

# South Carolina Department Of Social Services

## Adult Protective Services What When and How June 11, 2014

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# Omnibus Adult Protection Act



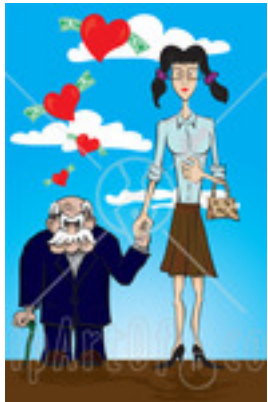
**The Omnibus Adult Protection Act as codified in S. C. Code §43-35-10, et, provides for the protection of vulnerable adults. The Act became effective on June 11, 1993.**

- 1. System of adult protection in South Carolina**
- 2. Clarify roles and responsibilities of agencies**
- 3. Provide a mechanism for problem resolution and interagency coordination**
- 4. Provide procedures for court and emergency protective custody**
- 5. Clarify reporting procedures for allegations of abuse, neglect or exploitation**
- 6. Provide civil and criminal penalties for abuse, neglect, and exploitation**

# Vulnerable adult?



- **Person eighteen years or older who has a physical or mental condition which substantially impairs the person from providing for his or her own care or protection. A resident of a facility is a vulnerable adult.**
- **Caregiver – Person who provides care to a vulnerable adult, with or without compensation, on a temporary, permanent, full or part-time basis and includes, but is not limited to, a relative, household member, day care personnel, adult foster home sponsor and personnel of a public or private institution or facility**



# Types of neglect

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- **Neglect** – failure or omission of a caregiver to provide care or services necessary to maintain the health or safety of a vulnerable adult. Including but not limited to food, clothing, medicine, shelter, supervision and medical services.
- **Self neglect** – the inability of a vulnerable adult, in the absence of a caretaker to provide for his or her own health or safety which produces or could reasonably be expected to produce serious harm or substantial risk.



# Types of Abuse

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- **Physical** – intentionally inflicting or allowing to be inflicted physical injury, (includes, but not limited to slapping, hitting, kicking, etc.) sexual battery, physical abuse does not include altercations or acts of assault between vulnerable adults.
- **Psychological** – deliberate threats, harassment or other forms of intimidating behavior causing fear, confusion or emotional stress.

**Exploitation** – Adult engaging in illegal activity or labor against their wish.

- A. Improper, illegal, or unauthorized use of funds, assets, property, POA, guardianship or conservatorship for profit.
- B. Causing the adult to purchase goods or services for the profit of the seller (swindling)
- C. Causing the adult to engage in activity or labor which is improper or illegal.





# Mandated Reporters §43-35-25

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**A physician, nurse, dentist, optometrist, medical examiner, coroner, other medical, mental health or allied health professional, Christian Science practitioner, religious healer, school teacher, counselor, psychologist, mental health or mental retardation specialist, social or public assistance worker, caregiver, staff or volunteer of an adult day care center or of a facility, or law enforcement officer having reason to believe that a vulnerable adult has been or is likely to be abused, neglected, or exploited shall report.**

## APS Reporting Cont.

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- **Mandatory reporter or a person investigating a report may take or cause to be taken color photographs of the trauma visible on the vulnerable adult.**
- **Report deaths believed resulted from abuse or neglect to the coroner's office or medical examiner.**
- **Any other person (other than mandated reporters) may report the incident.**
- **A person required to report is personally responsible for making the report.**
- **A person required to report must report the incident within twenty –four hours or the next business day.**



## Reporting §43-35-75

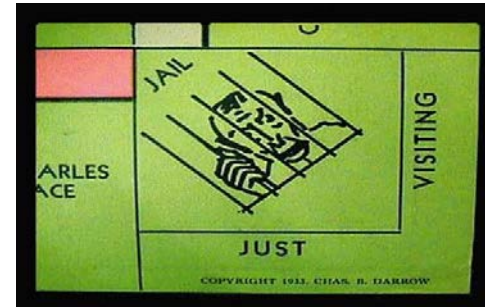
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- **A person acting in good faith reporting is immune from civil and criminal liability.**



## Penalties §43-35-85



- **Person failing to report is guilty of a misdemeanor and upon conviction, must be fine not more than twenty-five hundred dollars or imprisoned not more than one year.**
- **Person failure to report is subject to disciplinary action as may be determined necessary by the appropriate licensing board.**

# Reports to Occupational Licensing Board LLR §43-35-70



- **The investigative entity shall report alleged incident of abuse, neglect or exploitation against a health care professional to the occupational licensing board by whom that person is licensed.**
- **List include but not limited to, the Board of Long Term Health Care Administrators, State Board of Nursing of South Carolina, State Board of Medical Examiners, State Board of Social Work Examiners and State Board of Dentistry.**



# Reports to the Investigative Entities?

- **Long Term Care Ombudsman Program**

Report allegation to regional ombudsman situations in facilities NH and CRCF

- **SLED**

Report allegation to Law Enforcement situations in facilities operated or contracted for operation by the Dept. of Mental Health or the Dept. of Disabilities and Special Needs

- **Medicaid Fraud Control Unit (SC Attorney General's Office)**

Report allegation of abuse, neglect or exploitation in Medicaid facilities

- **Adult Protective Services Program**

Report allegation to the DSS county office of abuse, exploitation and neglect by a caregiver or self neglect by the vulnerable adult in the community



# APS Report Process

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- Sometimes individuals want to make a report anonymously. The reporter is *encouraged* to leave his/her name and phone number so that the intake worker may call you back to obtain more information. The additional information shared may be the very information needed to protect the vulnerable adult.
- **What Happens after a Report is Made**
- The intake worker will document the name of the reporter and phone number, which is *proof* of reporter obligation by law to report the abuse of vulnerable adults. Remember that your name as a reporter is **confidential**.



# APS Report

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- All reports (**in the community setting**) should be made to the local Department of Social Services (DSS) office. Call the county office in which the incident occurred.
- If the person is in imminent danger, indicate the risk if life-threatening situation, then contact local law enforcement in addition to DSS.
- **Criteria to Accept a Report**
- Vulnerable Adult age 18 or older;
- Allegation of Abuse, Self-Neglect, Neglect by another or Exploitation
- **It is important to note – Confidentiality of client information in the record. The person making the report should share how they want to be contacted.**



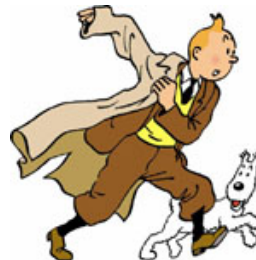
# APS Report to the County Office

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- **What Information to Give When Making a Report**
- Accurate information shared by the reporter will assist in the investigation. When making a report, give as much of the following information as you have:
- **Name and birth date of the victim**
- **Current DSS case manager, if one exists**
- **Allegation -- what is the abuse, neglect or exploitation event and what happened**
- **Other interested individuals**
- **Income/income source**
- **Date/time of allegation and when incident occurred**
- **Name typology Abuse, Neglect or Exploitation (A/N/E) of the allegation (What does ANE stand for?)**
- **Household members, other known relatives**
- **Location of the incident/Directions**
- **Perpetrator/Caregiver information**
- **Danger Influences (to client and to worker)**
- **Reporter request follow up (name and number required)**

# Report suspected Abuse, Neglect or Exploitation to APS

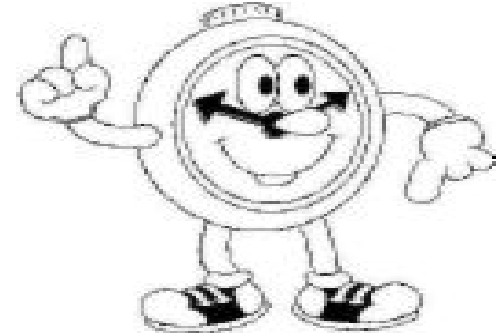
- By Telephone
- By Mail
- E-Mail
- In Person



# APS Investigative Time-Frames

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- Abuse - 24 hours
- Neglect by another - 48 hours
- Exploitation - 48 hours
- Self Neglect - 72 hours





# APS Services

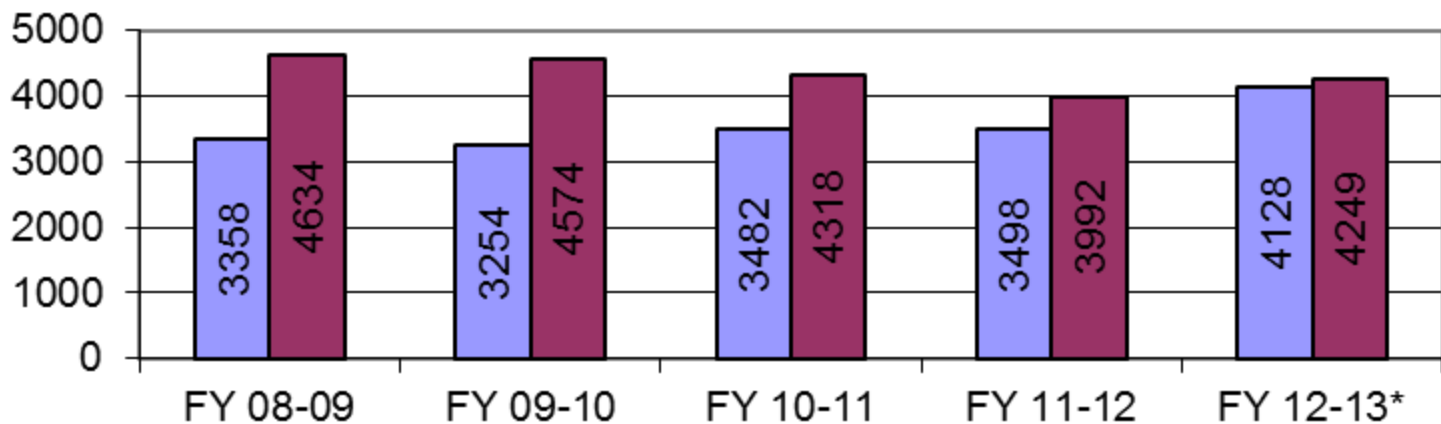


- **Evaluating the need for protective services**
- **Securing and coordinating existing services**
- **Arranging for living quarters/placement**
- **Obtaining financial benefits to which a vulnerable adult is entitled**
- **Securing medical services, supplies and legal services**

- **A Community Partnership**
- There are many ‘causes’ of vulnerable adult abuse, from a caregiver relative who is unaware that resources are available in a community, to the person who preys on vulnerable adults for their money.
- Vulnerable adult abuse will remain hidden unless YOU, along with a neighbor, church member, shopper in a grocery store, mail carrier, grocery clerk, bank teller, health care professional, law enforcement employee, or social services worker make a report.

- **How Can You Help Prevent Vulnerable Adult Abuse?**
- Learn the signs and symptoms of vulnerable adult abuse, neglect, self-neglect, and financial exploitation.
- Talk to the vulnerable adult you suspect is being abused. Sometimes just providing a listening ear opens opportunities for assistance.

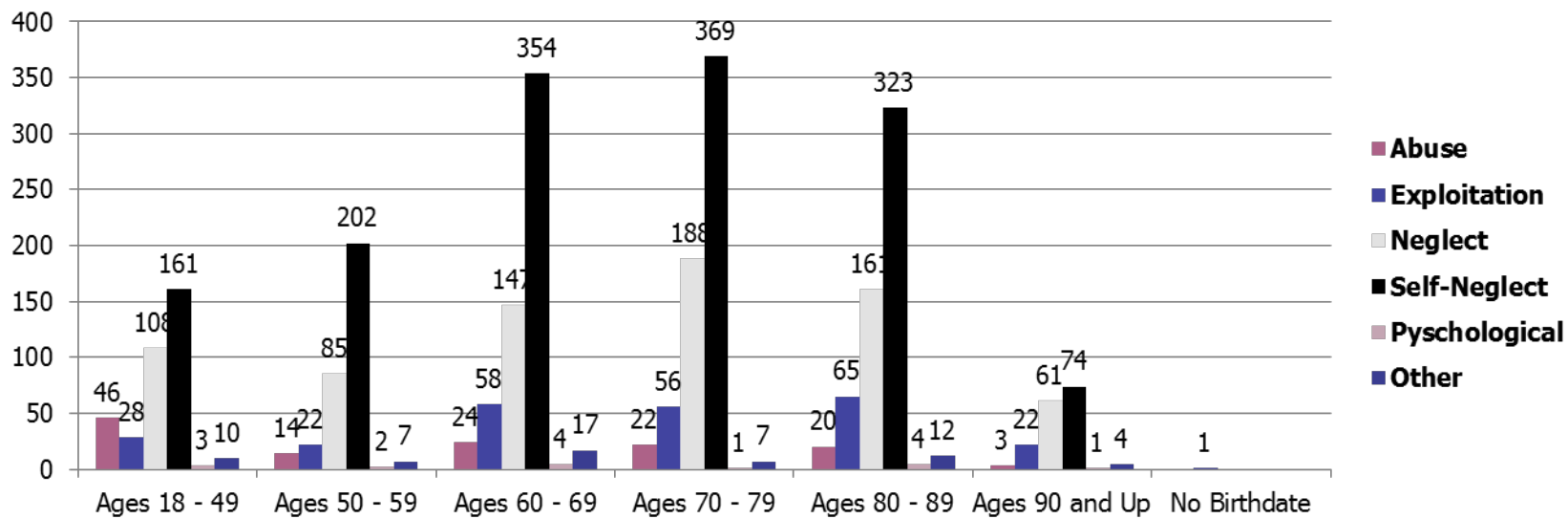
## Adult Protective Services Clients Reported and Receiving Services



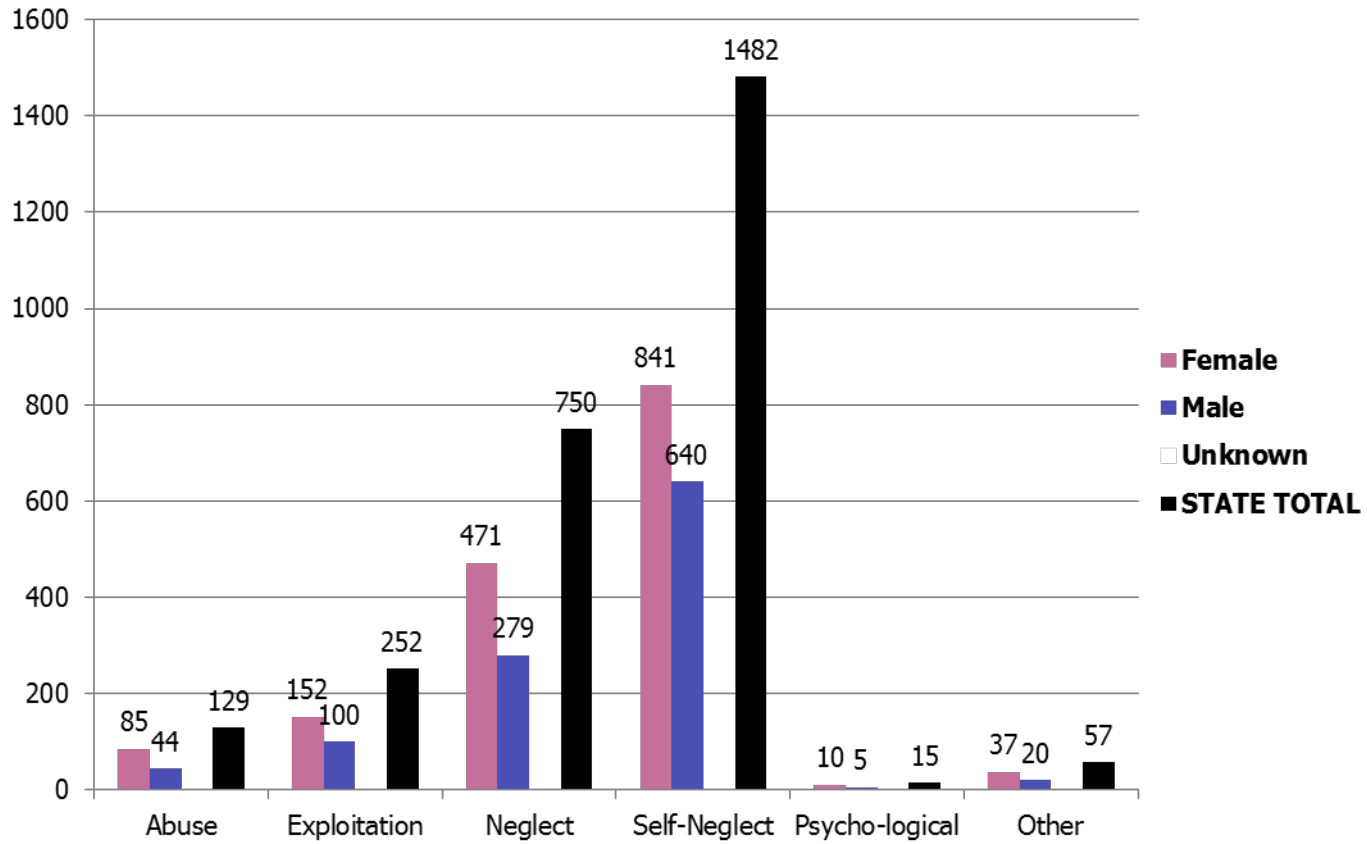
Note: \* indicates # is preliminary

■ Number of new clients reported ■ Clients Receiving Services

# APS Age Groups Demographics Jan – December 2013



# APS Gender Demographics Jan – December 2013





**APS**

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## ■ **Questions?**

- Visit the website of the National Center on Elder abuse (NCEA):  
[www.ncea.aoa.gov](http://www.ncea.aoa.gov)