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**IDAPA 15
TITLE 01
Chapter 02**

IDAHO COMMISSION ON AGING

15.01.02 - RULES GOVERNING AREA AGENCY ADULT PROTECTION PROGRAMS

000. AUTHORITY.

Under authority of sections 67-5003, 39-5312, Idaho Code, the ICOA adopts the following rules. (7-1-98)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 15.01.02, "Rules Governing Area Agency Adult Protection (AP) Programs". (7-1-98)

02. Scope. These rules relate to the authority and responsibilities of area agencies to provide Adult Protection services. (7-1-98)

002. WRITTEN INTERPRETATIONS.

This agency may have written statements which pertain to the interpretation of the rules in this chapter. To obtain copies, contact the Idaho Commission on Aging by writing to the Director. (7-1-98)

003. ADMINISTRATIVE APPEALS.

The ICOA shall provide AAAs with opportunity to appeal administrative decisions related to these rules in accordance with IDAPA 04.11.01, "Idaho Rules of Administrative Procedures of the Attorney General". (7-1-98)

004. -- 009. (RESERVED).

010. DEFINITIONS.

Any item not specifically defined below shall have the same meaning as those defined in Idaho Code or IDAPA 15.01.01, "Rules Governing Idaho Senior Services Program". (7-1-98)

01. Adult Protection (AP). Statutory protections safeguarding vulnerable adults through investigations of reports alleging abuse, neglect, self-neglect or exploitation, and arrangements for the provision of emergency or supportive services necessary to reduce or eliminate risk of harm. (7-1-98)

02. Adult Protection Supervisor. AAA employee responsible for overseeing the provision of AP services. The Supervisor's duties include the direct supervision of AP staff, case assignments, the monitoring of case loads and documentation, and the maintenance of cooperative relationships with other agencies, organizations or groups serving vulnerable "at risk" populations. The employee shall be a social worker licensed to practice in Idaho. (7-1-98)

03. Adult Protection Worker. AAA employee providing AP services. The Worker's duties include the investigation of AP reports, client risk assessment and the development of plans for supportive services and/or law enforcement referral. The employee shall be a social worker licensed to practice in Idaho. (7-1-98)

04. Injury Or Serious Imposition Of Rights. A situation of substantiated abuse, neglect, or exploitation. (7-1-98)

05. Serious Physical Injury. Includes, but is not limited to: (3-30-01)

a. Skin bruising; (3-30-01)

b. Burns; (3-30-01)

c. Bone fractures; (3-30-01)

- d. Lacerations; (3-30-01)
- e. Scratches; (3-30-01)
- f. Subdural hematoma; (3-30-01)
- g. Soft tissue swelling; or (3-30-01)
- h. Internal injuries. (3-30-01)

011. -- 019. (RESERVED).

020. POLICY STATEMENT.

The ICOA is charged by statute to provide AP services to ensure the vulnerable adult population in Idaho is protected from abuse, neglect and exploitation. Protective services shall be provided that are the least restrictive to personal freedom and ensure the maximum independence of individuals served. In protecting the vulnerable adult population, AP services are also intended to provide assistance to care giving families experiencing difficulties in maintaining functionally impaired relatives in the household. (7-1-98)

021. ADMINISTRATIVE REQUIREMENTS.

In accordance with Section 67-5011, Idaho Code, the ICOA shall administer AP services through performance-based agreements with AAAs. Each AAA shall adhere to all administrative requirements relating to AP programs and those enumerated in IDAPA 15.01.01, "Rules Governing Senior Services Program," unless a waiver is granted by the ICOA. (7-1-98)

01. Staffing. Each AAA shall provide sufficient staffing to respond to AP complaints within the statutory time frames set forth in Section 39-5304 (2), Idaho Code. (7-1-98)

02. Employee Qualifications. Each AAA shall adhere to standards set forth in rule for the education and licensing of AP program employees, including requirements for the AP Supervisor, AP Worker and Supportive Services Technician. Any person hired after July 1, 1998, to fill the position of AP Supervisor or AP Worker shall be a social worker licensed to practice in Idaho. (7-1-98)

03. Program Reporting And Records. All AAA AP programs shall comply with the ICOA's requirements for reporting and investigative documentation, and shall utilize standardized forms provided by the ICOA. (7-1-98)

04. Conflict Of Interest. AP program employees and their immediate families shall not hold a financial interest in agencies, organizations and entities providing care for vulnerable adults. (7-1-98)

05. Program Reviews. Upon prior notice and at reasonable intervals determined by ICOA, ICOA shall conduct on site program reviews of AAA AP programs. (7-1-98)

022. PROVISION OF SERVICE REQUIREMENTS.

In accordance with section 67-5011, Idaho Code, each AAA shall assume all responsibilities cited in Chapter 53, Title 39, Idaho Code. (7-1-98)

01. Direct Provision Of Service. Each AAA shall provide AP as a direct service. (4-5-00)

02. Performance-Based Agreements. Each AAA shall provide AP services pursuant to performance-based agreements delineating the duties and obligations of each AAA AP program. (4-5-00)

03. Court Visitors. No AP employee shall serve as a court appointed visitor in a guardianship or conservatorship proceeding involving a proposed ward who is or has been the alleged victim in an AP investigation. (7-1-98)

023. -- 030. (RESERVED).

031. INVESTIGATIVE REQUIREMENTS.

01. Review Of Allegations. Upon receipt of a report of abuse, neglect or exploitation the AAA shall conduct a review of the allegations of such report to determine whether: (3-30-01)

a. The report was required to be made to ICOA or its contractors pursuant to Section 39-5303, Idaho Code; (3-30-01)

b. An emergency exists; and (3-30-01)

c. In cases involving resident-to-resident contact reported pursuant to Section 39-5303(A), Idaho Code, determine whether the case involves the sexual abuse, death, or serious physical injury jeopardizing the life, health, or safety of a vulnerable adult, or involves repeated physical or verbal altercations between residents, not resulting in observable physical or mental injury, but constituting an ongoing pattern of resident behavior that a facility's staff are unable to remedy through reasonable efforts. (3-30-01)

02. Need For Investigation. If, based on its review, the AAA determines that the report was not required by Section 39-5303, Idaho Code, no further investigation need be conducted on such report. (3-30-01)

03. Vulnerability Determination. Upon investigating an AP report, each AAA shall determine whether an alleged victim is vulnerable as defined in Section 39-5302, Idaho Code. If the alleged victim is not vulnerable as defined in Section 39-5302, Idaho Code, AP may refer the complaint to the Ombudsman, Law Enforcement or other appropriate entity for investigation and resolution. (3-30-01)

04. Assessment Of Alleged Victim. An alleged victim's vulnerability and associated risk factors shall be determined through the administration of the UAI or other standardized supplemental forms. Initial interviews and assessments of an alleged victim shall be conducted by an AP worker. (7-1-98)

05. Investigative Findings. AP shall make one (1) of two (2) investigative findings upon completion of an AP investigation: (7-1-98)

a. Substantiated. AP determines that a report is valid based on sufficient evidence. (7-1-98)

b. Unsubstantiated. AP determines that a complaint is invalid due to insufficient supporting evidence. This finding requires AP to close the case. (7-1-98)

i. If an allegation is unsubstantiated, but the vulnerable adult has unmet service needs, AP shall initiate appropriate referrals with consent of the vulnerable adult or his legal representative. (7-1-98)

ii. A case shall be closed if AP determines that an allegation has been made in bad faith or for a malicious purpose. (7-1-98)

iii. A case shall be closed if AP determines that an alleged victim is not a vulnerable adult. (7-1-98)

06. Caretaker Neglect. In investigating a report of caretaker neglect, AP shall take into account any deterioration of the mental or physical health of the caregiver resulting from the pressures associated with care giving responsibilities that may have contributed to the neglect of the vulnerable adult. In such cases, AP shall make every effort to assist the primary caregiver in accessing program services necessary to reduce the risk to the vulnerable adult. In AP cases in which family members are experiencing difficulties in providing twenty-four (24) hour care for a functionally impaired relative, AP shall make appropriate referrals to available community services to provide needed assistance. (7-1-98)

07. Referral To Law Enforcement. A substantiated report of abuse, neglect or exploitation is presumed to have caused a serious imposition of rights or injury to the alleged victim and shall be immediately referred to law enforcement pursuant to Section 39-5310, Idaho Code. (7-1-98)

08. Adult Protection And Ombudsman Coordination. AAAs shall ensure that AP staff and the substate ombudsman maintain a written agreement establishing cooperative protocols in the investigation of complaints. (3-30-01)

09. Confidentiality. All records relating to a vulnerable adult and held by an AAA are confidential and shall only be divulged as permitted pursuant to Sections 39-5307, 39-5304(5), 39-5308, Idaho Code, and IDAPA 15.01.01, Section 028, "Rules Governing Senior Services Program". (3-30-01)

032. SUPPORTIVE SERVICES AND CASE CLOSURE.

01. Supportive Services Plan. If determined necessary to reduce risk to a vulnerable adult, in substantiated cases, AP shall assist in the development and initiation of a SSP with the consent of the vulnerable adult or his legal representative. (3-19-99)

02. Documentation Of Client Consent. A vulnerable adult's consent, refusal to grant consent, or withdrawal of consent to a SSP shall be documented in the client case record. (7-1-98)

03. Case Review. The implemented SSP shall be reviewed annually or more frequently based on the circumstances of each individual case. (3-19-99)

04. Case Closure. AP shall close a case under the following circumstances: (7-1-98)

a. AP shall close a substantiated case upon a determination that an initiated SSP or law enforcement involvement has successfully reduced the risk to the vulnerable adult. (7-1-98)

b. AP may close a case if another program or agency has agreed to assume responsibility to monitoring and reviewing implementation of an SSP. (7-1-98)

05. Suspense File. Closed cases shall be maintained in a suspense file until formal action is completed by law enforcement and/or the courts in the following instances: (7-1-98)

a. Cases referred by AP to law enforcement for criminal investigation and prosecution as determined necessary by the law enforcement agency. (7-1-98)

b. Cases referred by AP for guardianship/conservatorship proceedings. (7-1-98)

033. -- 999. (RESERVED).

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