

CHAPTER 71 – ADULT AND FAMILY SUPPORT

SUBCHAPTER 71A – PROTECTIVE SERVICES FOR ADULTS

SECTION - .0100 - GENERAL

10A NCAC 71A .0101 INTRODUCTORY STATEMENT

Rules in this Subchapter govern the provision of protective services for adults with funds administered by the Division of Social Services. Included are requirements which must be met by county departments of social services in carrying out their responsibilities for the protection of disabled adults under Article 6, Chapter 108A of the General Statutes.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0102 DEFINITIONS

(a) "Immediately" as specified in G.S. 108A-103(d), shall mean responds with no delay as soon as a county department of social services receives a report that:

- (1) an adult is alleged to be disabled as defined in G.S. 108A-101(d);
- (2) an adult is alleged to be abused, neglected, or exploited as defined in G.S. 108A-101(a), (j), or (m); and
- (3) an adult is alleged to be in need of protective services as defined in G.S. 108A-101(e).

(b) "A life threatening situation" shall be considered an emergency as defined in G.S. 108A-101(g).

History Note: Authority G.S. 143B-153; S.L. 1999-334;
Temporary Adoption Eff. September 28, 1999;
Eff. July 17, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0200 - ACCEPTANCE AND EVALUATION OF PROTECTIVE SERVICES REPORTS

10A NCAC 71A .0201 ACCEPTANCE OF REPORTS

(a) The county department of social services shall accept all reports alleging an abused, neglected, or exploited disabled adult is in need of protective services. This includes anonymous reports. If the county department determines that the address of the disabled adult given in the report is in another county, the department shall refer the person making the report to the appropriate county department. The county department receiving the original report shall follow up to make sure the appropriate county has received the report.

(b) The department of social services shall make arrangements for 24 hour coverage to receive calls and take appropriate action.

(c) Notwithstanding provisions in 10A NCAC 71A .0801 through .0803, the director may immediately tell the District Attorney's office and local law enforcement agencies when there is reason to believe that physical harm may occur to the disabled adult. This would include sharing evidence of abuse or neglect the agency has to date.

History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991; July 1, 1990;
Temporary Amendment Eff. December 12, 1995;
Amended Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0202 RECEIPT OF ORAL REPORT

The worker receiving an oral report shall explain to the complainant (the person making the report) that the department will notify the complainant of the results of the evaluation. The worker shall determine from the complainant whether the complainant wants the notification to be oral or written.

*History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0203 REPORTS REGARDING COUNTY OFFICIALS

(a) When a report is received alleging abuse, neglect or exploitation of a disabled adult by a social services board member, department of social services staff member, county commissioner, or the county manager, the county department shall notify the regional office immediately. The regional office will assign the report to another county department for evaluation.

(b) In addition to specified instances in (a) of this Rule in which reports must be assigned to another county, the county department shall consult the regional office whenever it seems that evaluation of a report may present the appearance of a conflict of interest.

(c) If the evaluation does not substantiate the report, the department which conducted the evaluation will refer the case back to the county of residence so that alternative services may be offered.

(d) If the evaluation substantiates the report, the agency which conducted the evaluation will seek authorization for services, including petitioning the court when necessary. The petition shall be filed in the county of residence and shall include the reason for filing by an agency in another county.

(e) The agency which conducted the evaluation will act as case manager for protective services in coordination with the agency in the county of residence. The county of residence will be responsible for paying for services in accordance with rules in Section .0400 of this Subchapter, and for any expenses for medical, psychological or other examinations and legal services incurred by the county which conducted the evaluation.

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0204 TIME FRAME TO INITIATE EVALUATION

(a) Evaluation of reports involving an emergency as defined in G.S. 108A-101(g) shall be initiated within 24 hours of receipt of the report.

(b) Evaluation of other reports of a need for protective services shall be initiated within 72 hours after receipt of a report.

*History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0205 INITIATION OF EVALUATION

The evaluation is initiated by a visit to the adult about whom the report is made. If the adult cannot be located, efforts to locate the adult within the 24- or 72-hour time limit, as appropriate, shall be documented in the case record. Such efforts to locate the adult shall constitute initiation of the evaluation.

*History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0206 STEPS IN EVALUATION

The complete evaluation shall include:

- (1) The visit to the person, which means that the person must be seen by the worker. The worker will make as many visits as are necessary to determine whether the adult is disabled; abused, neglected or exploited; and in need of protective services;
- (2) Consultation with others who have knowledge of the facts of the situation. This includes individuals identified by the person making the report, as well as individuals mentioned by the disabled adult who may have information pertinent to the evaluation;
- (3) Medical, psychological or psychiatric evaluations when necessary to determine whether the adult is disabled; abused, neglected or exploited; and in need of services; and to determine what services are needed.

History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0207 FOCUS OF EVALUATION

The evaluation must determine:

- (1) whether or not the adult is disabled in accordance with the statutory definition in G.S. 108A-101(d);
- (2) whether or not the adult is abused, neglected or exploited as defined in G.S. 108A-101(a)(j) or (m);
- (3) whether or not the adult is in need of protective services as defined in G.S. 108A-101(e);
- (4) whether or not the adult lacks the capacity to consent to protective services.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0208 CONDUCTING A THOROUGH EVALUATION

A thorough evaluation of the protective services report shall include identifying indicators of abuse, neglect, or exploitation and the disabled adult's strengths and limitations by assessing the following functional areas:

- (1) physical health;
- (2) mental health;
- (3) social support;
- (4) activities of daily living and instrumental activities of daily living;
- (5) financial support; and
- (6) physical environment.

History Note: Authority G.S. 108A-103; 143B-153;
Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0209 SUBSTANTIATION OF THE REPORT

(a) Following completion of the evaluation a determination shall be made as to whether the report is substantiated.

(b) A report is substantiated when:

- (1) the adult is determined to be disabled as defined in G.S. 108A-101(d);
- (2) the adult is determined to be abused, neglected or exploited as defined in G.S. 108A-101(a), (j), or (m); and
- (3) the adult is determined to be in need of protective services as defined in G.S. 108A-101(e).

(c) A report is unsubstantiated if any one of the three conditions in Subparagraphs (b)(1), (2), and (3) of this Rule are not met.

History Note: Authority G.S. 108A-103; 143B-153;

Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0300 - UNSUBSTANTIATED REPORTS: SUBSTANTIATED REPORTS: REFUSAL OF SERVICES

10A NCAC 71A .0301 UNSUBSTANTIATED REPORT: OFFER OF SERVICES

When the evaluation of the report indicates that the allegations are not substantiated, an offer shall be made to the individual of any available and appropriate agency services. The worker shall explain such services to the individual. In addition, the worker shall provide information about other community services and shall offer to refer the person to such resources.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0302 SUBSTANTIATED REPORT: ADULT REFUSES SERVICES

(a) When the evaluation of a report indicates that the allegations are substantiated and the disabled adult is capable of making responsible decisions and refuses the receipt of protective services, the worker must respect that decision and terminate contact with the adult. Prior to doing so, the worker shall explain the services available to the adult and that the adult may call the agency to request assistance, if needed.

(b) Documentation shall be made of the worker's explanation and offer of services and of the adult's refusal to accept services. The worker shall obtain from the adult a signed statement of his refusal of services or shall document in the record the attempt to obtain such a signed statement.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0400 - PAYMENT FOR ESSENTIAL SERVICES

10A NCAC 71A .0401 ESSENTIAL SOCIAL SERVICES

(a) For essential social services that the county makes available, the individual's responsibility for payment shall be determined in accordance with rules in 10A NCAC 71R .0500.

(b) For essential social services that the county does not make available, an individual is deemed financially incapable of paying if his income is less than 60 percent of the state's established income as codified in 10A NCAC 71R .0500.

History Note: Authority G.S. 108A-108; 143B-153;
Eff. November 1, 1983;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0402 ESSENTIAL MEDICAL SERVICES

For essential medical services, an individual is deemed financially incapable of paying if he meets the eligibility criteria for Title XIX (Medicaid). Essential medical services must be provided at no charge to a Medicaid - eligible person, whether or not the needed services are available under Medicaid.

History Note: Authority G.S. 143B-153; 108A-108;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0500 - RESIDENTIAL CARE FACILITIES

10A NCAC 71A .0501 GENERAL REQUIREMENT

(a) In accordance with provisions of G.S. 108A-103 and the rules in Section .0200 of this Subchapter, the department of social services in the county in which the facility is located shall evaluate reports of abused, neglected, or exploited disabled adults in need of protective services who are specifically named patients or residents of nursing, combination, and residential care facilities. This includes reports regarding patients or residents who are placed from other counties.

(b) Complaints received by the county department of social services regarding general conditions or violations of standards in nursing and combination facilities and residential care facilities licensed under G.S. 122C shall be referred to the Division of Health Service Regulation.

(c) Complaints received by the county department of social services regarding general conditions or violations of standards in residential care facilities licensed under G.S. 131D-2 shall be followed up by the adult home specialist in accordance with the specialist's ongoing responsibility for supervision of these facilities.

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0502 NOTICE TO ADMINISTRATOR

(a) The county director will not inform the administrator prior to the first visit to the facility that a protective services report has been received, except in specific instances where the county director thinks the assistance of the administrator will be needed in conducting the evaluation.

(b) The county director shall provide the administrator of a nursing, combination, or residential care facility with a written summary of the nature of the protective services report, whether or not evidence of abuse, neglect or exploitation was found, and whether or not a need for protective services was substantiated. The written summary to the administrator shall be limited to the following:

- (1) acknowledgement that a protective services report was received on a specified patient or resident of the facility;
- (2) the specific allegations in the report (the complainant shall not be named);
- (3) whether or not evidence of abuse, neglect or exploitation was found;
- (4) whether or not the need for protective services was substantiated;
- (5) a general statement as to how the conclusion was reached (the names of persons who were contacted during the evaluation to obtain information shall not be given).

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0503 REPORT TO REGULATORY AGENCIES

(a) A copy of the written report required by Rule .0901 of this Subchapter shall be sent to the Division of Health Service Regulation, within 30 days of completion of the evaluation. If the identity of the person making the protective services report and the names of individuals who provide information about the disabled adult are needed by the Division of Health Service Regulation in order to carry out an investigation, that information shall be shared verbally with the Division on request.

(b) When evidence of financial exploitation is found in Medicaid - funded facilities, the county department of social services shall send a copy of the written report to the Division of Medical Assistance, as well as to the Division of Health Service Regulation.

(c) When, in the course of an evaluation, evidence of abuse, neglect or exploitation is found, the county director shall notify the Division of Health Service Regulation immediately by telephone. In addition the county director

shall inform the Division of Health Service Regulation as to whether or not the need for protective services will be substantiated.

(d) When, in the course of an evaluation, it appears that a report of a need for protective services will not be substantiated, but the county director finds violations of licensure standards, such violations shall be reported immediately to the appropriate supervisory agency. Reports of violations of standards in nursing and combination facilities and residential care facilities licensed under G.S. 122C shall be made to the Division of Health Service Regulation. Reports of violations of standards in residential care facilities licensed under G.S. 131D-2 shall be made to the adult home specialist in the county department of social services.

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991; July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0504 INTER-COUNTY COORDINATION

The department in the county in which a nursing, combination, or residential care facility is located has primary responsibility for providing protective services to adults in that facility. That department shall notify the department in the adult's county of residence when a protective services report on the adult is substantiated and shall inform the department in the county of residence of the plan for protective services. The department in the county of residence shall cooperate and assist to the extent possible in the provision of protective services.

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

SECTION .0600 - STATE MENTAL HEALTH: MENTAL RETARDATION: SUBSTANCE ABUSE SERVICES INSTITUTIONS

10A NCAC 71A .0601 EVALUATIONS OF ABUSE: NEGLECT AND EXPLOITATION

(a) The county department of social services shall initiate its evaluation in accordance with the time frame in Rule .0204 of this Subchapter.

(b) When the report comes from a source other than the facility administration, the county department shall inform the chief administrator of the involved facility of the report as appropriate and of applicable state law.

(c) The county department shall notify the complainant that the department is making an evaluation.

(d) Upon completion of the evaluation, the department shall set forth its findings and proposed actions in writing to:

- (1) the chief administrator of the involved facility;
- (2) the disabled adult's legal guardian, if any.

*History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0602 REPORTS OF NEED FOR MEDICAL TREATMENT FOR RESIDENTS

(a) Rules in Section .0200 of this Subchapter shall be followed by the county department of social services in carrying out the evaluation of reports of need for medical treatment made in accordance with G.S. 108A-101(m).

(b) After completing the evaluation, if it is reasonably determined that the person needs protective services, the county department shall petition the district court and request a hearing on the matter. The petition must present the need for specific medical treatment, as well as other circumstances substantiating neglect and request that an individual or organization be designated to consent to the medical treatment. If an emergency exists, the department shall petition the district court for an order to provide emergency services.

(c) After the court's decision is made, the county department shall send to the institution the findings of the court.

(d) When the county department is designated by the court, the director or his designee shall verbally communicate to the institution consent for medical treatment. This shall be done immediately after the judgment is made, to be followed by written consent.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0700 - INTER-COUNTY RESPONSIBILITY

10A NCAC 71A .0701 COOPERATION IN COMPLETING EVALUATIONS

The department of social services in the county in which a disabled adult is located shall cooperate in carrying out the evaluation of a protective services report when the department of social services in the adult's county of residence has received the report and is responsible for the evaluation. Cooperation shall include prompt performance of any activities within the scope of protective services necessary to insure the protection of the disabled adult. In such cases, the department in the county in which the adult is located shall inform the department in the county of residence in advance of any medical, psychological or other examinations necessary to complete the protective services evaluation. The county of residence shall be financially responsible for such examinations and for all necessary legal expenses incurred in providing protective services.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0702 MOVEMENT OF ADULT TO ANOTHER COUNTY

(a) If a disabled adult who moves to another county has consented to the provision of protective services and no court order is involved, the county department providing protective services shall ask the disabled adult to consent for information to be shared with the department in the new county of residence. If the adult does not consent, the department providing protective services shall not share information with the department in the new county of residence. If the adult consents, the department shall notify the department in the new county of residence of the disabled adult's situation. The department in the new county of residence shall contact the disabled adult to determine whether or not protective services continue to be needed and, if so, if the disabled adult consents to their provision.

(b) If the department in the original county of residence has been providing protective services under a court order, the department shall file a motion in the court to be relieved of responsibility because the disabled adult has moved to another county. The department shall make a protective services referral to the department in the new county of residence. The department in the new county of residence shall evaluate the adult's current situation to determine whether or not protective services are needed and, if so, shall request authority to provide services.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0800 - CONFIDENTIALITY

10A NCAC 71A .0801 COLLATERAL CONTACTS

Collateral contacts with persons knowledgeable about a disabled adult's situation may be made without the adult or caretaker's consent when such contacts are necessary to complete a protective services evaluation.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0802 IDENTITY OF COMPLAINANT AND OF INDIVIDUALS WHO HAVE KNOWLEDGE OF THE SITUATION

The identity of the complainant and of individuals who have knowledge of the situation of the disabled adult shall be kept confidential unless the court requires that such persons' identities be revealed with the exceptions that:

- (1) the complainant's name and the names of individuals who have knowledge of the situation of the disabled adult may be given verbally to the Division of Health Service Regulation when requested by that agency in order to carry out its investigation, and
- (2) to the District Attorney's office and to law enforcement agencies which are prosecuting or conducting a criminal investigation of alleged abuse, neglect or exploitation of a disabled adult.

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991;
Temporary Amendment Eff. December 12, 1995;
Amended Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0803 SPECIFIC FINDINGS

Specific findings of the evaluation shall be kept confidential and shall not be released without consent of the disabled adult or court order, except that the department of social services at its discretion may share information about the adult with other persons or agencies without the adult or caretaker's consent to the extent necessary to provide protective services. When evidence of abuse, neglect, or exploitation is found, and upon request of the district attorney or law enforcement agencies, such information shall be sent to help with a criminal investigation or prosecution of abuse, neglect or exploitation.

*History Note: Authority G.S. 143B-153; 108A-80(d);
Eff. November 1, 1983;
Temporary Amendment Eff. December 12, 1995;
Amended Eff. April 1, 1997;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0804 REFERRAL TO ANOTHER COUNTY

When a client who is receiving protective services under court order moves from one county to another, a protective services referral may be made by the first county to the second county without the client's consent. When the second county requests information in order to conduct its evaluation, the first county shall provide the needed information, including all information about the protective services report, results of the evaluation, and services provided to remedy the protective services problem.

*History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*

10A NCAC 71A .0805 RELEASE OF SPECIFIC FINDINGS TO OTHER GOVERNMENTAL AGENCIES

Federal, state, and law enforcement agencies may be sent copies of the written report as specified in Rule .0901 of this Subchapter when the results of the adult protective services evaluation indicate violations of statutes, rules, or regulations enforced by these agencies.

*History Note: Authority G.S. 108A-103; 143B-153;
Eff. December 1, 1991;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0806 ADULT PROTECTIVE SERVICES REGISTER

(a) Information submitted by county departments of social services to the Adult Protective Services Register is confidential. Non-identifying statistical information and general information about the scope, nature and extent of adult abuse, neglect and exploitation in North Carolina is not subject to this Rule of confidentiality.

(b) Access to the Adult Protective Services Register is restricted to:

- (1) the county department of social services,
 - (A) in order to identify whether an adult who is the subject of an Adult Protective Services evaluation has been previously reported and evaluated under G.S. 108A, Article 6 in any county in the state; or
 - (B) in order to share client specific information with an out-of-state protective services agency to assure that protective services will be made available to an adult previously served in North Carolina as quickly as possible for the purpose of preventing further abuse, neglect or exploitation; or
 - (C) in order to share client specific information with law enforcement agencies to assure that protective services will be made available to an adult as quickly as possible;
- (2) the Division of Social Services staff,
 - (A) in order to perform duties pertinent to managing and maintaining the Register and monitoring, auditing, evaluating or facilitating the administration of other state and federal programs regarding Adult Protective Services based on information in the Register, or
 - (B) in order to share client specific information with an out-of-state protective services agency to assure that protective services will be made available to an adult previously served in North Carolina as quickly as possible for the purpose of preventing further abuse, neglect or exploitation; and
- (3) individuals who receive approval to conduct studies of cases in the Adult Protective Services Register.
 - (A) Such approval must be requested in writing to the Director, Division of Social Services. The written request will specify and be approved on the basis of:
 - (i) an explanation of how the findings of the study have potential for expanding knowledge and improving professional practices in the area of prevention, identification and treatment of adult abuse, neglect and exploitation;
 - (ii) a description of how the study will be conducted and how the findings will be used;
 - (iii) a presentation of the individual's credentials; and
 - (iv) a description of how the individual will safeguard the information.
 - (B) Access will be denied when in the judgment of the Director the study will have minimal impact on either knowledge or practice.

History Note: Authority G.S. 108A-80; 108A-103; 143B-153; Eff. March 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

SECTION .0900 - DOCUMENTATION AND REPORTS

10A NCAC 71A .0901 WRITTEN REPORT OF THE EVALUATION

(a) Written reports shall be completed when:

- (1) the adult protective services evaluation was conducted on a patient or resident of a facility as defined in G.S. 131E-101, 131D-2(a)(3), or 122C; or
- (2) evidence of abuse, neglect or exploitation is found.

(b) After completing the evaluation, the written report shall be compiled, including the following information:

- (1) the name, address, age and condition of the adult;

- (2) the allegations (the written report shall not include the identity of the person making the complaint);
- (3) the evaluation including the agency's findings and supporting documents (e.g. psychological, medical report);
- (4) conclusions;
- (5) recommendations for action.

History Note: Authority G.S. 108A-103; 143B-153;
 Eff. November 1, 1983;
 Amended Eff. December 1, 1991;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0902 CARETAKER INTERFERENCE: PETITION TO COURT

In preparation for petitioning the court for an order enjoining a caretaker from interfering with the provision of protective services, the worker shall document:

- (1) the date, time and circumstances under which the disabled adult's consent for services was given; and
- (2) the attempts which were made to obtain the caretaker's consent including:
 - (a) the circumstances under which the caretaker's consent was requested; and
 - (b) the information provided to the caretaker before asking for the caretaker's consent.

History Note: Authority G.S. 143B-153;
 Eff. November 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0903 PROTECTIVE SERVICES PETITION TO COURT

In preparation to petition the court for an order authorizing the provision of protective services, the worker must document the facts which show that:

- (1) the disabled adult is being abused, neglected, or exploited; and
- (2) the adult lacks the capacity to consent to such services.

History Note: Authority G.S. 143B-153;
 Eff. November 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0904 EMERGENCY PETITION TO COURT

The information required by G.S. 108A-106(c) to be included in the petition shall be documented in the agency file.

History Note: Authority G.S. 143B-153;
 Eff. November 1, 1983;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0905 FINANCIAL EXPLOITATION: PETITION TO COURT

In preparation to petition the court under G.S. 108A-106(f), documentation must be made of specific information indicating that:

- (1) the adult lacks the capacity to consent;
- (2) the adult is in need of protective services;
- (3) the adult is being financially exploited; and
- (4) no one else is able or willing to arrange for protective services.

History Note: Authority G.S. 143B-153;
 Eff. November 1, 1983;

Amended Eff. July 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0906 REPORT TO DISTRICT ATTORNEY

Notification to the district attorney in accordance with G.S. 108A-109 shall be in written form and shall include the information specified in Rule .0901 of this Section.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0907 REPORT TO THE COMPLAINANT

(a) The required notice to the complainant may be oral or in writing at the discretion of the complainant and shall be made immediately on completing the evaluation. It shall include a statement of whether or not the report was substantiated and, if so, a statement that the agency is providing continued services.

(b) Documentation shall be made of when and how the notice is given.

(c) In order to protect the client's confidentiality, the notice shall not include specific findings of the evaluation.

History Note: Authority G.S. 143B-153;
Eff. November 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.

10A NCAC 71A .0908 CASE RECORD

A separate record, or a separate section of an existing record, shall be established to contain information on protective services provided to an adult, including the following:

- (1) the report of a need for protective services;
- (2) the written report by the department;
- (3) any court documents about the case; and
- (4) other information relative to the evaluation of the report and the provision of protective services.

History Note: Authority G.S. 108A-103; 143B-153;
Eff. November 1, 1983;
Amended Eff. December 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.