

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Health



District of Columbia Municipal Regulations (DCMR)

Title 29, Chapter 29

ADULT PROTECTIVE SERVICES

2900 APPLICATION AND PURPOSE

- 2900.1 The rules in this chapter shall apply to those persons providing or receiving services pursuant to the Adult Protective Services Act of 1984 (the "Act"), D.C. Law 5-156, effective March 14, 1985, D.C. Code, 2001 Ed. § 7-1901 et seq.
- 2900.2 These rules shall govern coordination of investigative efforts by the Metropolitan Police Department and the Department of Human Services, and coordination between the Department of Consumer and Regulatory Affairs, the Department of Human Services and the D.C. Long-Term Care Ombudsman's Office; and shall allow the Department of Human Services to charge fees for services provided under the Act.

AUTHORITY: Unless otherwise noted, the authority for this section is the Adult Protective Services Act of 1984, D.C. Code, 2001 Ed. § 7-1909; and Mayor's Order 85-100 (June 19, 1985).

SOURCE: Final Rulemaking published at 37 DCR 6646 (October 19, 1990).

2901 REPORTING REQUIREMENTS OF THE METROPOLITAN POLICE DEPARTMENT

- 2901.1 When the police receive information which provides substantial cause to believe that an adult is in need of protective services because of abuse, neglect, or exploitation by another, the appropriate police office shall immediately transmit an oral report to the Department of Human Services followed immediately by a written report.
- 2901.2 The report shall include, if known, the following information:
- (a) The name, age, physical description and location of each adult alleged to be in need of protective services;
 - (b) The name and location of each person allegedly responsible for the abuse, neglect, or exploitation;
 - (c) The nature and extent of the abuse, neglect, or exploitation;
 - (d) The basis or source of the reporter's knowledge;
 - (e) Any other information the reporter believes may be helpful to an investigation;
 - (f) The identity of the reporting officer; and
 - (g) The identity of the person to whom the report was made.
- 2901.3 In the event that information received by the police indicates that an adult in need of protective services or any other person is in immediate, substantial risk of life threatening harm or immediate police action is otherwise warranted, the police shall take such prompt action as the circumstances may require.

SOURCE: Final Rulemaking published at 37 DCR 6646 (October 19, 1990).

2903 POLICE ACCOMPANIMENT OF ADULT PROTECTIVE SERVICES WORKER (APS)

- 2903.1 An APS worker may request, when appropriate, that the Metropolitan Police Department assign a police officer to accompany him or her while conducting an initial or follow-up investigation to determine the need for protective services or while providing protective services.
- 2903.2 Appropriate circumstances under which the police shall accompany an APS worker shall include, but not be limited to, the following:
- (a) When a report received by the Department of Human Services alleges the existence of an immediate substantial risk of life threatening harm to an adult in need of protective services;
 - (b) When an APS worker articulates to the police a basis for suspecting that an adult in need of protective services or the APS worker is in danger of bodily harm or violence from any source;
 - (c) When a court order has been issued which authorizes protective services and the APS worker articulates a basis for suspecting resistance to the court order or a threat to the APS worker or the client; or
 - (d) When any other circumstances exist in which the police agree that police presence may be needed.
- 2903.3 When a police officer believes that his or her presence is no longer necessary for the safe and effective performance of the duties of an APS worker, the police officer shall properly notify the APS worker before leaving the scene.
- 2903.4 If a police officer is in the company of an APS worker, and a situation arises which involves an immediate, substantial risk of life threatening harm to any person, it shall be the responsibility of the police officer to take such action as he or she believes appropriate to eliminate or control the risk.
- 2903.5 The APS worker shall curtail further action at the scene until the danger described in § 2903.4 has been eliminated or controlled.
- 2903.6 In the event that police action or the efforts of the APS worker are unable to resolve a life threatening situation, the APS worker shall immediately refer the matter to D.C. Corporation Counsel who shall immediately initiate appropriate Court proceedings.

SOURCE: Final Rulemaking published at 37 DCR 6646, 6648 (October 19, 1990).

**2904 PROCEDURES FOR INVESTIGATION OF A REPORT BY
THE DEPARTMENT OF CONSUMER AND
REGULATORY AFFAIRS (DCRA)**

- 2904.1 The Department shall refer all initial investigation reports regarding abuse, neglect and exploitation by an individual, facility or agency subject to licensing by DCRA to DCRA, for investigation or intervention as determined appropriate by DCRA no later than one (1) working day after receipt of the complaint.
- 2904.2 Information shall be transferred to DCRA by telephone to the Office of Compliance, Complaint Division, followed by a written report including complaint information.
- 2904.3 When DCRA receives an original complaint alleging abuse, neglect and exploitation by an individual, facility or agency, DCRA shall transmit that information by telephone to APS immediately, with a written follow-up of the complaint no later than one (1) working day from receipt of the complaint.
- 2904.4 The content of each report shall be in accordance with the format to be developed by the Department and DCRA as set forth in D.C. Code, 2001 Ed. § 7-1903(c).
- 2904.5 APS shall make the following determinations:
- (a) Whether the adult has been or is being abused, neglected or exploited;
 - (b) What immediate or long term action shall be needed to protect the adult from further mistreatment; and
 - (c) Any other issues related to the mistreatment.
- 2904.6 DCRA shall investigate whether the actions of the individual, facility or agency are in violation of the license or licensure laws, rules or regulations, and what licensure needs to be taken.
- 2904.7 During the investigation, the supervisory staff of DCRA and the Department shall keep each other and, in appropriate cases, the D. C. Long Term Care Ombudsman, apprised of findings and proposed actions.

SOURCE: Final Rulemaking published at 37 DCR 6646, 6649 (October 19, 1990).

2906 AGREEMENT WITH OTHER AGENCIES

- 2906.1 The Department of Human Services may enter into agreements with District, other public or private agencies for the provision of protective services.
- 2906.2 The designated agency shall comply with all applicable procedures related to the APS program.
- 2906.3 The designated agency shall:
- (a) Provide a description of the investigative or protective services to be provided;
 - (b) Indicate the areas of the city it intends to cover;
 - (c) Indicate the number of cases it intends to accept and serve;
 - (d) Indicate the agency or client eligibility such as age, and income, if any;
 - (e) State the staffing patterns and qualifications of the proposed adult protective services workers, including bilingual capabilities;
 - (f) State the cost of services to the District government, if any;
 - (g) Indicate the agency fee schedule, if any;
 - (h) Indicate the capability of the agency to provide proposed services;
 - (i) Explain how confidentiality of clients will be ensured, and how case records and information will be safeguarded; and
 - (j) Provide any other relevant information which may be requested by DHS.
- 2906.4 The designated agency shall agree to accept all referred cases as defined by D.C. Law 5-156 which do not exceed its limits for number of cases, and which meet the criteria that have been proposed by the agency and accepted by DHS as outlined in the contract.
- 2906.5 The agency shall set the following criteria for social workers who provide protective services:
- (a) Be licensed to practice social work in the District of Columbia; or
 - (b) Have three (3) years experience in the provision of adult protective services and under the supervision of a licensed social worker.
- 2906.6 The agency may use paraprofessional staff to supplement the work of the licensed social worker or experienced caseworker so long as the para-professional staff receives professional supervision and guidelines.
- 2906.7 The Department of Human Services shall make known to agencies interested in designation what the need is for investigation and protective services, and when District government funds are available to contract with agencies for the provision of the services.
- 2906.8 The Director of DHS shall receive requests for designation and forward all requests for agency designation to the Adult Protective Services (APS) Branch, Social Services Division, Family Services Administration, Commission on Social Services for review and recommendation.
- 2906.9 The Director shall make his or her decision based on the review of this recommendation.

- 2906.10 The Department of Human Services shall retain the responsibility for receiving all reports, after which it will determine who will perform the necessary investigations and provide the required protective services in accordance with the contracts executed between the Department and the designated agencies.
- 2906.11 Agencies interested in designation shall have the responsibility to submit a written request to the Director of the Department of Human Services, which shall address the criteria for designated agencies described in § 2906.2(b) through (j), 2906.3 and 2906.4.
- 2906.12 Agencies to be designated shall enter into a contract with the Department agreeing to adhere to the criteria outlined in § 2906.3 through 2906.5, and all other applicable legislation.
- 2906.13 The Director, upon recommendation of the Adult Protective Services Branch, may terminate the contract if the following conditions exist:
- (a) When the criteria are not sustained;
 - (b) For the convenience of the Department;
 - (c) When the contractor is in default; or
 - (d) When the designated agency requests termination in writing with thirty (30) days advance notice and follows the appropriate contracting procedures as outlined in District law.
- 2906.14 The designated agency shall provide reports as requested and required by the Department, and shall allow the Department access to client records.
- 2906.15 Any fees that the designated agency charges for services shall be consistent with the fee charging policy of the Department of Human Services and specified within the request for designation.
- 2906.16 The designated agency shall have the responsibility to ensure that the contract contains a provision outlining the procedure for transferring cases in the event that the contract is terminated or not renewed and a provision regarding the final disposition of files.

SOURCE: Final Rulemaking published at 37 DCR 6646, 6650 (October 19, 1990).

2908 FEES AND REIMBURSEMENT

- 2908.1 The Department shall not charge any fee to the adult or legally responsible person for the initial investigation, set forth under D.C. Code, 2001 Ed. § 7-1904, or for incidental services normally provided by the APS in preparation of referrals, consultation with relevant service providers or counseling with the adult, relative, or caretaker as part of the overall supervision of the case.
- 2908.2 Except for services, pursuant to § 2908.1 of these rules, for which no fee shall be charged, the Department may charge a fee and set a sliding fee schedule for specific protective services which the APS provides in furnishing protective services.
- 2908.3 Any fees charged shall be set by separate rulemaking after appropriate consultation with the Mayor's User Charge Review Committee, established pursuant to Mayor's Order 82-289, dated December 13, 1983.
- 2908.4 The Department may charge an adult receiving protective services under the Act or legally responsible person the cost for specific protective services which the Department provides pursuant to a contract or agreement.
- 2908.5 Other private or public agencies including District agencies, providing services on behalf of the Department under the Act, shall apply their own criteria to determine eligibility and payment of services, unless some other arrangement shall be agreed upon by the agency and the Department.
- 2908.6 Services provided by the Department and other agencies may include the following:
- (a) Food;
 - (b) Heat;
 - (c) Shelter;
 - (d) Clothing;
 - (e) Health care;
 - (f) Home care;
 - (g) Legal assistance;
 - (h) Placement; or
 - (i) Counseling.
- 2908.7 Legal services shall be provided for indigents in accordance with D.C. Code, 2001 Ed. § 7-1906(c). Payment and costs for legal assistance may be determined accordingly.
- 2908.8 If an agency is designated by the Department to provide services, it shall charge only the fees that are consistent with other similar services provided by the District.
- 2908.9 Any fees charged by a designated agency shall be subject to the Department's review prior to the Department designating the agency to provide services under the Act.
- 2908.10 Any contribution or reimbursements collected by the Department shall be handled in accordance with appropriate accounting procedures applicable to the Department.

2908.11 All fees billable to or collected by an agency shall be handled according to the agency's normal procedures.

SOURCE: Final Rulemaking published at 37 DCR 6646, 6654 (October 19, 1990).

2999 **DEFINITIONS**

2999.1 For purposes of this chapter, the following terms shall have the meanings ascribed; other terms shall have the meanings ascribed in the Act unless the context clearly indicates otherwise:

Department - the Department of Human Services.

Exigent circumstances - those circumstances which involve immediate and substantial risk of life-threatening peril and in which temporary arrangement must be made while seeking appropriate protective orders.

Indigent - has the meaning utilized by the court for the purposes of Public Law 93-142 § 2.

Police - means the Metropolitan Police Department.

Police intervention - that police action which is appropriate for the prevention of a threatened crime, the investigation of a crime, or the apprehension of the suspect of a crime.

Self-payment adult - an adult for whom payment of fees is not covered by Medicaid, Medicare, third party insurance, or other third party required to pay for services by law, court order or contract.

SOURCE: Final Rulemaking published at 37 DCR 6646, 6656 (October 19, 1990).