

SECTION 1005 - Definitions

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| SUMMARY STATEMENT: | The following Definitions are used in Adult Protective Services. |
| DEFINITIONS | |
| Abuse | The willful infliction of physical pain, physical injury, mental anguish, unreasonable confinement, or the willful deprivation of essential services to a disabled adult or elder person. |
| Activities of Daily Living (ADLs) | Those activities and behaviors that are <u>the most fundamental self-care activities to perform</u> and are an indication of whether the person can care for one’s own physical needs. |
| Aging Disability and Resource Connection (ADRC) | A coordinated system of partnering organizations that are dedicated to supporting individuals and family members who are aging or living with a disability. |
| Ambulatory | Having the ability to move from place to place by walking, either unaided or aided by prosthesis, braces, cane, crutches, walker or rails, or propelling a wheelchair. |
| A/N/E | |
| APS Determination | Abuse/Neglect/Exploitation, a way to state the global category of maltreatment of disabled adults or elder persons. |
| APS Justification | A statement referring to the outcome of the investigative findings (substantiated or unsubstantiated for A/N/E). |
| APS On-going Case Management” | A statement documented by the caseworker indicating that the client is at risk and the need for ongoing APS. |
| APS Report | APS services provided as a result of the justification that a disabled adult and/or elder person is at risk for further abuse, neglect or exploitation <u>and</u> that the adult has consented to on-going APS case management services. |
| | Information reported to APS regarding suspected abuse, neglect, self-neglect and/or exploitation of disabled or elder persons who are not residents of long-term care facilities, as defined in the <u>Disabled Adult and Elder Persons Protection Act</u> which meet criteria and are accepted for investigation. |

DEFINITIONS, cont.

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| Assessment | The analysis that is done of the facts through which decisions are made about risk, needs, strengths and continued APS intervention after the process of interviewing, observations and information gathering is completed. |
| At Risk | A caseworker determination that a person is a disabled adult or elder person and that there are factors present that indicate that A/N/E is likely to occur or reoccur. |
| Caretaker | <p>“Caretaker/Caregiver” means a person who has the responsibility for the care of a disabled adult or elder person as a result of family relationship, contract, voluntary assumption of that responsibility, or by operation of law.</p> <p>(Within the Aging Network, a caretaker is often referred to as “caregiver”)</p> |
| Case Plan | A consensual written plan of action between the adult at risk and the protective service staff that forms the basis for the activities that the case manager, client, family and others follow in order to reduce risk, address safety issues and ensure basic needs are met. |
| Conservator | A person given the legal right to be responsible for the assets and finances of a person deemed fully or partially incapable of providing these necessities for him or herself. In Georgia law, “conservator” includes a “guardian of property” appointed prior to July 1, 2005. |
| Court | The probate court for the county of residence of the disabled adult or elder person or the county in which such person is found. |
| Department | The Department of Human Services. |
| Diligent Search | A planned effort to locate an individual. |
| Director | The director of Division of Aging Services of the Department of Human Services, or the director’s designee. |
| Disabled Adult | A person 18 years of age or older who is not a resident of a long-term care facility, as defined in Article 4 of |

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| DEFINITIONS, cont. | Chapter 8 of Title 31, but who is mentally or physically incapacitated. |
| Disabled Adult in Need of Protective Services | A disabled adult who is subject to abuse, neglect or exploitation as a result of that adult's mental or physical incapacity. |
| Due Process | Legal proceedings that are fair and give notice of the proceedings and an opportunity to be heard before the government acts to take away one's life, liberty or property. This is a constitutional guarantee that a law shall not be unreasonable, arbitrary or capricious. |
| Elder Person | A person 65 years of age or older who is not a resident of a long-term care facility as defined in Article 4 of Chapter 8 of Title 31. (O.C.G.A. §30-5-3) |
| Endangerment | The conditions causing endangerment (harm or threat of harm) may be behavioral or situational and may be chronic, acute or intermittent. |
| Essential Services | Social, medical, psychiatric, or legal services necessary to safe-guard the disabled adult/elder person's rights and resources and to maintain the physical and mental well-being of the person. These services include, but are not limited to, the provision of medical care for physical and mental health needs, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, and protection from health and safety hazards. These services shall not include the taking into physical custody of a disabled adult or elder person without that person's consent. |
| Exploitation | The illegal or improper use of a disabled adult or elder person or that person's resources through undue influence, coercion, harassment, duress, deception, false representation, false pretense, or other similar means for another's profit or advantage. |
| Guardian | An individual or entity appointed by a probate court to be legally responsible for the care and management of an individual adult who lacks sufficient capacity to make or communicate significant responsible decisions concerning his or her health or safety. Within Georgia law, "guardian" includes a "guardian of the person" appointed prior to July 1, 2005. |

DEFINITIONS, cont.

Healthcare Facility Regulation” (HFR)

The Division within the Department of Community Health responsible for healthcare planning, licensing and certification of various healthcare facility and businesses. This office responds to reports of A/N/E in Long-Term Care Facilities.

Inconclusive

An APS disposition category indicating insufficient evidence exists to make a determination on whether or not abuse, neglect and/or exploitation has occurred to the vulnerable adult who is the subject of a accepted APS report. The subject of the report, key collaterals and/or collateral documentation was unavailable.

Instrumental Activities of Daily Living (IADL)

Those more complex activities associated with daily life i.e. money management; meal preparation; housework etc.

Intervention

Brief telephone intervention services such as referring the caller to other agencies or resources, when the report does not meet the criteria for APS. The Central Intake Specialist provides counseling and information and referral services to meet the caller’s needs.

Investigation

A systematic process to determine whether the alleged A/N/E is substantiated.

Long Term Care Facility (LTCF)

Any Skilled Nursing Home, Intermediate Care Home, Personal Care Home (PCH), or Community Living Arrangement now or hereafter subject to regulation and licensure by the Department (O.C.G.A. §31-8-51).

Mandated Reporter

Any person required to report child abuse, physician, osteopath, intern, resident, other hospital or medical personnel, dentist, psychologist, chiropractor, podiatrist, pharmacist, physical therapist, occupational therapist, licensed professional and counselor, nursing personnel, social work personnel, day-care personnel, coroner, medical examiner, employee of a public or private agency engaged in professional health related services to elder persons or disabled adults, employee of a financial institution or law enforcement personnel having reasonable cause to believe that a disabled adult/elder person has had a physical injury or injuries inflicted upon him, other than by accidental means, by a caretaker or

DEFINITIONS, cont.

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| | has been neglected or exploited by a caretaker. Note: The Long-Term Care Ombudsman is <u>not</u> a mandated reporter. |
| Neglect | The absence or omission of essential services to the degree that it harms or threatens with harm the physical or emotional health of a disabled adult or elder person. |
| Person Centered Planning | A process to develop an individualized support plan that is driven by the individual's own preferences, strengths and personal goals, as well as directed by the participant and/or their representative. |
| Personal Vulnerability | An individual is unable to care for self in aspect of everyday living because of mental or physical impairment. |
| Power of Attorney | A document that grants specific authority for another person (known as the Agent) to act on behalf of the individual (known as the Principal) in certain financial matters. A Georgia Power of Attorney does not authorize the Agent to make healthcare or residential decisions or to make financial decisions against the wishes of the Principal. |
| Priority Designation | APS referrals that are determined to be high priority or high risk. This includes circumstances that allege that the disabled adult/elder person does not have essential needs met or when imminent threat exists |
| Protected Healthcare Information (PHI) | Individually identified health information, including but not limited to: health status; treatment; payment of healthcare, held by a covered entity (e.g. healthcare providers, healthcare clearinghouse and agencies receiving federal funding) or its business associate. |
| Protective Services | Services necessary to protect a disabled adult or elder person from abuse, neglect, or exploitation. Such services shall include, but not be limited to, evaluation of the need for services and mobilization of essential services on behalf of a disabled adult or elder person. |
| Public Guardianship Office | The Section within the Division of Aging Services responsible for providing case management services to wards of the State of Georgia, through the Department of Human Services, for individuals deemed incapacitated |

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| DEFINITIONS, cont. | by the Probate Court. |
| Reasonable Cause to Believe | A basis for a judgment that rests on specific facts, either directly observed or obtained from reliable sources, that supports a belief that a particular event probably took place or a particular condition probably exists. |
| Reasonable Access | Access to APS records that has reporter’s information and non-related Protected Health Information (PHI) (i.e. Health information not directly related to medical neglect, physical abuse, sexual abuse and/or information related to decision related capacity) redacted. |
| Representative Payee | A person or other entity that manages an individual’s Social Security, SSI and or Railroad Retirement benefits when an adult is determined unable to manage this function without assistance. |
| Self-Abuse | Harm to oneself, e.g., mutilation or other self-destructive behaviors such as alcohol and drug abuse. |
| Self-Neglect | The result of an adult's inability, due to physical and/or mental impairments or diminished capacity, to perform essential self-care tasks including: providing essential food, clothing, shelter, and medical care; obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety; and/or managing financial affairs. |
| Sexual abuse | <p>The coercion for the purpose of self-gratification by a guardian or other person supervising the welfare or having immediate charge, control, or custody of a disabled adult or elder person to engage in any of the following conduct:</p> <ul style="list-style-type: none"> Lewd exhibition of genitals or pubic area of any person; Flagellation or torture by or upon a person who is unclothed or partially unclothed; Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is unclothed or partially clothed unless physical restraint is medically indicated; Physical contact in an act of sexual stimulation or gratification with any person’s unclothed genitals, pubic area, or buttocks or with a female’s nude breast; Defecation or urination for the purpose of sexual stimulation of the viewer; or |

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| DEFINITIONS, cont. | Penetration of the vagina or rectum by any object except when done as part of a recognized medical or nursing procedure. |
| Social Vulnerability | An individual who needs assistance but has no one who can effectively and reliably assist in meeting needs and/or is isolated without a formal or informal support system. |
| Substantiated | A disposition category following an APS investigation where the case manager or other APS staff concludes, based upon a “reasonable cause to believe” (O.C.G.A §30-5-4 (b) (1)) and their professional judgment, that abuse, neglect and/or exploitation has occurred against the disabled or elder adult who is the subject of the APS report. |
| Undue Influence | Inappropriate or excessive manipulation exerted against a vulnerable person |
| Unsubstantiated | A disposition category following an APS investigation based upon the findings of a complete and thorough investigation, that there is no “reasonable cause to believe” that abuse, neglect and/or exploitation have occurred against the disabled or elder adult who is the subject of the APS report. |
| Ward | An adult for whom a guardian or conservator has been appointed by a probate court. |
| REFERENCES | <p><u>Georgia’s Disabled Adults and Elder Persons Protection Act, O.C.G.A §30-5-1 through 11, et.seq.</u></p> <p><u>O.C.G.A. §19-7-5 Reporting of Child Abuse</u></p> |