



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HB 2587: adult protective services; reporting; records

Sponsor: Representative Dunn, LD 25

Committee on Health & Human Services

Overview

Requires the Arizona Department of Health Services (DHS) when determining the amount of a civil penalty to consider whether the health care institution and staff are in compliance with the vulnerable adult reporting requirements. Provides the Arizona Department of Economic Security (DES) and protective services workers access to unredacted law enforcement records when performing duties related to an adult protective services case.

History

[Adult Protective Services \(APS\)](#) is a program within the DES Division of Aging and Adult Services and is responsible for investigating allegations of abuse, exploitation and neglect of vulnerable adults.

A protective services worker's duties include: 1) receiving reports of abused, exploited or neglected vulnerable adults; 2) receiving from any source oral or written information regarding an adult who may be in need of protective services; 3) on receipt of information make an evaluation to determine if the adult is in need of protective services, if any, are needed; 4) offer an adult in need of protective services or his guardian whatever services appear appropriate in view of the evaluation; and 5) file petitions as necessary for guardian or conservator appointments, temporary appointments or application for a special visitation warrant. DES or a protective services worker employed by DES may not be appointed as guardian, conservator or temporary guardian ([A.R.S. § 46-452](#)).

Retaliation against a person who in good faith reports abuse, neglect or exploitation is prohibited. Retaliation against a vulnerable adult who is the subject of a report is prohibited. Any adverse action taken against a person who reports the abuse, neglect or exploitation or a vulnerable adult who is the subject of the report within 90 days after the report is filed is presumed to be retaliation ([A.R.S. § 46-454](#)).

The DHS Director may assess a civil penalty against a person who violates health care institution statutes or rules. The following must be determined when considering a civil penalty: 1) repeated violations of statutes or rules; 2) patterns of noncompliance; 3) types of violations; 4) severity of violations; 5) potential for and occurrences of actual harm; 6) threats to health and safety; 7) number of persons affected by the violations; 8) number of violations; 9) size of the facility; and 10) length of time that the violations have been occurring ([A.R.S. § 36-431.01](#)).

Provisions

1. Includes, in the criteria that DHS Director must consider when determining the amount of a civil penalty, whether the health care institution and staff are in compliance with the vulnerable adult reporting requirements. (Sec. 1)
2. Authorizes protective service workers to file for an emergency order of protection as a third party or an injunction against harassment to prevent an alleged perpetrator from having access to the vulnerable adults. (Sec. 2)
3. Allows DES or protective services workers to access unredacted law enforcement records related to an adult protective services case when performing official duties. (Sec. 2)
4. Requires law enforcement entities to furnish relevant records to APS on request. (Sec. 2)
5. Requires a peace officer to notify and make available to the APS Central Intake Unit any reports received, including all related unredacted police records. (Sec. 3)
6. Requires a peace officer to provide the information to APS as soon as possible. (Sec. 3)
7. Makes technical and conforming changes. (Sec. 1, 2, 3)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
--	--	---	--------------------------------------