

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order
 Clarification Requested by
 One or More Counties
 Initiated by CDSS

January 27, 2003

ALL-COUNTY LETTER NO. 03-05

TO: ALL COUNTY WELFARE DIRECTORS
 ADULT PROTECTIVE SERVICES PROGRAM MANAGERS

SUBJECT: ASSEMBLY BILL 255

REFERENCE: SENATE BILL (SB) 2199, SB 1003, ASSEMBLY BILL (AB) 429, AB 444

This All-County Letter (ACL) provides information about AB 255 (Zettel), Chapter 54, Statutes of 2002. AB 255 was sponsored by the County Welfare Directors Association (CWDA) and provides "clean-up" language for SB 2199, Chapter 946, Statutes of 1998. SB 2199 established the enhanced Adult Protective Services (APS) program in California. The provisions of AB 255 will become effective on January 1, 2003.

MANDATED REPORTERS AND DEFINITIONS

The *Elder Abuse and Dependent Adult Civil Protection Act*, has various procedures for the reporting, investigating, and prosecution of elder and dependent adult abuse. These procedures require mandated reporters to report known or suspected instances of elder or dependent adult abuse. Under existing law, care custodians of elder or dependent adults and local law enforcement agencies are mandated reporters. A violation of the reporting requirements by a mandated reporter, as defined, is a misdemeanor.

AB 255 revises the definition of mandated reporter by including a "clergy member," as defined, and redefines "care custodian" to include certain employees of humane societies, animal control agencies, fire departments, and offices of environmental health and building code enforcement, who thus become mandated reporters. The bill also requires counties to provide instructional training materials to these new mandated reporters. It should be noted that when the California Department of Social Services (CDSS) agreed to support AB 255, assurances were made by the CWDA that counties would absorb the cost of providing any training materials specified in Welfare and Institutions Code Section 15655.5. AB 255 also adds abduction to the types of abuse required to be reported under the act.

AB 255 also redefines the terms "multidisciplinary personnel team," and "neglect," and defines "imminent danger." It excludes from the definition of "health practitioner," religious practitioners who diagnose, examine, or treat elder or dependent adults by non-medical means and adds to the term "health practitioner" associate clinical social worker, emergency medical technician I and II, and paramedics. In addition, it adds the local long-term care ombudsman to the list of possible multi-disciplinary team members.

Existing law requires every County Welfare Department to establish and maintain within that department a specialized entity responsible for the operation of an APS program. The Elder Abuse and Dependent Adult Civil Protection Act defines various terms for purposes of these provisions. AB 255 repeals, redefines, and makes changes to many of the definitions used in the Elder Abuse and Dependent Adult Civil Protection Act in order to make them consistent with the definitions used in SB 2199.

CONFIDENTIAL INFORMATION

Existing law authorizes various entities to receive information relevant to an incident of elder or dependent adult abuse and applies confidentiality requirements and liability limitations to those entities. This bill extends to any district attorney's office or to "counsel representing" any qualified agency, the authority to receive this information and applies the related confidentiality and liability provisions to those offices.

APS FUNDING

Existing law (Chapter 13.5 of the Welfare and Institutions Code) provides for enhanced adult protective services, to the extent funds are provided in the annual Budget Act. These provisions require adult protective services to include certain activities and mandate each county to establish an emergency response APS program containing specified requirements.

AB 255 repeals the heading of Chapter 13.5 (Enhanced Services) and combines the contents of that Chapter into Chapter 13 of the Welfare and Institutions Code.

AB 255 provides that all services required under Sections 15760 through 15765 of the new Chapter 13 are to be provided only to the extent that funding is provided in the annual Budget Act.

AB 255 also revises certain program requirements in Section 15763 related to providing immediate intake and/or intervention in response to reports of abuse involving elder or dependent adults residing in other than long-term care or residential facilities. This revision was subsequently superseded by the Section 15763 provisions of the Budget Trailer Bill (AB 444, Chapter 1022, Statutes of 2002).

If you have any questions regarding this ACL, or about the APS program in general, please contact your assigned analyst in the Adult Protective Services Bureau at (916) 229-0323.

Sincerely,

***Original Document Signed By
Donna L. Mandelstam on 1/27/03***

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division