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**HOUSE BILL NO. 552**

Offered January 13, 2016

Prefiled January 9, 2016

*A BILL to amend and reenact § 63.2-1605 of the Code of Virginia, relating to adult protective services; investigations.*

\_\_\_\_\_  
Patron—Watts

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Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:****1. That § 63.2-1605 of the Code of Virginia is amended and reenacted as follows:****§ 63.2-1605. Protective services for adults by local departments.**

A. Each local board, to the extent that federal or state matching funds are made available to each locality, shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and Rehabilitative Services, adult protective services for adults who are found to be abused, neglected or exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of such report and shall initiate an investigation within 24 hours of the time the report is received in the local department. Local departments shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

C. The local department shall refer any appropriate matter and all relevant documentation to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation. *When a local department initiates an investigation upon receipt of a valid report of suspected abuse, neglect, or exploitation of an adult in a custodial setting or by a health care professional licensed, certified, or registered under Title 54.1, the local department shall convey to all appropriate licensing, regulatory, or legal authorities (i) the name of the facility, program, or individual on a quarterly basis and (ii) the final disposition of such investigations within 60 days of their conclusion. Any licensing, regulatory, or legal authorities receiving such information shall retain it on file with any other information associated with the facility, program, or individual and, upon receiving the final disposition, shall discard the initial report.*

D. If a local department is denied access to an adult for whom there is reason to suspect the need for adult protective services, then the local department may petition the circuit court for an order allowing access or entry or both. Upon a showing of good cause supported by an affidavit or testimony in person, the court may enter an order permitting such access or entry.

E. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed consent of the adult or his legal representative, shall take or cause to be taken photographs, video recordings, or appropriate medical imaging of the adult and his environment as long as such measures are relevant to the investigation and do not conflict with § 18.2-386.1. However, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative or the legal representative is the suspected perpetrator of the adult abuse, neglect, or exploitation, consent may be given by an agent appointed under an advance medical directive or medical power of attorney, or by a person authorized, pursuant to § 54.1-2986. In the event no agent or authorized representative is immediately available then consent shall be deemed to be given.

F. Local departments shall foster the development, implementation, and coordination of adult protective services to prevent adult abuse, neglect, and exploitation.

G. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults incarcerated in state correctional facilities.

H. Local departments or the adult protective services hotline, upon receiving the initial report pursuant to § 63.2-1606, shall immediately notify the local law-enforcement agency where the adult resides, or where the alleged abuse, neglect, or exploitation took place, or if these places are unknown, then where the alleged abuse, neglect, or exploitation was discovered, when in receipt of a report describing any of the following:

1. Sexual abuse as defined in § 18.2-67.10;

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59 2. Death, serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of  
60 abuse or neglect; or

61 3. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of  
62 death or serious bodily harm.

63 *Upon an investigation of suspected abuse, neglect, or exploitation of an adult in a custodial setting*  
64 *or by a health care professional licensed under Title 54.1, the local law-enforcement agency shall*  
65 *convey to all appropriate licensing, regulatory, or other legal authorities (i) the name of the facility,*  
66 *program, or individual upon filing charges and (ii) the final disposition of such cases within 60 days of*  
67 *their conclusion. Any licensing, regulatory, or legal authorities receiving such information shall retain it*  
68 *on file with any other information associated with the facility, program, or individual and, upon*  
69 *receiving the final disposition, shall discard the initial report.*

70 I. The (i) report and evidence received by the local department ~~and~~; (ii) any written findings,  
71 evaluations, records, and recommended actions; and (iii) information exchanged pursuant to subsection  
72 C or H shall be confidential and shall be exempt from disclosure requirements of the Virginia Freedom  
73 of Information Act (§ 2.2-3700 et seq.), except that such information may be disclosed to persons having  
74 a legitimate interest in the matter in accordance with §§ 63.2-102 and 63.2-104 and pursuant to official  
75 interagency agreements or memoranda of understanding between state agencies.