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Governor



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State of Nevada
Department of Health and
Human Services

Adult Protective Services Presentation




Aging and Disability Services Division
Presented by Adult Protective Services




Helping people. It's who we are and what we do.

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Overview


- Types of older person and vulnerable person (collectively referred to as vulnerable adult) abuse;
- Signs of vulnerable adult abuse;
- Signs of abusive caretakers;
- Victims of vulnerable adult abuse;
- Role of Aging and Disability Services Division (ADSD) in vulnerable adult abuse cases;
- Mandated reporting.



Call 888-729-0571 or 702-486-6930 to report Abuse




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Aging and Disability Services Division (ADSD)

- ADSD, Adult Protective Services has 4 offices in Nevada:
 - Reno, Carson City, Elko, and Las Vegas
- Office Hours:
 - Monday-Friday 8:00 am-5:00 pm
- ADSD is not funded for emergency response;
- ADSD is the only entity in the state who investigates vulnerable adult abuse, other than Law Enforcement.

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Adult Protective Services

Adult Protective Services Include:



Investigation



Evaluation




Arrangement/referral
to other services


Protective services are provided if the individual is willing to accept these services.



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Mission Statement




ADULT PROTECTIVE SERVICES MISSION STATEMENT


To assist vulnerable adults, age 18 to 59, in addition to persons 60 years and older who are abused, neglected, exploited, isolated or abandoned by investigating, providing or arranging for services to alleviate and prevent further maltreatment while safeguarding their civil liberties.

As of July 1, 2019, Nevada received legislative authority to investigate allegations of abuse regarding the 18-59 vulnerable person population.

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Types of Vulnerable Adult Abuse

- Abandonment;
- Abuse:
 - Physical;
 - Psychological;
 - Sexual;
- Neglect;
- Exploitation;
- Isolation;
- SelfNeglect.
- In Nevada, an "older person" is defined as a person 60 years of age or older.
- A "vulnerable person" is defined as a person 18 years of age or older who:
 - (a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
 - (b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.
 - As defined by Nevada Revised Statute, NRS 200.5092

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Abandonment

- Desertion of an older person or a vulnerable person in an unsafe manner by a caregiver or other person with a legal duty of care;
- Withdrawal of necessary assistance owed to the older person or vulnerable person by a caregiver or other person with an obligation to provide services to the older or vulnerable person
 - This allegation type was added: 10/1/2015

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Abuse

Abuse is the willful:


- Infliction of pain or injury on an older person or a vulnerable person;
- Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;
- Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person;
- Nonconsensual sexual contact with an older person or a vulnerable person;
- Permitting any of the acts described in paragraphs (a) to (d)

- Three Types of Abuse:
 - Physical;
 - Psychological (emotional);
 - Sexual.

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Physical Abuse


- Serious or unexplained injury;
- Sexual abuse;
- Inappropriate physical or chemical restraint;
- Medication abuse
 - Over or under medicating.



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Psychological (Emotional) Abuse

- Threatening, controlling or socially isolating the older person or vulnerable person;
- Disregarding the needs of the older person or vulnerable person;
- Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets.

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Sexual Abuse


- An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection;
- Intentional touching either directly or through the clothing;
- Anytime sexual abuse is alleged, law enforcement must be contacted immediately;
 - Report to APS should also be made.



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Neglect

- Failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.
- If a person who has voluntarily assumed responsibility to provide necessary supervision to the older person or a vulnerable person and then fails to provide adequate supervision, it is neglect;
- Neglect does not have to be intentional.

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Neglect (continued)

Special Considerations:

- Older and vulnerable persons can be highly susceptible to weather extremes for many reasons including chronic health conditions, medications and metabolic change;
- Older and vulnerable persons may be unable to express their needs in response to weather extremes.
- Older and vulnerable persons left outside in extreme heat or cold are at high risk of dehydration, hypothermia, and even death.




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Self Neglect

- Self-neglect is the failure of an older or vulnerable person to provide for his or her own needs because of an inability to do so;
- Self-neglect is not a crime;
- An older or vulnerable person has the right to make his or her own choices unless a judge declares the individual incompetent.




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Self Determination


- Self-determination is the right of a vulnerable adult to make their own decisions, good or bad;
- Substantial attention is given to the concept of self-determination;
- Often, a vulnerable adult has capacity but makes poor choices, these individuals still have the right to self-determination;
- APS will work in the best interest of the client when the vulnerable adult lacks capacity.

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Exploitation

Any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship to:


- Obtain control or convert money, assets or property, through deception, intimidation, or undue influence with the intention of permanently depriving the person of their ownership, use, benefit or possession of their money assets or property.
- Undue influence means the improper use of power or trust in a way that deprives a person of his or free will. This does not include the normal influence that one member of a family has over another.

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Isolation


- Preventing an older person or vulnerable person from having contact with another person by:
 - Physically restraining and/or intentionally preventing the person from receiving visitors, mail, phone calls;
 - Knowingly providing a false statement contrary to the express wishes of the person with the intent to prevent visitors and callers;
 - Permitting any of the acts described;
 - This does not include an act intended to protect the property, physical, and or mental welfare of the person or an act pursuant to the instructions of a physician.



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Signs of Vulnerable Adult Abuse


- Suspect vulnerable adult abuse if you notice any of the following conditions:
 - Inadequately explained bruises, cuts, or burns;
 - Dehydration or malnutrition;
 - Overly medicated or extremely sedated;
 - Unusual confinement;
 - Closed off in a room;
 - Tied to furniture.
- Lack of cleanliness, grooming.



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Signs of Vulnerable Adult Abuse (continued)

- Fear of speaking for oneself in the presence of the caretaker;
- Anxious to please;
- Anxiety, confusion, withdrawal, depression;
- Shame, fear, embarrassment;
- Sudden change in financial activity;
- Unusual cash withdrawals from the person's account in a short period of time.

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Characteristics of Abusive Caretakers

- Suspect vulnerable adult abuse if a caretaker displays any of the following behaviors:
 - Threatening remarks or behavior;
 - Conflicting stories
 - Such as how the vulnerable adult was injured;
 - Insults, aggressive behavior;
 - Withholding of attention, security, and affection;
- Attitude of indifference or anger toward the vulnerable adult in their care;
- Unusual fatigue, depression;
- Obvious absence of assistance or attendance.
- A history of abusive family behavior or other hostile behavior patterns can predispose a caretaker to acting out his or her anger, especially when under stress.

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The Victims


- Persons over 80 years of age are 2 to 3 times more likely to be abused;
- Victims are likely to have dementia or cognitive impairment;
- Two thirds of the reports examined identify women as victims;
 - From: The Center on Elder Abuse, Center of Excellence on Elder Abuse and Neglect 2011



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The Victims (continued 2)


People with Intellectual Disabilities/Developmental Disabilities are more likely to be victims of a crime as opposed to a perpetrator of a crime;

- Individuals with ID/DD are often taken advantage of and exploited;
- Often this is done by family, friends, and caregivers;
- More than 90% of people with developmental disabilities will experience sexual abuse at some point in their lives.

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The Victims (continued 3)

A victim may deny the reported abuse and put up barriers to assistance because they are:


- Ashamed that their children or caretaker has mistreated them;
- Dependent on the abuser;
- Fearful of being sent to a nursing home or being taken away;
- Worried that if the abuser is taken away, they will be alone;
- Fearful of retaliation.



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Stopping Vulnerable Adult Abuse

- It all starts by making a **report**, which is reviewed by Adult Protective Services (APS);
- Case **investigations** are opened and assigned to an APS worker based on the allegation;
- APS workers provide **intervention** steps to assist clients;
- APS workers may refer cases to Law Enforcement based on their findings of the investigation;
- Law Enforcement may investigate and refer to the District Attorney for possible **prosecution**.

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Mandatory Reporters

A **mandatory reporter** is someone who is required by Nevada Law to notify a particular state or local agency when the person, in his/her professional or occupational capacity, knows or has reason to believe that a vulnerable adult is being abandoned, abused, exploited, isolated, or neglected.

- Reports should be made immediately or within 24 hours.

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Mandated Reporters

Failure to report is a misdemeanor punishable by law up to 6 months in jail and/or a fine of \$1,000.



HELP STOP THE ABUSE OF VULNERABLE ADULTS

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Who Are Mandated Reporters?

- Physicians
- Dentists
- Dental Hygienists
- Chiropractors
- Optometrists
- Podiatrists
- Medical Examiners
- Residents
- Interns
- Professional or Practical Nurses
- Nursing Home employees
- Physician's Assistants
- Psychiatrists
- Psychologists
- Therapists – Marriage, Family, and Music
- Alcohol or Drug Abuse Counselors
- Ambulance Drivers
- Emergency Medical Technicians
- Any person employed by a facility that provides care for vulnerable adults

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Who Are Mandated Reporters? (Continued)

- Government Employees of the Department of Human Services;
- Mortuary and Funeral Home Employees;
- Social Workers;
- Home Health Agency Employees;
- Coroners;
- Law Enforcement Employees;
- Probation Officers -Juvenile or Adult;
- Financial Institution Designee;
- Securities Brokers-Dealers and Investments Advisors



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Content of Reports

- The report must contain the following information, when possible:
 - The name and address of the vulnerable adult;
 - The name and address of the person responsible for his or her care, if there is one;
 - The name and address, if available, of the person who is alleged to have abandoned, abused, neglected, exploited or isolated the vulnerable adult;

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Content of Reports (Continued)

- The nature and extent of the abandonment, abuse, exploitation, isolation, or neglect of the vulnerable adult;
- Any evidence of previous injuries;
- The basis of the reporter's belief that the vulnerable adult has been abandoned, abused, exploited, or isolated.
- Note: "Potential" abuse is not reportable:
 - The reporter must state the reasons and/or facts that lead them to believe abuse has occurred.

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HELP STOP THE ABUSE OF VULNERABLE ADULTS

To report suspected abuse, neglect, exploitation, isolation and abandonment of vulnerable adults 18 years and older, please call:

Las Vegas/ Clark County (702) 486-6930	Statewide/ All Other Areas (888) 729-0571
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AFTER HOURS: Contact any Police Department or Sheriff's Office
If there is imminent danger involved, call 911

Learn more about how you can help:
<https://www.nevada211.org/aps/>
<http://adsd.nv.gov/>

Provider Training
<http://nevadaadrc.com/component/k2/item/744-elder-abuse-prevention-training-e-learning-path>
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