



# **Establishing an Adult Protective Services Perpetrator Registry in Virginia**

**Report to**

**Chairman of the House Committee on Health, Welfare,  
and Institutions**

**Virginia Department for Aging  
and Rehabilitative Services**

**Commonwealth of Virginia  
Richmond  
January 5, 2023**



**COMMONWEALTH OF VIRGINIA**  
**DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES**

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January 5, 2023

**MEMORANDUM**

**TO:** The Honorable Robert D. Orrock Sr.  
Chairman, House Committee on Health, Welfare, and Institutions

**FROM:** Kathryn A. Hayfield  
Commissioner, Department for Aging and Rehabilitative Services (DARS)

**SUBJECT:** Establishing an Adult Protective Services (APS) Perpetrator Registry in Virginia

Over the past few Sessions of the Virginia General Assembly, three bills have been introduced to establish a registry of perpetrators of adult maltreatment who are identified as such in substantiated Adult Protective Services (APS) investigations. However, none of these legislative proposals have passed.

After the introduction of House Bill (HB) 98 in 2022 and conversations with the patron, Delegate Chris Head, the Department for Aging and Rehabilitative (DARS) Commissioner sent a letter to the Health, Welfare, and Institutions (HWI) Committee chair, requesting the opportunity to study the feasibility of establishing a Virginia APS registry and submit a report to the committee in 2022. I am pleased to present the enclosed report on the implementation of an APS perpetrator registry in Virginia in response to that collaboration.

Reports of adult maltreatment continue to increase in Virginia and an APS registry is one tool that can prevent perpetrators from having continued access to vulnerable adults. Though the DARS convened workgroup did not endorse the creation of an APS perpetrator registry, the enclosed report does include seven recommendations regarding the feasibility of implementing and operating an APS registry in Virginia.

If you have any questions about the report, please do not hesitate to contact me.

KAH/pm

Enclosure

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## EXECUTIVE SUMMARY

Adult Protective Services (APS) or adult perpetrator registries are one tool to protect older and other vulnerable adults from abuse, neglect, or exploitation. APS registries enable employers and other entities that serve adults to search for perpetrators of adult maltreatment, identified in substantiated APS investigations, and prevent those individuals from being hired. Virginia currently does not operate an APS registry as the General Assembly has not established the agency's authority to do so.

There is no federal oversight for APS, leaving each state to decide how to manage its APS program and choose whether to establish a registry. This individualized approach means state APS registries are as different as each state's APS program.

The Department for Aging and Rehabilitative Services (DARS) convened a workgroup of subject matter experts in the areas of adult protection, advocacy, and service provision with the goal of exploring the design, scope, and costs of establishing an adult perpetrator registry in Virginia. Workgroup members did not uniformly endorse the implementation of an APS registry in Virginia. Rather members offered several recommendations on (1) the registry structure, (2) the types of individuals who should be listed in a registry, and (3) when employers should check the registry. These recommendations are meant to be informative and serve as a guide to members of the Virginia General Assembly.

DARS staff also developed an estimate of the development and continuing operation costs of a registry. While funding would be needed to build the registry technology and cover the first year of operations, the goal would be for any Virginia APS registry to become self-funded.

## BACKGROUND

Over the past few Sessions of the Virginia General Assembly, three bills have been introduced to establish a registry of perpetrators of adult maltreatment who are identified as such in substantiated Adult Protective Services (APS) investigations.<sup>1</sup> However, none of these legislative proposals have passed.

After the introduction of House Bill (HB) 98 in 2022 and conversations with the patron, Delegate Chris Head, the Department for Aging and Rehabilitative (DARS) Commissioner sent a letter to Delegate Bobby Orrock, Health, Welfare, and Institutions (HWI) Committee chair, requesting the opportunity to study the feasibility of establishing a Virginia APS registry and submit a report to the committee by November 1, 2022 (Appendix A).

As a result, DARS convened a workgroup of subject matter experts in the areas of adult protection, advocacy, and service provision with the goal of exploring the design, scope, and costs of establishing an adult perpetrator registry in Virginia. The workgroup met three times between August and September 2022. Workgroup participants are listed in Appendix B.

### **National Adult Protective Services Association (NAPSA) Report**

In March 2018, NAPSA issued a report on state APS registries. The report reviewed the operations of 21 APS registries report addressed the following topics including:<sup>2</sup>

- Types of perpetrators listed in the registry
- Appeals of registry listing
- Employer mandates to check the registry
- Challenges to operating the registry
- Source of funding for operations
- Recommendations for other states considering the establishment of a registry

Workgroup members were asked to review the NAPSA report before the first meeting. The report was a helpful roadmap for workgroup discussions.

State APS registries are just as different as state APS programs. For example, one state's registry content is public-facing, while other states only permit state employees to conduct registry searches. Some state APS registries list perpetrators employed in occupations where they provided direct care to certain adults, while other registries only include perpetrators who are

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<sup>1</sup> Senate Bill 1570 (2019), House Bill (HB) 1658 (2020), and HB 98 (2022).

<sup>2</sup> <https://www.napsa-now.org/wp-content/uploads/2018/05/APS-Abuse-Registry-Report.pdf>. At the time the NAPSA report was issued, 26 states operated an APS registry.

employed in a position that is publicly funded. Some registries only list perpetrators who maltreated adults with a diagnosis of an intellectual or developmental disability.

### **APS in Virginia**

DARS oversees the provision of APS in Virginia by 120 local departments of social services (LDSS). DARS is also the home to the State Long-term Care Ombudsman Program, as well as the Division for Community Living, which includes the Offices for Aging Services and Disability Programs.

State APS Division staff develop policies, procedures, regulations, and training for LDSS and are responsible for the monitoring and evaluation of local APS programs. The Commissioner and Division staff members serve as liaisons to federal and state legislative and executive agencies and to LDSS.

Nationally, state APS programs differ by the populations served, settings in which investigations are conducted, report response times, and post-investigation service delivery responsibilities. In Virginia, LDSS are responsible for receiving APS reports, determining report validity, conducting the investigations of valid reports, and providing or arranging for needed services to stop or prevent further maltreatment.

A valid APS report does not refer to accuracy of the report, but rather to specific elements that must be present to establish APS authority and jurisdiction:

- The adult must be at least 60 years or older or age 18 to 59 and incapacitated;
- The adult must be living and identifiable;
- Circumstances must allege abuse, neglect, or exploitation; and
- The local department must be the agency of jurisdiction.

Virginia APS has its own statutory definition of an incapacitated person. For purposes of validating an APS report, “incapacitated” does not mean that the adult has been found incompetent by a court, but rather that the adult “is impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age or other causes to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out responsible decisions concerning his or her well-being.”<sup>3</sup> Unlike child protective services (CPS) programs, state APS programs do not conduct investigations when the adult is deceased or unable to be located.

If the report is valid, the investigation is initiated within 24 hours. Virginia APS workers have 45 days to conclude an investigation from the date a valid report is received at the LDSS. Upon the conclusion of an investigation, the APS worker makes one of the following investigation dispositions:

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<sup>3</sup> § 63.2-1603 of the Code of Virginia

- Adult needs and accepts protective services;
- Adult needs and refuses protective services;
- Adult needed protective services but the need for protective services no longer exists;
- Unfounded (the allegation of abuse, neglect, or exploitation was not substantiated); or
- Invalid (the report was initially thought to meet validity criteria but later it was determined it did not).

As reflected by the five disposition categories, the focus of APS is to determine at the conclusion of the investigation if the adult is in need of protection. The APS investigation disposition, is not a finding or determination that a particular perpetrator has abused, neglected, or exploited the adult. Rather the identification of a particular perpetrator may be more appropriately viewed as a “by-product” of the investigative process.

Respecting an adult’s right to self-determination is a hallmark of all state APS programs. Adults with decisional capacity may refuse to cooperate with an investigation, refuse some or all of the protective services the APS worker offers, and choose to physically live or have contact with the identified perpetrator. The primary focus on the adult’s autonomy in making decisions, differs greatly from CPS.

### Virginia APS Statistics

**Tables 1 and 2** show APS statistics over the past five years including volume of APS reports received annually, number of reports investigated and substantiated, and the types of maltreatment adults may experience.<sup>4</sup> Self-neglect, which is defined as an adult “living under such circumstances that he is not able to provide for himself. . . .to maintain his physical and mental health” is the most frequent form of maltreatment.<sup>5</sup> In cases of self-neglect, the adult victim would be considered the perpetrator.

**Table 1: Five State Fiscal Years (SFY) of APS Reports**

SFY Year	Total Reports	Total Investigated	Total Substantiated
2017	27,105	19,913	10,920
2018	31,436	21,461	11,924
2019	34,116	21,785	11,040
2020	37,398	23,969	12,004
2021	39,185	24,221	12,359

**Table 2: Five SFY Types of Substantiated Maltreatment**

<sup>4</sup> Adults may experience more than one type of maltreatment.

<sup>5</sup> § 63.2-100 of the Code of Virginia

	2017	2018	2019	2020	2021
<b>Self-neglect</b>	6,641	7,178	6,972	7,772	8,373
<b>Neglect</b>	2,293	2,456	2,421	2,647	2,473
<b>Financial exploitation</b>	1,394	1,756	1,620	1,840	1,929
<b>Physical Abuse</b>	744	796	849	892	960
<b>Mental Abuse</b>	711	739	632	709	771
<b>Other Exploitation</b>	260	247	325	352	283
<b>Sexual Abuse</b>	63	89	99	102	108

### **Who are the perpetrators of adult maltreatment?**

Perpetrators in APS investigations are individuals (e.g. a healthcare professional) and not entities (e.g. adult day care, assisted living facility). APS perpetrators may be family members, neighbors, direct care providers, individuals in a position of trust such as powers of attorney and guardians, and in the case of self-neglect, adult victims. In many situations, particularly in cases of financial exploitation, the adult is preyed upon by a scam artist or telemarketer whose real identity is never known to the adult or the APS worker. Therefore, it is possible for a perpetrator to be listed as “unknown” or “unspecified” in the APS case record. In SFY 2022 there were over 7,000 perpetrators listed in substantiated APS investigations in Virginia. Of this total, approximately 1,000 would be classified as professionals who are licensed or regulated by state agencies. The majority of perpetrators in APS cases are family members.

### **What is an APS Perpetrator Registry?**

APS perpetrator registries are repositories or databases of information about individuals identified as having perpetrated abuse, neglect, or exploitation against older or other vulnerable adults. APS registry searches enable employers or other designated entities to identify individuals who perpetrated adult maltreatment and prevent them from being employed in positions that provide care or assistance to older or another specific group of adults. An APS registry captures information on perpetrators who may not have been convicted of a crime, such as abuse or neglect of a vulnerable adult, and therefore would not appear on an employment-related criminal background check.

### **Type of perpetrators listed in APS registries**

Many state registries include perpetrators who are licensed professionals providing care to vulnerable individuals. Other registries broaden the scope to anyone who was identified in a substantiated APS investigation, including the adult’s family member. Most registries do not list an adult who is self-neglecting.

### **Concerns about listing certain individuals in an APS registry**

Workgroup participants agreed that adults who are self-neglecting should not be listed in the registry. Other perpetrator exclusions were also discussed including whether there was intent associated with the maltreatment. For example, an 80-year-old man who tries to provide adequate care of his 75-year-old wife, but struggles to do so resulting in caregiver neglect, would



be identified as a perpetrator in an APS investigation. However, his intent was not to withhold care and the appropriate worker response would be to assess the need for services and arrange for assistance. This situation should not result in placing the man in the APS registry. However, while the definition of adult abuse in § 63.2-100 of the Code of Virginia, includes language specifying whether the abuse was “willful,” no such distinction appears in the definition of adult neglect.

### **Registry Funding and Structure**

There is no federal oversight of or funding for state APS programs. Each state has developed its own system for APS investigations, service delivery, and funding sources. Some states, including Virginia, rely on the Social Services Block Grant (SSBG), to fund protective interventions to stop adult maltreatment, but SSBG funding is also directed to numerous other social services programs throughout Virginia. While DARS received COVID-19 and American Rescue Plan Act (ARPA) funds specifically to support APS in Virginia, this funding is temporary and slated to end in September 2024.

The portion of SSBG funding for Virginia APS has not increased over the past 10 years. Due to this limited funding source, APS registry operations would need to be self-funded through user access or search fees or fully funded with state dollars.

There are three possible options to structure an APS registry in Virginia. The first is an entirely public facing registry in which information about perpetrators is available to anyone. The Arizona APS registry follows this model, and lists the perpetrator’s name, date of birth, and description of the offense.<sup>6</sup> The second option would be a closed system in which all searches are conducted by designated state staff and information about perpetrators would be provide to the entity that requested the search. This option would be similar to the structure of the Virginia CPS registry. The CPS registry employees more than 20 staff and completed more than 300,000 searches in 2022. Currently, a CPS registry search costs \$10 per request, though some entities are exempt from these fees. The third option would be a hybrid between a public and closed registry. This model would require DARS staff to establish user access to the registry only for entities authorized to conduct searches. But once access was established, the authorized user would be responsible for conducting the searches. Several pros and cons for each design option appear below:

- **Public Facing Registry**

**Pros**

- Accessible to anyone 24 hours a day.
- Minimal staff needed to maintain the registry.
- No management of payment for searches.

**Cons**

- Does not generate funding for registry maintenance and operations.
- No accountability to ensure searches are conducted by designated entities.

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<sup>6</sup> <https://des.az.gov/APSRegistry>

- Limited ability to document search results.
  - Identifying information, such as social security number, cannot be publicly displayed, limiting ability to differentiate perpetrators with common names.
  - Potential for theft of perpetrators' identifying information.
- **State Operated (Secure Access) Registry (searches conducted by state staff)**
    - Pros**
      - Fee charged for each search which provides revenue to fund registry operations.
      - Search results are documented.
      - Maximum protections for perpetrators' identifying information.
    - Cons**
      - Significant number of staff needed to operate registry.
      - Delayed search results negatively impact employer's ability to hire.
      - Searches not available 24 hours a day, unless staff works 24 hours a day.
      - Need to manage payment for searches.
  - **State Operated (Hybrid) Registry**
    - Pros**
      - User fee for searches would help the registry achieve a self-funded status.
      - Registry access is controlled and limited to employers/others authorized to search.
      - Registry can be searched 24 hours a day.
      - More protections for perpetrators' identifying information.
      - Ability to provide electronic verification of search results.
    - Cons**
      - Some registry staff would be needed to set up user access and to provide technical assistance.
      - Places responsibility on employers to conduct searches.
      - Need to manage payment for user access.

## **REPORT RECOMMENDATIONS**

If the Virginia General Assembly directs the implementation of an APS registry in Virginia, the workgroup offers the following recommendations to help achieve an efficient and cost effective system.

**Recommendation #1: Legislation to establish a registry, if introduced, should specify that DARS operate the registry pursuant to § 51.5-148 of the Code of Virginia. The registry should be designed to enable employers to conduct their own searches after access is granted to the secure registry site.**

DARS has oversight for the delivery of APS in Virginia. DARS also operates the APS case management system, PeerPlace, used by local departments. Perpetrator information (e.g. name, perpetrator's relationship to the client), which APS workers currently enter into PeerPlace, could be exported to a stand-alone APS registry. Additionally, the registry should enable certain employers and other designated entities to obtain DARS-facilitated access to the registry to conduct their own searches. This "hybrid" registry structure eliminates the need to employ a large number of state staff to manage search requests and conduct searches, and reduces the possibility of search delays due to state staff turnover. Yet this hybrid model also ensures that confidential perpetrator information, such as birth date is not publicly viewable. In addition, charging a user access fee to search the registry, establishes a funding stream to operate and maintain the registry without relying on an annual allocation of General Fund dollars.

**Recommendation #2: Legislation to establish a registry, if introduced, should specify that perpetrators of adult maltreatment identified in substantiated APS investigations who are (1) licensed by the Department of Health Professions, (2) employed by a provider licensed, regulated, funded, or operated by the Department of Behavioral Health and Developmental Services, Virginia Department of Health, and Department of Social Services, and (3) approved by a local department of social services pursuant to § 63.2-1600 and § 63.2-1601 of the Code of Virginia be listed in the registry.**

This recommendation captures a wide array of individuals who are most likely to seek employment in areas that serve older adults or people with disabilities, and should be prevented from doing so if they are identified as perpetrators. However, there are limitations with this recommendation as it does not apply to a person whose license may have lapsed or may never have been licensed and is hired by the adult or the adult's family to provide care. It does not include family members who may have abused a relative. The workgroup recommended that the registry, if established, not include past perpetrators, but rather only list perpetrators identified starting at the time the registry is authorized to operate and those subsequently identified in a substantiated APS investigation.

**Recommendation #3: Amend the definition of adult neglect in § 63.2-100 to include language to address "intent" or "willfulness" of the maltreatment.**

Amending the definition of adult neglect would better align it with the APS definitions of adult abuse and adult exploitation in § 63.2-100 Code of Virginia and clarify whether there was intent associated with the maltreatment. This would help the APS worker when assessing the provider's care of the adult and identify and implement services to address concerns such as physical, educational, and financial limitations of care provision. A portion of suggested amended language appears below.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is intentionally not being provided services necessary to maintain his physical and mental. . .

**Recommendation #4: Legislation to establish a registry, if introduced, must provide APS workers authority to obtain certain identifying information about perpetrators from the perpetrator’s employer or through other sources.**

It is critically important that registry searches return accurate results, otherwise the registry is not useful. Registries grow in size as more names are added, increasing the possibility that a registry will contain perpetrators with identical names (e.g. John Smith or Amy Brown). A search of “John Smith” could return multiple “hits” with no way for the searcher to determine if the result is the correct John Smith. Linking the last four digits of the perpetrator’s Social Security Number (SSN) and date of birth (DOB) to his or her registry listing, and allowing the user to search by last four digits of SSN and DOB in addition to the name, will ensure that the registry operates in the most efficient and useful manner.

It is unlikely that a perpetrator will voluntarily provide SSN and DOB information to the APS worker. Workgroup members were unsure that there is existing statutory authority for the APS worker to obtain the last four digits of the SSN and DOB from the perpetrator’s employer or from another source. Section 63.2-1606 of the Code of Virginia requires mandated reporters to “make available to the adult protective services worker and the local department investigating the reported case of adult abuse, neglect or exploitation any information, records or reports which document the basis for the report.” Additionally, mandated reporters “shall cooperate with the investigating adult protective services worker of a local department and shall make information, records and reports which are relevant to the investigation available to such worker to the extent permitted by state and federal law.” However, establishing explicit authority in § 63.2-1605 of the Code of Virginia, would help clarify the APS worker’s right to obtain this information and help employers feel comfortable in providing it.

**Recommendation #5: Legislation to establish a registry, if introduced, should specify that regulations promulgated by the DARS Commissioner address (1) the appeal process for registry listing, (2) a process by which a perpetrator can request removal of his or her name from the registry after a designated period of time, and (3) absent a perpetrator’s request for removal, the duration the perpetrator’s information is retained in the registry.**

Since Virginia currently does not operate a state APS registry, a perpetrator cannot appeal his or her identification in a local APS case record to DARS.<sup>7</sup> However, APS regulations 22 VAC 30-100 do outline procedures for a perpetrator to dispute his or her identification as a perpetrator with the local department that conducted the investigation. The process, known as “right to review,” applies when the investigation has been substantiated and the local department has referred the perpetrator’s information to a state licensing, regulatory or legal authority. The results of the local hearing are final and not subject to appeal to the DARS Commissioner.

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<sup>7</sup> 63.2-1605 of the Code of Virginia: All written findings and actions of the local department or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.).

Though a local right to review is outlined in APS regulations, the establishment of a state APS registry will necessitate some change to this process. Furthermore, DARS would have to develop a state level appeal process through a regulatory action. The perpetrator's information would be added to the registry when all due process or appeals have been exhausted. An example of the steps of a state appeal process can be found in Appendix C.

Workgroup members felt that a perpetrator should be permitted to request his or her information be removed from the registry, particularly if the perpetrator demonstrates remorse and efforts to be rehabilitated. The NAPSA report indicated that one state does permit a "petition for removal after a certain number of years, however the state does not advertise this option" to those listed in the registry.<sup>8</sup> Timeframes to request removal (e.g. five years after listing date) and the process to evaluate requests could be addressed through regulations.

Some state registries purge perpetrator listings after a period of time, while others retain listings indefinitely. The workgroup supported setting registry record retention requirements. A registry that only adds but does not purge records may become unwieldy and difficult to search. Without implementing record retention requirements, perpetrators who are deceased would still remain in the registry, defeating the registry's primary function of prohibiting perpetrators from being employed.

**Recommendation #6: Legislation to establish a registry, if introduced, should specify the types of employers required to check the registry, the frequency with which registry checks are mandated to occur, and whether a confirmed listing is a barrier to employment.**

Employers required to search the registry should include:

- Congregate care settings including nursing homes, assisted living facilities, and residential facilities for individuals with intellectual and developmental disabilities
- Adult day care and senior centers
- Home care/home health agencies
- Hospice programs
- Local departments of social services

The workgroup also recommended that employers check the registry at the time the new employee is hired as a minimum requirement. However, if Virginia follows the hybrid model registry approach, an employer could check the registry more frequently.

**Recommendation #7: Legislation to establish a registry, if introduced, should be structured to allow DARS to (1) develop and test the registry system technology, (2) implement emergency regulations, (3) hire necessary state staff to operate the registry, and (4) inform the public and employers about the existence of the registry before requiring employers to conduct searches.**

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<sup>8</sup> <https://www.napsa-now.org/wp-content/uploads/2018/05/APS-Abuse-Registry-Report.pdf>, Page 31

Developing the technology for an APS registry, providing training for local APS staff, implementing a public awareness campaign for employers, and promulgating emergency regulations will take two years or longer. In addition, establishing a registry will shift the focus of APS practices in Virginia, with an increased emphasis on building a case against the perpetrator while also determining the protective needs of the adult. Hence, the APS Division will need time to train local APS workers and supervisors on investigation procedures and registry operations. Previous legislative proposals have not included a delayed enactment clause. The workgroup recommended delayed enactment clauses be a part of any legislation that is introduced.

### **REGISTRY COSTS AND USER FEES**

Ideally, an APS registry would achieve self-funded status approximately one year after operations began. The hybrid registry model favored by workgroup members would require employers to pay an annual fee to search the registry. Fees could be set based on the anticipated number of annual searches or on the number of employees an employer has. The user fee approach mirrors how subscriptions to online newspapers or other services are managed. For both security reasons and to ensure there is a source of ongoing funding, access would have to be reestablished after one year. Annual user fees may range from \$200 to \$500.

**Table 3: Estimate Costs for Registry Operations**

<b>Position/Charge</b>	<b># of employees</b>	<b>Role/Purpose</b>	<b>Salary &amp; Fringe/Cost</b>
<b>APS Registry Manager</b>	1	Oversees registry operations. Provides training to public and LDSS.	\$90,000
<b>Registry access staff</b>	4	Ensures safe and secure user access to registry. Provides technical assistance to users.	\$260,000
<b>Fiscal technician</b>	1	Oversees and manages online payment for user access.	\$60,000
<b>Hearing Officer (contract)</b>	1	Hears appeals of registry listings.	\$50,000
<b>DARS legal representation</b>	NA	Representation in court for registry appeals.	\$50,000

<b>Initial APS registry development</b>	NA		\$245,00
<b>Annual registry system operation and maintenance fees</b>	NA		\$10,000

### **OTHER CONSIDERATIONS**

Should the General Assembly not pursue the establishment of an APS registry in Virginia, there are other actions that could be taken to enhance protections and support for vulnerable adults. These include:

**Adding financial exploitation of a vulnerable adult to the list of barrier crimes.** Abuse and neglect of vulnerable adults, §18.2-369 of the Code of Virginia, is a barrier crime. However, §18.2-178.1 of the Code of Virginia, financial exploitation of vulnerable adults is not. Adding this statute as a barrier crime may prevent individuals who have been convicted of this crime from coming into contact with other adults.

**Increase funding to provide protective services for victims of maltreatment.** As noted earlier in this report, SSBG funding for APS has not increased despite the growing number of reports and substantiated cases. APS interventions to stop abuse and prevent further maltreatment such as temporary placement in a long-term care facility, legal actions, and in-home services are expensive. Many of interventions often prevent the perpetrator’s continued access to the adult. Often LDSS deplete their initial APS allocation by the middle of the fiscal year, severely limiting their ability to respond to the needs of maltreated adults for the remainder of the year.

## Appendix A: Letter Request to HWI



**COMMONWEALTH OF VIRGINIA**  
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

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March 28, 2022

Delegate Robert D. Orrock Sr.  
Virginia House of Delegates, 54<sup>th</sup> District  
P.O. Box 458  
Thornburg, VA 22565

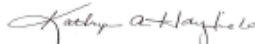
Dear Delegate Orrock,

Thank you for following up on HB 98 (Head) which as introduced would have established an Adult Protective Services (APS) registry in Virginia. At Delegate Head's request, HB 98 was carried over to 2023.

In the coming year, the Department for Aging and Rehabilitative Services (DARS) plans to convene a group of stakeholders to research the implementation of a Virginia registry for perpetrators of adult maltreatment. The review will address the potential costs to operate a registry, who should be listed in the registry, how an alleged perpetrator may appeal being listed in the registry, and how §63.2.1605 of the Code of Virginia could be clarified to strengthen APS investigations in Virginia.

I anticipate that our findings will be available to share with you by November 1, 2022. If you have any questions or concerns regarding our review of this issue please do not hesitate to contact me.

Sincerely,

  
Kathryn A. Hayfield

Cc: Delegate Christopher Head  
Virginia House of Delegates, 17<sup>th</sup> District

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## Appendix B: Workgroup Participants

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**Taneika Goldman**

State Human Rights Director, Virginia Department of Behavioral Health and Developmental Services

**Judy Hackler**

Executive Director, Virginia Assisted Living Association

**Emily Hardy**

Elder Law Attorney, Virginia Poverty Law Center

**Joani Latimer**

State Long-term Care Ombudsman

Alternate: **Jennifer Kovacs**

Virginia Department of Behavioral Health and Developmental Services

**Laura Lunceford**

Licensing Inspector, Virginia Department of Social Services

**April Payne**

Chief Quality and Regulatory Affairs Officer, Executive Director of VCAL  
Virginia Healthcare Association/Virginia Center for Assisted Living

**Sarah Rexrode**

Director, Franklin City Department of Social Services  
Virginia League of Social Services Executives

**Jessica Roberts**

APS Supervisor, Wise County Department of Social Services

**Terry Smith**

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## Appendix C: Example of Appeal Process

