

## **PROGRAM INSTRUCTION**

**EOEA PI-01-09**

**TO:           Aging Services Access Points  
              Designated Protective Services Agencies  
              Councils on Aging**

**FROM:       Lillian Glickman**

**DATE:       February 23, 2001**

**SUBJ:       Protective Services/Elder at Risk Protocol**

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The purpose of this PI is to distribute the attached Protective Services (PS)/Elder at Risk (EAR) protocol. The protocol was developed by a Task Force, which included representatives of Elder Affairs, the Massachusetts Home Care Association and the Massachusetts Association of Councils on Aging. The protocol defines, based on law, regulation and related standards, the roles and responsibilities of PS/EAR agencies and other community service, health and public safety agencies regarding the identification and response to elder abuse and elder at risk cases. The protocol addresses all aspects of the PS/EAR service delivery process, as well as client confidentiality and information sharing requirements. Guidance is also provided to PS/EAR agencies on the implementation of this protocol with other community service, health and public safety agencies through existing community education and outreach requirements.

As the primary purpose of the aforementioned Task Force was to strengthen collaboration between Aging Services Access Points and Councils on Aging on PS and EAR issues, the attachment to the protocol contains specific implementation instructions for these parties. In addition to the development of this protocol, the Task Force recommended that the Massachusetts Elder Abuse Reporting and Protective Services Law be amended to make Directors of Councils on Aging mandated reporters. In response to this recommendation, the Executive Office of Elder Affairs has submitted the necessary legislative proposal to the Legislature for its consideration.

PS/EAR agency staff with questions about this protocol should contact their Regional Manager. Staff of Councils on Aging should contact Emmett Schmarsow with their questions about the protocol.

## **Protective Services/Elder at Risk Protocol Between Aging Services Access Points and Community Service, Health and Public Safety Agencies (agency (ies))**

### **1. Basic Principles**

**a). Right to Self Determination:** The investigation/assessment of Protective Services (PS) and Elder at Risk (EAR) reports and the planning and delivery of services to PS/EAR clients will be done in a manner consistent with the elder's right to self determination. This means that the informed consent of the elder must be obtained prior to conducting an investigation/assessment, prior to the delivery of services and prior to the sharing of information about the elder's situation with other agencies, unless otherwise authorized by applicable standards as reflected in this protocol. Informed consent requires a person to be able to communicate choices about his/her situation; understand relevant information about his/her situation; weigh options or choices; and understand the consequences of his/her decisions.

**b). Least Restrictive Interventions:** The provision of services to PS/EAR clients requires the use of the least restrictive and appropriate intervention necessary to address the needs of the elder. This means that reasonable efforts will be made to address an elder's PS and EAR services needs through the provision of in-home and community based services before institutional alternatives are considered and pursued.

### **2. Protective Services (PS) and Elder at Risk Reports (EAR)**

**a). Making reports:** All apparent reportable conditions of elder abuse identified by a staff member of an agency who is a mandated reporter, as defined in law, must be reported to the appropriate PS agency or the Elder Abuse Hotline. All other staff of agencies who are aware of apparent reportable conditions of elder abuse or elder at risk situations are strongly encouraged to make reports to the appropriate PS/EAR agency or the Elder Abuse Hotline.

**b). Consultations:** In situations in which a staff member of an agency is uncertain about whether a situation meets the criteria for a PS or EAR report, he/she

should contact the appropriate PS/EAR agency or the Elder Abuse Hotline for a consultation to determine if such case should be reported.

### **3. Screening Reports**

a). **Screening Decisions:** PS reports will be screened by a supervisor, or trained back-up staff, to determine if a reportable condition exists in accordance with Elder Affairs standards. All PS reports with one or more reportable conditions will be accepted for investigation pursuant to applicable standards. EAR reports will be screened by a supervisor, or trained back-up staff, to determine if the elder appears to meet the applicable eligibility criteria as set forth in Elder Affairs standards. All EAR reports on elders who appear to meet the applicable eligibility criteria shall be accepted for assessment unless the program is operating at capacity. When an EAR program is operating at capacity, screening decisions shall be based on the apparent level of risk to the elder as described below.

b). **Assessment of Risk:** All PS and EAR reports also will be screened to determine the immediacy and severity of risk and whether an emergency, rapid or routine response is required, in accordance with applicable standards. When the EAR program is operating at capacity, EAR reports will be accepted or not accepted for assessment based on a triage process that evaluates the level of risk to the elder, in accordance with Elder Affairs standards. As part of the triage process, every effort must be made to respond to EAR reports that meet the criteria for an emergency or rapid response situation. If an EAR report is not accepted for assessment because the program is operating at capacity, the reporter will be informed of this at the time the decision is made and of any service referrals that have been made by the EAR worker. The reporter will also be advised that the need for an assessment will be reconsidered if the presenting problem cannot be addressed in another way, or if the risk to the elder increases.

### **4. Notification of Report Sources**

a). **PS reports by mandated reporters:** PS reports received by a PS/EAR agency from a staff member of another agency who is a mandated reporter, as defined in law, cannot be screened out without a direct discussion with the reporter by the PS supervisor or designated back-up supervisor. The purpose of this discussion is to determine if there is any additional information that may be relevant to the disposition of the report. Staff members of agencies who are mandated reporters will be notified of the disposition of the report within 45 days, as specified on the attached form.

b). **PS reports by non-mandated reporters:** Staff members of agencies who are not mandated reporters will be notified of the disposition of a PS report he/she made within 45 days, as specified on the attached form, if he/she requests this information, in accordance with Elder Affairs standards.

c). **EAR reports:** Staff members of agencies who make EAR reports will be notified of the disposition of the EAR report within 45 days, as specified on the attached form, if he/she requests this information.

## **5. PS Investigations/EAR Assessments**

**a). Initial Response: PS/EAR workers will commence PS investigations and EAR assessments for all screened in reports based on the level of risk identified during the screening process, in accordance with Elder Affairs standards.**

**b). Agency Staff as Collateral Contacts for Elder's With Decision Making Ability: In accordance with Elder Affairs standards, a PS/EAR worker shall contact a staff member of an agency as a collateral source, with the informed consent of the elder, when it is determined by the PS/EAR agency that they have knowledge about the elder's situation which is necessary for the completion of a PS investigation or EAR assessment. Any information shared by a PS/EAR worker and a staff member of another agency with regard to an elder who is the subject of a PS investigation or an EAR assessment, will not be shared by either agency with any other person or agency without the consent of the elder, as specified in Elder Affairs standards. Agency staff receiving information from a PS/EAR worker concerning an elder who is the subject of a PS investigation or EAR assessment will not share this information with anyone else in his/her agency without the informed consent of the elder, unless necessary to ensure the appropriate provision of services to the elder.**

**c). In situations in which a PS investigation or EAR assessment is being completed without the informed consent of the elder because: the elder lacks the capacity to consent; or there are questions about his/her capacity to consent; or the elder is refusing a PS investigation due to duress, coercion or threat of force, the PS/EAR worker will contact a staff member of an agency as a collateral contact if it is determined that he/she has knowledge about the elder's situation that is necessary for the completion of an investigation/assessment. In these situations, the PS/EAR worker will explain the circumstances under which the investigation/assessment is being completed and why the informed consent of the elder has not been obtained. When a PS investigation or an EAR assessment is completed without the informed consent of the elder, information about the elder's situation will not be shared by staff of an agency with anyone outside of his/her agency. This information also may not be shared by a staff member of an agency with anyone else in the agency, unless necessary to ensure the appropriate provision of services to the elder.**

**d). Information Sharing During A PS Investigation/EAR Assessment: During the course of a PS investigation or EAR assessment, the PS/EAR worker and other agency staff who are collateral contacts shall share client specific information to the extent necessary to ensure that the investigation/assessment is thorough and addresses the needs of the elder, in accordance with Elder Affairs standards. This information will not be shared by staff of an agency with persons outside of his/her agency. This information also will not be shared with other persons within the agency, unless necessary to ensure the appropriate provision of services to the elder.**

**e). Notifying Collateral Contacts After the Completion of a PS Investigation or EAR Assessment: Staff of agencies who were a collateral contact during a PS investigation or EAR assessment will be verbally notified of the results of the**

investigation/assessment if they request this information. The information to be shared will be limited to whether or not one or more allegations of abuse were substantiated, or the elder met the EAR eligibility criteria; whether or not the case is opened for services; and, if an otherwise eligible elder is refusing services. This information will not be shared by staff of an agency with anyone outside of his/her agency. This information also will not be shared with other persons within the agency, unless necessary to ensure the provision of appropriate services to the elder.

## **6. Service Planning and Implementation**

- a). Basic Principles:** PS and EAR services plans will be developed, to the fullest extent possible, with the informed consent of the elder and in a manner which emphasizes the least restrictive and appropriate service options available, in accordance with Elder Affairs standards.
- b). Service Plan Development:** PS and EAR workers will consult staff of other agencies in the development and periodic update of service plans, with the informed consent of the elder, a family member or fiduciary, as prescribed by applicable standards, when: the other agency is already providing services to the elder that are integral to the success of a PS/EAR service plan; or it is determined that the provision of services to the elder by the other agency is an integral part of a PS/EAR service plan. Information shared between the PS/EAR worker and other agency staff regarding the elder's services needs or the specifics of the service plan will not be shared by either agency with anyone outside of the agency without the informed consent of the elder, a family member or fiduciary, as prescribed by applicable standards. Agency staff also will not share this information with anyone else within the agency, unless necessary to ensure the provision of necessary services to the elder.
- c). Service Plan Implementation:** When a PS/EAR worker and staff of another agency are both providing services to a PS/EAR client, they shall work together and share information to the extent necessary to ensure a coordinated approach to the delivery of services.
- d). Court Ordered Services:** When a PS or EAR client is receiving services pursuant to a protective services order or under the authority of a guardian or conservator, the PS/EAR may share information about the elder's situation with staff of another agency if his/her agency is providing services that are integral to the success of PS/EAR service plan; or if it is determined that the provision of services to the elder by the agency is an integral part of a PS/EAR service plan. Staff of other agencies will not share information about these cases with anyone outside of their agency. This information also will not be shared by agency staff with anyone else in the agency, unless necessary to ensure the provision of appropriate services to the elder.
- e). Case Closing:** If either the PS/EAR agency or other agency closes its case on a PS or EAR client that they are both serving, the agency that is closing its case will notify the other agency of its reason for taking such action and what, if any, services have been put in place on behalf of the client.

## **7. Confidentiality/Information Sharing:**

**Information pertaining to an elder abuse or EAR report, a PS investigation/EAR assessment, or the related service planning and implementation aspects of a PS or EAR case will be shared with other agencies or persons in a manner that is consistent with applicable law, regulation and standards of Elder Affairs, as reflected in this document.**

## **8. Community Education:**

**a). Minimum Requirements: As specified by Elder Affairs standards, PS/EAR agencies must conduct a minimum of 15 community education events annually for the purpose of increasing the awareness of professionals and agencies that serve or have contact with elders, as well as the public at large about elder abuse and self neglecting elders. The topics to be addressed as part of these events include, but are not limited to:**

- \*the scope and extent of the problem of elder abuse and elders at risk;**
- \*how to detect these situations;**
- \*how to make a report to the PS and EAR programs;**
- \*the requirements of the PS and EAR programs and the steps in the case work process; and,**
- \*the importance of interagency collaboration in responding to PS and EAR situations, as reflected in this protocol.**

**b). Establishing Priorities: In planning PS/EAR community education events, PS/EAR agencies must prioritize those professionals, agencies and others that will be targeted for community education. In establishing priorities, PS/EAR agencies must consider factors including, but not limited to, the level of contact professionals, agencies and others have with elders, the number and quality of reports received from report sources, staff turnover rates in reporting agencies, requests for training by agencies; and the extent and effectiveness of collaboration between PS/EAR agencies and other professionals and agencies.**

## ATTACHMENT

### ASAP/COA IMPLEMENTATION REQUIREMENTS FOR PS/EAR PROTOCOL

- 1. Joint Training:** The Executive Director of the ASAP and the Directors of the COA in the ASAP service area will establish a process to ensure that the training needs of both current and new PS/EAR and appropriate COA staff are met. At a minimum, at least one training a year must be conducted for PS/EAR staff and appropriate COA staff. Additional trainings may be scheduled based on needs identified by the parties in terms of the number of staff that require training or issues related to the implementation of the protocol that need clarification. The training to be provided must address, at a minimum, the issues identified in Section 7 (a) of the attached protocol; the services available from the COA in the ASAP service area, related eligibility criteria and how to access these services; and, other pertinent information, as determined by the parties.
- 2. Implementation:** The Executive Director of the ASAP and the Directors of the COA in the ASAP service area must meet periodically, but at least once a year, to discuss the implementation of the protocol and any related problems or issues that require resolution. The ASAP Executive Director and the Directors of the COA will determine the frequency and structure of such meetings.