



COMMONWEALTH OF VIRGINIA
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

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Date-July 2, 2018

Manual - Adult Protective Services Division Manual

Transmittal # - DARS-APSD-14

The following acronyms are used in this transmittal:

- AAL**-Alzheimer’s Assisted Living
- APS**-Adult Protective Services
- CCC**-Commonwealth Coordinated Care
- DMAS**-Department of Medical Assistance Services
- EDCD**-Elderly and Disabled with Consumer Direction
- HB**-House Bill
- LDSS**-Local department of social services
- NOA**-Notice of Action
- PAS**-Preadmission Screening
- TW**-Tech waiver

The purpose of this transmittal is to provide revised guidance on the APS Division Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon receipt.

This transmittal and manual are available on FUSION at
<http://spark.dss.virginia.gov/divisions/dfs/as/manual.cgi>

Significant changes to the manual are described in the following chart:

Chapter 1, “Introduction”	
Section	Significant Changes
Entire Chapter	<p>Changed SPARK to FUSION.</p> <p>All hyperlinks have been inactivated.</p> <p>Updated contact information for Eastern Region APS Consultant.</p> <p>Changed “PAS” and “preadmission screening” to “screening,” DMAS’s</p>

	preferred terminology.
1.15.5	Changed EDCD and TW to CCC Plus waiver. Removed reference to AAL waiver, which expired June 30, 2018.
Chapter 2, “Adult Protective Services”	
Section	Significant Changes
Entire Chapter	All hyperlinks have been inactivated.
2.4	Added definition of “agent.” The term “agent” is used throughout in the Chapter 2. Struck definition of “person interested in the welfare of principal.” This is not a term used in the Code of Virginia. Guidance about the APS’s authority to review an agent’s conduct is addressed in Section 2.13.11.
2.13.11	Clarified guidance regarding APS’s authority to request a review agent’s conduct. Changed “attorney-in-fact” to “agent” to align with §§ 64.2-1612 and 64.2-1614 of the Code of Virginia.
2.18.3	Added third bullet regarding purchased services and the need to identify these services on the service plan.
2.20.3	Removed references to sample petitions in the Appendices. Stated that the LDSS shall follow the guidance of the local attorney when the emergency order is requested. Amended sentence preceding an information that an LDSS should make available to the LDSS attorney. Added reference to temporary conservator pursuant to HB 850.
2.20.4	Aligned language in second and fourth sentences with Code of Virginia citation.
2.20.8	Added the word “continue” as it had been left out of the paragraph.
2.21.3.3	Clarified the appropriate budget line.
2.22.3.1	Clarified procedure for closing an APS case and when to issue an NOA.
2.27	Clarified section heading.

2.28	Clarified section heading.
2.29	Clarified section heading.
2.34.1	Clarified section heading.
2.34.2	Removed language about sending completed facility investigations to APS regional consultant for review.
2.35	Clarified section heading.
2.36	Clarified section heading.
2.38	Clarified section heading.
2.38.1	Corrected name of disAbility Law Center of Virginia.
Appendices	<p>Removed sample petitions (formerly Appendix C-E)</p> <p>Reordered Appendices.</p> <p>Updated contact information for Eastern Region APS Consultant.</p> <p>Clarified contact information for referrals to DBHDS.</p> <p>Added contact information for Peninsula Area Agency on Aging.</p> <p>Updated the Code of Virginia citations and content in the Letter of Understanding.</p> <p>Added new language (J) to 63.2-1605 of the Code of Virginia pursuant to HB 1026.</p> <p>Added new language to 63.2-1609 of the Code of Virginia pursuant to HB 850.</p> <p>Added additional guidance about taking photographs.</p>
Chapter 3, “Case Management”	
Section	Significant Changes
Entire Chapter	<p>All hyperlinks have been inactivated.</p> <p>Updated dates used in case examples.</p> <p>Changed “PAS” and “preadmission screening” to “screening,” DMAS’s preferred terminology.</p>
3.11.1	Clarified that cases in which the person being screened is under age 18 at the

	time of the screening shall not be entered into ASAPS.
3.20	Clarified reasons to close a case. Removed duplicative or unclear content.
Chapter 4, “Long Term Care Services”	
Section	Significant Changes
Entire Chapter	All hyperlinks have been inactivated. Changed “PAS” and “preadmission screening” to “screening,” DMAS’s preferred terminology.
4.7	Removed reference to PAS Technical Assistance document for community-based screening teams. All guidance regarding screenings should come from DMAS.
4.7.1.3	Changed “EDCD” to “CCC Plus waiver.”
Chapter 5, “Adult Services Approved Providers”	
Entire Chapter	All hyperlinks have been inactivated.
Chapter 7, “Guardianship and Conservatorship”	
Entire Chapter	All hyperlinks have been inactivated. Changed “PAS” and “preadmission screening” to “screening,” DMAS’s preferred terminology.
7.3.2	Clarifies that guardian has to have a court order and qualifying order before assuming the role of guardian. Clarifies that guardians who were appointed and qualified prior to the date the annual reporting law (64.2-2020 of the Code of Virginia) took effect, do not have to file an annual report. The law was enacted in 1997 and was not retroactive.
7.3.2.10	Added guidance about the type of information to include in the letter to the court listing delinquent guardians. Added a time-limited request for LDSS to mail a copy of the delinquent guardian list and notification to the court to the APS Division. This requirement is not retroactive.
7.3.2.12	Struck guidance requiring guardian to file a final report with LDSS when incapacitated adult dies. There is no such requirement in § 64.2-2020 of the

	Code of Virginia.
7.3.2.14	Changed “may” to “shall.”
Appendices	Struck guidance requiring guardian to file a final report with LDSS when incapacitated adult dies. There is no such requirement in § 64.2-2020 of the Code of Virginia. In the instruction to newly appointed guardians, language was amended asking the guardian to notify the LDSS if the incapacitated person dies. Clarified definition of adult exploitation. This definition was not included during the July 2017 revision. Added sample letter-notification of delinquent guardians.
Chapter 8, “Right to Review”	
Entire Chapter	All hyperlinks have been inactivated.
8.1.23	Added guidance that the director’s decision is final pursuant to HB 1026.
Appendices	Added phrase “pursuant to § 63.2-1605 J of the Code of Virginia” to the sentence that begins “This decision is final” in the sample letters. HB 1026 amended the Code of Virginia regarding actions taken by LDSS.

Questions about this transmittal should be directed to your APS Division Regional Consultant.



Kathryn Hayfield, Commissioner