

Mandated Reporters

For Adult
Abuse,
Neglect
and
Exploitation



We Need Your Help!



- In SFY 2013, Virginia APS received 20,704 reports of adult abuse, neglect and/or exploitation.
- 55% of the reports were substantiated
- 71% of report subjects were 60 years or older

For this purpose . . .

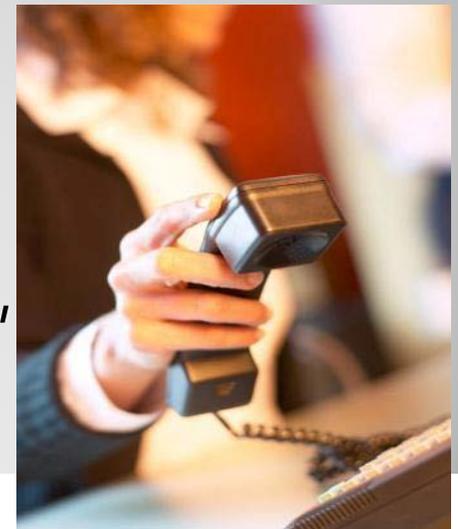
- Adults are:
 - Persons 18 years old or older who are incapacitated
 - Persons age 60 and older

What is an Incapacitated Person?

- An adult who is impaired by
 - Mental illness
 - Intellectual disability
 - Physical illness or disability
 - Advanced age
 - Other causes
- An adult who lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions regarding his/her well-being

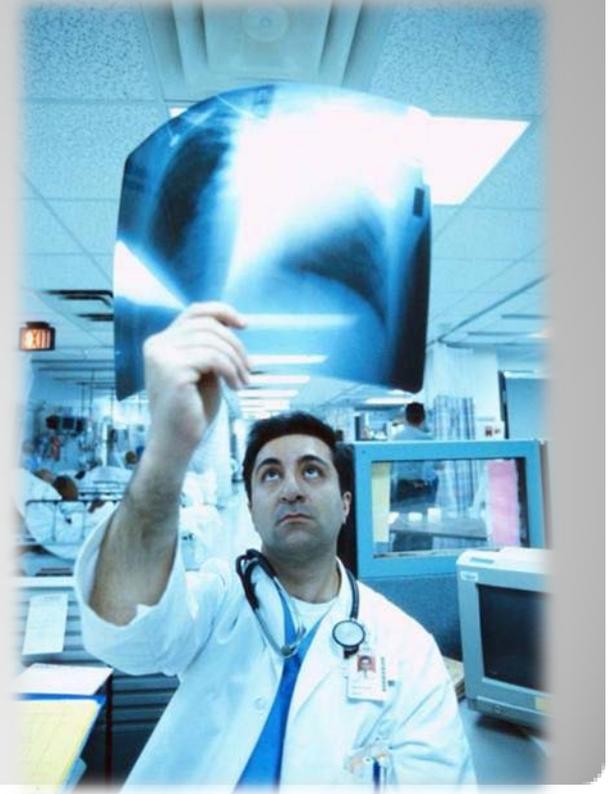
What is a Mandated Reporter?

- A mandated reporter is an individual who is required by Virginia law to report situations immediately in which they suspect an adult may have been abused, neglected or exploited, or is at risk of being abused, neglected or exploited



Mandated Reporters

- Any person licensed, certified, or registered by health regulatory boards listed in 54.1-2503 of the *Code of Virginia*, except persons licensed by the Board of Veterinary Medicine
- Any mental health services provider as defined in § 54.1-2400.1



Mandated Reporters (cont.)

- Any emergency medical services personnel certified by the Board of Health pursuant to § 32.1-111.5;
- Any guardian or conservator of an adult;
- Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;

Mandated Reporters (cont.)

- Any person providing full, intermittent, or occasional care to an adult for compensation, including but not limited to companion, chore, homemaker, and personal care workers;
- Any law-enforcement officer

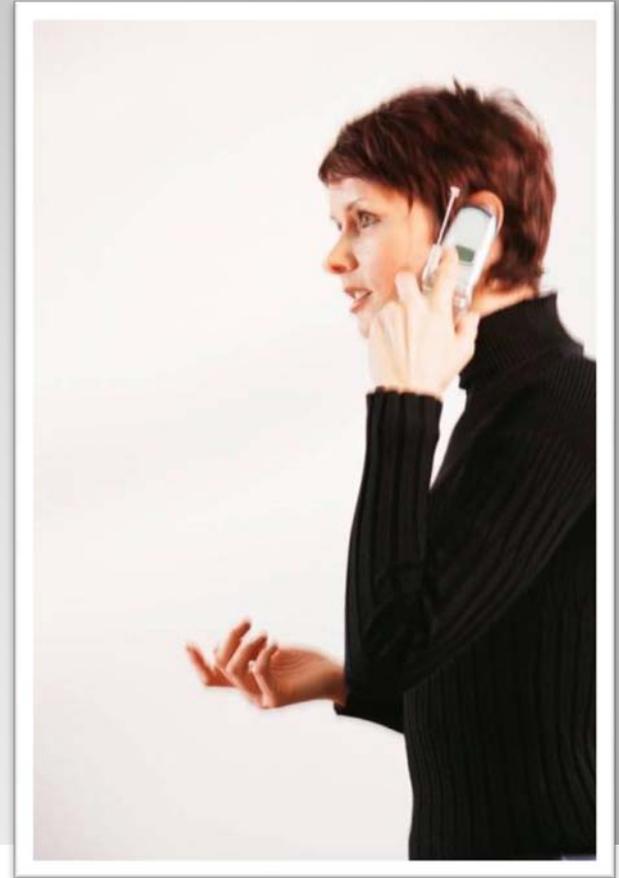


Employers of Mandated Reporters:

- Must notify mandated reporters of their obligation to report
- May establish in-house procedures for reporting
- Cannot prohibit employees from reporting directly to APS

WHEN do I report?

- Mandated reporters are required to report situations they encounter while performing their official job duties
- The report must be made immediately upon becoming aware of the situation of abuse, neglect and/or exploitation



WHAT do I report?

- The identity, age, and location of the abused adult
- Any information about the suspected abuse, neglect or exploitation

WHO DO I CALL?

- The Adult Protective Services Unit of the Local Department of Social Services where the adult resides or in which the abuse, neglect or exploitation occurred, or
- The 24-hour Adult Abuse Hotline
1 (888) 83-ADULT (832-3858)

Other Reporting Requirements

- Any reporter who suspects that an adult has died as a result of abuse or neglect must notify the appropriate medical examiner and law enforcement

Responsibilities of Mandated Reporters



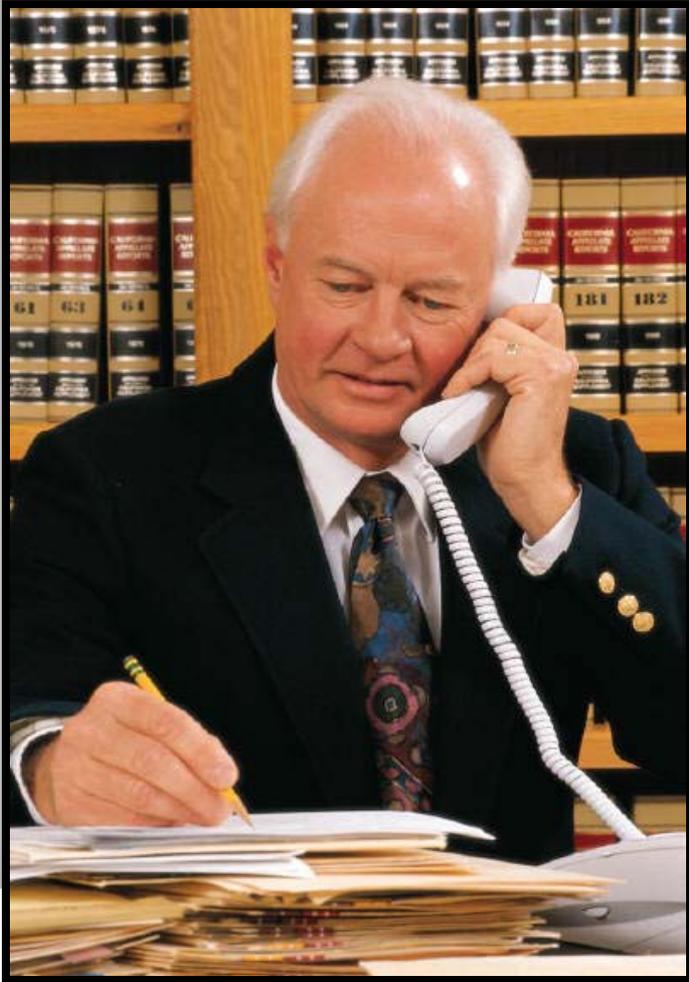
- Report incidents immediately!
- Make information, records or reports that document the abuse (including those normally considered confidential) to APS worker

Remember!!

- Health Insurance Portability and Accountability Act (HIPAA) allows health care providers to release medical records of individuals who are, or are suspected of being, victims of abuse, neglect or exploitation in states that have laws that require the release of such information
- Virginia law requires mandated reporters to share information relevant to an APS investigation



Rights of Mandated Reporters



- Immunity from civil and criminal liability
- Protection of identity
- Permitted to release confidential information without penalty

Is there a penalty for failure to report?

YES!

Penalties for Failure to Report

- First failure is punishable by a civil penalty of not more than \$500
- Subsequent failures may result in penalties between \$100 and \$1,000
- The court system will determine penalties for law enforcement personnel

What is Physical or Verbal Abuse?

- *Willful infliction of physical pain, injury or mental anguish or unreasonable confinement*
 - Wounds, scratches, bruises, burns
 - Verbal assaults, threats, intimidation
 - Broken bones, sprains, dislocations
 - Shoving, beating, kicking adult
 - Restrained, tied to bed or chair, locked in
 - Behavioral changes in the adult

What is Sexual Abuse?

- *An act committed with the intent to sexually molest, arouse or gratify any person*
 - Intentional touching intimate parts or material covering them
 - Forcing the adult to touch the adult's own or another's intimate parts or material covering them
 - Forcing another person to touch the adult's intimate parts or material covering them

What is Neglect & Self-Neglect?

- *Living under such circumstances that the adult is not able to provide, or is not provided, services to maintain physical and mental health and well-being*
 - Malnourished
 - Soiled bedding, furniture or clothing
 - Unsafe or hazardous living conditions
 - Lacks needed medication
 - Lacks heat, running water, or electricity

What is Exploitation?

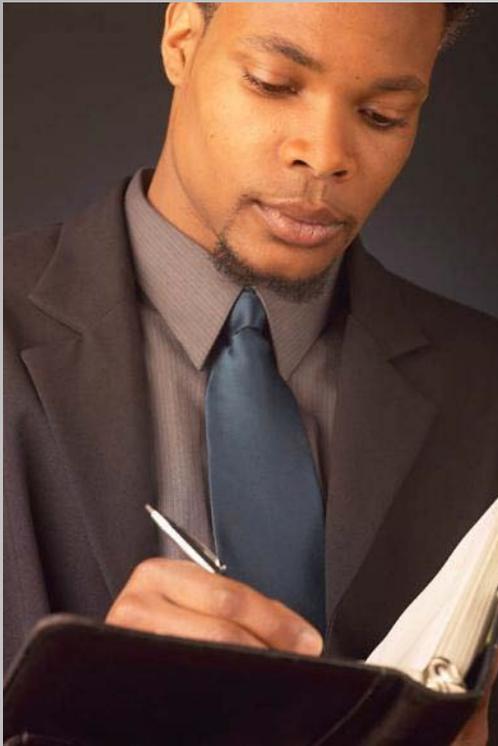
- *Illegal use of the adult's resources for another's profit or advantage*
 - Missing personal belongings
 - Changed will or POA
 - Large bank withdrawals
 - Unpaid bills
 - Excessive payment for care or services
 - Documents contain suspicious signatures
 - Sudden appearance of previously uninvolved relatives or friends



Perpetrators Can Be:

- Families Members
- Paid Caregivers
- Friends
- Facility Staff Members
- Agency Staff Members
- Handy Men/Contractors
- Con Artists

After you report



- Adult Protective Services
 - Receives and evaluates the report
 - Investigates
 - Determines if services are needed
 - Makes a disposition
 - Provides services, if accepted
 - Notifies the mandated reporter that the report has been investigated

About Adult Protective Services

- Administered by the Department for Aging and Rehabilitative Services
- Services provided through 120 local departments of social services
- Units in local departments receive and investigate reports of adult abuse, neglect and exploitation and provide needed services

APS Philosophy

- Adults have the right to:
 - Be treated with dignity and respect
 - Refuse assistance
 - Make their own choices about how/where they will live
 - Privacy

APS Goals

- Stop abuse, neglect and exploitation by protecting the adult with the least restriction of his/her liberty
- Assist the adult in remaining in his/her home as long as possible and appropriate
- Restore independent functioning to the greatest extent possible
- Assist in arranging out-of-home placement when appropriate, the adult or guardian consents, or the court orders emergency placement

What APS cannot do . . .



- Force protective services upon an adult who has the capacity to refuse services
- Take an endangered adult into custody
- Investigate when the alleged victim is no longer at risk

Possible Dispositions

- Needs Protective Services
 - Adult accepts services
 - Adult refuses services
- Need No Longer Exists
 - The perpetrator no longer has access to the adult or the adult has been removed from the situation
 - The adult is deceased
- Unfounded
 - There was no evidence of abuse, neglect or exploitation. Referrals to other agencies may be made.

Support Services for Adults

APS workers may offer or arrange a wide variety of health, housing, social, and legal services to stop the mistreatment and prevent further mistreatment.

Questions

If you have questions about reporting suspected adult abuse, neglect and/or exploitation, or other questions regarding your status as a mandated reporter, call an APS regional specialist:

Carey Kalvig	(757) 491-3983
Carol McCray	(276) 676-5636
Margie Marker	(804) 662-9783
Andrea Jones	(540) 347-6313
Angie Mountcastle	(540) 204-9640

You are the key!

- Report suspected Abuse, Neglect and Exploitation!
- You can help vulnerable adults suffering in silence have safer, happier and more productive lives!

APS Hotline

Toll-Free 24-Hours

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

Thank you!

Adult Protective Services Division
Department for Aging and Rehabilitative
Services

8004 Franklin Farms Drive

Henrico, VA 23229

(804) 726-1904