

The Role of Adult Protective Services in Adult Care Homes

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Goals and Objectives

This Training will help participants:

- Gain awareness of Adult Protective Services (APS), statutory requirements, state policy and practice guidelines.
- Understand the process of APS conducting evaluations in Adult Care facilities
- Clarify the role of APS social workers when evaluating reports in Adult Care facilities.

Adult Protective Services

G.S. 108A-101(n)

The words "protective services" shall mean services provided by the State or other government or private organizations or individuals which are necessary to protect the disabled adult from abuse, neglect, or exploitation. They shall consist of evaluation of the need for service and mobilization of essential services on behalf of the disabled adult.

Duty to report

G. S. 108A-102

- (a) Any person having reasonable cause to believe that a disabled adult is in need of protective services shall report such information to the director.
- (b) The report may be made orally or in writing. The report shall include the name and address of the disabled adult; the name and address of the disabled adult's caretaker; the age of the disabled adult; the nature and extent of the disabled adult's injury or condition resulting from abuse or neglect; and other pertinent information.

***Making a facility complaint does not replace the requirement of reporting to APS**

An APS Report

A referral is appropriate for Adult Protective Services and becomes a report when it alleges the following criteria:

- The person is a **disabled** adult;
- The person has **been abused, neglected or exploited**;
and
- The person is **in need of protective services**.

County Department of Social Services screen each report according to the three criteria defined and required by G.S. 108a



Separating Regulatory from Protective Issues at Intake

Reports may be:

- Specific to APS,
- Involve APS and regulatory issues,
- Or may be specific to regulatory issues.

Types of Mistreatment

***Abuse** – Willful infliction of pain, injury, anguish or deprivation of needed services

Self Neglect - Not able to provide services to maintain physical or mental health

***Caretaker Neglect** - Not receiving services from caretaker to maintain physical or mental health

Exploitation - Illegal or improper use of a disabled adult or his resources for another's profit or advantage

***Involves a caretaker**

Caretaker

Has COMPREHENSIVE

Responsibility for

Disabled Adult's

Day-to-Day Well Being

Role of APS

- Focus is on the adult not regulatory procedures
- Completion of a thorough evaluation by assessing all of the adult's functional domains
- Determination of whether or not the adult is disabled and in need of protective services

***It is strongly recommended that the APS worker not also serve as the AHS in the same facility.**

The Initial Visit

The APS Social Worker:

- **Notifies the administrator upon their arrival**
- **Interviews the adult alone and prior to discussing the report with administrator as required by G.S. 108a**
- **Advises staff that all records pertaining to the adult and their care will be needed; in addition to other information as needed throughout the evaluation process**

Steps in the APS Evaluation

- ✓ A visit with the disabled adult.
- ✓ The evaluation has not been initiated until a visit has been made with the disabled adult.
- ✓ Consultation with others who know the disabled adult's situation.
- ✓ This may include the reporter, neighbors, friends, relatives, other professionals, and facility staff working with the adult, and facility residents.
- ✓ Medical, psychological and/or psychiatric evaluations, when necessary.



Focus of the APS Evaluation

Thorough assessment of the adult in the following areas:



Social support



Psychological issues



Economic status



Medical conditions



ADL/IADL performance (everyday tasks like cooking, walking, dressing and using the phone)



Environmental safety

Information Sharing

10A NCAC 71A .0502 Notice to Administrator

(a) The county director ***will not inform the administrator prior to the first visit to the facility that a protective services report has been received***, except in specific instances where the county director thinks the assistance of the administrator will be needed in conducting the evaluation.

(b) The county director shall ***provide the administrator of a nursing, combination, or residential care facility with a written summary of the nature of the protective services report, whether or not evidence of abuse, neglect or exploitation was found, and whether or not a need for protective services was substantiated***. The written summary to the administrator shall be limited to the following:

- (1) ***acknowledgement that a protective services report was received on a specified patient or resident of the facility;***
- (2) the specific allegations in the report (the complainant shall not be named);
- (3) whether or not evidence of abuse, neglect or exploitation was found;
- (4) whether or not the need for protective services was substantiated;
- (5) a general statement as to how the conclusion was reached (the names of persons who were contacted during the evaluation to obtain information shall not be given).

Information Sharing

10A NCAC 71A .0503 Report to Regulatory Agencies

- (a) ***A copy of the written report*** required by Rule .0901 of this Subchapter ***shall be sent to the Division of Health Service Regulation, within 30 days of completion of the evaluation. If the identity of the person making the protective services report and the names of individuals who provide information*** about the disabled adult ***are needed*** by the Division of Health Service Regulation ***in order to carry out an investigation, that information shall be shared verbally*** with the Division on request.
- (b) ***When evidence of financial exploitation is found in Medicaid - funded facilities***, the county department of social services shall send a copy of the written report to the Division of Medical Assistance, as well as to the Division of Health Service Regulation.
- (c) When, in the course of an evaluation, evidence of abuse, neglect or exploitation is found, the county director shall notify the Division of Health Service Regulation immediately by telephone. In addition the county director shall inform the Division of Health Service Regulation as to whether or not the need for protective services will be substantiated.
- (d) ***When, in the course of an evaluation, it appears that a report of a need for protective services will not be substantiated, but the county director finds violations of licensure standards, such violations shall be reported immediately to the appropriate supervisory agency.*** Reports of violations of standards in nursing and combination facilities and residential care facilities licensed under G.S. 122C shall be made to the Division of Health Service Regulation. Reports of violations of standards in residential care facilities licensed under G.S. 131D-2 shall be made to the adult home specialist in the county department of social services.



Working Agreement Between Division of Aging Adult Services and Division of Health Services Regulation

APS DAAS Manual Appendix P

- Created 2001 – prior to name change for both Divisions
- Established procedures for communication between the Divisions regarding APS reports on adults in facilities
- Outlines Responsibilities for DAAS and DHSR
- Details follow up and notification requirements

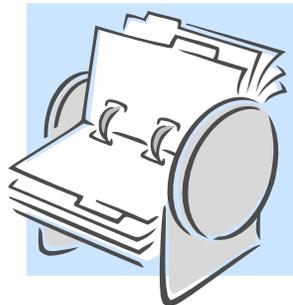


Who should you contact?

APS Reports should be made directly to the Department of Social Services in the county where the adult resides or is located

<http://www.ncdhhs.gov/dss/local/>

- **You can look up any NC Department of Social Services contact information.**



NC Division of Aging and Adult Services

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Adult Services Section

Raleigh, NC 27699-2101

Website: www.ncdhhs.gov/aging/

Telephone: (919) 855-3400

FAX: (919) 733-0443