

**RECEIVING SERVICES - THRESHOLD ELIGIBILITY FOR ADULT PROTECTIVE SERVICES:  
COMPARISON CHART OF CRITERIA, BY STATE**

(Laws current as of 12/31/06)

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Research conducted on Westlaw compliments of West Group

**CAUTION:** Read the explanation of this chart before relying upon the chart. You can find the explanation online at  
<http://www.abanet.org/aging/about/elderabuse.shtml>.

<b>STATE-PERSONS ELIGIBLE</b>	<b>STATUTORY PROVISION(S) REGARDING RECEIVING SERVICES</b>	<b>COMMUNITY SERVICE PROVIDER</b>	<b>FACILITY (AT OR FROM)</b>	<b>HOME CARE AGENCY</b>	<b>HOME HEALTH AGENCY</b>	<b>HOSPICE</b>	<b>INDIVIDUAL PROVIDER</b>	<b>PERSONAL AIDE</b>	<b>PERSONAL CARE ASSISTANT</b>
<b>Kansas</b>									
<i>-Adult receiving services through a provider of community services and affiliates thereof</i>	such person is receiving services through a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services or the department on aging or a residential facility licensed pursuant to K.S.A. 75-3307b and amendments thereto	X							
<b>Minnesota</b>									
<i>-Vulnerable adult who receives services at or from a facility</i>	receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15		X						

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING RECEIVING SERVICES	COMMUNITY SERVICE PROVIDER	FACILITY (AT OR FROM)	HOME CARE AGENCY	HOME HEALTH AGENCY	HOSPICE	INDIVIDUAL PROVIDER	PERSONAL AIDE	PERSONAL CARE ASSISTANT
<i>-Vulnerable adult who receives services from a home care provider</i>	receives services from a home care provider required to be licensed under section 144A.46; or from a person or organization that exclusively offers, provides, or arranges for personal care assistant services under the medical assistance program as authorized under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and 256B.0653 to 256B.0656			X					X
<b>Missouri (#2)</b> <b>Mo. Ann. Stat. §§ 660.300 – 660.321</b> <i>(these provisions are applicable only to individuals who are receiving “in home services” as defined by § 660.250(9) “through any in-home services provider agency” as defined by § 660.250(11). Missouri does not have two</i>									

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<i>statutes. We established this construct to distinguish in the charts between the provisions applicable to individuals who are receiving in home services and those who are not. The statute indicated that the definitions contained in 660.250 apply to what we have labeled as Missouri #2; 660.300 – 660.321. )</i>									
<i>-Eligible adult who is an “in-home services client”</i>	receiving services... through any in-home services provider agency			X					
<i>-Eligible adult with a disability who is an “in-home services client”</i>	receiving services... through any in-home services provider agency			X					
<b>Oregon (APS)</b> <b>Or. Rev. Stat. §§ 430.735 – 430.768</b> <i>(applicable only to persons 18 or older who are mentally ill or developmentally disabled and receive</i>									

STATE-PERSONS ELIGIBLE	STATUTORY PROVISION(S) REGARDING RECEIVING SERVICES	COMMUNITY SERVICE PROVIDER	FACILITY (AT OR FROM)	HOME CARE AGENCY	HOME HEALTH AGENCY	HOSPICE	INDIVIDUAL PROVIDER	PERSONAL AIDE	PERSONAL CARE ASSISTANT
<i>services from a community program or facility)</i>									
<i>-Adult</i>	receives services from a community program or facility		X	X					
<b>Vermont</b>									
<i>-Vulnerable adult who has been receiving services for more than a month from a home health agency, etc.</i>	has been receiving personal care services for more than one month from a home health agency certified by the Vermont department of health or from a person or organization that offers, provides, or arranges for personal care				X				X
<b>Washington</b>									
<i>-Vulnerable adult who receives services from home health, hospice, or home care agencies</i>	Receiving services from home health, hospice, and home care agencies			X	X	X			
<i>-Vulnerable adult who is receiving services from an individual provider</i>	Receiving services from an individual provider						X		
<i>-Vulnerable adult receiving services from an “individual who for compensation serves as a personal aide to a</i>	receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his or her own care						X		

<b>STATE-PERSONS ELIGIBLE</b>	<b>STATUTORY PROVISION(S) REGARDING RECEIVING SERVICES</b>	<b>COMMUNITY SERVICE PROVIDER</b>	<b>FACILITY (AT OR FROM)</b>	<b>HOME CARE AGENCY</b>	<b>HOME HEALTH AGENCY</b>	<b>HOSPICE</b>	<b>INDIVIDUAL PROVIDER</b>	<b>PERSONAL AIDE</b>	<b>PERSONAL CARE ASSISTANT</b>
<i>person who self-directs his or her own care in his or her home”</i>	in his or her home under chapter 336, Laws of 1999								

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<sup>1</sup> 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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