



Older Adult **PROTECTIVE SERVICES**

Annual Report | Fiscal Year 2022 - 2023



Pennsylvania
Department of Aging

Introduction

Pennsylvania’s Older Adults Protective Services Act

The Pennsylvania Department of Aging (PDA) is responsible for establishing and maintaining a statewide system of protective services for individuals 60 years of age and older.

Pennsylvania’s Protective Services system is governed by Act 79 of 1987, known as the Older Adults Protective Services Act (OAPSA), 35. P.S. 10225.101 et seq.

For the past thirty-six (36) years, OAPSA has served as the cornerstone of Pennsylvania’s system for providing the protective services necessary to protect the health, safety, and welfare of older adults who lack the capacity to protect themselves and who are at imminent risk of abuse, neglect, exploitation, and/or abandonment (collectively referred to as “elder abuse” or simply “abuse”).

OAPSA is victim-oriented and aims to safeguard the rights of older adults while providing for the detection, reduction, correction or elimination of abuse, neglect, exploitation, and abandonment.

Under OAPSA, education of the public is conducted regarding the availability of protective services and creating an awareness of issues impacting older adults in the area of elder abuse and elder justice. Allegations of abuse are received and documented on intake forms, referred to as Reports of Need (RONs). RONs can be made on behalf of an older adult, whether the individual lives in the community or in a licensed care facility, such as a personal care home or skilled nursing facility.

PDA contracts with 52 local Area Agencies on Aging (AAAs) to administer the Older Adults Protective Services program across all 67 counties in Pennsylvania. The AAAs receive RONs, conduct investigations, make decisions on whether to substantiate cases, and when deemed necessary, provide protective services to older adults in order to reduce or eliminate abuse.

In order to ensure compliance with federal and state requirements, PDA performs quality assurance monitoring on local AAAs protective services programs to ensure their compliance with OAPSA. Under OAPSA, each AAA develops and submits an annual protective services plan to PDA. These plans describe how the local programs are administered and how they plan to maintain regulatory and statutory requirements. Based on the results of these quality assurance reviews and ongoing collaboration, PDA provides technical assistance and training to the local AAAs to ensure that quality protective services are delivered to older Pennsylvanians.

To learn more about the full range of programs available to older Pennsylvanians through PDA and the AAA network, including the law and regulations governing the prevention of and protection from elder abuse, neglect, exploitation, and abandonment, please visit PDA’s website at aging.pa.gov. ■

Table of Contents

| | |
|--|----|
| Introduction | 2 |
| Statistical Overview | 3 |
| Reports of Need | |
| Overview | 4 |
| Statewide OAPSA Reports | 5 |
| RON Categorization | |
| Statewide OAPSA RONs | |
| Investigated and Substantiated | 6 |
| Older Adult RONs Investigated and Substantiated by AAA | 7 |
| Mandatory Abuse Reporting | |
| Overview | 10 |
| Statewide Abuse Types | |
| Alleged and Substantiated | 12 |
| Victims & Perpetrators | |
| Characteristics | 13 |
| Provision of Services | |
| Services Provided to Reduce or Eliminate Risk | 14 |
| Monitoring, Training and Teamwork | 16 |
| Amendments to OAPSA | 17 |
| Guardianship | 18 |
| Contact Information | 19 |

Older Adult Protective Services Snapshot – Fiscal Year 2022-23

21%

Increase In Reports (RONs)

Statewide reports of elder abuse totaled 53,873 – this is an increase of 21% over the previous fiscal year. | More on page 5.

31%

Abuse Allegations are Financial Exploitation

More on page 12.

39,687

Investigations

74% of all reports were investigated.

More on investigations – page 6.

14,202

Substantiated

36% of the investigations were substantiated.

More on substantiated cases – page 6.

44%

Abusers were Family Members

More on page 13.

Family members were the most common substantiated perpetrators, followed by caregivers (35%).

60%

Female Victims

Females were the most common victims to be abused, neglected, and exploited.

More on victims – page 13.

77%

Caucasian

The majority of victims were Caucasian (white).

More on victims – page 13.

47%

Self-Neglect

Self-neglect was the most common substantiated allegation, followed by caregiver neglect (22%).

More on allegations – page 12.

OAPSA Reports of Need

Overview of Older Adult Abuse Reports

The number of elder abuse reports, also known as Reports of Need or RONS, continue to grow each year. As this report notes, the number of RONS submitted to PDA have increased by 67% over the past five years.

Several factors are recognized as playing a role in this increase: a rapidly growing aging population, where one in three Pennsylvanians will be age 60 and over by 2030; ongoing awareness efforts at the state and local levels focused on building and enhancing education regarding the recognition and reporting of elder abuse; and the rise of financial exploitation and scams, fueled in part by the enhanced sophistication of tactics used by scammers who prey upon older adults.

The number and complexity of financial exploitation investigations have created challenges that require a multifaceted approach to the provision of protective services. PDA recognized the need to continue to serve as a visible and effective advocate for Pennsylvania older adults and is committed to engaging

Statewide Elder Abuse Helpline

1-800-490-8505

24 hours a day, 7 days a week.

in efforts that are focused on building stronger collaboration among providers, community-based organizations, state agencies, law enforcement, the judicial system, and other organizations that help older adults live, age well, and be free from all types of abuse.

Reports of Need for individuals aged 60 years and older for abuse, neglect, exploitation, and/or abandonment are taken by the AAAs and a Statewide Elder Abuse Helpline.

RONS are assigned a category, each with a required response time based on the information provided by the reporter.

There are two types of reporting under OAPSA: voluntary and mandatory. Under the voluntary reporting provisions, any person who has reasonable cause to believe that an older adult is in need of protective services may report that need to the local AAA directly, or call the statewide elder abuse helpline number at 1-800-490-8505, 24 hours a day, 7 days a week.

Voluntary reporters may choose to remain anonymous. They have legal protection against retaliation, discrimination, and civil or criminal prosecution under the law.

Mandatory reporters include any employee or administrator of a facility who has reasonable cause to suspect that a recipient of care is a victim

of abuse. Mandatory reporters are required to report the suspected abuse to their local AAA immediately.

The definition of a facility under OAPSA includes:

- long-term care nursing facilities
- personal care homes
- home health agencies
- domiciliary care homes
- adult daily living centers

Other state agencies such as the Pennsylvania Department of Health (DOH) and the Pennsylvania Department of Human Services (DHS) have created and implemented policies requiring additional types of facilities that they oversee to also be in compliance with OAPSA. In addition to reporting to the local AAA, if the abuse that the mandatory reporter is reporting involves sexual abuse, serious physical injury, serious bodily injury, or suspicious death, they are also required to make an immediate report to law enforcement and to PDA. ■

OAPSA Reports of Need

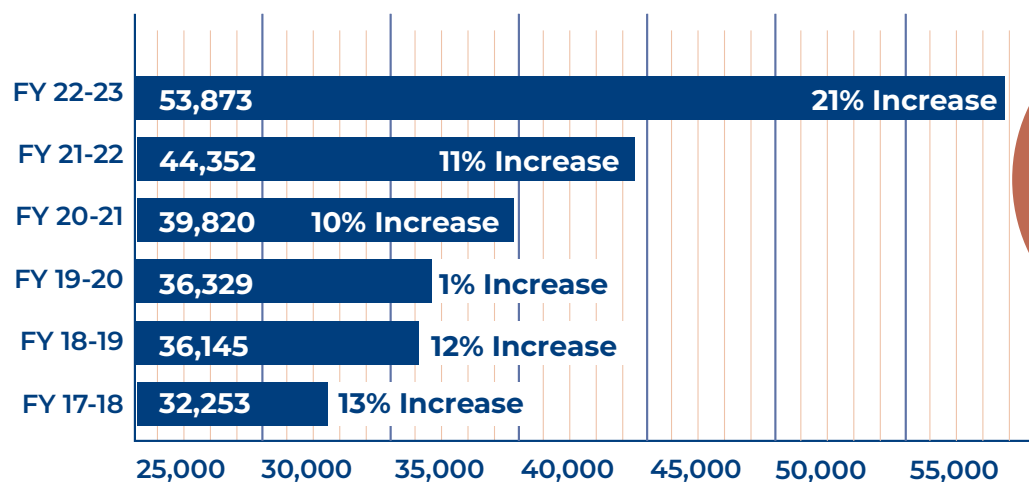
Statewide OAPSA Reports

State Population • 12,972,008*

Population 60 and Over • 3,442,992 (26.5%)*

*Data prepared by the Pennsylvania State Data Center using 2022 population estimates.

Historical Reports of Need



Reports of Need (RONs) Categorization

There are four categories of Reports of Need and each category has a designated category response time. The investigation is initiated by the local AAA, who determines if the allegations are true and/or if the older adult (alleged victim) named in the report is in need of protective services (substantiated report) or is not in need of protective services (unsubstantiated report).

Categories of RONs

Emergency: Requires an investigation to be started immediately to ensure the safety of older adults.

Priority: Requires a response as soon as possible, but no later than 24 hours, and a face-to-face visit with the older adult within 24 hours.

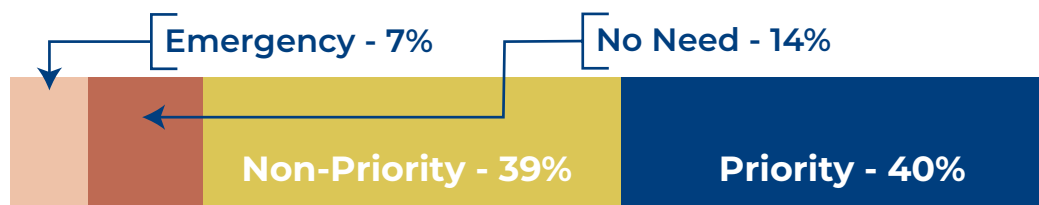
67%

Increase in RONs Over the Past Five Years

Non-Priority: Requires a response in a timely manner, but no later than 72 hours, and a face-to-face with the older adult at an appropriate time in the investigation, but no later than 20 calendar days after the date the RON is received.

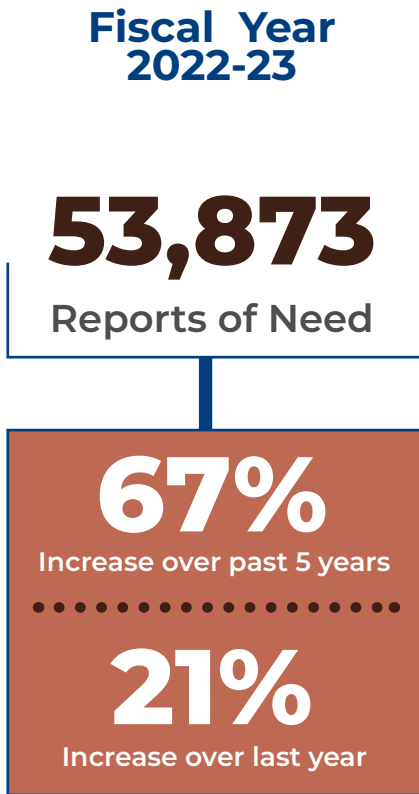
No Need: Based on the information contained in the Report of Need (RON), there is no need for investigation. A report is categorized as a No Need when the alleged victim meets any of the following criteria: under age 60, does not live in PA, has capacity to perform or obtain necessary services, has a responsible caretaker (mandatory reporters who are also the alleged perpetrator may not be considered a responsible caretaker), is or was not at imminent risk. At times, a case may require a referral for other resources to an appropriate community entity. ■

Report of Need Categorization



OAPSA Reports of Need

Statewide OAPSA RONs Investigated and Substantiated



| FY 2021-22 | FY 2020-21 | FY 2019-20 | FY 2018-19 | FY 2017-18 |
|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| 44,352 Reports of Need | 39,820 Reports of Need | 36,329 Reports of Need | 36,145 Reports of Need | 32,253 Reports of Need |
| 82% Investigated | 82% Investigated | 86% Investigated | 79% Investigated | 73% Investigated |
| 38% Substantiated | 38% Substantiated | 36% Substantiated | 34% Substantiated | 36% Substantiated |
| 36,324 Investigated | 34,742 Investigated | 31,286 Investigated | 28,552 Investigated | 23,552 Investigated |
| 13,866 Substantiated | 13,265 Substantiated | 11,119 Substantiated | 9,683 Substantiated | 8,408 Substantiated |

39,687

Investigated (74%)

14,202

Substantiated (36%)

Historically each year, the number of RONs, investigations, and substantiated reports increase. The aforementioned increase may be attributed to an increasing aging population, awareness efforts, enhanced trainings, targeted collaboration with other state agencies and community partners, and improvements in data collection methods. The purpose of an investigation is to determine if allegations made in a report can be substantiated and/or whether the older adult is in need of protective services.

The following three pages detail the number of RONs, RONs investigated, and investigations substantiated by each AAA. ■

Older Adult Reports of Need

Reports of Need Investigated and Substantiated by AAA

| Counties (AAAs) | RONs Received | Investigated By Number | Investigated By Percent | Substantiated By Number | Substantiated By Percent |
|---|---------------|------------------------|-------------------------|-------------------------|--------------------------|
| AAA of Somerset County | 222 | 159 | 72% | 37 | 23% |
| AAA of Westmoreland County | 1,649 | 1,405 | 85% | 418 | 30% |
| Active Aging, Inc. (Crawford) | 201 | 213 | 106% | 89 | 42% |
| Adams County Office for Aging, Inc. | 260 | 226 | 87% | 89 | 39% |
| Aging Services, Inc. (Indiana) | 200 | 168 | 84% | 53 | 32% |
| Allegheny County DHS AAA | 6,420 | 4,453 | 69% | 2,189 | 49% |
| Armstrong County AAA | 219 | 163 | 74% | 48 | 29% |
| B/S/S/T AAA | 545 | 466 | 86% | 201 | 43% |
| Beaver County Office on Aging | 927 | 608 | 66% | 175 | 29% |
| Berks County Area Agency on Aging | 1,467 | 1,189 | 81% | 429 | 36% |
| Blair Senior Services, Inc. | 877 | 619 | 71% | 278 | 45% |
| Bucks County AAA | 2,070 | 1,466 | 71% | 527 | 36% |
| Butler County AAA | 749 | 601 | 80% | 189 | 31% |
| Cambria County AAA | 462 | 376 | 81% | 149 | 40% |
| Carbon County AAA | 252 | 204 | 81% | 38 | 19% |
| Centre County Office of Aging | 252 | 190 | 75% | 67 | 35% |
| Chester County Department of Aging Services | 1,358 | 869 | 64% | 264 | 30% |
| Clarion Area Agency on Aging | 65 | 51 | 78% | 24 | 47% |
| Clearfield County AAA, Inc. | 388 | 264 | 68% | 98 | 37% |
| Columbia/Montour Aging Office, Inc. | 526 | 436 | 83% | 176 | 40% |

Older Adult Reports of Need Reports of Need Investigated and Substantiated by AAA (cont'd)

| Counties (AAAs) | RONs Received | Investigated By Number | Investigated By Percent | Substantiated By Number | Substantiated By Percent |
|---|---------------|------------------------|-------------------------|-------------------------|--------------------------|
| Cumberland County Office on Aging | 890 | 658 | 74% | 272 | 41% |
| Dauphin County AAA | 1,898 | 1,380 | 73% | 491 | 36% |
| Delaware County AAA | 1,596 | 1,315 | 82% | 191 | 15% |
| Experience Inc. - AAA (Warren/Forest) | 166 | 127 | 77% | 66 | 52% |
| Franklin County AAA | 341 | 257 | 75% | 62 | 24% |
| Greater Erie Community Action Committee (GECAC) | 1,575 | 1,174 | 75% | 587 | 50% |
| Huntingdon/Bedford/Fulton AAA | 314 | 260 | 83% | 133 | 51% |
| Jefferson County AAA | 178 | 155 | 87% | 66 | 43% |
| Lackawanna County Area Agency on Aging | 1,012 | 915 | 90% | 486 | 53% |
| Lancaster County Office of Aging | 2,014 | 1,555 | 77% | 946 | 61% |
| Lawrence County AAA | 301 | 258 | 86% | 89 | 34% |
| Lebanon County AAA | 561 | 445 | 79% | 165 | 37% |
| Lehigh County Aging & Adult Services | 1,293 | 1,014 | 78% | 552 | 54% |
| Luzerne/Wyoming AAA | 818 | 535 | 65% | 170 | 32% |
| Mercer County AAA, Inc. | 243 | 174 | 72% | 55 | 32% |
| Mifflin/Juniata AAA, Inc. | 234 | 201 | 86% | 84 | 42% |
| Monroe County AAA | 547 | 424 | 78% | 214 | 50% |
| Montgomery County Aging and Adult Services | 2,191 | 1,608 | 73% | 529 | 33% |
| Northampton County AAA | 1,304 | 934 | 72% | 275 | 29% |
| Northumberland County AAA | 521 | 429 | 82% | 113 | 26% |

Older Adult Reports of Need Reports of Need Investigated and Substantiated by AAA (cont'd)

| Counties (AAAs) | RONs Received | Investigated By Number | Investigated By Percent | Substantiated By Number | Substantiated By Percent |
|---|---------------|------------------------|-------------------------|-------------------------|--------------------------|
| Office of Human Services, Inc. (Cameron/Elk/McKean) | 349 | 288 | 83% | 98 | 34% |
| Perry County AAA | 120 | 113 | 94% | 44 | 39% |
| Philadelphia Corporation for Aging | 9,681 | 6,948 | 72% | 1,464 | 21% |
| Pike County AAA | 297 | 251 | 85% | 137 | 55% |
| Potter County AAA | 44 | 40 | 91% | 9 | 23% |
| Schuylkill County Office of Senior Services | 860 | 579 | 67% | 177 | 31% |
| Southwestern PA AAA, Inc. (Washington/Fayette/Greene) | 2,238 | 1,563 | 70% | 604 | 39% |
| STEP Office of Aging | 442 | 178 | 40% | 65 | 37% |
| Union-Snyder Agency on Aging, Inc. | 366 | 188 | 51% | 48 | 26% |
| Venango County AAA | 187 | 149 | 80% | 74 | 50% |
| Wayne County AAA | 181 | 123 | 68% | 45 | 37% |
| York County AAA | 1,405 | 1,255 | 89% | 343 | 27% |
| Statewide Totals | 53,873 | 39,687 | 74% | 14,202 | 36% |

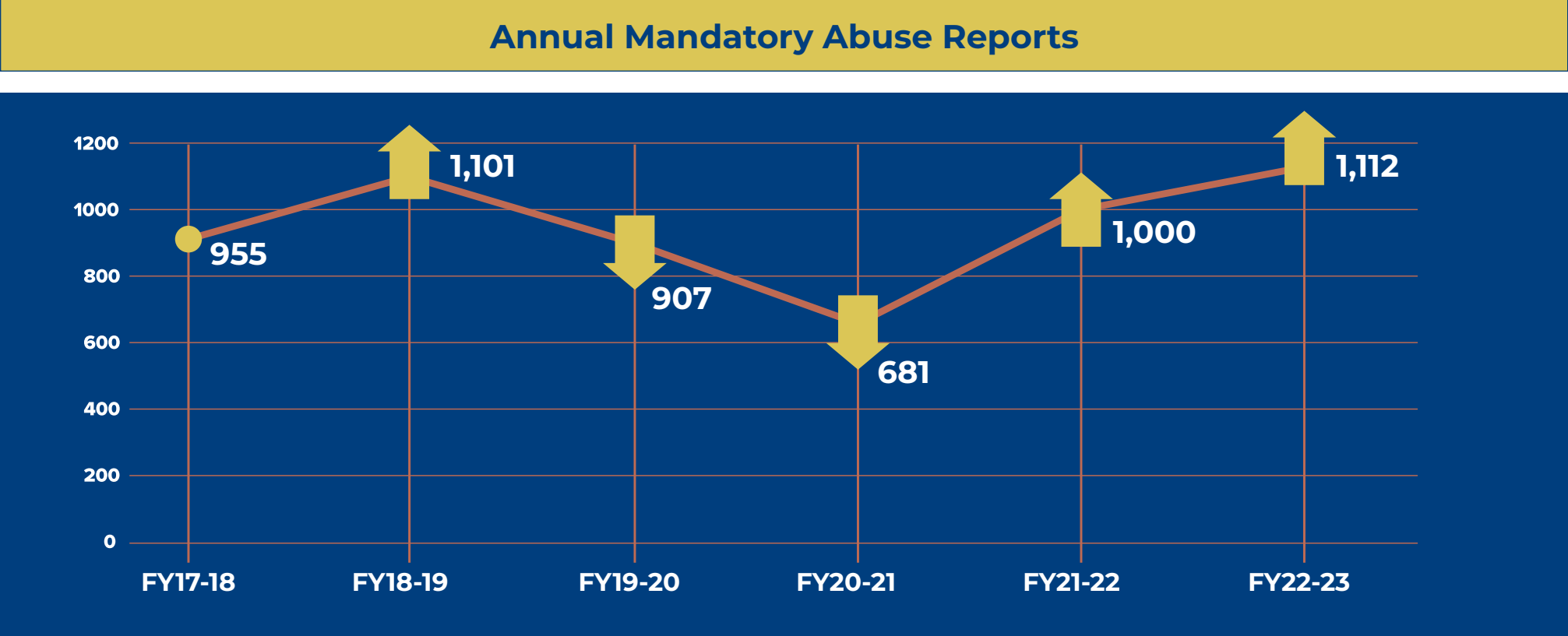
Investigations may exceed 100% due to reported data and/or timing with the end/start of the fiscal year.

RONs categorized as No Need are not investigated. RONs taken where a AAA was not identified are included in the statewide totals.

Mandatory Abuse Reporting Overview

In 1997, OAPSA was amended to require mandatory abuse reporting for administrators and employees of facilities. The law and regulations require that an employee or an administrator of a facility that suspects abuse must immediately report the abuse to their local AAA by calling (717)265-7887.

As noted in the chart below, mandatory abuse reports decreased during 2019-20 and 2020-21, the two fiscal years coinciding with the COVID-19 pandemic, but again increased during 2022-23. Mandatory abuse reporting data collected during this fiscal year may include duplicate reports due to the statutory requirement to report to both the Departments of Aging and Human Services.



Mandatory Abuse Reporting

Overview (cont'd)

There are four serious abuse types – sexual abuse, serious physical injury, serious bodily injury, and suspicious death. If the abuse being reported involves one of these, the facility must report to law enforcement and PDA, in addition to reporting to the AAA. Definitions from OAPSA of these four serious abuses are as follows:

Sexual Abuse

Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest.

Serious Physical Injury

An injury that causes a person severe pain; or significantly impairs a person's physical functioning, either temporarily or permanently.

Serious Bodily Injury

Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

Suspicious Death

There is no OAPSA definition for the term “suspicious death.” However, a general definition for suspicious death is a death that is unexpected, and its circumstances or cause is medically or legally unexplained. ■

**Facilities Make Oral
Mandatory Reports to PDA
(717) 265-7887**

Reports of Serious Abuse for 2022-23 By Category*

677

Sexual Abuse

300

Serious Physical
Injury

73

Serious Bodily
Injury

62

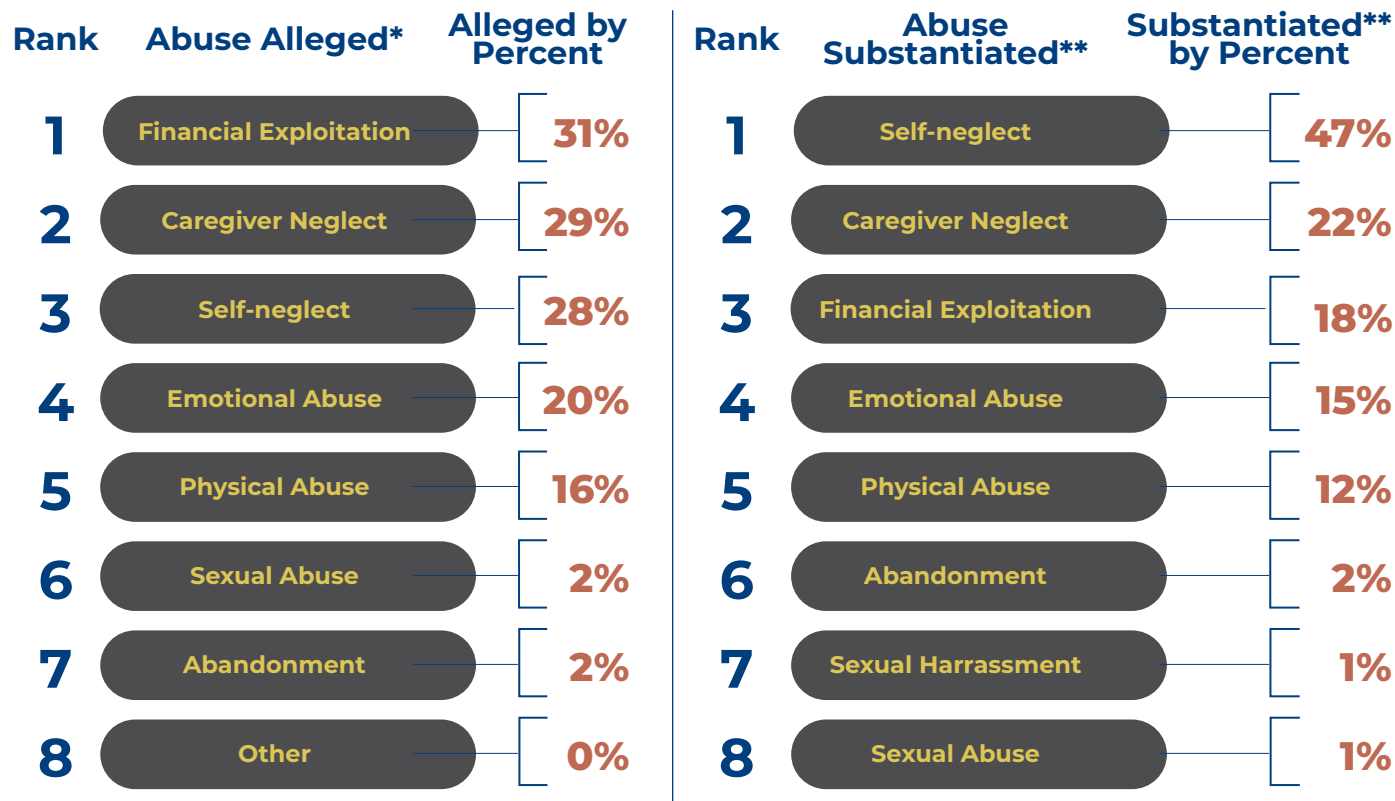
Suspicious Death

Statewide Abuse Types

Alleged and Substantiated

The below chart displays the types of abuse (alleged) originally reported versus types of abuse that were substantiated. They are ranked with the most common abuse type at the top. For fiscal year 2022-23, Financial Exploitation was the leading type of Alleged Abuse while Self-Neglect was the leading type of Substantiated Abuse. Compared with the previous year, self-neglect led in both reported and substantiated rankings. Fiscal year 2022-23 marked the first year that Financial Exploitation moved up into the first-most reported type of abuse.

As part of the safeguards in place to protect older adults, the AAA protective services program investigates all areas of abuse when investigating the allegation(s) in a RON. There are times when the comprehensive investigation may identify additional substantiated abuse, neglect, exploitation or abandonment that was not originally alleged in the RON. ■



*Alleged abuse percentages are based on all RONs.

**Substantiated abuse percentages are based on all investigations.

Percentages do not sum to 100% due to some RONs and investigations involving more than one type of abuse.

Some Risk Factors for Abuse, Neglect, Exploitation and Abandonment

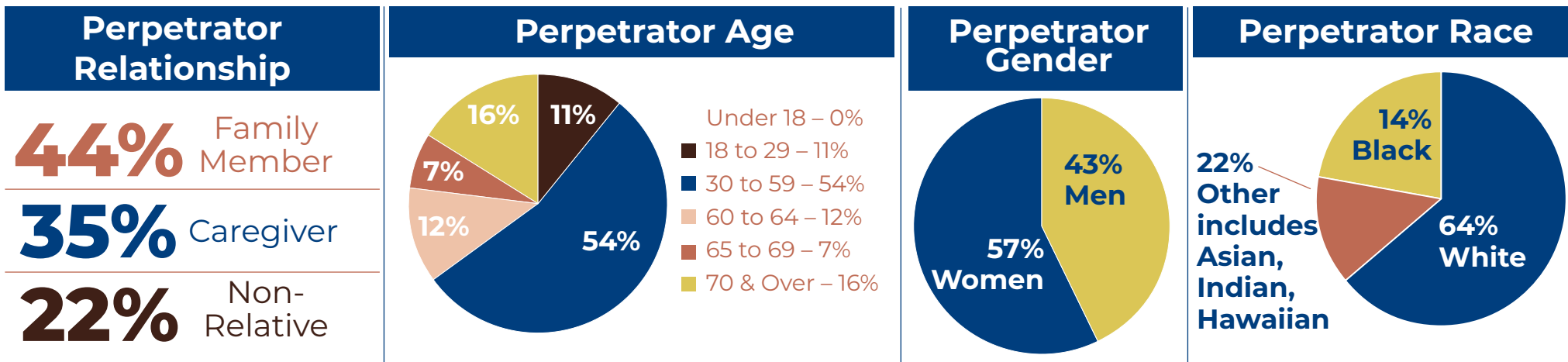
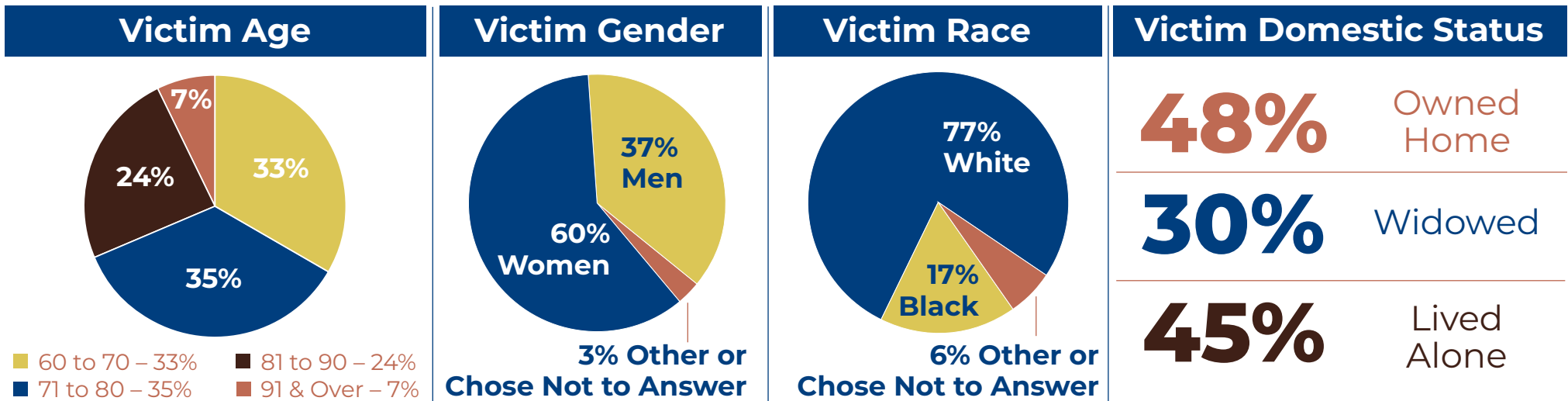
- Lives alone
- Lives in own home
- Socially isolated
- Incapacitated (physically and/or cognitively)
- Lack of formal or informal support
- Dependence on others for assistance

Victims and Perpetrators

Characteristics of Victims and Perpetrators

Throughout the course of a protective services investigation, information is collected about the characteristics of an individual reported to be in need of protective services (alleged victim). Similar to characteristics of alleged victims, throughout the course of a protective services investigation, information is also collected about the characteristics of the abuser (alleged perpetrator). Tracking this data helps provide public education and outreach efforts.

OAPSA provides for designation of a perpetrator if there is clear and convincing evidence that the individual was responsible for the abuse of the older adult. If a criminal act was committed, law enforcement may be contacted as part of the case investigation process. ■



Provision of Services

Services Provided to Reduce or Eliminate Risk

Following the substantiation of a Report of Need for protective services, an assessment is conducted by the AAA to develop a service plan, which describes the older adult's identified needs, goals to be achieved, and the specific services needed to reduce or eliminate risk. The AAA develops the service plan cooperatively with the older adult, their guardian and other family members, when appropriate. The AAA advocates for the older adult, who has a right to self-determination.

The service plan reflects the least restrictive alternatives to reduce or eliminate the imminent risk to the older adult's person or property. The chart below details the most frequent services provided to older adults during this fiscal year. Personal care continues to be the most frequently provided service under protective services based on both cost and units served.

Top 10 Services As Reported by the AAAs by Units – listed greatest to smallest

Personal Care

In-Home Meals

Care Management

Other Protective Services

Legal Assistance

Overnight Shelter/Supervision

Home Support

Guardianship

Protective Services Petition to Court

Assessment

Law Enforcement Referrals

The AAA refers a case to law enforcement when a protective services caseworker witnesses a crime in progress and when an older adult requests a referral as part of the service plan or their guardian or power of attorney requests or agrees to a referral when the older adult lacks the capability to consent.

606
Number of
Law
Enforcement
Referrals

Act 53 Referrals

Revisions to 18 PA C.S § 2713 (neglect of a care-dependent person), including the creation of § 2713.1 (abuse of a care-dependent person) mandate that if a AAA has reasonable cause to believe that a caretaker has engaged in conduct in violation of this law, the agency is required to report the incident to local law enforcement or the Attorney General.

156
Number of
Referrals
Made Under
Act 53

Provision of Services

Services Provided to Reduce or Eliminate Risk (cont'd)

| Service Delivery Type | Units |
|---|----------------|
| Personal Care | 126,224 |
| Guardianship | 737 |
| Overnight Shelter/Supervision | 1,914 |
| Legal Assistance | 2,584 |
| Home Support | 1,376 |
| In-Home Meals | 19,514 |
| Other Protective Services | 2,819 |
| Assessment | 275 |
| Environmental Modification | 67 |
| Care Management | 6,539 |
| Pest Control/Fumigation | 172 |
| Protective Services Petition to Court | 408 |
| Adult Daily Living Center | 263 |
| Transportation | 69 |
| PERS-Personal Emergency Response System | 72 |
| COVID-19 - Any Related Service | 37 |
| Medical Equipment & Supplies | 7 |
| Information & Assistance | 195 |
| Other - Third Party Payer | 1 |
| Total | 163,273 |

When the AAA develops a service plan for an individual, the ultimate goal is to put services in place that will reduce or eliminate imminent risk to the older adult's person or property. The most frequently used service in fiscal year 2022-23 was personal care, followed by in-home meals and then care management. Overall statewide for fiscal year 2022-23, the 52 AAAs in Pennsylvania reported that 163,271 units of service were delivered to victims of substantiated abuse.

The Pennsylvania Code clarifies that protective services may not be provided to an older adult who does not wish to receive the services. Exceptions to this law are services that are ordered by a court, services that are requested by a court-appointed guardian of the older adult, or services that are related to involuntary intervention by an emergency court order.

Service plans are always to be provided in writing, have clearly identified goals and utilize the least restrictive alternative while encouraging self-determination. Services that are identified through the service plan may be provided by the AAA or they may be purchased from another agency, referred to another agency, and/or provided by family and friends. Services provided under protective services are put in place to mitigate risk. ■

Monitoring, Training and Teamwork

Quality Assurance Monitoring

PDA is responsible for overseeing the performance and quality assurance monitoring of the 52 AAAs' protective services programs for compliance with the law, regulations and policies.

As part of the quality assurance monitoring protocol, PDA evaluates compliance with the statutory and regulatory requirements by sampling and reviewing cases to ensure consistent and quality services are administered by the AAA Older Protective Services program (OAPS) across the commonwealth. PDA provides technical assistance and additional support to the AAAs through follow-up visits, offering consultation and training.

PDA also supports the AAAs by providing basic, advanced, and annual training related to protective services. Training is made available through PDA's contract with the Institute on Protective Services at Temple University, Harrisburg.

Institute of Protective Services at Temple University

For 20 years, PDA has contracted with the Institute on Protective Services (IPS) at Temple University, Harrisburg. With a mission to prevent, respond, and when necessary, obtain justice for victimized elders and other vulnerable adults, IPS works collaboratively with PDA to provide required protective services training to the local AAAs, as well as education and consultation to human services and law enforcement professionals on identifying, investigating, and resolving cases of elder victimization.

Pennsylvania Elder Abuse Multidisciplinary Teams and Collaboration with Law Enforcement

Similar to other states and organizations, Pennsylvania recognizes that elder abuse teams or task forces serve as a way to more effectively address elder abuse, neglect, and exploitation.

Certain elder abuse cases that are particularly complex may involve multidisciplinary efforts of medical, psychiatric, legal, housing, personal care, financial, and family violence issues. The multidisciplinary approach allows for counties to bring together experts from numerous disciplines to evaluate, address, and resolve victimization.

Sixty-one percent of the commonwealth is currently covered by some form of multidisciplinary teamwork. An elder justice task force or alternative exists within 41 counties and there is a possibility of expanding task forces into another six counties.

Successful team efforts are built on the premise that to effectively protect older adults, the aging services network and law enforcement must work cooperatively in identifying and responding to elder victimization. ■

Amendments to OAPSA

Criminal History Background Checks

Since 1987, the Older Adults Protective Services Act (OAPSA) has served as Pennsylvania’s system for protecting the health, safety, and welfare of older adults who are at imminent risk of these serious offenses.

OAPSA was amended in 1996 to mandate that all prospective employees of long-term care facilities submit to a criminal history background check and be free of convictions for offenses designated under OAPSA. The conviction of certain “prohibitive offenses” serves to disqualify a person from being hired by a facility. Some of these offenses disqualified a person from working in a facility for life. These “lifetime” bans were listed in the legislation, but the legislation did not provide for the person subject to a lifetime ban with the opportunity to appeal the ban. Consequently, through litigation challenging the use of lifetime bans without the opportunity to appeal (Nixon I, Nixon II and Peake), the Commonwealth Court found the use of lifetime bans

without the opportunity to appeal unconstitutional. The court also held that the previously posted “Interim Policy” (pertaining to the employment of individuals with certain criminal convictions who care for older adults) is invalid.

Currently, all prospective facility employees must still obtain a Pennsylvania State Police criminal history background check, and individuals who have not resided within the commonwealth for the past two consecutive years must also obtain a federal criminal history background check.

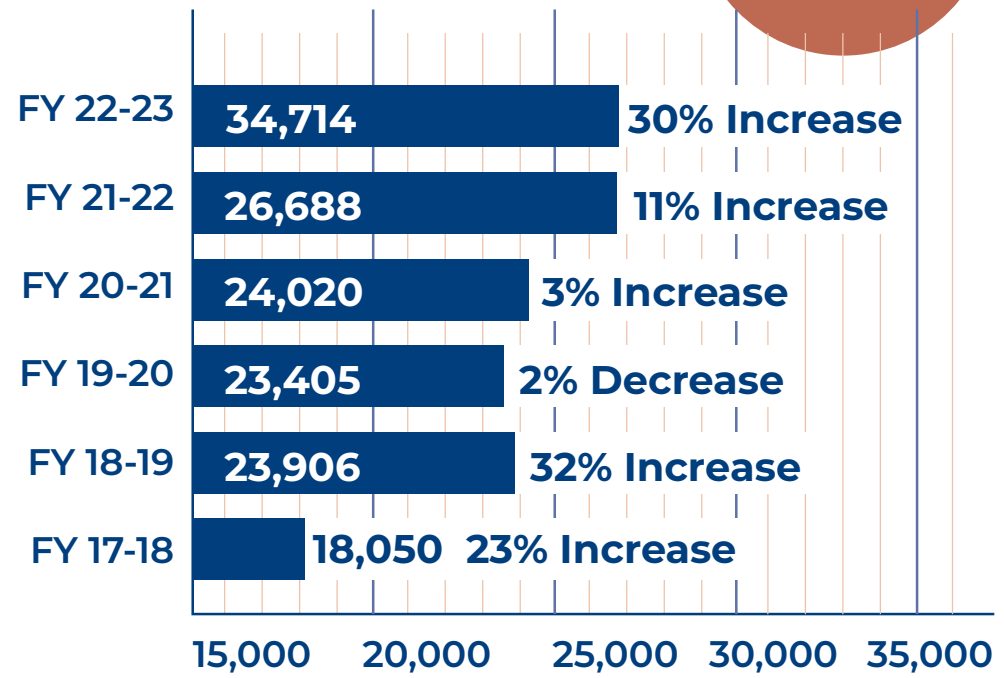
PDA is responsible for administering criminal history background checks, processing the results, and sending the final determination to the applicant. PDA is prohibited by federal law from sharing the contents of any criminal history background check to anyone other than the applicant, and the letters sent out by PDA only indicate the applicant’s eligibility or ineligibility for employment under OAPSA (see chart for the total number of annual background checks.)

Legislative Action Needed

PDA continues to advocate for the Pennsylvania legislature to update OAPSA to improve protections for older adults. Specifically, the law should be modernized to address Financial Exploitation of older adults and expand the list of mandatory reporters of abuse to include certain entities that were not in the original law (such as law enforcement, EMTs and hospital workers) and care options that did not exist in 1987 when the law was first enacted, such as home health, hospice and assisted living. ■

Annual Background Checks

92%
Increase
Over the Past
Five Years

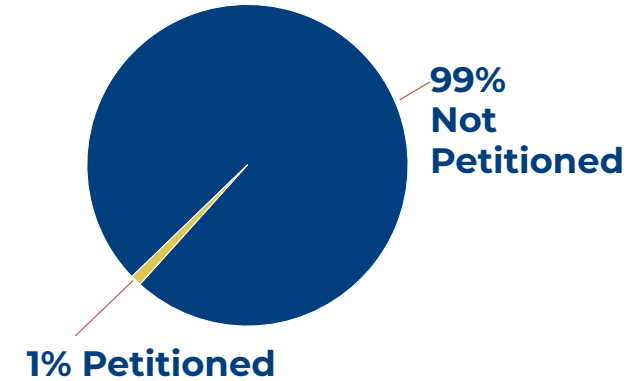


Guardianship An Option of Last Resort

In Pennsylvania, guardianship is the act of asserting the rights and best interests of an individual who is unable to (either partially or totally) manage financial resources or to meet essential requirements for physical health and safety. Prioritizing the autonomy and least restrictive environment for older adults is crucial. Guardianship should only be considered after exhausting all other options. It's essential to explore alternatives that empower the individual while ensuring their safety and well-being. This might include setting up support systems, utilizing community resources, or arranging for assistance with daily tasks. Only when these measures prove insufficient should guardianship be pursued.

Of the 53,873 RONs received during fiscal year 2022-23, less than 1% were petitioned for guardianship and approximately 0.5% were granted. ■

Percent of RONs Petitioned for Guardianship



| Petition Types | Count | Petition Type by Percentage | Percent Granted | Petitions Granted |
|---------------------------------|------------|-----------------------------|-----------------|-------------------|
| AAA as Guardian | 56 | 14% | 93% | 52 |
| Third-Party as Guardian | 216 | 54% | 69% | 149 |
| Emergency Intervention | 63 | 16% | 86% | 54 |
| Access to Records | 10 | 3% | 100% | 10 |
| Access to Person | 4 | 1% | 100% | 4 |
| Injunction Against Interference | 1 | 0% | 100% | 1 |
| Petition Type Other* | 50 | 13% | n/a | n/a |
| Total Petitions | 400 | n/a | 67.5% | 270 |

*The petition type for which was being filed was not selected (blank).

Statewide Elder Abuse Helpline

1-800-490-8505

24 hours a day, 7 days a week.



Pennsylvania
Department of Aging

555 Walnut Street, 5th Floor, Harrisburg, PA 17101

Phone: (717)783-1550 | Email: aging@pa.gov | Website: aging.pa.gov