

Explanation of the “Abuse Registries: Comparison Chart of Provisions in Adult Protective Services Laws with Citations, by State” Chart

(Laws current as of 12/31/06)

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Research conducted on Westlaw compliments of West Group

The chart addresses the adult protective services (APS) laws for each state, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. This explanation and the chart refer to these jurisdictions generically as “state” or “states.”

Unless otherwise indicated, this explanation (1) uses the term “abuse” generally to include abuse, neglect, and exploitation, and (2) uses “elder abuse” to include elder abuse and adult abuse.

CAUTION: This chart is based only on the state APS laws; APS regulations were not reviewed. It is important to recognize that there may be other state laws or regulations or federal laws or regulations that address the issue covered by this chart.

NOTE: A few states have multiple laws. Some of those states have separate elder protective services (EPS) laws and APS laws, and those laws are designated in the chart by following the state abbreviation with “EPS” or “APS”. Some states have more than one APS law, and those laws are designated in the chart by following the state abbreviation with #1 or #2. Unless otherwise indicated in this explanation or the chart, both APS and EPS laws will generally be referred to as APS laws.

I. Why We Developed This Chart

State and federal legislative staff, other policy makers, program administrators, practitioners, educators, researchers, reporters, and others often want to know how many state APS laws contain provisions about abuse registries and what those laws say. The “Abuse Registries: Comparison Chart of Provisions in Adult Protective Services Laws with Citations, by State” chart offers that information.

There is no clear or consistent definition of an “abuse registry” and the term appears to be used in three different ways by practitioners, researchers, and the state statutes. Sometimes the term is used to refer to a list of perpetrators of substantiated incidents of elder abuse that is managed by APS and in many instances, used to determine whether those individuals should be prohibited from working with certain vulnerable populations or in certain settings, such as a nursing home. In some states however, APS contributes information about reports or their dispositions to an abuse registry (meaning a list of perpetrators) that is managed by another state agency. The term’s third use refers to a database of reports made to APS or APS case records. To enhance clarity about this issue, this chart indicates which state APS laws contain abuse registry provisions and into which of these three categories the provision fits.

II. Explanation of Discrepancies between this Chart and “The 2004 Survey of State Adult Protective Services: Abuse of Vulnerable Adults 18 Years of Age and Older”

Another NCEA product, “The 2004 Survey of State Adult Protective Services: Abuse of Vulnerable Adults 18 Years of Age and Older” (Teaster, et al., March 2007, available on the NCEA website at http://www.ncea.aoa.gov/NCEAroot/Main_Site/pdf/2-14-06%20FINAL%2060+REPORT.pdf), contains a list of state APS programs that self-identified as having an “abuse registry or database of alleged perpetrators” in response to the 2004 survey. The survey report indicates on page 9 that:

States maintaining an abuse registry are Arkansas, Delaware, Hawaii, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Vermont, Washington, and Wyoming. Five states (Alaska, Idaho, New Jersey, West Virginia, and Wisconsin) do not maintain a specific registry of alleged perpetrators, but do maintain some type of registry or database of individuals involved in abuse cases.

There are discrepancies between the list in the survey report and the results of our statutory analysis as indicated in the accompanying chart. There are several possible reasons for these discrepancies. They include:

1. A state’s law may have changed since the survey was conducted;
2. The responses to the survey may have been based on APS regulations or on other state laws, which were not analyzed for this chart;
3. Survey respondents may have interpreted the survey question (“Does your program maintain an abuse registry or database of alleged perpetrators?”) differently than we do (see explanation above of the three different ways that the term “abuse registry” is used); or
4. We may have misread or misinterpreted the state’s law.

III. Detailed Explanation of the “Abuse Registries: Comparison Chart of Provisions in Adult Protective Services Laws with Citations, by State” Chart

This chart contains the following five columns:

1. State. This chart only includes states that have provisions on abuse registries.
2. APS Manages Perpetrator Registry. This column indicates with an “X” those states in which APS manages a list or perpetrators of substantiated incidents of elder abuse.
3. APS Contributes to Perpetrator Registry. This column indicates with an “X” those states in which APS contributes information about reports or their dispositions to an abuse registry (meaning a list of perpetrators) that is managed by another state agency.

4. APS Manages Reports/Records Registry. This column indicates with an “X” those states in which APS manages a database of reports made to APS or APS case records.
5. Citation(s). The citations for the statutory provisions addressing registries are presented in this column. Some state laws contain multiple relevant provisions. Citations to each of them are provided.

IV. If You Find an Error

We strived to be consistent in our interpretation and categorization of the statutes. Despite our best efforts, we may have made errors. It is also possible that APS or other professionals interpret a statute differently than we did or there are state regulations or policies that lead to a different interpretation. Additionally, state laws may have changed since December 31, 2006. If you think we erred or your state has a regulation or policy that leads to a different interpretation, please contact Lori Stiegel of the American Bar Association Commission on Law and Aging at lstiegel@staff.abanet.org or 202-662-8692.

¹ The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

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