

**VIRGINIA DEPARTMENT OF SOCIAL SERVICES
PERIODIC REVIEW OF EXISTING REGULATIONS
Pursuant to Executive Order Twenty-Five (98)**

1. **Virginia Administrative Code Number:** VAC 40-740-10
2. **Regulation Title:** Adult Protective Services
3. **Summary of Regulation:** This regulation establishes guidelines and expectations relative to (1) the receipt, investigation and disposition of reports of adult abuse, neglect, and/or exploitation and (2) the provision of protective services to adults found to need protection. The regulation describes authorized disclosure of confidential information from Adult Protective Services records.
4. **Publication Date of Notice in the Virginia Register:** March 29, 1999
5. **Deadline for Comments:** April 28, 1999
6. **Citation of the State or Federal Statute or Federal Regulatory Mandate for this Regulation:** Federal authority is found in Title XX of the Social Security Act, Section 2001, number (3). The State statute providing the mandate for this regulation is found in the *Code of Virginia* § 63.1-25, § 63.1-55.1 through § 63.1-55.7
7. **Scope of the Mandate:** This regulation does not exceed the scope of the mandate.
8. **Summary of Public Comment and the Department's Response:** No public comments were received.
9. **Specific and Measurable Goals the Regulation is Intended to Achieve:** The regulation is designed to set a base for statewide consistence and quality in implementing the Adult Protective Services program. The regulation is intended to facilitate timely intervention on behalf of vulnerable adults who are victims of abuse, neglect, or exploitation. The effectiveness of the regulation is assured through case monitoring.
10. **Purpose of the Regulation:** Local departments of social services receive and investigate more than 10,000 reports of adult abuse, neglect, and exploitation annually, as required by *Code of Virginia* § 63.1-55.1 and § 63.1-55.4. Reports alleging that adults are abused, neglected, or exploited and are unable to protect their own interest due to vulnerability associated with advanced age or due to mental or physical disability are investigated. Services are provided to those individuals who are found through an adult protective services investigation to be

abused, neglected, or exploited and in need of protective services. This regulation provides guidelines to local departments of social services for investigating reports and protecting the health, safety, and welfare of elders and adults with disabilities and, to maximize statewide consistency in the implementation of the Adult Protective Services program.

- 11. Process Used to Consider Other Alternatives for Achieving the Purpose of the Regulation:** This regulation was developed with the assistance of representatives from local departments of social services. Nationally and in Virginia, Adult Protective Services' philosophy includes a statement that says the least restrictive and least intrusive intervention necessary to protect the adult and stabilize the situation is the most appropriate. The statement was a guide in the development of this regulation.
- 12. Discussion of Clarity and Understandability of the Regulation and Recommendations for Improvement:** The regulation was written for simplicity and clarity. Since the implementation of the regulation no comments have been received indicating problems with clarity and understandability. It is not recommended that changes be made at this time to improve clarity and understandability.
- 13. Recommendation:** The Department of Social Services recommends retaining the regulation without change at this time. The State Board of Social Services concurs with this action.
- 14. Date for Next Review of this Regulation:** The next review of this regulation should be within three years of the current review date.