

1                                   **ADULT PROTECTIVE SERVICES**

2   **AMENDMENTS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Allen M. Christensen**

6   House Sponsor: Bradley G. Last

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8   **LONG TITLE**

9   **General Description:**

10           This bill amends the Utah Human Services Code to require the Division of Aging and  
11   Adult Services to make rules to avoid the duplication of investigations and services by  
12   Adult Protective Services and the Long-Term Care Ombudsman Program.

13   **Highlighted Provisions:**

14           This bill:

- 15           ▶ defines terms;
- 16           ▶ provides that the Division of Aging and Adult Services within the Department of  
17   Human Services shall make rules that establish procedures to:
- 18           • determine whether Adult Protective Services or the Long-Term Care  
19   Ombudsman Program will be responsible to investigate or provide services in a  
20   case where an allegation is made regarding abuse, neglect, or exploitation of a  
21   vulnerable adult who resides in a long-term care facility; and
- 22           • determine whether, and under what circumstances, the agency that is not  
23   designated as the responsible agency under the preceding paragraph will provide  
24   assistance to the responsible agency;
- 25           ▶ provides that, notwithstanding the provisions of this bill, Adult Protective Services  
26   shall be the agency within the division that is responsible for receiving all reports of  
27   alleged abuse, neglect, or exploitation of a vulnerable adult; and



28           ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **62A-3-203**, as last amended by Chapter 176, Laws of Utah 1993

36           **62A-3-302**, as repealed and reenacted by Chapter 108, Laws of Utah 2002

37 ENACTS:

38           **62A-3-106.5**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41           Section 1. Section **62A-3-106.5** is enacted to read:

42           **62A-3-106.5. Agency responsible to investigate and provide services.**

43           (1) For purposes of this section, "responsible agency" means the agency responsible to  
44 investigate or provide services in a particular case under the rules established under Subsection  
45 (2)(a).

46           (2) In order to avoid duplication in responding to a report of alleged abuse, neglect, or  
47 exploitation of a vulnerable adult who resides in a long-term care facility, the division shall  
48 make rules, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
49 that establish procedures to:

50           (a) determine whether Adult Protective Services or the Long-Term Care Ombudsman  
51 Program will be responsible to investigate or provide services in a particular case; and

52           (b) determine whether, and under what circumstances, the agency described in  
53 Subsection (2)(a) that is not the responsible agency will provide assistance to the responsible  
54 agency in a particular case.

55           (3) Notwithstanding Subsection (2), or the rules made pursuant to Subsection (2),  
56 Adult Protective Services shall be the agency within the division that is responsible for  
57 receiving all reports of alleged abuse, neglect, or exploitation of a vulnerable adult as provided  
58 in Section 62A-3-305.

59 Section 2. Section **62A-3-203** is amended to read:

60 **62A-3-203. Creation of long-term care ombudsman program -- Responsibilities.**

61 (1) (a) There is created within the division the long-term care ombudsman program for  
62 the purpose of promoting, advocating, and ensuring the adequacy of care received, and the  
63 quality of life experienced by elderly residents of long-term care facilities within the state.

64 (b) [~~The~~] Subject to the rules made under Section 62A-3-106.5, the ombudsman is  
65 responsible for:

66 (i) receiving and resolving complaints relating to elderly residents of long-term care  
67 facilities;

68 (ii) conducting investigations of any act, practice, policy, or procedure of any long-term  
69 care facility or government agency which it has reason to believe affects or may affect the  
70 health, safety, welfare, or civil and human rights of any elderly resident of a long-term care  
71 facility;

72 (iii) coordinating the department's services for elderly residents of long-term care  
73 facilities to ensure that those services are made available to eligible elderly citizens of the state;  
74 and

75 (iv) providing training regarding the delivery and regulation of long-term care to public  
76 agencies, local ombudsman program volunteers, and operators and employees of long-term  
77 care facilities.

78 (2) (a) A long-term care facility shall display an ombudsman program information  
79 poster.

80 (b) The division is responsible for providing the posters, which shall include the names  
81 and phone numbers for local ombudsman programs.

82 Section 3. Section **62A-3-302** is amended to read:

83 **62A-3-302. Purpose of Adult Protective Services Program.**

84 Subject to the rules made under Section 62A-3-106.5, Adult Protective Services shall:

85 (1) investigate or cause to be investigated reports of alleged abuse, neglect, or  
86 exploitation of vulnerable adults occurring in all settings; and[;]

87 (2) where appropriate, [~~shall~~] provide short-term, limited protective services with the  
88 permission of the affected vulnerable adult or the guardian or conservator of the vulnerable  
89 adult. The division may promulgate rules and develop procedures and policies to be used in

90 reporting incidents of abuse, neglect, or exploitation, and in investigating and providing  
91 protective services to the extent that funds are appropriated by the Legislature.

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**Legislative Review Note**  
**as of 12-21-05 1:31 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**