



November 13, 2023

Alison Barkoff, Principal Deputy Administrator
Performing the Duties of the ACL Administrator and Assistant Secretary for Aging
Administration on Aging, Administration for Community Living
Department of Health and Human Services
330 C Street SW
Washington, DC 20201

RE: Proposed *Adult Protective Services Functions and Grant Programs*
RIN Number 0985-AA18, submitted to regulations.gov

Dear Principal Deputy Administrator Barkoff:

On behalf of the American Network of Community Options and Resources (ANCOR), thank you for the opportunity to provide feedback to the Administration for Community Living (ACL) on the proposed rule *Adult Protective Services Functions and Grants*. We are greatly appreciative of the time ACL has invested in providing reliable policies and procedures to govern and regulate Adult Protective Services (APS) systems of response. We agree that states' APS programs are challenged without guidance on standards of best practices, and we are grateful to ACL for proposing this crucial set of regulations.

Founded more than 50 years ago, ANCOR is a national, nonprofit association representing more than 2,100 private community-based providers of long-term supports and services to people with intellectual and developmental disabilities (I/DD), as well as 55 state provider associations. Combined, our members support more than one million individuals with I/DD across their lifespan and are funded almost exclusively by Medicaid. Our mission is to advance the ability of our members to support people with I/DD to fully participate in their communities.

As further detailed below, we applaud ACL for its response to community-based providers' concerns and for proposing regulations that establish basic standards for communication with mandated reporters during investigations.

We appreciate ACL's recognition of the unique role community-based providers serve as mandated reporters of adult maltreatment. By virtue of the role community-based providers serve in providing crucial home and community-based support to adults with I/DD, they are often first to identify concerning situations or targeted instances of adult maltreatment. As noted in the preamble, we also hear concern from community-based providers that after reporting to APS they often do not receive information back on the status of their report. This can create barriers to

reporting and timely response which, at best, may further misunderstandings of the investigation status and, at worst, may unintentionally enable ongoing abuse, neglect, and exploitation. Without adequate information regarding receipt and status of investigation, community-based providers may incorrectly assume a closed investigation is ongoing and further submission of reports to the same is duplicative. Conversely, without adequate information, community-based providers may also incorrectly assume APS has not appropriately responded to a report when an investigation is ongoing.

We similarly urge recognition for the importance of enhanced communication with community-based providers if an employee or other individual who interacts with a provider is indicated in mandated reports. It is critical that when allegations of maltreatment have been alleged, community-based providers are provided with the necessary tools and communications to respond promptly with any action necessary to protect the health and wellbeing of the person being supported.

Thank you for your work and the opportunity to share this feedback with you. Although our specific comments address ACL's recognition and responsiveness to community-based providers concerns, it is not without acknowledgment for the broader undertaking of developing a system of standards and processes to support APS programs. We are grateful to ACL for ensuring standards of good governance and reliability in procedures and processes across our nation's APS programs.

Please do not hesitate to reach out if we can provide additional information or clarification to the above, and we look forward to continuing to work together to offer support and solutions to people with I/DD.

Sincerely,

A handwritten signature in black ink that reads "Barbara Merrill". The signature is written in a cursive, flowing style.

Barbara Merrill
Chief Executive Officer