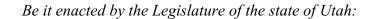
	AGING AND ADULT SERVICES AMENDMENTS
	2014 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Rebecca Chavez-Houck
	Senate Sponsor: Brian E. Shiozawa
L	ONG TITLE
G	eneral Description:
	This bill amends Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a
V	ulnerable Adult.
Н	lighlighted Provisions:
	This bill:
	<ul> <li>clarifies and modifies the powers and duties of Adult Protective Services; and</li> </ul>
	• makes the vulnerable adult database and the adult protection case file available to
ci	ty attorneys.
M	Ioney Appropriated in this Bill:
	None
o	ther Special Clauses:
	None
U	tah Code Sections Affected:
A	MENDS:
	62A-3-303, as last amended by Laws of Utah 2008, Chapter 91
	62A-3-312, as last amended by Laws of Utah 2008, Chapters 91 and 382





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26	Section 1. Section 62A-3-303 is amended to read:
27	62A-3-303. Powers and duties of Adult Protective Services.
28	In addition to all other powers and duties that Adult Protective Services is given under
29	this part, Adult Protective Services:
30	(1) shall maintain an intake system for receiving and screening reports;
31	(2) shall investigate [reports] referrals that meet the intake criteria;
32	(3) shall conduct assessments of vulnerability and functional capacity as it relates to an
33	allegation of abuse, neglect, or exploitation of an adult who is the subject of a report;
34	[(3)] (4) shall perform assessments based on protective needs [assessments] and risks
35	for a vulnerable adult who is the subject of a report;
36	[(4)] (5) [may coordinate with, or make referrals to, community resources] may address
37	any protective needs by making recommendations to and coordinating with the vulnerable adult
38	or by making referrals to community resources;
39	[(5)] (6) may provide short-term, limited services to a vulnerable adult[, on a
40	temporary basis,] when family or community resources are not available to provide for the
41	protective needs of the vulnerable adult;
42	[(6)] (7) shall have access to facilities licensed by, or [contracting] contracted with, the
43	department or the Department of Health for the purpose of conducting investigations;
14	$[\frac{(7)}{8}]$ shall be given access to, or provided with, written statements, documents,
45	exhibits, and other items related to an investigation, including <u>private</u> , <u>controlled</u> , <u>or protected</u>
46	medical or financial records of a vulnerable adult who is the subject of an investigation if:
<b>1</b> 7	(a) for a vulnerable adult who does not lack [the] capacity to consent, the vulnerable
48	adult signs a release of information; or
<b>19</b>	(b) for a vulnerable adult who lacks [the] capacity to consent, an administrative
50	subpoena is issued by Adult Protective Services;
51	[(8)] (9) may [institute] initiate proceedings in a court of competent jurisdiction to seek
52	relief necessary to carry out the provisions of this chapter;
53	[9] (10) may require all persons, including family members of a vulnerable adult and
54	any caretaker, to cooperate with Adult Protective Services in carrying out its duties under this
55	chapter, including the provision of statements, documents, exhibits, and other items that assist
56	Adult Protective Services in conducting investigations and providing protective services;

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57	$\left[\frac{(10)}{(11)}\right]$ may require all officials, agencies, departments, and political subdivisions
58	of the state to assist and cooperate within their jurisdictional power with the court, the division,
59	and Adult Protective Services in furthering the purposes of this chapter;
60	[(11)] (12) may conduct studies and compile data regarding abuse, neglect, and
61	exploitation; and
52	$\left[\frac{(12)}{(13)}\right]$ may issue reports and recommendations.
63	Section 2. Section <b>62A-3-312</b> is amended to read:
54	62A-3-312. Access to information in database.
55	The database and the adult protection case file:
66	(1) shall be made available to law enforcement agencies, the attorney general's office,
67	city attorneys, and county or district attorney's offices;
68	(2) shall be released as required under Subsection 63G-2-202(4)(c); and
59	(3) may be made available, at the discretion of the division, to:
70	(a) subjects of a report as follows:
71	(i) a vulnerable adult named in a report as a victim of abuse, neglect, or exploitation, or
72	that adult's attorney or legal guardian; and
73	(ii) a person identified in a report as having abused, neglected, or exploited a
74	vulnerable adult, or that person's attorney; and
75	(b) persons involved in an evaluation or assessment of the vulnerable adult as follows:
76	(i) an employee or contractor of the department who is responsible for the evaluation of
77	assessment of an adult protection case file;
78	(ii) a multidisciplinary team approved by the division to assist Adult Protective
79	Services in the evaluation, assessment, and disposition of a vulnerable adult case;
30	(iii) an authorized person or agency providing services to, or responsible for, the care,
31	treatment, assessment, or supervision of a vulnerable adult named in the report as a victim,
32	when in the opinion of the division, that information will assist in the protection of, or provide
33	other benefits to, the victim;
34	(iv) a licensing authority for a facility, program, or person providing care to a victim
35	named in a report; and
36	(v) legally authorized protection and advocacy agencies when they represent a victim
27	or have been requested by the division to assist on a case, including:

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- 88 (A) the Office of Public Guardian, created in Section 62A-14-103; and
- 89 (B) the Long-Term Care Ombudsman Program, created in Section 62A-3-203.