

Final Rule: Establishing Adult Protective Services Regulations

An Overview for ACL's Network:

On May 7, 2024, the Administration for Community Living released a final rule to establish the first federal regulations for adult protective services (APS) programs. Additional information can be found at: [ACL.gov/APSrule](https://acl.gov/APSrule).

Summary

The new regulations were developed in response to long-standing requests from the APS community, Congress, and other stakeholders for federal guidance, leadership, stewardship, resources, and support for APS systems and victims of adult maltreatment. Those requests became particularly urgent in 2023, when ACL's annual appropriation included funding – for the first time – for the state APS formula grant program authorized by the Elder Justice Act.

The new regulations promote high-quality APS and will improve consistency in services across states. With the final rule, ACL aims to support the national network that delivers APS, with the ultimate goal of better meeting the needs of adults who experience, or are at risk of, maltreatment or self-neglect. To those ends, the final rule:

- Establishes a set of national minimum standards for the operation of APS programs that all state APS systems must meet – and encourages states to exceed them.
- Requires APS to ensure that planning and delivery of all services respect the fundamental right of adults to make their own life choices and that services are driven by the person receiving them.
- Establishes stronger protections for clients subject to, or at risk of, guardianship.
- Requires response within 24 hours of screening to cases that are life-threatening or likely to cause irreparable harm or significant loss of income, assets, or resources.

- Requires APS to provide at least two ways – at least one online – to report maltreatment or self-neglect 24 hours per day, seven days per week.
- Requires robust conflict of interest policies to support ethical APS practice.
- Establishes definitions for key APS terms to improve information sharing, data collection, and program standardization.
- Promotes coordination and collaboration with state Medicaid agencies, long-term care ombudsmen, tribal APS, law enforcement, and other partners.
- Emphasizes that adults are presumed to have the capability to make decisions about how to live and care for themselves unless a court of law has determined otherwise, and clarifies that “self-neglect” requires APS intervention only in cases where there is serious risk of imminent harm to oneself or to others.
- Promotes coordination and collaboration with other entities, such as state Medicaid agencies, long-term care ombudsmen, tribal APS, and law enforcement.

The final rule is the culmination of many years of engagement with stakeholders from across the country, and it reflects the thoughtful, detailed input ACL received on the proposed rule. Overall, comments supported the goals and content of the proposed rule, but some state APS programs raised concerns about the administrative burden and expense of implementation, particularly given the limited federal funding for APS programs. To address those concerns, ACL deleted or significantly modified a number of polices in the final rule. For example, the timeline for compliance is lengthened from three years to four, and requirements for staff-to-client ratios were omitted.

Background on Adult Maltreatment and Adult Protective Services

Research shows that at least 1 in 10 older adults who live in the community experiences some form of maltreatment each year – and this is likely an undercount, because only 1 in 14 cases is reported. We also know that adults with disabilities experience abuse and neglect far more often than their peers without disabilities, although estimates of the prevalence vary significantly from one study to the next.

This can have serious physical and mental health, financial, and social consequences. People who experience abuse have higher rates of depression, hospitalization, and institutionalization – and they are more likely to die prematurely. They also may experience deteriorated family relationships, diminished autonomy, and institutionalization as the direct result of maltreatment.

APS programs across the country support older adults and adults with disabilities who experience, or who are risk of, maltreatment or self-neglect. APS programs investigate reports of maltreatment; conduct case planning, monitoring, and evaluation; and provide (or connect people to) a variety of medical, social service, economic, legal, housing, law enforcement, and other protective, emergency, or support services to help them recover.

APS has been funded and administered wholly at the state or local level until recently. Consequently, there is wide variation in APS services and practices between, and even within, states. The new regulations will improve consistency and quality of services across the country.

Effective Date

The final rule will take effect on June 7 2024, but regulated APS entities have until May 8, 2028 to fully comply. In the coming months, ACL will share resources and provide robust technical assistance to support implementation of the new regulations. ACL also will offer a supportive corrective action process if more time is needed to fully comply with specific provisions.

Learn More

- **Informational Webinar:** Join ACL for an introductory overview of the new regulation on Tuesday, May 14 at 3 p.m. (Eastern). Advance registration is required.
- More information, including registration details for the webinar, a link to the final rule, and links to resources and technical assistance can be found at [ACL.gov/APSrule](https://acl.gov/APSrule).