

HOUSE BILL 2269—ADULT PROTECTIVE SERVICES ACT

Public Hearing
***This bill is the result of nearly 3 years of meetings, discussions and negotiations between consumers, academics, advocates, and providers of services to vulnerable individuals between the ages of 18 and 59.

***HB 2269 is supported by: **Temple University's Institute on Protective Services
**PA Developmental Disabilities Council
**The ARC of Greater Pittsburgh and ACHIEVA
**The ARC of PA
**The ARC of Beaver County
**PA Area Agencies on Aging
**PA Protection and Advocacy
**National Multiple Sclerosis Society
**Vision for Equality

***HB 2269 may very well be THE most important piece of legislation directly affecting Pennsylvania's vulnerable individuals between the ages of 18 and 59 and I want to express my appreciation to the Disabilities Coalition and all of the aforementioned groups for the hard work and many hours devoted to putting this initiative together.

***Recognizing that the 2005-06 legislation session is fast drawing to a close and that HB 2269 will not likely make it to the Governor's desk this year, I want to encourage all of you to "stay the course" on the Adult Protective Services issue and to act deliberately and swiftly next session to get this system in place.

HOUSE BILL 2269, PN 3179 TALKING POINTS
Creating an Adult Protective Services System

BACKGROUND

*****HB 2269 was introduced by State Representative Larry Sather (R-Huntingdon), following a report released in 2003 by the Legislative Budget and Finance Committee in response to House Resolution 590 (also sponsored by Rep. Sather).**

*****HR 590 was introduced by Rep. Sather as a result of concerns that arose from a 2002 Joint Committee Hearing (Aging and Health and Welfare) on "Mental Health Concerns of the Elderly". Rep. Sather introduced HR 590 to call upon the LBFC to study and assess the need for an Adult Protective Services System in PA.**

*****HR 590 specifically called upon the Legislative Budget and Finance Committee to "conduct a study on the need for the development of a protective services program within this Commonwealth for physically and cognitively impaired adults between the ages of 18 and 59".**

*****The LBFC HR 590 report concluded that Pennsylvania is one of only 9 states that do not have an Adult Protective Services System. The report found that there is sufficient evidence of the need for adult protective services for persons aged 18 to 59 with physical or cognitive impairments, and recommended that the General Assembly enact such a statute.**

*****Pennsylvania has had a Child Protective Services System for individuals birth to age 18 since 1975 (over 30 years) and an Older Adult Protective Services System for individuals ages 60 and older since 1987 (19 years).**

WHAT DOES HB 2269 PROPOSE TO DO?

*****Creates and Adult Protective Services (APS) Program in PA that would protect abused, neglected, exploited or abandoned individuals between the ages of 18 and 59.**

*****Requires the PA Department of Aging to administer the APS Program and to work with DPW and other appropriate state agencies to define geographic areas at the local level to be served by agencies that would be selected based upon a competitive bidding process.**

*****Specifies that funds for payment of administration of the APS program shall be provided by annual appropriation by the General Assembly.**

*****Requires successful bidders for the local agency responsibilities to demonstrate knowledge regarding adults with disabilities, be separate from service providers, and agree to practice principles of individual choice, self-determination and least restrictive alternatives.**

*****Requires each local agency to have a protective services plan and they shall be responsible for receiving, screening and investigating reports of adults in need of protective services.**

*****Provides for involuntary intervention for emergency court order where there is clear and convincing evidence that, if protective services are not provided, the person to be protected is at imminent risk of death, serious physical harm or serious bodily injury.**

*****Outlines minimum requirements that must be observed by a local agency to safeguard the rights of an adult who is reported to be in need of protective services.**

*****Provides for mandatory reporting by an employee of an administrator of a facility (as defined) that an individual receiving care, services or treatment is a victim of abuse or neglect and provides for reports to the local agency and the procedures and timeframes for reporting and investigations.**

*****Provides for strict confidentiality of and access to certain confidential information.**

LARRY O. SATHER, MEMBER

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House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

February 25, 2005

MEMORANDUM

COMMITTEES

INSURANCE
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STATE GOVERNMENT
VETERANS AFFAIRS AND
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TO: All House Members

FROM: Representative Larry O. Sather

SUBJECT: Proposed Legislation - Adult Protective Services

Pennsylvania is among a relatively few states that do not have a statutorily authorized protective services program for adults between the ages of 18 and 59. Protective services are those services provided to people who, due to age or impairment, are in danger of being mistreated or neglected, are unable to protect themselves, and have no one to assist them. We have had a Child Protective Services Program for 30 years and an Older Adult Protective Services Program for 18 years. As a member of the Aging and Youth Committee, I had the opportunity to become familiar with both of those programs and to understand the significant impact that they have in protecting our most vulnerable populations.

Families of adults with disabilities who are served in community based residential programs may be unable to care for their family member and may not reside in the same community. Most often, these are aging parents of an adult with disabilities. When a situation of potential risk arises that concerns the families, they may face difficulty in obtaining assistance in assessing the situation and resolving the concerns because there is no vehicle in existence for protective services for this population. Friends and concerned citizens also need a system that can be counted on to protect people with disabilities from harm.

In the 2001-2002 legislative session, I offered House Resolution 590, calling upon the Legislative Budget and Finance Committee to "conduct a study on the need for the development of protective services programs within this Commonwealth for physically and cognitively impaired adults between 18 and 59 years of age". A study was conducted and the LBFC released a report in September 2003. The report concluded that there is sufficient evidence of the need for adult protective services for persons aged 18 to 59 with physical or cognitive impairments, and recommended that the General Assembly enact such a statute.

I plan to introduce legislation that creates this system of protective services for vulnerable adults with disabilities that will assure protection from neglect and abuse while protecting the rights of the individual with disabilities to make choices in directing their own lives and services. This bill was drafted with the input and support of a number of organizations comprised of people with a range of disabilities as well as their families and advocates.

If you are interested in cosponsoring this legislation, please contact Jennifer in my office at 7-3335 or by e-mail jhaines@pahousegop.com.

LOS/jrh