



AFSCME Facts

Adult Protective Services Final Rule May 21, 2024

The Biden administration has issued a final rule establishing the first federal regulations for adult protective services (APS). This fact sheet provides an overview of the final rule.

Which APS programs are covered by the new rule?

The final rule, which was released by the Administration for Community Living (ACL) within the U.S. Department of Health and Human Services (HHS), establishes a set of national minimum APS program standards that state APS systems must meet as a condition of receiving federal Elder Justice Act funding.

What are the new key requirements for APS systems?

The final rule requires APS programs to ensure that planning and delivery of all services respect the fundamental right of adults to make their own life choices and that adult victims direct the services they receive. To achieve these goals, the final rule:

- Requires a response to cases that are life-threatening or likely to cause irreparable harm or significant loss of income, assets or resources *within 24 hours of screening*. APS programs must maintain a tiered system that, at a minimum, differentiates between cases that represent this immediate risk and those that do not.
- Requires APS programs to provide at least two ways, including 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. The new rule defines “adult maltreatment” and its component parts, including “abuse,” “neglect,” “financial exploitation” and “sexual abuse.” It also clarifies that “self-neglect” requires APS intervention only in cases where there is serious risk of imminent harm to oneself or others.
- Promotes coordination and collaboration with state Medicaid agencies, long-term care ombudsmen, tribal APS programs, law enforcement and other partners.
- Presumes that adults have the capability to make decisions about how to live and care for themselves unless a court has determined otherwise.
- Establishes stronger protections for clients subject to, or at risk of, guardianship.

Does the final rule provide additional federal funding for its implementation?

No. Despite establishing a national baseline created by the APS regulations, the final rule does not commit additional federal funding to achieve the new standards. Added funding would have to be appropriated by Congress.

Does the final rule require states to establish staff-to-client staffing ratios?

No. The proposed rule would have required states to establish and comply with staff-to-client ratios. However, HHS, citing concerns some state APS programs raised about the administrative burden and implementation expense given limited federal funding for such programs, eliminated this requirement from the final rule.

What is the implementation timeline for the final rule?

The final rule will take effect on June 7, 2024, but regulated APS entities have until May 8, 2028, to fully comply. States may also request to proceed under a corrective action plan if they encounter challenges to complying with one or more rule provisions within four years. ACL will provide guidance on this process after this rule takes effect, including a timeline for making requests for such plans.

Where can I find more resources and technical assistance on the final rule?

Find additional ACL support and opportunities for technical assistance at <https://acl.gov/APSrule>.