

**Date-July 1, 2012**

**Manual - Adult and Family Services Program Manual**

**Transmittal # - 249**

The following acronyms are used in this transmittal:

AG-Auxiliary Grant  
ALF-Assisted Living Facility  
APS-Adult Protective Services  
AS-Adult Services  
HB-House Bill  
LDSS-Local Department of Social Services  
SB-Senate Bill

The purpose of this transmittal is to provide revised guidance about the Adult and Family Services Manual. Unless otherwise stated, the provisions included in this transmittal are effective July 1, 2012.

This transmittal and manual are available on SPARK at  
<http://www.localagency.dss.state.va.us/divisions/dfs/as/manual.cgi>.

Significant changes to the manual are as follows:

<b>Chapter 1, "Introduction to Adult Services"</b>	
<b>Section</b>	<b>Significant Changes</b>
1.17	Adds section on service appeals and references locations of the Appeals and Fair Hearings Unit Procedure Manual and the appropriate appeal form.
1.20	Updates name of the Piedmont Regional Program Consultant.
1.21	Updates name of the Piedmont Regional Program Consultant.
<b>Chapter 2, "Adult Protective Services"</b>	
<b>Section</b>	<b>Significant Changes</b>
Entire Chapter	Changes all references to Virginia Department for Aging to Department for Aging and Rehabilitative Services as a result of SB 678 (2012). Changes all Code of Virginia citations that were also impacted by this bill.
2.5.2	Clarifies section heading.
2.5.3.3	Refers to new website for the online mandated reporter course.
2.5.4.5	Adds guidance on using the Consent to Exchange Information form or obtaining a subpoena to obtain an adult's Application for Benefits.  Hyperlinks § 164.512 of the Code of Federal Regulations and adds statement about sharing health information with APS.

2.7.1.5	Adds guidance on transferring an APS report that is received in the wrong jurisdiction.
2.7.2.1-2.7.2.4	Adds case examples for determining jurisdiction.
2.8.1	Refers to Section 2.16.2 for additional information on the Adult Fatality Review Team.  Adds guidance that a report is invalid if the adult has been permanently relocated at the time the report is received. This guidance was accidentally removed from the 2011 Manual.
2.13.7	Removes reference to “audio recording” in the section heading. Section 63.2-1605 E of the Code of Virginia does not cover audio recordings.
2.13.8.1	Clarifies sentence.
2.13.14	Adds guidance on transferring an APS investigation to another LDSS.
2.15.2	Changes the definition of “incapacitated person” as a result of SB 387 (2012).
2.15.3.4	Clarifies guidance on when the disposition “need for protective services no longer exists” is used.
2.15.3.5	Adds an example of when the disposition “unfounded” may be used.  Added example of a case type in an ongoing case.  Added guidance on referring an unfounded case to other entities or authorities.
2.15.3.6	Clarifies guidance when making the disposition of “invalid.”
2.16.2	Clarifies guidance on making a referral to the Adult Fatality Review Team.
2.18.13	Clarifies description of service plan tasks.
2.18.13.2	Clarifies guidance on identifying unmet needs.  Incorporates an ASAPS screen shot of the list of unmet needs.
2.18.13.3	Clarifies guidance on service plan objectives.  Provides example of a service plan objective.
2.18.13.4	Clarifies guidance on describing tasks in the service plan.  Adds examples of tasks.
2.18.13.5	Adds guidance on start dates and target dates in the service plan.
2.18.13.6	Adds guidance on resolve dates.
2.18.13.7	Adds guidance on evaluation of services.
2.18.13.8	Adds an ASAPS screen shot of a service plan.
2.19	Clarifies guidance regarding the worker’s responsibility regarding monthly contacts.
2.20.5	Adds reference to Chapter 7, Guardianship and Conservatorship.

2.25	Clarifies section title.  Clarifies guidance for when a facility report is not valid.
2.28	Refers to Section 2.38.1 for additional information about referring to licensing or regulatory authorities.
2.29.1	Clarifies section heading.  Adds guidance that the APS report may be shared with the investigative team members, however identifying information about the reporter must be redacted unless the reporter has authorized disclosure of his identity.  Adds guidance that the Referral for Investigation from APS is another form that may be shared.
2.30.1	Hyperlinks § 164.512 of the Code of Federal Regulations and adds statement about sharing health information with APS.
2.34.2	Clarifies that sending a completed Referral for Investigation from APS form meets the requirements of Section 2.34.2 to provide information about the facility investigation.
2.38	Adds reference to Section 2.38.5.
3.38.1	Clarifies section heading.  Adds guidance on sharing information with licensing and regulatory authorities.
2.38.3	Adds guidance that LDSS may provide confidential information to persons with a legitimate interest in written or verbal format.  Adds guidance that the APS report may be provided to persons with a legitimate interest, however identifying information about the reporter must be redacted.
2.38.6.1	Adds guidance that the LDSS shall follow advice of local counsel when a subpoena is issued for an APS record.
2.38.6.3	Adds guidance encouraging LDSS to seek advice of local counsel when a request for information is made pursuant to the Government Data Collection and Dissemination Practices Act.
Appendices	Moves information about guardianship and conservatorship from APS Appendix to Chapter 7.  Reorders appendices.
Appendix F	Updates name of the Piedmont Regional Program Consultant.
Appendix L	Changes the definition of “incapacitated person” as a result of SB 387 (2012).
Appendix M	Changes the definition of “incapacitated person” as a result of SB 387 (2012).
<b>Chapter 3, “Adult Services Case Management”</b>	
<b>Section</b>	<b>Significant Changes</b>

3.4.1	Adds guidance on information and referral.
3.5.1	Adds guidance that an individual should be informed that the service application is available on the DSS public website.
3.5.3	Makes grammatical change to sentence.
3.7	Clarifies heading.
3.7.1	Clarifies sentence by adding the word “basis.”
3.7.3	Adds an ASAPS screen shot of the eligibility/income section.
3.7.3.5	Adds examples of effective dates and redetermination dates.  Adds an ASAPS screen shot of action dates.  Adds reference to Section 3.18.
3.9.2	Clarifies guidance for using the short form of the UAI.  Removed guidance regarding DMAS reimbursement for preadmission screenings and ALF assessments. LDSS are no longer reimbursed directly by DMAS for preadmission screenings and ALF assessments.
3.9.3.3	Adds statement “including signs of physical injury.”
3.10	Adds guidance recommending that the adult or the adult’s representative sign a complete, printed service plan.
3.10.1	Clarifies guidance on use of service plans in case types ALF Reassessment and Guardian Report and for cases in which the only service being provided is preadmission screening.  Adds evaluation of services as a component of the service plan.
3.10.2.1	Adds guidance that other goals may be added to the hard copy of the service plan.
3.10.2.2	Clarifies guidance on identifying unmet needs.  Incorporates an ASAPS screen shot of the list of unmet needs.
3.10.2.3	Adds example of a service plan objective.
3.10.2.4	Clarifies guidance on describing tasks in the service plan.
3.10.2.5	Adds guidance on start dates and target dates in the service plan.
3.10.2.6	Clarifies guidance on resolve dates.
3.10.2.7	Clarifies guidance on evaluation of services.
3.10.2.8	Adds an ASAPS screen shot of a service plan.
3.11	Makes grammatical changes to the paragraphs describing each case type.  Adds “legal representative and designated primary caregiver” as individuals with whom a contact can be made for purposes of a “countable” case contact.

	<p>Adds reference to Chapter 7, Guardianship and Conservatorship.</p> <p>Adds guidance on appropriate case type for cases in which the only services being provided is preadmission screening.</p>
3.14	Clarifies sentence regarding wait list.
3.16	Clarifies types of required contacts.
3.16.1	<p>Clarifies guidance regarding contacts.</p> <p>Adds screen shot of visit types from ASAPS narrative screen.</p> <p>Includes a table to describe who may be a legal representative or a designated primary caregiver.</p> <p>Adds screen shots of case contacts from the ASAPS narrative screen.</p>
3.16.2	Clarifies section heading.
3.16.3	Clarifies heading. Added guidance recommending a face-to-face contact every six months.
3.16.4	Adds contact by email as a method to contact a collateral.
3.16.5	Clarifies types of contacts that do not count toward contact requirements.
3.18	<p>Separates previous section heading “Redetermination/reassessment/evaluation of service delivery” into two sections; 3.18 “Redetermination” and 3.19 “Reassessment.”</p> <p>Moves “Service Delivery” guidance to Section 3.10.2.7 “Evaluation of Services.”</p> <p>Adds guidance on updating the General Information page in ASAPS.</p>
3.21	Reference new Guardianship and Conservatorship chapter.
3.22.5	Adds guidance on providing early notice of action.
Appendix C	<p>Reorders budget line descriptions.</p> <p>Clarifies Section heading 3.26.2.</p> <p>Adds link to budget and cost code descriptions.</p> <p>Clarifies what § 37.2-1021 of the Code of Virginia says about submitting the guardian report.</p> <p>Clarifies guidance on processing the guardianship filing fee.</p> <p>Clarifies guidance on reimbursements for preadmission</p>

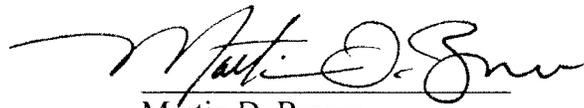
	<p>screenings.</p> <p>Clarifies guidance on reimbursements for ALF assessments and reassessments.</p>
<b>Chapter 4, “Long Term Care Services”</b>	
<b>Section</b>	<b>Significant Changes</b>
4.3.2	Removes the term “public” from the description of “institutions.”
4.4.3.5	Changes “local department” to LDSS.
4.4.3.6	Clarifies section heading.
4.4.5	Clarifies section heading and section content by using acronym AG.
4.4.6.2	Adds guidance on third-party payments on behalf of individuals receiving AG as a result of HB 1211 (2012).
4.5.4	Adds Virginia Administrative Code citation.
4.5.10	Clarifies section heading.
	Adds guidance on case typing ALF reassessment cases if other services are being provided.
4.8	Changes Code of Virginia citation as a result of SB 678 (2012).
<b>Chapter 5, “Adult Services Providers”</b>	
<b>Section</b>	<b>Significant Changes</b>
5.4.2.2	Removes previous guidance requiring LDSS to check APS records to determine if the provider, provider applicant, spouse of the provider, or other household member was the subject of a substantiated APS reports. ASAPS does not have the capability to conduct a search to meet the requirements of this guidance.
5.4.2.4	Removes reference to “employee” or “agents involved in the day-to-day operations” as individuals who need to undergo criminal background checks. 22 VAC 40-771-30, AS Approved Provider regulations do not authorize criminal background checks on these individuals.
	Clarifies guidance on conducting criminal background check on “other household member” to comport with the language in the AS Approved Provider regulations.
	Adds reference to § 63.2-1719 of the Code of Virginia.
5.5.3.2	Refers to Section 5.5.4.
	Makes grammatical change.
5.5.3.3	Removes previous reference to performing “competency testing” and replaces it with “further evaluate.”

	Moves citation from another section to 5.5.3.3.
5.7.1	Removes guidance that did not require a TB test on an in-home provider who is a friend or relative of the adult receiving care. This guidance does not comport with AS Approved Provider regulations.
5.8	Clarifies section heading.
5.16.1	Defines acronym "LP."
5.18.1	Clarifies guidance on evaluating out-of-home providers who want to provide more than one type of care.  Removes previous guidance on using a "point system" for evaluating providers who want to provide care to adults and children.
Appendix D, E, and F	Clarifies timeframes to request a review in sample letters by adding the word "calendar."
Appendix J	Clarifies barrier crime definition.  Adds additional offenses to the barrier crime list as a result of HB 971 (2012).
<b>Chapter 6, "Confidentiality"</b>	
Entire Chapter	Removes several Code of Virginia citations related to the Government Data Collection and Dissemination Practices Act. These citations were unnecessary and did not help to clarify guidance.
6.6.1	Adds guidance that records maintained by VDSS are exempt from the Government Data Collection and Dissemination Practices Act and requests under the Government Data Collection and Dissemination Practices as shall be made to the appropriate LDSS. This change is a result of HB 217 (2012).
6.12	Clarifies guidance that if APS records are subpoenaed, the LDSS shall follow the advice of the LDSS attorney.
<b>Chapter 7, "Guardianship and Conservatorship"</b>	
Entire Chapter	Chapter 7 is a new Chapter in the Manual. Chapter content was previously located in Chapter 2, Appendix F-K.
7.2.4	Adds guidance identifying who is a respondent.  The term "respondent" replaces "alleged incapacitated adult," where appropriate, in sections throughout Chapter.
7.2.5.1	Adds guidance on using a new form, "Physician's Evaluation of Respondent."  Refers to section 7.2.8.7 for additional guidance on the cost of guardianship proceedings.
7.2.5.2	Makes grammatical change.
7.2.6	Adds guidance on additional areas in which a prospective

	guardian may be evaluated.  Adds guidance regarding LDSS decision to act as a guardian.
7.2.7	Refers to location of additional information about the public guardianship program.
7.2.8.5	Adds guidance on using a new form, "Request for Appointment of a Guardian."
7.2.10	Adds guidance on additional duties and powers of guardians as a result of SB 8 (2012).
7.2.12	Adds guidance regarding the death of a guardian.
7.3.1	Adds guidance on case managing guardianship cases.
7.3.2	Adds guidance recommending that the LDSS obtain both the qualification document and the order of appointment.  Adds guidance that temporary and limited guardians are required to file reports and refers to the location of instructions for newly appointed guardians.  Adds guidance that an LDSS may send a letter notify a guardian when a report is due and refers to sample letter.
7.3.2.1	Clarifies when the first or initial report is due.  Adds a sample timeline for submitting the initial report.  Adds guidance on submitting the \$5.00 reporting fee.
7.3.2.2	Adds a sample timeline for submitting subsequent reports.
7.3.2.4	Adds guidance on exceptions to filing an annual report.
7.3.2.5	Clarifies guidance on processing the guardian report fee.
7.3.2.6	Adds guidance if the report fee is not sent.
7.3.2.8	Clarifies guidance regarding forwarding a report to another LDSS.
7.3.2.10	Clarifies guidance on opening up an APS report if the worker suspects the adult is being abused, neglected or exploited.  Adds guidance on sending a letter confirming receipt of the report.
7.3.2.11	Adds guidance regarding additional steps the worker may take if the guardian fails to file the report.
7.3.2.13	Clarifies confidentiality of guardian reports.
7.4.4	Clarifies guidance regarding APS reports alleging a conservator's misuse of funds.
Appendix A	Removes sample petition.  Lists forms used in guardianship cases.

Appendix B	Clarifies guidance in the instructions to newly appointed guardians.
Appendix D and G	Adds sample letters “report is now due” and “next report is due.”
Appendix E and F	Revises sample “overdue report” letters.

Questions about this transmittal should be directed to your AS/APS Regional Program Consultant.



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Commissioner