



# Older Adult **PROTECTIVE SERVICES**

Annual Report | Fiscal Year 2023 - 2024



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 37 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”). Imminent risk can be defined as a situation where there is a high likelihood of immediate and substantial harm occurring.

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 [pa.gov/Aging](http://pa.gov/Aging). ■

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## Statistical Overview

# Older Adult Protective Services Snapshot – Fiscal Year 2023-24

**9%**

### Increase In Reports (RONs)

Statewide reports of elder abuse totaled 58,614 – this is an increase of 9% over the previous fiscal year. | More on page 5.

**41,221**

### Investigations

70% of all reports were investigated.

More on investigations – page 6.

**14,302**

### Substantiated

35% of the investigations were substantiated.

More on substantiated cases – page 6.

**32%**

Abuse Allegations  
are Financial  
Exploitation

More on page 11.

**46%**

Abusers were  
Family Members

More on page 12.

Family members were the most common substantiated perpetrators, followed by caregivers (33%).

**60%**

### Female Victims

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

More on victims – page 12.

**77%**

### Caucasian

The majority of victims were Caucasian (white).

More on victims – page 12.

**49%**

### Self-Neglect

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

More on allegations – page 11.

# 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 62% 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 aged 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's older adults and is committed to engaging

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 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 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. ■

### Statewide Elder Abuse Helpline

**1-800-490-8505**

**24 hours a day, 7 days a week.**



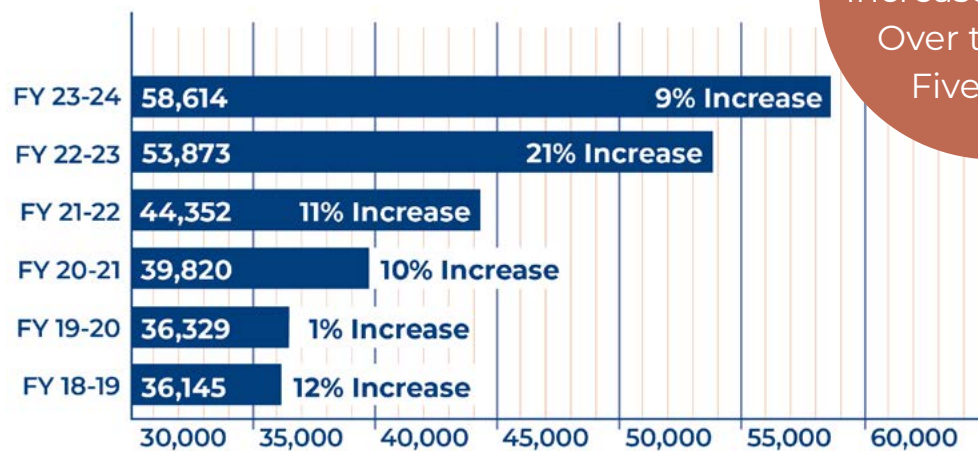
# OAPSA Reports of Need Statewide OAPSA Reports

State Population • 12,961,683\*

Population 60 and Over • 3,489,801 (26.9%)\*

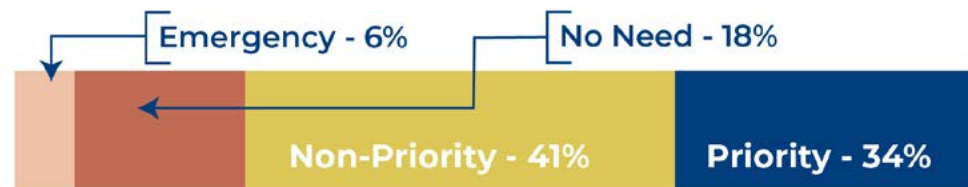
\*Data prepared by the Pennsylvania State Data Center using 2023 population estimates.

## Historical Reports of Need



**62%**  
Increase in RONS  
Over the Past  
Five Years

## Report of Need Categorization



## 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.

**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.

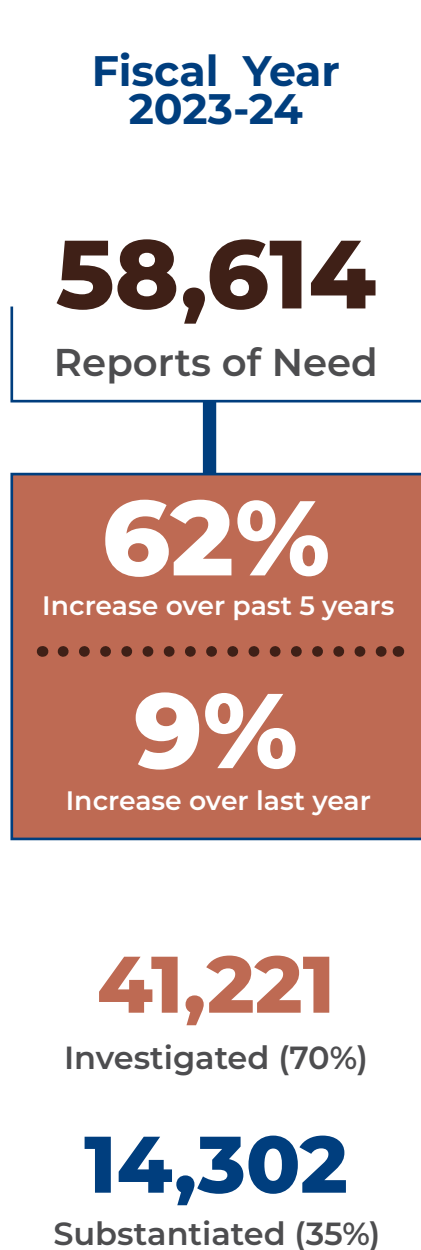
**No Need:** Based on the information contained in the Report of Need (RON), there is no need for an investigation. A report is categorized as a No Need when the alleged victim meets any of the following criteria: under age 60, does not live in PA, has capacity to perform or obtain necessary services, 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.

### Capacity

Capacity is the ability to use and understand information to make personal decisions on one's own behalf. and communicate any decision made. An older adult's capacity is determined by an assessment performed by a medical professional(s). The older adult has individual rights, including a right to self-determination, and PDA respects and honors the decisions of older adults that have capacity to make their own decisions.

# OAPSA Reports of Need

## Statewide OAPSA RONs Investigated and Substantiated



FY 2022-23	FY 2021-22	FY 2020-21	FY 2019-20	FY 2018-19
<b>53,873</b> Reports of Need	<b>44,352</b> Reports of Need	<b>39,820</b> Reports of Need	<b>36,329</b> Reports of Need	<b>36,145</b> Reports of Need
<b>67%</b> Investigated ..... <b>21%</b> Substantiated	<b>82%</b> Investigated ..... <b>38%</b> Substantiated	<b>82%</b> Investigated ..... <b>38%</b> Substantiated	<b>86%</b> Investigated ..... <b>36%</b> Substantiated	<b>79%</b> Investigated ..... <b>34%</b> Substantiated
<b>39,687</b> Investigated <b>14,202</b> Substantiated	<b>36,324</b> Investigated <b>13,866</b> Substantiated	<b>34,742</b> Investigated <b>13,265</b> Substantiated	<b>31,286</b> Investigated <b>11,119</b> Substantiated	<b>28,552</b> Investigated <b>9,683</b> Substantiated

Historically each year, the number of RONs, investigations, and substantiated reports increase. This increase may be attributed to multiple factors, including an increasing aging population, continued 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	266	219	82.3%	75	34.2%
AAA of Westmoreland County	1,597	1,181	74.0%	372	31.5%
Active Aging, Inc. (Crawford)	266	234	88.0%	111	47.4%
Adams County Office for Aging, Inc.	322	227	70.5%	98	43.2%
Aging Services, Inc. (Indiana)	231	175	75.8%	50	28.6%
Allegheny County DHS AAA	7,282	4,737	65.1%	2,257	47.6%
Armstrong County AAA	268	206	76.9%	66	32.0%
B/S/S/T AAA	739	554	75.0%	245	44.2%
Beaver County Office on Aging	943	591	62.7%	111	18.8%
Berks County Area Agency on Aging	1,819	1,474	81.0%	396	26.9%
Blair Senior Services, Inc.	1,002	669	66.8%	318	47.5%
Bucks County AAA	2,061	1,423	69.0%	330	23.2%
Butler County AAA	841	527	62.7%	151	28.7%
Cambria County AAA	503	394	78.3%	119	30.2%
Carbon County AAA	271	204	75.3%	38	18.6%
Centre County Office of Aging	277	140	50.5%	30	21.4%
Chester County Department of Aging Services	1,572	912	58.0%	296	32.5%
Clarion Area Agency on Aging	77	52	67.5%	23	44.2%
Clearfield County AAA, Inc	423	280	66.2%	111	39.6%
Columbia/Montour Aging Office, Inc.	502	424	84.5%	187	44.1%

## 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	1,102	848	77.0%	391	46.1%
Dauphin County AAA	2,081	1,268	60.9%	400	31.5%
Delaware County AAA	1,410	966	68.5%	207	21.4%
Experience Inc. - AAA (Warren/Forest)	217	170	78.3%	89	52.4%
Franklin County AAA	446	287	64.3%	67	23.3%
Greater Erie Community Action Committee (GECAC)	1,736	1,017	58.6%	463	45.5%
Huntingdon/Bedford/Fulton AAA	319	287	90.0%	161	56.1%
Jefferson County AAA	213	192	90.1%	88	45.8%
Lackawanna County Area Agency on Aging	1,187	973	82.0%	582	59.8%
Lancaster County Office of Aging	2,409	1,868	77.5%	1,138	60.9%
Lawrence County AAA	334	262	78.4%	117	44.7%
Lebanon County AAA	825	599	72.6%	159	26.5%
Lehigh County Aging & Adult Services	1,423	994	69.9%	424	42.7%
Luzerne/Wyoming Counties Bureau	1,204	818	67.9%	287	35.1%
Mercer County AAA, Inc.	236	146	61.9%	50	34.2%
Mifflin/Juniata AAA, Inc.	265	181	68.3%	71	39.2%
Monroe County AAA	678	462	68.1%	231	50.0%
Montgomery County Aging and Adult Services	2,896	2,016	69.6%	615	30.5%
Northampton County AAA	1,302	772	59.3%	178	23.1%
Northumberland County AAA	544	406	74.6%	120	29.6%



## 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/McKe)	364	291	79.9%	99	34.0%
Perry County AAA	146	120	82.2%	40	33.3%
Philadelphia Corporation for Aging	9,710	7,464	76.9%	1,316	17.6%
Pike County AAA	371	264	71.2%	166	62.9%
Potter County AAA	43	42	97.7%	13	31.0%
Schuylkill County Office of Senior Svcs	841	460	54.7%	93	20.2%
Southwestern PA AAA, Inc. (Wash/Fay/Greene)	2,225	1,468	66.0%	768	52.3%
STEP Office of Aging	382	246	64.4%	94	38.2%
Union-Snyder Agency on Aging, Inc.	342	146	42.7%	16	11.0%
Venango County AAA	288	229	79.5%	120	52.4%
Wayne County AAA	186	115	61.8%	48	41.7%
York County AAA	1,341	1,170	87.2%	292	25.0%
<b>Statewide Totals</b>	<b>58,614</b>	<b>41,221</b>	<b>70.3%</b>	<b>14,302</b>	<b>34.7%</b>

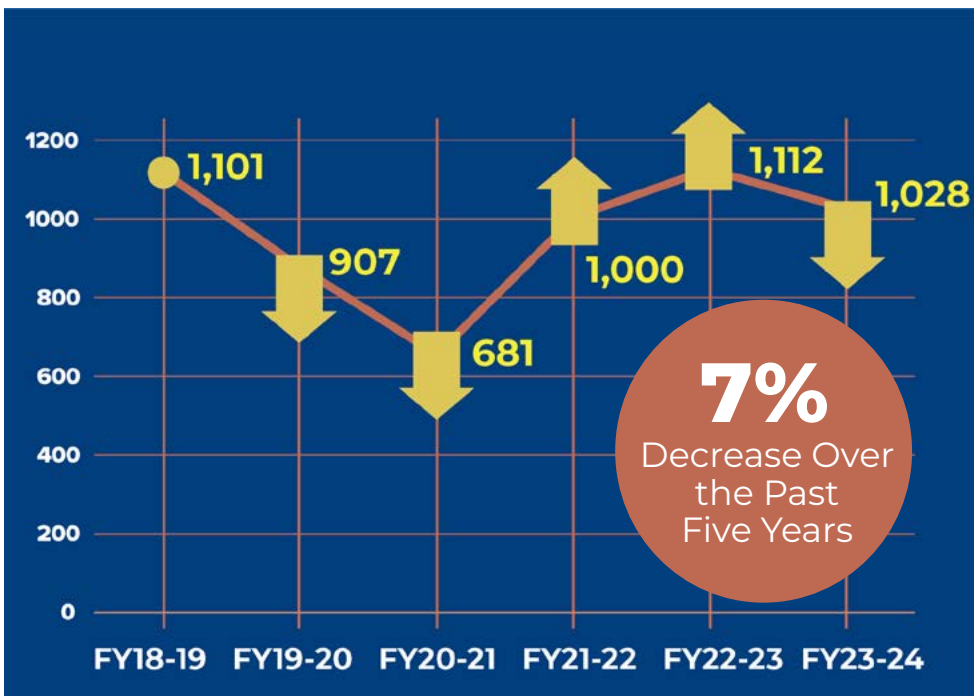
RONs categorized as No Need are not investigated. RONs taken where a AAA was not identified are included in the statewide totals.

## 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 who 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 2021-22 and 2022-23. In 2023-24, mandatory abuse reports have decreased. Mandatory abuse reporting data collected during this fiscal year may include duplicate reports due to the statutory requirement to report to both PDA and the Department of Human Services.

### Annual Mandatory Abuse Reports



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

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 that creates a substantial risk of death or 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. ■

### Reports of Serious Abuse for 2023-24 By Category\*

**593**

Sexual Abuse

**253**

Serious Physical Injury

**75**

Serious Bodily Injury

**117**

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. Fiscal year 2023-24 is the second year in a row that Financial Exploitation was the leading type of Alleged 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. ■

Rank	Abuse Alleged*	Alleged by Percent	Rank	Abuse Substantiated**	Substantiated** by Percent
1	Financial Exploitation	32%	1	Self-neglect	49%
2	Caregiver Neglect	29%	2	Caregiver Neglect	22%
3	Self-neglect	28%	3	Financial Exploitation	18%
4	Emotional Abuse	22%	4	Emotional Abuse	14%
5	Physical Abuse	16%	5	Physical Abuse	11%
6	Sexual Abuse	1%	6	Abandonment	1%
7	Abandonment	1%	7	Sexual Harrassment	1%
8	Other	0%	8	Sexual Abuse	1%

\*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

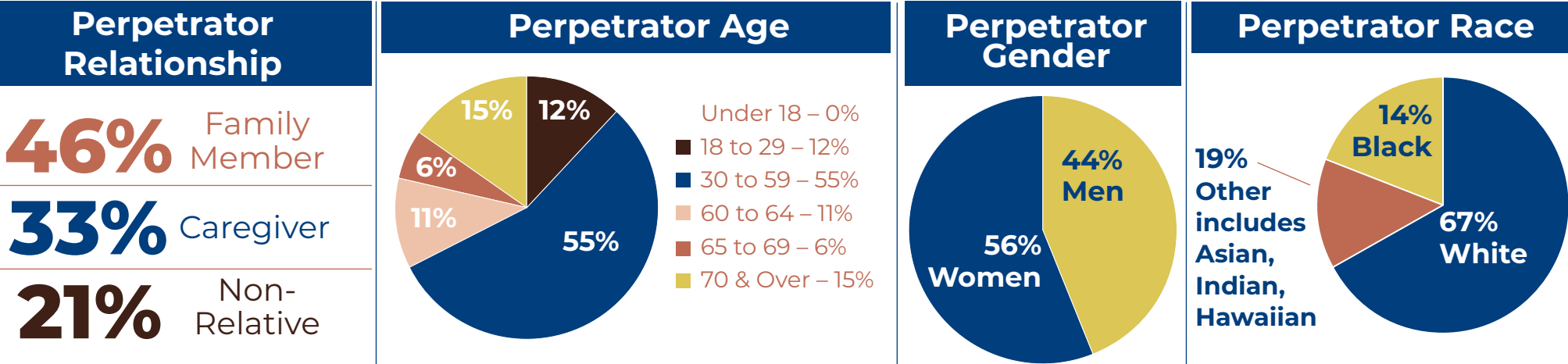
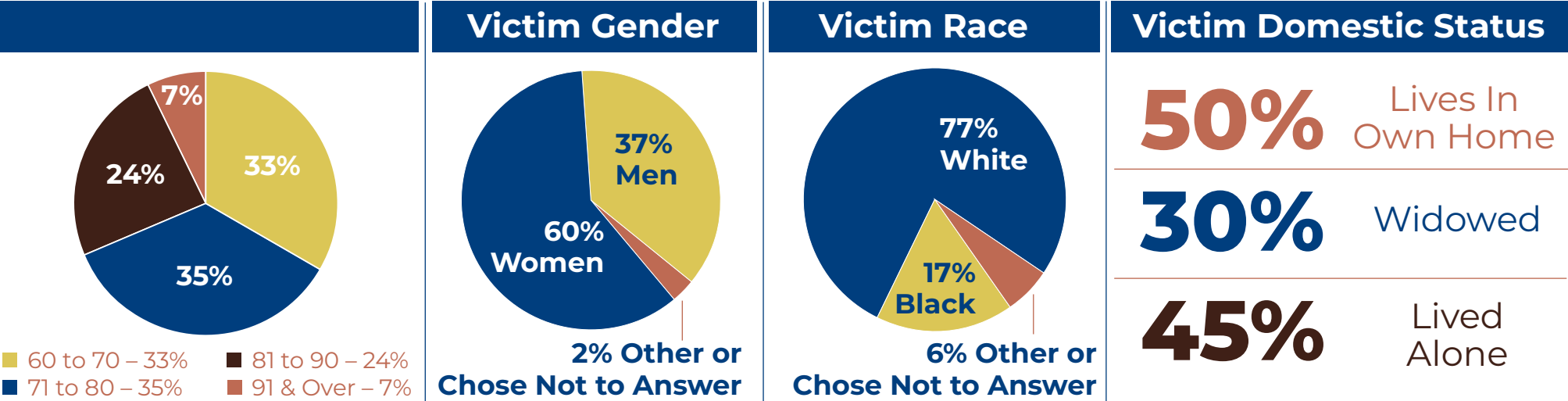
- Lives alone
- Lives in own home
- Socially isolated
- Incapacitated (physically and/or cognitively)
- Lack of formal or informal support
- Dependence on others for assistance

# 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. ■



Percentages may not add to 100% due to numeric rounding.

# 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 list 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.

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

- Personal Care
- In-Home Meals
- Care Management
- Home Support
- Legal Assistance
- Overnight Shelter/Supervision
- Guardianship Services
- Adult Daily Living Center
- Information & Assistance
- Emergency Supplies

### 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.

**636**  
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.

**157**  
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	70,702
In-Home Meals	11,804
Care Management	4,991
Home Support	2,455
Legal Assistance	2,149
Overnight Shelter/Supervision	1,488
Guardianship Services	541
Adult Daily Living Center	397
Information & Assistance	283
Emergency Supplies	277
Pest Control/Fumigation	252
Protective Services Petition to Court	242
Home Health	171
Competency Evaluation	129
PERS-Personal Emergency Response System	65
Transportation	57
Physician Consultation	24
Environmental Modification	22
Medical Equipment & Supplies	9
Any Services Delivered Due to COVID	4
<b>Totals</b>	<b>96,061</b>

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 or their property. The most frequently used service in fiscal year 2023-24 was personal care, followed by in-home meals and then care management. Overall statewide for fiscal year 2023-24, the 52 AAAs in Pennsylvania reported that 96,061 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.

During the fiscal year 2023-24 reporting period, PDA noted that not all AAAs are consistently documenting all the protective service work (including Guardianship) that is being provided to consumers during the protective services case. This would include the time the RON is received through the time a consumer is receiving protective services. A few reasons for the lack of consistently documenting all services may include staffing, workload, and training. In order to show the work that is being done, AAAs must document all service deliveries in the statewide reporting system so PDA can report them accurately in the annual report.

The statewide rollout for the Comprehensive Aging Performance Evaluation (CAPE) monitoring, referenced on page 16, occurred March 2025 and further validates that the documentation is lacking in protective services cases. PDA is actively working with the AAAs to improve documentation by offering and providing technical assistance, developing more training documents, and continued monitoring with CAPE. The Department anticipates service deliveries being skewed in the fiscal year 2024-25 but will have more complete and accurate reporting of service deliveries for fiscal year 2025-26 to show the complete picture of the work being done with protective services. ■

## 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.

Upcoming for fiscal year 2023-24, PDA is moving from a single program monitoring approach to a comprehensive approach that includes several programs. The performance evaluation will include the OPTIONS Program, Caregiver Support Program (CSP), Older Adult Protective Services (OAPS) Program, and a fiscal component associated with OPTIONS and CSP. As part of this concept, the performance evaluation procedures will standardize PDA's evaluation of services provided by the AAA. PDA will be evaluating the services that are provided using a monitoring tool (or test) called the CAPE, which stands for Comprehensive Aging Performance Evaluation. The tool is made up of individual measures that look at specific services that are provided by the AAAs. Additional information regarding the CAPE is available at [pa.gov/agencies/Aging/AAA-monitoring](https://pa.gov/agencies/Aging/AAA-monitoring). ■

## Institute of Protective Services at Temple University Harrisburg

For more than 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 and 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.

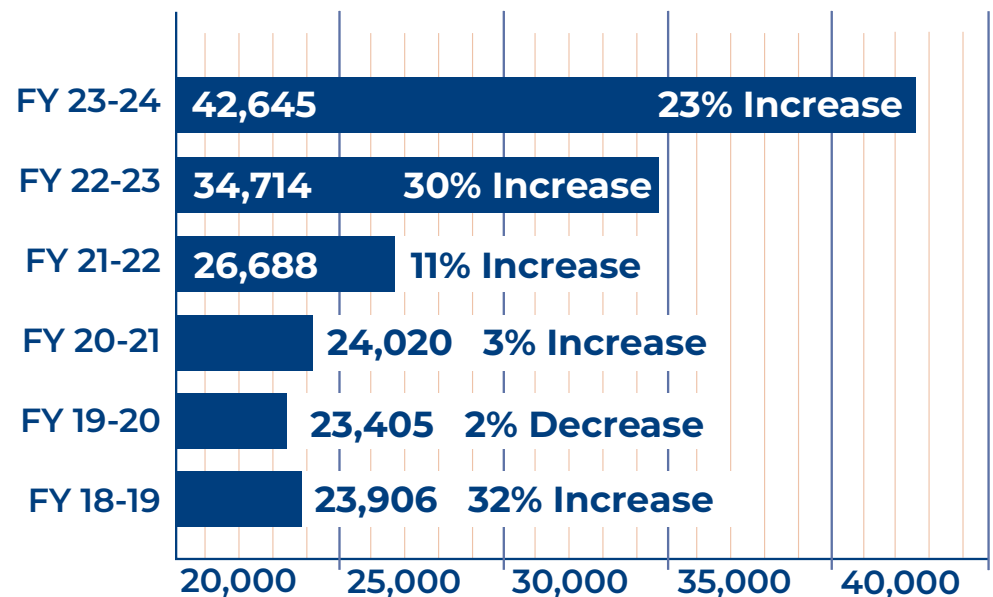
PDA is responsible for administering criminal history background checks, processing the results, and sending the final determination to the applicant. PDA is prohibited by federal law from sharing the contents of any criminal history background check to anyone other than the applicant, and the letters 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

**78%**  
Increase  
Over the Past  
Five Years

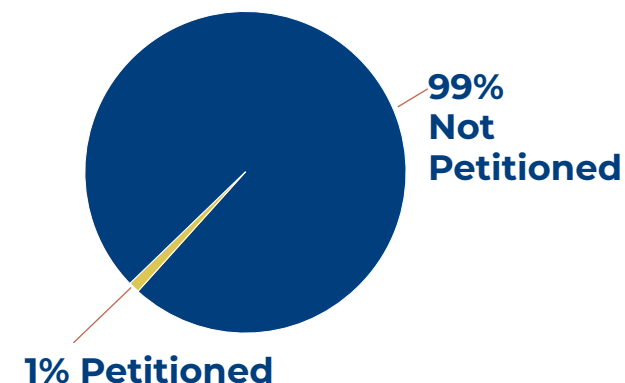


## Guardianship An Option of Last Resort

In Pennsylvania, guardianship is the court-appointed 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 to maintaining the older adult's right to self-determination. As a result, guardianship should only be considered after exhausting all other options and least restrictive alternatives. 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. This measure of last resort can be revocable at times, contingent upon the change in needs of the older adult.

Of the 14,302 substantiated investigations during fiscal year 2023-24, approximately 1% were petitioned for guardianship and 0.75% of the substantiated investigations had guardianship petitions granted. ■

### Percent of RONS Petitioned for Guardianship



Guardian Petition Types	Count	Petition Type by Percentage	Percent Granted	Petitions Granted
AAA as Guardian	25	10%	92%	23
Third-Party as Guardian	126	52%	67%	84
Other Petition Types	Count	Petition Type by Percentage	Percent Granted	Petitions Granted
Emergency Intervention	41	17%	93%	38
Access to Records	2	1%	50%	1
Access to Person	2	1%	100%	2
Injunction Against Interference	0	n/a	n/a	n/a
Protection from Abuse	0	n/a	n/a	n/a
Petition Type Unspecified*	45	19%	n/a	n/a
<b>Total Petitions</b>	<b>241</b>	<b>n/a</b>	<b>61%</b>	<b>148</b>

\*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**

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