

MANDATED REPORTERS FOR ADULT PROTECTIVE SERVICES

Code of Virginia, § 63.2-1606(A) - Effective July 1, 2004

- **Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, except persons licensed by the Board of Veterinary Medicine:**

Board of Nursing: Registered Nurse (RN); Licensed Nurse Practitioner (LNP); Licensed Practical Nurse (LPN); Clinical Nurse Specialist; Certified Massage Therapist; Certified Nurse Aide (CNA)

Board of Medicine: Doctor of Medicine and Surgery, Doctor of Osteopathic Medicine; Doctor of Podiatry; Doctor of Chiropractic; Interns and Residents; University Limited Licensee; Physician Assistant; Respiratory Therapist; Occupational Therapist; Radiological Technologist; Radiological Technologist Limited; Licensed Acupuncturists; Certified Athletic Trainers

Board of Pharmacy: Pharmacists; Pharmacy Interns; Permitted Physicians; Medical Equipment Suppliers; Restricted Manufacturers; Humane Societies; Physicians Selling Drugs; Wholesale Distributors; Warehousemen, Pharmacy Technicians

Board of Dentistry: Dentists and Dental Hygienists Holding a License, Certification, or Permit Issued by the Board

Board of Funeral Directors and Embalmers: Funeral Establishments; Funeral Services Providers; Funeral Directors; Funeral Embalmers; Resident Trainees; Crematories; Surface Transportation and Removal Services; Courtesy Card Holders

Board of Optometry: Optometrist

Board of Counseling: Licensed Professional Counselors; Certified Substance Abuse Counselors; Certified Substance Abuse Counseling Assistants; Certified Rehabilitation Providers; Marriage and Family Therapists; Licensed Substance Abuse Treatment Practitioners

Board of Psychology: School Psychologist; Clinical Psychologist; Applied Psychologist; Sex Offender Treatment Provider; School Psychologist - Limited

Board of Social Work: Registered Social Worker; Associate Social Worker; Licensed Social Worker; Licensed Clinical Social Worker

Board of Nursing Home Administrators: Nursing Home Administrator

Board of Audiology and Speech Pathology: Audiologists; Speech-Language Pathologists; School Speech-language Pathologists

Board of Physical Therapy: Physical Therapist; Physical Therapist Assistant

- **Any mental health services provider as defined in § 54.1-2400.1;**
- **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;**
- **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; and**
- **Any law-enforcement officer.**

YOU ARE KEY IN ENDING ADULT ABUSE IN VIRGINIA!

Mandated Reporters for Adult Protective Services

Each year, an estimated two million vulnerable adults are victims of abuse or neglect. Sexual assault and financial, verbal, and physical abuses are just some of the mistreatments faced by the elderly and incapacitated adults from their caregivers and others. Many are unable to cry out for help on their own - their help must come from others.

Mandated reporters are on the front lines and best positioned to identify and report suspected adult abuse, neglect, and exploitation. The Virginia Department of Social Services (VDSS) relies on you to identify persons 60+ and adults 18+ and who are incapacitated who need our protection.

Anyone can report suspected abuse, but mandated reporters are required to do so by law. Effective July 1, 2004, the *Code of Virginia*, § 63.2-1606(A), you are mandated by State law to report suspected adult abuse, neglect, and exploitation if any of the following categories apply to you:

- *All persons who are licensed, certified, or registered by health regulatory boards (except those licensed by the Board of Veterinary Medicine) including the Board of Nursing; Board of Medicine; Board of Pharmacy; Board of Dentistry; Board of Funeral Directors and Embalmers; Board of Optometry; Board of Counseling; Board of Psychology; Board of Social Work; Board of Nursing Home Administrators; Board of Audiology and Speech Pathology; and Board of Physical Therapy;*
- *Any mental health services provider as defined in § 54.1-2400.1;*
- *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;*
- *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; and*
- *Any law-enforcement officer.*

If you suspect adult abuse, neglect, or exploitation, you must immediately report your suspicion to the Adult Protective Services (APS) unit of your local department of social services or to the APS toll-free, 24-hour hotline at 1 (888) 83-ADULT. Sexual abuse, death, serious bodily injury or disease believed to be the result of abuse or neglect, or any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm must be reported to law-enforcement. Deaths that appear to have resulted from abuse or neglect must also be immediately reported to the local medical examiner and the local law-enforcement agency.

Reports of suspected adult abuse, neglect, or exploitation should identify the adult and include a description of the circumstances that indicate that abuse may be occurring. The specific name of the suspected victim is not required; however, the information must be sufficient to help APS locate them.

Mandated reporters are required to cooperate with APS workers throughout the investigation and to make available any information, records, or reports that document the basis for the report.

If a mandated reporter willfully fails to report suspected adult abuse, neglect, or exploitation immediately upon suspicion, he or she may be subject to a civil money penalty.

The identity of mandated reporters is confidential unless disclosure is authorized by the reporter or ordered by the court. Anyone who files a report or provides records or information in a suspected adult abuse case is immune from civil or criminal liability due to their reporting or releasing of information.

Report adult abuse; it's the right thing to do. One case of abuse is one too many.
(For additional information, go to <http://www.dss.state.va.us/family/adultprotect.html>.)

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

1-888-832-3858

When calling in the Richmond area, please call: 804-371-0896

Richmond — Each year an estimated two million elderly adults are victims of abuse or neglect. Sexual assault, financial, verbal and physical abuses are just some of the mistreatments faced by elderly individuals from their caregivers.

May is Elder Abuse Prevention Month and in observance the Virginia Department of Social Services is launching a campaign to educate the public about mandated reporting and what to look for in cases of suspected abuse.

New legislation passed by the 2004 session of the General Assembly creates additional mandates for Adult Protective Services (APS) workers. Among many changes, The Adult Protective Services Act clarifies and expands the list of mandated reporters to include persons licensed, certified, or registered by health regulatory boards - except for the Board of Veterinary Medicine.

This clarification adds dentists, pharmacists, certified emergency medical services personnel, guardians and conservators to the list of those mandated to report suspected elder abuse.

"I can see no down side to this bill, only an improvement in the care of elders," said Dr. Marcella Fierro, chief medical examiner of the Commonwealth in a letter supporting the legislation. "I have always said that the civility and compassion of a society could be measured by how it cares for its elderly. Obviously it is even more true for our abused and neglected seniors, many of whom have no voice, cannot cry for help, and pray for death to relieve them of their misery. We should do this."

In Virginia, more than 12,000 cases of suspected elder abuse were reported and investigated by social services in 2003. However, it is estimated this represents only 16 percent of the abuse cases that occur.

"Many of these crimes are not reported because mandated reporters don't know they should be reporting or because they don't know what to look for," said Family Services Acting Director Terry A. Smith. "The APS Act requires us to educate and train mandated reporters on the signs of abuse so that more crimes against elders will be reported and stopped."

The APS Act also allows civil penalties for non-reporting by mandated reporters. "Thousands of cases of abuse, neglect and exploitation of the elderly go unreported each year," said Smith. "By imposing civil penalties for non-reporting, we hope that those who are liable to report these crimes will now think twice before looking the other way."

The staff of APS will soon implement a comprehensive training program for mandated reporters but Smith reiterates that anyone can report suspected abuse of the elderly. Some signs to look for include: injuries that have not been properly cared for; burns, welts, scratches, bruises and fractures; signs of confinement; malnourishment; severe anxiety, fearfulness or depression; missing personal property or mismanaged property or savings.

If you suspect abuse of an elder or an adult with disabilities, report it to the local department of social services, or call the 24 hour toll-free hotline at (888) 832-3858.

For more information on the Adult Protective Services Act and other APS information visit the following Web sites:

- <http://leg1.state.va.us/cgi-bin/legp504.exe?041+ful+CHAP1011+pdf>
- http://www.seniornavigator.com/learn/connections/DSSfor2004/27_proclamation2.doc
- <http://www.dss.state.va.us/pub/pdf/aps.pdf>
- <http://www.dss.state.va.us/family/adultprotect.html>
- <http://www.seniornavigator.com>

http://www.dss.state.va.us/news/2004/elder_abuse.html

**SUMMARY OF ADULT PROTECTIVE SERVICES (APS) ENROLLED BILL
(SENATE BILL 318/HOUSE BILL 952)**

Senate Bill (SB) 318 and House Bill (HB 952) amend the *Code of Virginia* at § 63.2-1603 through 1610 regarding Adult Protective Services (APS) by:

- 1) Clarifying population served and adding that reports of suspected abuse, neglect, or exploitation may be made to the local department of social services (local department) OR the 24-hour, toll-free APS hotline;
- 2) Requiring local departments to initiate an investigation within 24 hours of the report and clarifying what is meant by a "valid" report;
- 3) Requiring the local department to refer matters as appropriate to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation;
- 4) Allowing the local departments, with informed consent, to take or cause to be taken photographs, video recordings, or appropriate medical imaging of the adult and his environment that are relevant to the investigation;
- 5) Clarifying that APS will not investigate in state correctional facilities;
- 6) Expanding the list of APS situations in which law enforcement must be notified to include sexual abuse; death, serious bodily injury or disease believed to be caused by abuse or neglect; and any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm;
- 7) Changing the timeframe for reporting of suspected adult abuse, neglect, or exploitation by mandated reporters to "immediately" except reports by nursing facility inspectors employed by the Department of Health in the course of a survey;
- 8) Adding persons to the list of APS mandated reporters;
- 9) Noting that a mandated reporter providing professional services in a hospital, nursing facility, or similar institution may, in lieu of reporting directly to APS, notify the person in charge, who shall report such information immediately upon determination that there is reason to suspect abuse, neglect, or exploitation;
- 10) Adding accounting firms to the list of financial institutions who may report voluntarily;
- 11) Prohibiting employers of mandated reporters from preventing a mandated reporter to report directly to APS;
- 12) Requiring employers of mandated reporters to ensure that employees are notified that they are mandated reporters and trained on reporting responsibilities;
- 13) Adding criminal penalties for persons 14 years of age or older who make a false report;
- 14) Authorizing the Commissioner of the Department of Social Services to impose civil money penalties for cases of non-reporting by all mandated reporters except law-enforcement officers (the courts would take these cases);
- 15) Requiring mandated reporters to report immediately to the appropriate medical examiner and law-enforcement agency when there is reason to suspect that an adult died as a result of abuse or neglect and authorizing the medical examiner to order an autopsy;
- 16) Relieving a mandated reporter from reporting to APS if he has actual knowledge that the same matter has already been reported;
- 17) Requiring all law-enforcement departments and other state and local departments, agencies, authorities, and institutions to cooperate with APS in the detection, investigation, and prevention of adult abuse, neglect, and exploitation;
- 18) Allowing APS to be provided through an appropriate court order for a period of 15 days (instead of 5);
- 19) Requiring the Department of Social Services to develop a plan and cost estimate by November 1, 2004, to prepare, disseminate, and present educational programs and materials on adult abuse, neglect, and exploitation to all categories of newly mandated reporters and that the penalty provisions shall not apply to newly mandated reported until the delivery of such training; and
- 20) Requiring the Department of Social Services to develop a model protocol and procedures for, as well as cost estimates for the operation of, adult fatality review teams by November 1, 2004.



**Virginia Department of Social Services
Adult Protective Services Program
7 North Eighth Street, 4th floor
Richmond, VA 23219
Telephone: 804-726-7533**

ACKNOWLEDGEMENT OF MANDATED REPORTER STATUS

I, _____, understand that when I am employed as a
(Employee Name)

_____, I am a mandated reporter pursuant to the
(Type of Employment)

Code of Virginia, §§ 63.2-1603 through 1610. This means that I am required to report or cause a report to be made to Virginia Adult Protective Services (APS) either by calling the APS Hotline (1-888-83-ADULT) or the appropriate local department of social services whenever I have reasonable cause to suspect that an adult aged 60 or over or an incapacitated adult aged 18 and over and who is known to me in my professional or official capacity may be abused, neglected, or exploited. I understand that I must follow the reporting protocol, if any, of my employer, but my employer may not prohibit me from reporting directly to APS.

I understand that if I suspect a death of an adult aged 60 or over or an incapacitated adult aged 18 and over occurred due to abuse or neglect, I must report the death to the medical examiner and the law enforcement agency in the locality in which the death occurred.

I understand that I am immune from civil or criminal liability on account of any reports, information, testimony and records I release if the report is made in good faith and without malicious intent. My identity will be held confidential unless I authorize the disclosure or disclosure is ordered by the court.

I understand that if I willfully fail to report suspected adult abuse, neglect, or exploitation, immediately upon suspicion, I may be subject to a civil money penalty imposed by the Commissioner of the Virginia Department of Social Services. If I am a law-enforcement officer, I understand the money penalty does not apply to me but that I will be referred to the court system for non-reporting of suspected adult abuse, neglect, or exploitation. If I am licensed, certified, or regulated by a health regulatory board, I may also be subject to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

I understand that there is no charge when calling the Hotline number (1-888-83-ADULT) and that the Hotline operates 24-hours per day, 7 days per week, 365 days per year.

I affirm that I have read this statement and have knowledge and understanding of the reporting requirements, which apply to me pursuant to the *Code of Virginia*, §§ 63.2-1603 through 1610.

Signature of Applicant/Employee

July 2004

Date