Need for Protective Services: As soon as possible but by the end of the working day or the start of the next working day.
  - a. When the subject of a report resides outside the contracted geographic area:
    - The report shall be categorized emergency, priority, non-priority, or no need;
    - The completed standardized report shall be forwarded by the next business day to the agency contracting to provide Protective Services in the area where the subject of the report currently resides according to the procedures specified in the item above.
  - b. When there appears to be a possible conflict of interest, e.g., when the subject of a report, the reporter, or the alleged abuser is in any way related or socially known to any provider staff, the report shall be referred to the ACDHS/AAA Protective Services Program Manager or designee, according to the above procedures. ACDHS/AAA will forward all reports involving provider personnel to PDA;
  - c. To maintain confidentiality when referring reports outside the agency, e.g. to ACDHS/AAA or to an appropriate Protective Services provider:
    - The initial referral shall be made by telephone;
    - The completed, written report shall be sent by mail, with the envelope clearly marked "Protective Services / Confidential";

- No copy of the report shall be made;
  - The referral shall be logged using a standardized format by date, subject of report, referral agency, and contact person. The log shall be kept in a locked file, accessible only to authorized staff.
- F. All persons receiving reports shall have signed the PDA Confidentiality Statement and be made aware of all confidentiality requirements and the penalties for violation of the requirements.
- G. ACDHS/AAA Nurse Consultant
1. The ACDHS/AAA Nurse Consultant shall be consulted when:
    - a. The participant's health status cannot be adequately assessed;
    - b. Home health services appear to be needed;
    - c. Other medical intervention appears to be needed;
    - d. Investigating reports of need for participants residing in personal care and/or nursing homes; it is recommended that the nurse consultant accompany the Protective Services Investigator in these cases.
  2. Consultation with the nurse consultant shall be documented and kept in the participant record;
  3. The Nurse Consultant will be available to Protective Services Investigators in other circumstances when it is the Investigator's professional judgment that consultation is warranted to properly complete the assessment process.