



# DARS

VIRGINIA DEPARTMENT FOR AGING  
AND REHABILITATIVE SERVICES

*Providing resources and services to  
improve the independence of older Virginians*



# Adult Protective Services in Virginia

May 2020

# Training

- Take the free online course ***ADS5055: Mandated Reports: Recognizing and Reporting Abuse, Neglect and Exploitation of Adults*** available on the VDSS public website found under “Required Training/Courses.”



# Mandated Reporters for APS

*Mandated reporters for Adult Protective Services are found in the Code of Virginia, § 63.2-1606(A).*

[Access this section of the Code of Virginia.](#)



# Reporting to APS

- **Mandated reporters** must *immediately* report to APS when there is a suspicion of adult abuse, neglect, or exploitation.
- However, **anyone** can make a report!

*Mandated reporters are also required to make pertinent information available to APS.*



# How to make an APS report?

Report suspected abuse, neglect, or exploitation of adults to APS at your local department of social services (LDSS) or to the 24-hour, toll-free hotline at:

**1-888-832-3858**  
**(1-888-83ADULT)**

# Virginia APS

- Virginia is a state-supervised, locally-administered human services system.
- The Department for Aging and Rehabilitative Services (DARS) provides state oversight of APS.
- LDSS receive reports, conduct investigations and provide protective services.

# Settings for investigation

- APS investigates allegations of adult abuse neglect and exploitation in all residential, institutional and community-base settings, except state correctional facilities.

# Characteristics of a Valid Report

- Adult is at least age 60 or older or age 18 to 59 and **incapacitated**
- Adult is living and identifiable
- Circumstances allege abuse, neglect, or exploitation or risk of abuse, neglect or exploitation
- The LDSS receiving the report is the LDSS of jurisdiction



# Incapacitated Person Means:

- Any adult who is impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age, or other causes to the extent that the adult lacks sufficient understanding or capacity to make, communicate, or carry out responsible decisions concerning his or her well-being. **This definition is for the purpose of establishing an adult's eligibility for adult protective services** and such adult may or may not have been found incapacitated through court procedures (22 VAC 30-100-10).

# Signs of Abuse, Neglect, and Exploitation

- Neglect
  - Lack of basic hygiene, adequate food, or clean and appropriate clothing
  - Person confined to bed is left without care
  - Lack of medical aids (glasses, dentures, medications)
  - Home cluttered, filthy, or in disrepair
  - Person needing supervision is left alone
- Abuse
  - Inadequately explained fractures, bruises, welts, cuts, sores, or bruises
  - Unexplained or uncharacteristic changes in behavior
  - Withdrawal from normal activities
  - Perpetrator isolates adult, not allowing visitors
  - Caregiver is verbally aggressive or demeaning
  - Caregiver is controlling or uncaring
  - Unexplained sexually transmitted diseases

# Signs of Abuse, Neglect, and Exploitation (continued)

- Financial Exploitation
  - Lack of amenities that the victim could afford
  - Person “voluntarily” giving uncharacteristically excessive financial reimbursement or gifts for care and companionship
  - Caregiver has control of adult’s money, but fails to provide for adult’s needs.
  - Vulnerable adult has signed property transfers, power of attorney, new will, but is unable to comprehend transaction/what it means.

# HIPPA and APS

- The Health Insurance Portability and Accountability Act of 1996 (HIPAA) **authorizes covered entities to disclose health information** that “is required by law and disclosure complies with and is limited to the relevant requirements of the law.” This includes sharing information with APS for the purposes of an APS investigation.
- **All providers of medical services are also authorized to disclose records of a patient** to APS under § 32.1-127.1:03 D.6 of the Code of Virginia (Health Records Privacy Act).

# APS: Basic Points

- APS **must investigate all valid reports** regardless of the availability of services.
- A wide variety of health, medical, housing, social, and legal services may be provided to stop the abuse and prevent further mistreatment. *However, an adult with capacity may refuse **services offered**.*
- APS is **adult-focused**. APS is **not** required to determine guilt or innocence of suspected perpetrator however, APS **is required** to refer cases to the appropriate regulatory or legal authorities agencies for administrative or legal action.



# APS Investigation Disposition

- Based on the investigative findings, the APS worker can reach one of **five** case dispositions:
  - Needs protective services and accepts
  - Needs protective services and refuses
  - Need for protective services no longer exists
  - Unfounded
  - Invalid

# Goals of APS

- To stop abuse, neglect, and exploitation by protecting the adult with the least restriction of his or her liberty;
- To assist the adult to remain in his or her home as long as possible and is appropriate;
- To restore/retain independent functioning; and/or
- To assist with placement as appropriate or mandated.



# In SFY 19, APS...

- **34,116** reports received
- **21,785** reports investigated
- **11,040** reports substantiated
  - Self-Neglect (6,972)
  - Neglect (2,421)
  - Financial exploitation (1,620)
  - Physical abuse (849)
  - Mental abuse (682)
  - Sexual abuse/Other exploitation (424)





# Visit the DARS APS Division website

- [The DARS APS website](#)
- Policy manuals/forms
- Fliers/handouts
- Resource links
- Staff contacts