Mandatory Reporting of Abuse and Neglect of Vulnerable Adults

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Disclaimer

• The material in this presentation is “educational information,” not legal advice.
SB 2323

- Changes voluntary reporting to mandatory reporting
- Provides a penalty (infraction) for failure to report
Mandatory Reporting

• Effective August 1, 2013, North Dakota law contains a list of professionals who are required to report abuse, neglect, and exploitation of adults. But ANYONE can make a report.

• Any person required to report who willfully fails to do so is guilty of an infraction and subject to a fine up to $1,000.
Mandatory Reporting

Any of the following who provide healthcare or services to a vulnerable adult are required to report:

- Clergy (not required in all situations)
- Addiction Counselor
- Congregate Care Personnel
- Emergency Medical Personnel
- Hospital Personnel
- Medical Examiner
- Nursing Home Personnel
- Pharmacist
- Podiatrist
- Caregiver
- Dental Hygienist
- Family Therapist
- Counselor
- Coroner

- Law Enforcement Officer
- Mental Health Professional
- Occupational Therapist
- Physical Therapist
- Social Worker
- Chiropractor
- Dentist
- Firefighter
- Marriage Therapist
- Nurse
- Optometrist
- Physician
- Other persons who provide health care or mental health services to a vulnerable adult
Mandatory Reporting

• When to report:

  o Law requires “as soon as possible”

  o A report must be made if a reporter (in an official/professional capacity) has knowledge a vulnerable adult has been subjected to abuse or neglect; or

  o Observes a vulnerable adult being subjected to conditions/circumstances that reasonably would result in abuse or neglect
Mandatory Reporting

• To the extent possible, a person who makes a VAPS report shall include in the report:
  o The name, age, and residence address of the alleged vulnerable adult;
  o The name and address of the caregiver, if any;
  o The nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect;
  o Any evidence of previous abuse or neglect, including the nature and extent of the abuse or neglect; and
  o Any other information that in the opinion of the person making the report may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the individual responsible for the alleged abuse or neglect.
Mandatory Reporting

• If your profession is listed as a mandatory reporter, other laws may prohibit you from disclosing certain information in the mandatory report. For example:
  o Alcohol and Drug Information.
    • If you are an alcohol and drug treatment provider, 42 CFR Part 2, does not allow you to disclose alcohol and drug information to VAPS without a valid authorization or a specific court order.
    • If you are a recipient of alcohol and drug information from an alcohol and drug treatment provider, you may be prohibited by 42 CFR Part 2 from re-disclosing the alcohol and drug information to VAPS.
  o If you are a county or Department of Human Services’ employee or a certified or licensed provider of services, federal law may prohibit you from disclosing program information, such as Medicaid and SNAP.

• State law still requires a mandatory report to be filed, but the information you include in the report may be limited by federal law.
Mandatory Reporting

REPORT OF SUSPECTED VULNERABLE ADULT ABUSE, NEGLECT, OR EXPLOITATION
DEPARTMENT OF HUMAN SERVICES
AGING SERVICES
SPN 1807 (7-2013)

Report Date | County | Referred By | Telephone Number
---|---|---|---

Type of Referral
- Neglect
- Self-Neglect
- Abuse
- Financial Exploitation

Referral Source
- Self
- Family
- Community
- Agency
- Medical/Home Health
- Legal/Judicial

Relationship to Victim

Alleged Victim Information

Name
Address | City | State | ZIP Code
---|---|---|---

TelephoneNumber
Gender
- Male
- Female

Marital Status
- Single
- Married
- Widow/Widower
- Divorced/Separated
- Unknown

Date of Birth | Age
---|---

Reason for Referral
# Mandatory Reporting

## How to Report
- Contact one of the following offices to reach Vulnerable Adult Protective Services or contact law enforcement

<table>
<thead>
<tr>
<th>Region</th>
<th>Contact Name</th>
<th>Phone</th>
<th>Toll-Free</th>
<th>Fax</th>
<th>E-mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bismarck</td>
<td>Bill Willis</td>
<td>701-328-8668</td>
<td>888-328-2562</td>
<td>701-328-8900</td>
<td><a href="mailto:willis@nd.gov">willis@nd.gov</a></td>
</tr>
<tr>
<td>Devils Lake</td>
<td>Kim Helten</td>
<td>701-665-2269</td>
<td>888-607-8610</td>
<td>701-665-2300</td>
<td><a href="mailto:khelten@nd.gov">khelten@nd.gov</a></td>
</tr>
<tr>
<td>Dickinson</td>
<td>Rene Schmidt</td>
<td>701-227-7582</td>
<td>888-227-7525</td>
<td>701-227-7575</td>
<td><a href="mailto:rschmidt@nd.gov">rschmidt@nd.gov</a></td>
</tr>
<tr>
<td>Fargo</td>
<td>Cass Co. Social Services</td>
<td>701-241-5747</td>
<td>888-256-6742</td>
<td>701-239-6820</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Option #2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand Forks</td>
<td>Bernie Hopman</td>
<td>701-795-3066</td>
<td>888-256-6742</td>
<td>701-795-3050</td>
<td><a href="mailto:bfbachmeier@nd.gov">bfbachmeier@nd.gov</a></td>
</tr>
<tr>
<td>Jamestown</td>
<td>Hart Counseling</td>
<td>701-952-8277</td>
<td>701-952-8278</td>
<td>701-952-8278</td>
<td><a href="mailto:region6vaps@daktel.com">region6vaps@daktel.com</a></td>
</tr>
<tr>
<td>Minot</td>
<td>Niels Anderson</td>
<td>701-629-5393</td>
<td>701-628-3175</td>
<td>701-774-4620</td>
<td><a href="mailto:nanderson@co.mountrail.nd.us">nanderson@co.mountrail.nd.us</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>701-628-2925</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Williston</td>
<td>Kayla Fenster</td>
<td>701-774-4685</td>
<td>800-231-7724</td>
<td>701-774-4620</td>
<td><a href="mailto:kfenster@nd.gov">kfenster@nd.gov</a></td>
</tr>
</tbody>
</table>
Mandatory Reporting

- If the vulnerable adult is in **immediate danger**, call law enforcement and then one of the numbers above.
Mandatory Reporting
Community Partners

I want to report abuse, neglect, or exploitation of a resident of a Nursing Facility, Basic Care, Swing Bed Facility, or Hospital

Contact N.D. Department of Health at 701-328-2352 or naregistry@nd.gov
Mandatory Reporting

Community Partners

I want to report abuse, neglect, exploitation, or financial exploitation of a resident of an Assisted Living Facility

Contact local Adult Protective Services (contact information found on last page of this document)
Mandatory Reporting
Community Partners

I want to report financial exploitation of a resident of a Nursing Facility, Basic Care, Swing Bed Facility, or Hospital

Contact local Adult Protective Services (contact information found on last page of this document)
Mandatory Reporting
Community Partners

I want to report abuse, neglect, or exploitation of a person with a mental illness

Who is in an inpatient psychiatric ward, N.D. State Hospital, group home, geropsych unit, or transitional living facility

Who is receiving services from: Human Service Center, Home and Community-Based Services/County Social Services, Community Healthcare Association of the Dakotas (CHAD), Indian Health Services, Public Health Units, Public Guardian

Who is a refugee

Who is not receiving services in the community

Contact N.D. Protection & Advocacy Project at 701-328-2950 or toll-free 800-472-2670

Contact local Adult Protective Services (contact information found on last page of this document)
Mandatory Reporting

Community Partners

I want to report abuse, neglect, or exploitation of a person with developmental disabilities

Contact N.D. Protection & Advocacy Project at 701-328-2950 or toll-free 800-472-2670
Mandatory Reporting
Community Partners

I want to report abuse, neglect, or exploitation of a vulnerable adult who does not fit in the other categories.

Is the vulnerable adult in immediate danger?

- Yes: Contact local law enforcement 9-1-1
- No: Contact local Adult Protective Services
Vulnerable Adult Protective Services Program (VAPS)

- Addresses the safety of vulnerable adults who are at-risk of harm due to the presence or threat of abuse, neglect, or exploitation.

- Program is offered statewide through the N.D. Department of Human Services’ regional human service centers or local partner agencies.

- Program is available to vulnerable adults age 18 and older or to a minor emancipated by marriage with substantial mental or functional impairment which affect their health, safety, or independence.
VAPS Definitions

- **Vulnerable adult** – an adult who has a substantial mental or functional impairment
  
  - **Substantial functional impairment** – substantial incapability, because of physical limitation, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment
  
  - **Substantial mental impairment** – substantial disorder of thought, mood, perception, orientation, or memory the grossly impairs judgment, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment
VAPS Definitions

- **Abuse** – any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.

- **Neglect** – failure of a caregiver to provide essential services necessary to maintain the physical and mental health of a vulnerable adult, or the inability or lack of desire of the vulnerable adult to provide essential services necessary to maintain and safeguard the vulnerable adult’s own physical and mental health.
VAPS

• What happens after the report is made?
  
  o VAPS worker will call to gather more information
  
  o VAPS worker reviews concern by asking screening questions to determine if adult is in serious danger and/or in need of immediate intervention (such as law enforcement)
  
  o VAPS worker will conduct a home visit to complete an assessment and make appropriate referrals
• **Remember:**
  
  o A vulnerable adult has the right to make his/her own decisions unless the adult gives up that right or the court system gives that responsibility to someone else.

  o A vulnerable adult has the right to live how he/she wants if it does not harm others or involve a crime.

  o If a vulnerable adult who is subject to abuse or neglect is unable to consent to and accept adult protective services, or if that vulnerable adult’s caregiver refuses adult protective services, the department can independently pursue legal action if necessary to protect the adult from further abuse or neglect.
On the Horizon

- Reporting Made Easy
  - Online reporting tool coming in 2014
  - SAMS to Harmony for APS reporting implemented in February 2014