



Certification Page Regular and Emergency Rules

Revised June 2020

Emergency Rules *(Complete Sections 1-3 and 5-6)*

Regular Rules

1. General Information

a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			h. Adoption Date
i. Program			
Amended Program Name <i>(if applicable)</i> :			

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. *Please use the "Additional Rule Information" form to identify additional rule chapters.*

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name <i>(if applicable)</i> :		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name <i>(if applicable)</i> :		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name <i>(if applicable)</i> :		

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

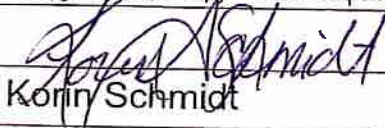
5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Korin Schmidt
Signatory Title	Director
Date of Signature	Aug. 14, 2023

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Wyoming Department of Family Services

Adult Protective Services Rules

Statement of Reasons

The Wyoming Department of Family Services (Department) is proposing amendments to Chapters 1-4, Adult Protective Services (APS) Rules to update the rules to reflect current practice and statutory changes. Wyoming Statute § 35-20-104(a)(ii) authorizes the Department to promulgate rules.

- Chapter 1 General Provisions, Criminal Penalties, Adult Protection Teams – The Department proposes the amendments to Sections 4, 6 and 7 to update, condense and reflect the current practice. Section 4, which contains definitions, is amended to update a few definitions and to add a definition of “professional reporter.” Criminal penalties are discussed in Section 6 and a separate criminal statute is referenced. The Department proposes striking the majority of Section 6 to remove duplicative language that is already contained in the cited criminal statute. Section 7 addresses adult protective services community teams. The spreadsheet referenced in that section for data collection is no longer used and references to it are being removed.
- Chapter 2 Reports of Suspected Adult Abuse, Neglect, Exploitation, Abandonment, Intimidation or Self-Neglect of Vulnerable Adults – The Department proposes amendments to existing Sections 2 through 6 to reflect current practice and to reorganize several provisions into updated or new sections. The Department is moving Sections 2(f) and (g) into new Section 6 which will be dedicated to the Investigation Track. Sections 2(h), (i), (j), and (k) currently relate to how the Department handles rejected reports. The Department is updating those standards and moving them to the new Section 3. Since Section 3 is a new section all sections thereafter have been renumbered. Renumbered Sections 4, 5, 6 and 7 have been updated.

References to court-ordered intervention, previously referenced in Section 4, has been moved to Section 8. The Department is also amending the length of time an order for emergency services can be extended to reflect a prior statutory change to Wyoming Statute § 35-20-107. The confidentiality provisions from Section 5 have been incorporated into Section 12. Sections 8 through 12 are new to Chapter 2 and incorporate the rules from Chapters 3 and 4 which are being repealed.

During the 2023 legislative session, the Legislature passed Wyoming Statute §§ 13-1-701 through 13-1-706, effective July 1, 2023. The new statutes provide for procedures to report and address financial exploitation of vulnerable adults through the banking industry. The Department was granted rule-making authority under Section 2 of the act. Since the Department's original rules already address financial exploitation the Department is proposing a minor addition. The Department is amending Chapter 2, Section 6(d)(i) to provide for additional notification to a banking institution.

- Chapter 3 Service Provisions – The Department proposes this Chapter be repealed. The service provision has been moved to Chapter 2, Section 8. The consent to services provision has been moved to Chapter 2, Section 9.
- Chapter 4 – Case Closure, Administrative Hearings and Confidentiality – The Department proposes this Chapter be repealed. These provisions have been incorporated into Chapter 2, Sections 10 through 12.

The Department consulted with its APS staff, APS State team, Vulnerable Adult Working Group, and the statewide adult protection teams. Included in these teams was representation from the Wyoming Department of Health, Ombudsman, Alzheimer's Association, University of Wyoming, Legal Aide, AARP, and Wyoming Guardianship Corporation. With the passing of Wyoming Statute §§ 13-1-701 through 13-1-706, the Department met with various stakeholders in the financial industry resulting in the minor change to the rules discussed above.



WYOMING DEPARTMENT OF FAMILY SERVICES

**Department of Family Services
Adult Protective Services Rules
Comment Summary & Agency Response**

August 2, 2023

The Public Notice for Proposed Rules for Adult Protective Services Rules comment period was June 1, 2023, through July 17, 2023. They were published on the DFS Website and published in the Casper Star Tribune on June 10, 2023 and June 24, 2023. They were published in the Wyoming Tribune Eagle, the Laramie Boomerang, the Rawlins Times, the Rocket Miner and the Wyoming Business Report on June 7, 2023.

The Department received 0 requests for copies of the proposed rules.

The public comment period ended on July 17, 2023.

The Department did not receive any comments or requests for a hearing with regard to the Proposed Rules.

**RULES AND REGULATIONS
DEPARTMENT OF FAMILY SERVICES
ADULT PROTECTIVE SERVICES**

CHAPTER 1

**GENERAL PROVISIONS, CRIMINAL PENALTIES, ADULT PROTECTION
TEAMS**

Section 1. Authority. These Rules of the Department of Family Services are promulgated pursuant to Wyo. Stat. § 35-20-104(a)(ii).

Section 2. Purpose. These Rules are adopted to implement the Department's responsibilities under the Adult Protective Services Act (Wyo. Stats. §§ 35-20-102 through 35-20-116) relating to adult protective services in Wyoming, to assist in the administration of the Department's programs, to assure the safety and well being of vulnerable adults and to articulate penalties for abuse, neglect, intimidation, abandonment, self-neglect and exploitation of a vulnerable adult pursuant to Wyo. Stat. § 6-2-507.

Section 3. Severability. If any provision of these Rules or the application thereof to any person, program, service or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these Rules. To the extent that these Rules can be given effect without the invalid provision, the provisions of these Rules are severable.

Section 4. Definitions.

(a) "Abandonment" means leaving a vulnerable adult without financial support or the means or ability to obtain food, clothing, shelter or health care.

(b) "Abuse" means the intentional or reckless infliction, by the vulnerable adult's caregiver, a person of trust or authority, professional, family member or other individual of:

(i) Injury;

(ii) Unreasonable confinement which threatens the welfare and well being of a vulnerable adult; or

(iii) Cruel punishment with resulting physical or emotional harm or pain to a vulnerable adult; or

(iii) Photographing vulnerable adults for immoral or illegal purposes without the vulnerable adult's written consent; or

(iv) Sexual abuse; or

(v) Intimidation; or

(vi) Exploitation.

(c) "Action Plan" means the written plan developed by the caseworker in cooperation with the vulnerable adult, caregiver and others as needed, to determine what outcome is desired, what actions and services are indicated and who is responsible for taking the action and/or arranging/providing the service.

(d) "Administrator" means the director of the Wyoming Department of Family Services or designee.

(e) "Adult Protective Services Act" means the Act relating to adult protective services in Wyoming, to assist in the administration of the Department's programs, and to assure the safety and well being of vulnerable adults, pursuant to Wyo. Stats. §§ 35-20-102 through 35-20-116.

(f) "Adult Protection Team" means the formal organization of professionals or individuals with appropriate expertise assembled to assist and coordinate adult protection activities with the Department and other agencies or organizations that serve vulnerable adults.

(g) "Advanced Age" means a person who is sixty (60) years of age or older.

(h) "Agency" means any division, institution or program within a Department of the state and all institutions, boards and programs administering, planning and providing for services under the supervision of a director, and counties, municipal corporations, school districts, community college districts, joint powers boards or special districts specifically involved in providing government facilities or functions, and all private or non-profit organization involved in providing human services, or the regulation of human services, to vulnerable adults.

(i) "Capacity to consent" means the ability to understand and appreciate the nature and consequences of making decisions concerning one's person, including, provisions for health or mental health care, food, shelter, clothing, safety or financial affairs. This determination may be based on assessment or investigative findings, observation or medical or mental health evaluations.

(j) “Caregiver” means any person or in-home service provider (the Department of Family Services shall not serve as a caregiver) responsible for the care of a vulnerable adult because of:

- (i) A family relationship; or
- (ii) Voluntary assumption of responsibility for care; or
- (iii) Court ordered responsibility or placement; or
- (iv) Rendering services in an adult workshop or adult residential program; or
- (v) Rendering services in an institution or in a community-based program; or
- (vi) Acceptance of a legal obligation or responsibility to the vulnerable adult through a power of attorney, advanced health care directive or other legal designation.

(k) “Caseworker” means an employee of the Department who provides adult protection services; family social services and/or counseling services to clients; gathers information; composes social histories as part of an information base for treatment or social services programs; conducts investigations as a basis for case decisions; conducts assessments relative to risk and needs factors; prepares case plans; monitors client progress; documents all client contact and writes summary reports; provides counseling or makes referrals as appropriate; and prepares documentation for court proceedings.

(l) “Central Registry” means an electronic registry maintained pursuant to Wyo. Stats. §§ 35- 20-115 through 35-20-116.

(m) “Collateral contact” means obtaining information concerning the living situation of the vulnerable adult from an individual who has knowledge of the circumstances but was not directly involved in referring the vulnerable adult for adult protective services.

(n) “Conservator” means a person appointed by a court of proper jurisdiction to have the custody and control of the property of a vulnerable adult.

(o) “Court” means the district court in the district (or county) where the vulnerable adult resides or is found.

(p) “Department” means the Wyoming Department of Family Services or its designee.

(q) “District office” means one of the geographic divisions within the Department of Family Services through which Department programs and services are administered.

(r) “Emergency services” means those services that may be provided to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the emergency has been resolved.

(s) “Exploitation” means the reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult. In the absence of legal authority to:

(i) Obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult’s money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property In the absence of legal authority:

(ii) Employ the services of a third party for the profit or advantage of the person or another person to the detriment of a vulnerable adult;

(iii) Force, coerce or entice a vulnerable adult to perform services for the profit of another against the will of the vulnerable adult.

(iv) Intentionally misuse the principal’s property and, in so doing, adversely affect the principal’s ability to receive health care or pay bills for basic needs or obligations; or

(v) Abuse the fiduciary duty under a power of attorney, conservatorship or guardianship.

(t) “Facility” means any board and care home such as, but not limited to, adult workshops, adult day care, adult residential programs, nursing homes, adult group homes, adult foster homes, assisted living homes, and institutions.

(u) “Guardian” means the person appointed by a court of proper jurisdiction to have guardianship of the person of the vulnerable adult. Guardianships may be limited to specific needs of the vulnerable adult. *See also Title 3 of the Wyoming Statutes, Guardianship and Ward.*

(v) “Injunction” means an order granted by a court of proper jurisdiction whereby one person or agency is required to do or refrain from doing a specified act.

(w) “Injury” means any harm, including disfigurement, impairment of any bodily organ, skin bruising, laceration, bleeding, burn, fracture or dislocation of any bone, subdural hematoma, malnutrition, dehydration or pressure sores.

(x) “Intimidation” means the communication by word or act to a vulnerable adult that he, his family, friends or pets will be deprived of food, shelter, clothing, supervision, prescribed medication, physical or mental health care and other medical care necessary to maintain a vulnerable adult’s health, financial support or will suffer physical violence.

(y) “Local office” means the nearest office of the Department where the vulnerable adult resides, through which Department programs and services are administered.

(z) “Major injury” means any consequence of an act or failure to act which impairs the vulnerable adult’s physical or mental health.

(aa) “Mental disability means a condition causing mental dysfunction resulting in an inability to manage resources, carry out the activities of daily living or protect oneself from neglect, abuse, exploitation or hazardous situations without assistance from others. Whether or not a mental dysfunction of such degree exists is subject to an evaluation by a licensed psychologist, psychiatrist or other qualified licensed mental health professional or licensed physician, if disputed.

(bb) “Neglect” means the deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, other care and prescribed medication as necessary to maintain a vulnerable adult’s life or health, or which may result in a life-threatening situation. The withholding of health care from a vulnerable adult is not neglect if:

(i) Treatment is given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination;

(ii) The withholding of health care is in accordance with a declaration executed pursuant to Wyo. Stats. §§ 35-22-401 through 35-22-416; or

(iii) Care is provided by a hospice licensed in accordance with and pursuant to Wyo. Stats. §§ 35-2-901 through 35-2-910.

(cc) “Physical disability” means any condition which would limit a person in their ability to independently manage resources, carry out activities of daily living, or carry out independent activities of daily living.

(dd) “Professional reporter” means a physician or person in charge of an institution, school, facility or agency making a report under W.S. 35-20-111.

(ee) “Preponderance of the Evidence” means the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe a vulnerable adult was or is being abused, neglected, intimidated, exploited or abandoned.

(ff) “Protective services” means those emergency services that are provided in a coordinated effort facilitated by the Department within communities to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the vulnerable adult no longer needs those services. These may include social casework, case management, emergency, short term in-home services such as, homemaker, personal care or chore services, day care, social services, psychiatric or health evaluations and other emergency services consistent with the Adult Protective Services Act, Wyo. Stats. §§ 35-20-102 through 35-20-116.

(gg) “Self-neglect” means when a vulnerable adult is unable, due to physical or mental disability, or refuses to perform essential self-care tasks, including providing essential food, clothing, shelter, or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs.

(hh) “Sexual abuse” means a sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in Wyo. Stat. § 6-2-302 through 6-2-304, sexual exploitation and sexual photographing. Sexual abuse is included in the definition of abuse under Section 4(b).

(ii) “Substantiated report” means any report of abandonment abuse, exploitation, intimidation, or neglect pursuant to Wyo. Stats. §§ 35-20-101 through 35-20-116 that is determined upon investigation to establish that a preponderance of the evidence of the alleged abandonment abuse, neglect, exploitation or abandonment exists.

(jj) “Unsubstantiated report” means any report that is unfounded or not supported by a preponderance of the evidence.

(kk) “Vulnerable adult” means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.

Section 5. Confidentiality.

Except for appropriate application for access to the Central Registry pursuant to Wyo. Stat. § 35-20-116, records of the Department pertaining to a vulnerable adult receiving protective services under the Adult Protective Services Act are not open to public inspection. Information contained in those records shall not be disclosed to the public in any manner that will identify any individual except as authorized by law. The records may be made available for inspection only upon application to the court pursuant to Wyo. Stat. § 35-20-112 or unless otherwise authorized by law.

Procedures for exchanging information are included in Chapter 2, Section 12, of these Rules.

Section 6. Criminal Penalties.

Wyo. Stat. § 6-2-507 makes certain acts of abuse, neglect, abandonment, intimidation, or exploitation of a vulnerable adult a criminal offense; and penalties are defined. Wyo. Stat. § 6-2-507 also provides for various criminal penalties which includes registration of the offender's name on the central registry.

Section 7. Adult Protective Services Community Teams.

(a) The Department's local office manager shall develop, facilitate and participate in the Adult Protection Teams within communities or local jurisdictions.

(b) Members of the Adult Protection Team shall include a Department representative and may also include, but are not limited to:

- (i) Law enforcement representative;
- (ii) County attorney;
- (iii) Public health nurse;
- (iv) Mental health professional;
- (v) Senior citizen center staff;
- (vi) Developmental disabilities specialist;
- (vii) Domestic violence counselor;
- (viii) Victims assistance advocate;
- (ix) Medical professional;
- (x) Department of Health, Office of Health Facilities representative;
- (xi) Community Animal Control Officer;
- (xii) Department of Family Services protective services supervisor;
- (xiii) Ambulance Service personnel;
- (xiv) Long Term Care Ombudsman;
- (xv) Housing personnel, community members;

(xvi) Meals on Wheels staff; or

(xvii) Faith-based representation.

(c) The Department's local office manager is the chairperson of the Adult Protection Team. If the Department's local office manager elects not to chair the Adult Protection Team, the team may elect its own chairperson. The team may be chaired by someone other than Department but a representative of the Department must be present at the meetings.

(d) Each Adult Protection Team may develop operating policies. Any such operating policy shall include procedures for the selection of officers, scheduling of meetings, selection of cases for review and public education projects.

(e) The Adult Protection Team shall support adult protection activities which includes, support and/or participation in local health fairs, Elder Abuse Awareness Day, and state and other community events in conjunction with the Department's local office and other community partners to assure the safety and well being of vulnerable adults.

(f) Adult Protection Team activities may include, but are not limited to:

(i) Staffing cases to advise and support the Department in determining necessary actions and services;

(ii) Community education and awareness which shall be recorded with the Department;

(iii) Facilitating the provision of needed services;

(iv) Review of fatality cases that may have been related to abuse, neglect, exploitation, abandonment or self-neglect;

(v) Referral to a law enforcement agency; and/or

(vi) Referral to support services and partnering agencies.

(g) Records of the Adult Protection Team shall be confidential pursuant to Wyo. Stats. §§ 35-20-108 and 35-20-112. In order to facilitate services to a vulnerable adult, the Department is authorized to divulge case particulars to Adult Protection Team members who sign a confidentiality agreement to protect the confidentiality of individual cases discussed at Adult Protection Team meetings.

(h) The Department may form a State Level Adult Protection Team. Team membership may consist of representatives from other state agencies who have the appropriate expertise within the adult protection arena. Activities of a State Level Adult Protection Team may include those activities of an Adult Protection Team listed in (f) above. In addition, members shall form a statewide Fatality Review Team.

Chapter 1

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(c) "Action Plan" means the written plan developed by the caseworker in cooperation with the vulnerable adult, caregiver and others as needed, to determine what outcome is desired, what actions and services are indicated and who is responsible for taking the action and/or arranging/providing the service.

(d) "Administrator" means the director of the Wyoming Department of Family Services or designee.

(e) "Adult Protective Services Act" means the Act relating to adult protective services in Wyoming, to assist in the administration of the Department's programs, and to assure the safety and well being of vulnerable adults, pursuant to Wyo. Stats. §§ 35-20-102 through 35-20-116.

(f) "Adult Protection Team" means the formal organization of professionals or individuals with appropriate expertise assembled to assist and coordinate adult protection activities with the Department and other agencies or organizations that serve vulnerable adults.

(g) "Advanced Age" means a person who is sixty (60) years of age or older.

(h) "Agency" means any division, institution or program within a Department of the state and all institutions, boards and programs administering, planning and providing for services under the supervision of a director, and counties, municipal corporations, school districts, community college districts, joint powers boards or special districts specifically involved in providing government facilities or functions, and all private or non-profit organization involved in providing human services, or the regulation of human services, to vulnerable adults.

(i) "Capacity to consent" means the ability to understand and appreciate the nature and consequences of making decisions concerning one's person, including, provisions for health or mental health care, food, shelter, clothing, safety or financial affairs. This determination may be based on assessment or investigative findings, observation or medical or mental health evaluations.

(j) “Caregiver” means any person or in-home service provider (the Department of Family Services shall not serve as a caregiver) responsible for the care of a vulnerable adult because of:

- (i) A family relationship; or
- (ii) Voluntary assumption of responsibility for care; or
- (iii) Court ordered responsibility or placement; or
- (iv) Rendering services in an adult workshop or adult residential program; or
- (v) Rendering services in an institution or in a community-based program; or
- (vi) Acceptance of a legal obligation or responsibility to the vulnerable adult through a power of attorney, advanced health care directive or other legal designation.

(k) “Caseworker” means an employee of the Department who provides adult protection services; family social services and/or counseling services to clients; gathers information; composes social histories as part of an information base for treatment or social services programs; conducts investigations as a basis for case decisions; conducts assessments relative to risk and needs factors; prepares case plans; monitors client progress; documents all client contact and writes summary reports; provides counseling or makes referrals as appropriate; and prepares documentation for court proceedings.

(l) “Central Registry” means an electronic registry maintained pursuant to Wyo. Stats. §§ 35- 20-115 through 35-20-116.

(m) “Collateral contact” means obtaining information concerning the living situation of the vulnerable adult from an individual who has knowledge of the circumstances but was not directly involved in referring the vulnerable adult for adult protective services.

(n) “Conservator” means a person appointed by a court of proper jurisdiction to have the custody and control of the property of a vulnerable adult.

(o) “Court” means the district court in the district (or county) where the vulnerable adult resides or is found.

~~(p) “Credible evidence” means the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe a vulnerable adult was or is being abused, neglected, intimidated, exploited or abandoned.~~

(~~ep~~) “Department” means the Wyoming Department of Family Services or its designee, ~~including local offices.~~

(~~eq~~) “District office” means one of the geographic divisions within the Department of Family Services through which Department programs and services are administered.

(~~er~~) “Emergency services” means those services that may be provided to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the emergency has been resolved.

(~~es~~) “Exploitation” means the reckless or intentional act taken by any person, or any use of the power of attorney, conservatorship or guardianship of a vulnerable adult. In the absence of legal authority to:

(i) Obtain control through deception, harassment, intimidation or undue influence over the vulnerable adult’s money, assets or property with the intention of permanently or temporarily depriving the vulnerable adult of the ownership, use, benefit or possession of his money, assets or property In the absence of legal authority:

(ii) Employ the services of a third party for the profit or advantage of the person or another person to the detriment of a vulnerable adult;

(iii) Force, coerce or entice a vulnerable adult to perform services for the profit of another against the will of the vulnerable adult.

(iv) Intentionally misuse the principal’s property and, in so doing, adversely affect the principal’s ability to receive health care or pay bills for basic needs or obligations; or

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(~~xw~~) “Injury” means any harm, including disfigurement, impairment of any bodily organ, skin bruising, laceration, bleeding, burn, fracture or dislocation of any bone, subdural hematoma, malnutrition, dehydration or pressure sores.

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(~~az~~) “Major injury” means any consequence of an act or failure to act which impairs the vulnerable adult’s physical or mental health.

(~~baa~~) “Mental disability means a condition causing mental dysfunction resulting in an inability to manage resources, carry out the activities of daily living or protect oneself from neglect, abuse, exploitation or hazardous situations without assistance from others. Whether or not a mental dysfunction of such degree exists is subject to an evaluation by a licensed psychologist, psychiatrist or other qualified licensed mental health professional or licensed physician, if disputed.

(~~ebb~~) “Neglect” means the deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, other care and prescribed medication as necessary to maintain a vulnerable adult’s life or health, or which may result in a life-threatening situation. The withholding of health care from a vulnerable adult is not neglect if:

(i) Treatment is given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination;

(ii) The withholding of health care is in accordance with a declaration executed pursuant to Wyo. Stats. §§ 35-22-401 through 35-22-416; or

(iii) Care is provided by a hospice licensed in accordance with and pursuant to Wyo. Stats. §§ 35-2-901 through 35-2-910.

(~~dcc~~) “Physical disability” means any condition which would limit a person in their ability to independently manage resources, carry out activities of daily living, or carry out independent activities of daily living.

(eedd) “Professional reporter” means a an individual whose vocation or employment requires specialized knowledge and training such as a member of the staff of a medical or other public or private institution, facility or agency. A physician or person in charge of an institution, school, facility or agency making a report under W.S. 35-20-111.

(ffee) “Preponderance of the Evidence” means the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe a vulnerable adult was or is being abused, neglected, intimidated, exploited or abandoned.

(ff) “Protective services” means those emergency services that are provided in a coordinated effort facilitated by the Department within communities to assist vulnerable adults to prevent or terminate abuse, neglect, exploitation, intimidation or abandonment until the vulnerable adult no longer needs those services. These may include social casework, case management, emergency, short term in-home services such as, homemaker, personal care or chore services, day care, social services, psychiatric or health evaluations and other emergency services consistent with the Adult Protective Services Act, Wyo. Stats. §§ 35-20-102 through 35-20-116.

(gg) “Self-neglect” means when a vulnerable adult is unable, due to physical or mental disability, or refuses to perform essential self-care tasks, including providing essential food, clothing, shelter, or medical care, obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety, or managing financial affairs.

(hh) “Sexual abuse” means a sexual contact including, but not limited to, unwanted touching, all types of sexual assault or battery as defined in Wyo. Stat. §§ 6-2-302 through 6-2-304, sexual exploitation and sexual photographing. Sexual abuse is included in the definition of abuse under Section 4 (b).

(ii) “Substantiated report” means any report of abandonment, abuse, exploitation, intimidation, or neglect pursuant to Wyo. Stats. §§ 35-20-101 through 35-20-116 that is determined upon investigation to establish that ~~credible~~ a preponderance of the evidence of the alleged abandonment abuse, neglect, exploitation or abandonment exists.

(jj) “Unsubstantiated report” means any report that is unfounded or not supported by ~~credible~~ a preponderance of the evidence.

(kk) “Vulnerable adult” means any person eighteen (18) years of age or older who is unable to manage and take care of himself or his money, assets or property without assistance as a result of advanced age or physical or mental disability.

Section 5. Confidentiality.

Except for appropriate application for access to the Central Registry pursuant to Wyo. Stat. § 35-20-116, records of the Department pertaining to a vulnerable adult receiving protective services under the Adult Protective Services Act are not open to public inspection. Information contained in those records shall not be disclosed to the public in any manner that will identify any individual except as authorized by law. The

records may be made available for inspection only upon application to the court pursuant to Wyo. Stat. § 35-20-112 or unless otherwise authorized by law. Procedures for exchanging information are included in Chapter 2, Section 12, of these Rules.

Section 6. Criminal Penalties.

Wyo. Stat. § 6-2-507 ~~defines~~ makes certain acts of abuse, , neglect, abandonment, intimidation, or exploitation of a vulnerable adult a criminal offense; and penalties are defined, which includes registration of the offender's name on the central registry.

~~(a) — Except under circumstances constituting a violation of Wyo. Stat. § 6-2-502, an individual is guilty of abuse, neglect, abandonment, intimidation, or exploitation of a vulnerable adult if the individual intentionally or recklessly abuses, neglects, abandons, exploits or intimidates a vulnerable adult.~~

~~(b) — Reckless abuse, neglect or abandonment of a vulnerable adult is a misdemeanor, punishable by not more than one (1) year in jail, a fine of one thousand dollars (\$1,000.00), or both, and registration of the offender's name on the Central Registry.~~

~~(c) — Intentional abuse, neglect or abandonment of a vulnerable adult is a felony punishable by not more than ten (10) years in prison, a fine of not more than ten thousand dollars (\$10,000.00), or both, and registration of the offender's name on the Central Registry.~~

~~(d) — Exploitation of a vulnerable adult is a felony punishable by not more than (10) years in prison, a fine of not more than ten thousand dollars (\$10,000.00), or both, and registration of the offender's name on the Central Registry.~~

Section 7. Adult Protective Services Community Teams.

(a) The Department's local office manager shall develop, facilitate and participate in the Adult Protection Teams within communities or local jurisdictions.

(b) Members of the Adult Protection Team shall include a Department representative and may also include, but are not limited to:

- (i) Law enforcement representative;
- (ii) County attorney;
- (iii) Public health nurse;
- (iv) Mental health professional;
- (v) Senior citizen center staff;

- (vi) Developmental disabilities specialist;
- (vii) Domestic violence counselor;
- (viii) Victims assistance advocate;
- (ix) Medical professional;
- (x) Department of Health, Office of Health Facilities representative;
- (xi) Community Animal Control Officer;
- (xii) Department of Family Services protective services supervisor;
- (xiii) Ambulance Service personnel;
- (xiv) Long Term Care Ombudsman;
- (xv) Housing personnel, community members;
- (xvi) Meals on Wheels staff; or
- (xvii) Faith-based representation.

(c) The Department's local office manager is the chairperson of the Adult Protection Team. If the Department's local office manager elects not to chair the Adult Protection Team, the team may elect its own chairperson. The team may be chaired by someone other than Department but a representative of the Department must be present at the meetings.

(d) Each Adult Protection Team may develop operating policies. Any such operating policy shall include procedures for the selection of officers, scheduling of meetings, selection of cases for review and public education projects.

~~(e) Each Department representative shall enter data following their meeting into a spreadsheet found on a link on the Department data system. Data is compiled on an annual basis.~~

(~~f~~e) The Adult Protection Team shall support adult protection activities which includes, support and/or participation in local health fairs, Elder Abuse Awareness Day, and state and other community events in conjunction with the Department's local office and other community partners to assure the safety and well being of vulnerable adults.

(~~g~~f) Adult Protection Team activities may include, but are not limited to:

(i) Staffing cases to advise and support the Department in determining necessary actions and services;

(ii) Community education and awareness, which shall be recorded with the Department ~~also must be recorded on the APS community team spreadsheet;~~

(iii) Facilitating the provision of needed services;

(iv) Review of fatality cases that may have been related to abuse, neglect, exploitation, abandonment or self-neglect;

(v) Referral to a law enforcement agency; and/or

(vi) Referral to support services and partnering agencies.

(hg) Records of the Adult Protection Team shall be confidential pursuant to Wyo. Stats. §§ 35-20-108 and 35-20-112. In order to facilitate services to a vulnerable adult, the Department is authorized to divulge case particulars to Adult Protection Team members who sign a confidentiality agreement to protect the confidentiality of individual cases discussed at Adult Protection Team meetings.

(ih) The Department may form a State Level Adult Protection Team. Team membership may consist of representatives from other state agencies who have the appropriate expertise within the adult protection arena. Activities of a State Level Adult Protection Team may include those activities of an Adult Protection Team listed in (gf) above. In addition, members shall form a statewide Fatality Review Team.

CHAPTER 2

REPORTS OF SUSPECTED ADULT ABUSE, NEGLECT, EXPLOITATION, ABANDONMENT, INTIMIDATION OR SELF-NEGLECT OF VULNERABLE ADULTS

Section 1. Reporting.

(a) Any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, exploited, abandoned, intimidated or is committing self-neglect, shall report the information immediately to a law enforcement agency or the Department. Anyone, who in good faith makes a report pursuant to this section, is immune from civil liability for making the report pursuant to Wyo. Stat. § 35-20-103. Law enforcement agencies include, but are not limited to, the following:

- (i) Municipal police;
 - (ii) County sheriff's Department;
 - (iii) Highway patrol;
 - (iv) Medicaid Fraud Control Unit of the Attorney General's Office;
- and/or
- (v) Department of Criminal Investigation.

(b) The report may be made orally or in writing. A faxed copy may require a phone contact to clarify information provided or is not legible. The report shall provide to the law enforcement agency or the Department the following information, to the extent available:

- (i) The name, age and address of the vulnerable adult;
- (ii) The name and address of any person responsible for the vulnerable adult's care;
- (iii) The nature and extent of the vulnerable adult's condition;
- (iv) The basis of the reporter's knowledge;
- (v) The adequacy of the facility environment;

- (vi) Any evidence of previous injuries;
- (vii) Any collaborative information; and
- (viii) Any other relevant information.

(c) The name and identifying information of the person who reported the suspected abuse or neglect shall be kept confidential, except as required by law. Anonymous reports may be accepted. If documents are shared outside of the Department, including to law enforcement, confidentiality of the reporter must be honored.

Section 2. Intake.

(a) All reports of suspected abuse, neglect, exploitation, abandonment, intimidation or self-neglect shall be entered into the Department's data system.

(b) All reports shall be screened to determine whether the allegation meets the statutory definitions of vulnerable adult abuse, neglect, exploitation, abandonment, intimidation or self-neglect. The alleged victim's defined or assumed capacity to consent does not determine if a case should or should not be opened.

(c) The intake process shall include gathering sufficient information to enable the caseworker to:

(i) Identify and locate the vulnerable adult and determine if the adult lives with a caregiver, family member, or individual in a domestic or facility setting or is a vulnerable adult living alone;

(ii) Assess the severity of the situation and consider the urgency of the response; and

(iii) Determine if the report requires contact with an outside agency, and if so, which outside agency should be contacted.

(d) Evidence of a person's advanced age, physical limitations, and/or mental incapacity may be provided by any or all of the following:

(i) Intake caseworker's assessment from information provided by reporter or collateral contacts;

(ii) Information from pre-existing documents such as medical, court, and adult protective services records;

(iii) Information received from a person having credible information or knowledge of the condition of the vulnerable adult; or

- (iv) Physician's, psychologists, mental health professionals, or medical professional's evaluation.

(e) The caseworker shall check records to obtain pertinent information, including past Department involvement with either facility or caregiver, as appropriate.

Section 3. Accepted and Rejected Reports

(a) Reports not rejected shall be accepted for prevention, assessment or investigation.

(b) The Department may make collateral contacts for the purpose of assessing the safety of the vulnerable adult and clarifying or establishing the credibility of the report. When determining if collateral contacts should be made, the caseworker shall weigh:

- (i) The allegations contained in the report;
- (ii) The severity of the incident; and
- (iii) The likelihood that the collateral contact will have relevant information about the allegations or the incident.

(c) The Department shall notify the local law enforcement agency when a report of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult is received.

(d) In-person contact shall be immediately attempted with the alleged victim when the report alleges any of the following:

- (i) A major injury;
- (ii) A vulnerable adult is suffering from an acute, untreated medical condition;
- (iii) A vulnerable adult is in danger of sustaining imminent harm.
- (iv) A vulnerable adult is alleged to be a victim of abandonment.

(e) The caseworker shall make in-person contact with the vulnerable adult within three (3) calendar days of the receipt of an accepted report. If a caregiver, family or individual refuses to allow contact with the vulnerable adult or is not cooperative, the Department may request further assistance from a law enforcement agency with to gain access. In addition, the Department may also request assistance for filing an injunction to gain access from a District/County Attorney's office or the Attorney General.

(f) The caseworker and/or a law enforcement officer may make in-person contact with the caregiver, family, or individual, and the alleged perpetrator. If law enforcement takes the lead on the in-person contact then the three (3) day in-person contact is not

required for the caseworker.

(g) In-person contact is not required when the caseworker has made a good faith attempt to contact the vulnerable adult and the vulnerable adult cannot be located.

(h) The Department shall reject the following reports:

(i) The report is not about a vulnerable adult;

(ii) Reports in which the allegations fall outside the definition of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult, unless opening as a prevention which does not require a specific allegation;

(iii) Reports in which the reporter cannot provide any credible information or reason to suspect that abuse, neglect, exploitation, abandonment, intimidation or self-neglect has occurred or is occurring to a vulnerable adult, unless assigned to the prevention track;

(iv) Reports in which insufficient information is given to identify or locate the vulnerable adult;

(v) Reports of a malicious nature as established by specific credible evidence; and

(vi) Reports in which the Department has previously received a report on the same incident and documented verification that services are being provided to the vulnerable adult.

(i) Reports shall be rejected at the supervisory level and documented in the Department's data system.

Section 4. Prevention Track.

(a) The supervisor shall assign cases to the Prevention Track within twenty-four (24) hours of the report where there are no allegations of abuse or neglect, and to prevent problems from escalating to a level where assessment or investigation services are needed.

(b) The caseworker shall attempt an in-person contact within three (3) calendar days of the report.

(c) When appropriate, prevention services may be offered to the vulnerable adult.

Section 5. Assessment Track.

(a) The supervisor shall assign cases to the Assessment Track within twenty-four (24) hours of the intake of a report of abuse, neglect, exploitation, intimidation,

abandonment or self-neglect which does not meet the criteria for the Investigation Track.

(b) Reports in the Assessment Track can be reassigned to the Investigation Track as new or additional information is obtained and reviewed.

Section 6. Investigation Track.

(a) The supervisor shall assign cases to the Investigation Track within twenty-four (24) hours of a report of abuse, neglect, exploitation, intimidation, self-neglect or abandonment. A report will be assigned to the Investigation Track if it includes any of the following criteria;

- (i) Death;
- (ii) Brain damage, bone fracture, extensive burns or other serious bodily injury;
- (iii) Sexual assault;
- (iv) Exploitation, to include financial or sexual;
- (v) Evidence of severe neglect; or
- (vi) Any other activity which may constitute a crime or which places the vulnerable adult in imminent danger of death or serious bodily harm.

(b) Reports where criminal charges may be pursued shall be assigned to the Investigation Track and shall be coordinated with the law enforcement agency.

(c) The Department shall immediately contact the appropriate law enforcement agency and the district/county attorney for Investigation Track cases.

(d) Any investigations may be teamed with a law enforcement agency.

(i) If financial exploitation is reported to the Department and the Department requests a hold on an alleged victim's transaction, the Department shall notify the banking institution.

(ii) If financial exploitation is reported to law enforcement, the caseworker shall keep the file open until a final report is received from law enforcement, and if no prosecution, substantiation of the allegation may be possible.

(e) The Department shall attempt in-person contact immediately with the alleged

victim when the report meets the immediate response criteria.

(f) Unless (e) applies, the caseworker shall make in-person contact with the vulnerable adult within three (3) calendar days of the receipt of the report. The caseworker and/or a law enforcement officer may make in-person contact with the caregiver, family, or individual, and the alleged perpetrator. If law enforcement takes the lead on the in-person contact then the three (3) day in-person contact would not be required for the caseworker. In-person contact is not required when the caseworker has made a good faith attempt to contact the vulnerable adult and the vulnerable adult cannot be located.

(g) When conducting initial in-person interviews:

(i) The alleged perpetrator shall not be present during the initial interview of the alleged victim; and

(ii) During the initial in-person interview with the vulnerable adult's caregiver, which may include a legal guardian, the caseworker shall inform the person being interviewed orally and in writing that:

(A) A report has been received and it is the Department's duty to investigate;

(B) The investigation may involve a law enforcement agency or the court if needed to protect the vulnerable adult from further abuse, neglect, exploitation, neglect, intimidation, and or abandonment; and

(C) The name of the reporter shall not be disclosed unless required by the court.

(h) During the initial interview of the alleged perpetrator, the caseworker shall inform the alleged perpetrator, orally and in writing that:

(i) A report has been received against him or her, and the Department has the duty to investigate; and

(ii) The investigation may involve a law enforcement agency or the court if needed to protect the vulnerable adult from any further abuse, neglect, exploitation, intimidation or abandonment.

(i) The Department shall provide the law enforcement agency with all case records in the investigation, when requested.

(j) The caseworker may coordinate needed services and assist the law enforcement officer when requested (e.g., interviewing other significant individuals).

(k) If the caseworker receives the law enforcement agency's investigative reports, the caseworker may use the law enforcement agency's investigative reports to

substantiate the abuse, neglect, exploitation, abandonment, and intimidation of a vulnerable adult for the purposes of placing the name of the alleged perpetrator on the Central Registry. This is only acceptable from law enforcement and not for an investigative report completed by another agency or facility.

(l) Photographs:

(i) The caseworker shall take or obtain photographs of a vulnerable adult when the vulnerable adult has observable marks, injuries or an appearance believed to be caused by abuse or neglect.

(ii) If voluntary consent is not given by the vulnerable adult or guardian and photographs need to be obtained, the Department shall request assistance for obtaining such evidence from a law enforcement agency or the district/county attorney.

(m) The investigation process may be adjusted with the District Manager's written approval, to include timelines, when the investigation is conducted by a law enforcement agency or at the request of the law enforcement agency.

(n) If an emergency exists and the vulnerable adult lacks the capacity to consent to protective services, the caseworker shall contact the Office of the Attorney General or the district/county attorney to petition the court for an order pursuant to Wyo. Stat. §35-20-107 for emergency protective services.

(o) The caseworker shall develop an action plan of intervention and referral services for the vulnerable adult which contain necessary actions to provide for the safety and wellbeing of the vulnerable adult.

(p) At the end of the investigation, the caseworker shall refer the case for necessary services from the Department to outside agencies in the service area, which include, but are not limited to:

(i) Public Health Nursing;

(ii) The Department of Health, Aging

Division; (iii) Department of Health, Medicaid;

(iv) The Department of Health, Division of Developmental

Disabilities; (v) The Department of Health, Division of Mental Health;

(vi) Domestic Violence/Victim Assistance programs;

(vii) Wyoming Guardianship Corporation; and/or

(viii) Community Mental Health and Substance Abuse Centers.

(q) Each case under investigation by the Department or a law enforcement agency must be determined to be substantiated or unsubstantiated.

(i) The Department shall substantiate all reports where a court has accepted a criminal plea of guilty or nolo contendere, or a civil or criminal court has made a finding that the alleged perpetrator committed certain acts that constitute abuse, neglect, exploitation, intimidation or abandonment under these Rules.

(ii) Each substantiated report of abuse, neglect, exploitation, intimidation or abandonment of a vulnerable adult pursuant to the Adult Protective Services Act shall be entered and maintained within the Central Registry of vulnerable adult protection cases.

(r) Notice of findings:

(i) The Department shall provide professional reporters, a written summary of the records concerning the subject of the report, upon written application to the state agency,

(ii) The Department shall inform the vulnerable adult, caregiver, family, individual which may include the legal guardian, and the alleged perpetrator(s) in writing of the conclusion of the Department's investigation.

(iii) In substantiated cases, the Department shall inform the alleged perpetrator in writing that:

(A) His or her name has been entered on the Central Registry;

(B) He or she may respond in writing to the findings of

the

investigation and such statement shall be included with the Central Registry report; and

(C) He or She may request an administrative hearing pursuant to the Department's Contested Case Hearing Procedures.

(iv) In substantiated cases which involve licensing and funding by a governmental agency, the Department shall send notice of the substantiation to the appropriate agencies pursuant to Chapter 2, Section 6 of these Rules.

(s) In all substantiated or unsubstantiated cases, the findings shall be documented in the Department's data system.

(t) The caseworker shall provide the district/county attorney with a written report of substantiated abuse, neglect, exploitation, abandonment, or intimidation of a vulnerable adult within seven (7) days of such determination unless emergency

intervention dictates immediate notification.

(u) When the Department receives a report that a person has been convicted of, or has pled guilty or no contest to, a crime, which includes the abuse, neglect, exploitation, intimidation or abandonment of any vulnerable adult, that conviction shall be maintained on the Central Registry.

(v) Reports in the Investigation Track can be reassigned to the Assessment Track as new or additional information is obtained and reviewed.

Section 7. Assessments or Investigations Concerning Facilities.

(a) When the Department receives a report of the abuse, neglect, intimidation or exploitation of a vulnerable adult in a facility, the person receiving the report shall notify the following agencies, as appropriate:

(i) Medicaid Fraud Control Unit of the Attorney General's Office for all reports of abuse, neglect, exploitation, intimidation, and financial fraud in facilities that are Medicaid providers or where the alleged victim is a Medicaid recipient;

(ii) Department of Health, Office of Health Care Licensing and Survey or Aging Division, for all allegations of abuse, neglect and/or misappropriation of residents' property, and all licensing violations in licensed, certified and or non-certified facilities in their jurisdiction (including the Wyoming State Hospital);

(iii) Department of Health, Developmental Disabilities Division, for reports involving a facility licensed through that Division;

(iv) Department of Health, Mental Health Division for any residential program under the jurisdiction of the Division and the Wyoming State Hospital; (Wyoming Pioneer Home, Wyoming State Training School, Wyoming Retirement Center and the Veteran's Home)

(v) Long-Term Care Ombudsman for complaints or reports from residents in facilities;

(vi) State Board of Nursing for any report that involves a registered nurse, licensed practical nurse or certified nurse; and/or

(vii) Other licensing boards (e.g., Occupational Therapy or Professional Teacher Standards Board).

Section 8. Service Provision.

(a) Protective services may be provided or purchased by the Department to assist vulnerable adults to prevent or terminate abuse, neglect, self-neglect, exploitation, intimidation or abandonment in open cases until no longer needed.

(b) During the initial in-person interview with the vulnerable adult and/or caregiver, family, or individual, the caseworker shall inform them that:

- (i) The Department received a report and has a duty to assess the report;
- (ii) The Department shall assess the safety of the vulnerable adult; and
- (iii) The Department shall refer the report for investigation if needed to protect the vulnerable adult from abuse, neglect, exploitation, intimidation, self-neglect or abandonment.

(c) Costs incurred to furnish protective services may be paid by the Department unless the vulnerable adult is eligible for protective services from another governmental agency or any other source, such as, but not limited to:

- (i) Public Health;
- (ii) Department of Health, Aging Division; (iii) Department of Health, Medicaid;
- (iv) Department of Health, Division of Mental Health;
- (v) Department of Health, Division of Developmental Disabilities; and/or
- (vi) A court appoints a guardian or conservator and orders that the costs be paid from the vulnerable adult's estate.

(d) The Department shall assist the vulnerable adult and his/her support system in identifying, locating and accessing services; and

(e) Case assessment includes a process of evaluating the vulnerable adult's needs and available services. The caseworker shall refer to those services available from agencies other than the Department which may include, but are not limited to:

- (i) Public Health Nurse;
- (ii) Department of Health, Aging Division;
- (iii) Department of Health, Medicaid;
- (iv) Department of Health, Division of Mental Health;

- (v) Department of Health, Division of Substance Abuse;
- (vi) Department of Health, Developmental Disabilities Division;
- (vii) Domestic Violence/Victim Assistance programs;
- (viii) Wyoming Guardianship Corporation; and/or
- (ix) Community Mental Health and Substance Abuse Centers.

(f) Based on information obtained at intake, the caseworker may seek assistance in the initial assessment by outside persons or agencies such as, but not limited to:

- (i) Public health nurse;
- (ii) Mental health professional;
- (iii) Members of the Adult Protective Services Team, as needed; and/or
- (iv) Law enforcement officers.

(g) A written action plan shall be completed by the Department on all cases that remain open for services. The action plan shall include services that are to be provided by the Department and community service agencies to provide for the safety and wellbeing of the vulnerable adult, and any relevant actions to be taken by the vulnerable adult and caregiver, family or individual.

(h) Court-ordered injunction(s). When a vulnerable adult needs protective services and the caregiver, family, or individual refuses to allow the provision of those services, the Department, through the Office of the Attorney General or the district/county attorney, may petition the court for an order pursuant to Wyo. Stat. § 35-20-106 enjoining the caregiver from interfering with the provision of protective/emergency services. If access to the vulnerable adult is denied to law enforcement or the Department seeking to investigate a report of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult, the investigator, through the Office of the Attorney General or the district/county attorney, may seek an injunction pursuant to Wyo. Stat. § 35-20-110 to prevent interference with the investigation.

(i) Court-ordered emergency protective services. If an emergency exists and the Department has reasonable cause to believe that a vulnerable adult is at risk for abuse, neglect, self-neglect, exploitation, intimidation or abandonment and lacks the capacity to consent to protective services, the caseworker shall contact the Office of the Attorney General or the district/county attorney to petition the court pursuant to Wyo. Stat. § 35-20-107 for an order for emergency protective services. Emergency protective services may include the vulnerable adult being placed in a hospital or other suitable facility. The

court's initial order for emergency protective services shall remain in effect for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. The order may be extended for up to an additional thirty (30) day period if the court finds an extension is necessary to remove the emergency.

(j) If a court places the vulnerable adult in a hospital or other suitable facility pursuant to a petition for emergency protective services from the Office of the Attorney General or district/county attorney, the Department shall immediately notify the person responsible for the care and custody of the vulnerable adult, if known. The court's initial order for emergency protective services shall remain in effect for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. Notification shall not be required if the alleged perpetrator is the person responsible for the care and custody of the vulnerable adult unless the court orders the notification.

(i) The caseworker shall explain to the vulnerable adult the protective services which can be provided and he/she has the right to accept or reject services. If appropriate, the vulnerable adult shall be referred for services according to the least restrictive services within the continuum of care in each respective community.

(k) When a caregiver, family member, or individual is unwilling to accept services for a vulnerable adult, the Department may seek court intervention. The Attorney General or the district/county attorney may petition the court for an order pursuant to Wyo. Stat. §35-20-106 enjoining the caregiver, family member, or individual from interfering with the provision of protective services.

Section 9. Consent to Service.

(a) Vulnerable adults are presumed to possess the ability to consent to or refuse protective services. A vulnerable adult shall not be required to accept protective/emergency services without his/her consent.

(b) If the caseworker believes that the vulnerable adult's ability to understand and appreciate the nature and consequences of their decisions is impaired, the caseworker shall immediately take steps to arrange for a professional mental capacity evaluation if the caseworker reasonably believes that the vulnerable adult's ability to understand and appreciate the nature and consequences of their decisions is impaired. Until the vulnerable adult's capacity to consent is determined, the caseworker shall provide only those services agreed to by the vulnerable adult.

(c) If the vulnerable adult has a guardian or has appointed an agent under a durable power of attorney, the guardian or agent may act on behalf of the vulnerable adult.

(d) The caseworker shall explain to the vulnerable adult the protective services which can be provided and he/she has the right to accept or reject services. If appropriate, the vulnerable adult shall be referred for services according to the least restrictive services within the continuum of care in each respective community.

(e) When a caregiver, family member, or individual is unwilling to accept services

for a vulnerable adult, the Department may seek court intervention. The Attorney General or the district/county attorney may petition the court for an order pursuant to Wyo. Stat. §35-20-106 enjoining the caregiver, family member, or individual from interfering with the provision of protective services.

Section 10. Case Closure.

(a) A case shall be closed when:

- (i) Investigation, prevention, or assessment is complete;
- (ii) Protective services, as indicated by the Department, have been concluded; and/or
- (iii) Necessary referrals to other agencies have been made.

(b) Case closure shall be documented in the Department's data system with information on the disposition of the case, such as:

- (i) Referral to an outside agency;
 - (ii) Any court action, such as guardianship;
 - (iii) Case determination;
- and/or
- (iv) If prosecution is pending.

(c) In all cases, the caseworker may conduct a follow-up visit(s) after the case is closed to validate the vulnerable adult's continued safety and wellbeing and to confirm that necessary services are being provided.

Section 11. Administrative Hearings.

(a) Following a determination of substantiation, an alleged perpetrator of abuse, neglect, exploitation, intimidation or abandonment who is aggrieved by said determination may request an administrative hearing.

(b) Requests for an administrative hearing shall be submitted in writing within twenty (20) days of the date of the notice of the determination. In those cases where criminal charges arising out of facts of the investigation may be pending, the request for review shall be made within twenty (20) days from the court's final disposition, dismissal of the charges, or prosecutorial determination to not pursue charges. If criminal charges are filed after the request for hearing has been made but before the administrative hearing is held, the hearing request will be dismissed and a subsequent request may be submitted pursuant to the terms of this subsection.

(c) An opportunity to discuss the Department's issues and resolve the dispute shall be offered.

(d) If the dispute is resolved to the satisfaction of both parties, the person who requested the administrative hearing may sign a statement withdrawing the hearing request or do so orally. If the dispute is not resolved, the matter shall proceed to a hearing.

(i) If the agency receives a request to withdraw orally, the agency shall provide, within ten (10) days, the parties with written notice of the withdrawal request. The written notice shall advise the party that in order to reinstate the hearing request and avoid dismissal the party must respond in writing within ten (10) days of the written notice of withdrawal and provide good cause. If the request for reinstatement is accepted the State agency must provide a fair hearing within a reasonable amount of time.

(e) Notwithstanding any other provision in this section, an alleged perpetrator is not entitled to an administrative hearing if the perpetrator has been convicted, adjudicated or there is a finding by a civil, juvenile or criminal court, or a consent decree whether by a plea of guilty, finding of guilt or a nolo contendere plea that the alleged perpetrator committed certain acts that the Adult Protective Services Act defines as abuse, neglect, exploitation, intimidation or abandonment.

Section 12. Confidentiality.

(a) All records concerning reports and investigations of vulnerable adult abuse, neglect, exploitation, intimidation, abandonment or self-neglect are confidential, and not subject to disclosure under the Public Records Act, including:

(i) A report of abuse, neglect, exploitation, intimidation abandonment or self-neglect under this act;

(ii) The identity of the person making the report; and

(iii) Except as provided by these Rules, all files, reports, records, communications, and working papers used or developed in an investigation made under this act or in providing services as a result of an investigation are confidential.

(b) Upon written application, the Department may give access to records otherwise confidential under this section to any of the following persons or agencies for purposes directly related with the administration of the Adult Protective Services Act:

(i) A local adult protective agency or agencies;

(ii) A law enforcement agency, guardian ad litem, conservator, guardian, adult protection team or attorney representing the vulnerable adult who is the subject of the report;

(iii) A physician, or surgeon who is treating a vulnerable adult; or

(iv) Court personnel who are investigating reported incidents of adult abuse, neglect, exploitation, intimidation, or abandonment.

(c) The Department may exchange with other state agencies or governmental entities records that are necessary for the Department, state agencies or entities to properly execute respective duties and responsibilities to provide services to vulnerable adults.

(d) A physician or person in charge of an institution, school, facility or agency making a report under Wyo. Stat. § 35-20-111 shall receive, upon written application to the state agency, a written summary of the records concerning the outcome of the investigation.

(e) Any person, agency or institution given access to records concerning the subject of the report shall not divulge or make public any records except as required for court proceedings.

(f) Confidential records may be disclosed only for a purpose consistent with the Adult Protective Services Act and as provided by these Rules and applicable federal and state law.

(g) The Department shall maintain confidentiality with the vulnerable adult and caregiver unless it becomes necessary to share information with individuals or agencies involved in the delivery of adult protective services to the vulnerable adult or in the prosecution of the perpetrator(s) of abuse, neglect, exploitation, intimidation or abandonment of a vulnerable adult. Such individuals and agencies include, but are not limited to:

- (i) The Office of the Attorney General (Medicaid Fraud Control Unit);
- (ii) District/County attorneys and law enforcement officers;
- (iii) Appropriate community services providers;
- (iv) Adult protective services team members; and/or
- (v) Adult Protective Services in other states.

Chapter 2

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CHAPTER 2

REPORTS OF SUSPECTED ADULT ABUSE, NEGLECT, EXPLOITATION, ABANDONMENT, INTIMIDATION OR SELF-NEGLECT OF VULNERABLE ADULTS

Section 1. Reporting.

(a) Any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, exploited, abandoned, ~~intimidated~~ intimidated or is committing self neglect, shall report the information immediately to a law enforcement agency or the Department. Anyone, who in good faith makes a report pursuant to this section, is immune from civil liability for making the report pursuant to Wyo. Stat. § 35-20-103. Law enforcement agencies include, but are not limited to, the following:

- (i) Municipal police;
 - (ii) County sheriff's Department;
 - (iii) Highway patrol;
 - (iv) Medicaid Fraud Control Unit of the Attorney General's Office;
- and/or
- (v) Department of Criminal Investigation.

(b) The report may be made orally or in writing. A faxed copy may require a phone contact to clarify information provided or is not legible. The report shall provide to the law enforcement agency or the Department the following information, to the extent available:

- (i) The name, age and address of the vulnerable adult;
- (ii) The name and address of any person responsible for the vulnerable adult's care;
- (iii) The nature and extent of the vulnerable adult's condition;
- (iv) The basis of the reporter's knowledge;
- (v) The adequacy of the facility environment;

- (vi) Any evidence of previous injuries;
- (vii) Any collaborative information; and
- (viii) Any other relevant information.

(c) The name and identifying information of the person who reported the suspected abuse or neglect shall be kept confidential, except as required by law. Anonymous reports may be accepted. If documents are shared outside of the Department, including to law enforcement, confidentiality of the reporter must be honored.

Section 2. Intake.

(a) All reports of suspected abuse, neglect, exploitation, abandonment, intimidation or self-neglect shall be entered into the Department's data system.

(b) All reports shall be screened to determine whether the allegation meets the statutory definitions of vulnerable adult abuse, neglect, exploitation, abandonment, intimidation or self-neglect. The alleged victim's defined or assumed capacity to consent does not determine if a case should or should not be opened.

(c) The intake process shall include gathering sufficient information to enable the caseworker to:

(i) Identify and locate the vulnerable adult and determine if the adult lives with a caregiver, family member, or individual in a domestic or facility setting or is a vulnerable adult living alone;

(ii) Assess the severity of the situation and consider the urgency of the response; and

(iii) Determine if the report requires contact with an outside agency, and if so, which outside agency should be contacted.

(d) Evidence of a person's advanced age, physical limitations, and/or mental incapacity may be provided by any or all of the following:

(i) Intake caseworker's assessment from information provided by reporter or collateral contacts;

(ii) Information from pre-existing documents such as medical, court, and adult protective services records;

(iii) Information received from a person having credible information or knowledge of the condition of the vulnerable adult; or

(iv) Physician's, psychologist's, mental health professionals, or medical professional's evaluation.

(e) The caseworker shall check records, ~~including the Central Registry,~~ to obtain pertinent information, including past Department involvement with either facility or caregiver, as appropriate.

~~(f) Reports where criminal charges may be pursued shall be assigned to the investigation track and shall be coordinated with the law enforcement agency.~~

~~(g) The Department may notify the local law enforcement agency when a report of abuse, neglect, exploitation, abandonment, intimidation or self neglect of a vulnerable adult is received and is entered into the Department's data system as an incident for investigation, prevention or assessment. Documentation of the contact to law enforcement shall be provided. The Department shall immediately contact the appropriate law enforcement agency and the district/county attorney for investigation in the following cases:~~

~~(i) Death, which may have been the result of abuse and/or neglect;~~

~~(ii) Brain damage, bone fracture, extensive burns or other serious bodily injury;~~

~~(iii) Sexual assault;~~

~~(iv) Exploitation;~~

~~(v) Evidence of severe neglect; or~~

~~(vi) Any other activity which may constitute a crime or which places the vulnerable adult in imminent danger of death or serious bodily harm.~~

~~(h) The Department shall reject the following reports:-~~

~~(i) The report is not about a vulnerable adult;~~

~~(ii) Reports in which the allegations fall outside the definition of abuse, neglect, exploitation, abandonment, intimidation or self neglect of a vulnerable adult, unless opening as a prevention which does not require a specific allegation;~~

~~(iii) Reports in which the reporter cannot provide any credible information or reason to suspect that abuse, neglect, exploitation, abandonment, intimidation or self neglect has occurred or is occurring to a vulnerable adult, unless assigned to the prevention track;~~

~~(iv) Reports in which insufficient information is given to identify or locate the vulnerable adult;~~

~~(v) Reports of a malicious nature as established by specific credible evidence; and~~

~~(vi) Reports in which the Department has previously received a report on the same incident and documented verification that services are being provided to the vulnerable adult.~~

~~(i) Reports shall be rejected at the supervisory level and documented in the Department's data system.~~

~~(j) Reports not rejected shall be accepted for prevention, assessment or investigation. The assessment tracks and prevention tracks are designed for cases of self-neglect and cases in which evaluation and intervention is indicated.~~

~~(k) The Department shall advise providers and case managers of Medicaid waiver services if a case is to be opened or not per a federal mandate.~~

Section 3. Accepted and Rejected Reports

(a) Reports not rejected shall be accepted for prevention, assessment or investigation.

(b) The Department may make collateral contacts for the purpose of assessing the safety of the vulnerable adult and clarifying or establishing the credibility of the report. When determining if collateral contacts should be made, the caseworker shall weigh:

(i) The allegations contained in the report;

(ii) The severity of the incident; and

(iii) The likelihood that the collateral contact will have relevant information about the allegations or the incident.

(c) The Department shall notify the local law enforcement agency when a report of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult is received.

(d) In-person contact shall be immediately attempted with the alleged victim when the report alleges any of the following:

(i) A major injury;

(ii) A vulnerable adult is suffering from an acute, untreated medical condition;

(iii) A vulnerable adult is in danger of sustaining imminent harm.

(iv) A vulnerable adult is alleged to be a victim of abandonment.

(e) The caseworker shall make in-person contact with the vulnerable adult within three (3) calendar days of the receipt of an accepted report to assess safety, identify risk factors and provide protective services. If a caregiver, family or individual refuses to allow contact with the vulnerable adult or is not cooperative, the Department may request further assistance from a law enforcement agency to gain access. In addition, the Department may also request assistance for filing an injunction to gain access from a District/County Attorney's office or the Attorney General.

(f) The caseworker and/or a law enforcement officer may make in-person contact with the caregiver, family, or individual, and the alleged perpetrator. If law enforcement takes the lead on the in-person contact then the three (3) day in-person contact is not required for the caseworker.

(g) In-person contact is not required when the caseworker has made a good faith attempt to contact the vulnerable adult and the vulnerable adult cannot be located.

(h) The Department shall reject the following reports:

(i) The report is not about a vulnerable adult;

(ii) Reports in which the allegations fall outside the definition of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult, unless opening as a prevention which does not require a specific allegation;

(iii) Reports in which the reporter cannot provide any credible information or reason to suspect that abuse, neglect, exploitation, abandonment, intimidation or self-neglect has occurred or is occurring to a vulnerable adult, unless assigned to the prevention track;

(iv) Reports in which insufficient information is given to identify or locate the vulnerable adult;

(v) Reports of a malicious nature as established by specific credible evidence; and

(vi) Reports in which the Department has previously received a report on the same incident and documented verification that services are being provided to the vulnerable adult.

(i) Reports shall be rejected at the supervisory level and documented in the Department's data system.

Section 34. Prevention Track.

(a) The supervisor shall assign cases to the Prevention Track within twenty-four (24) hours of the report ~~to where there are no allegations of abuse or neglect, and to prevent problems from escalating to a level where assessment or investigation services are needed.~~

~~(i) Help the vulnerable adult and his/her support system access services; and~~

~~(ii) Prevent problems from escalating to a level where assessment or investigative services are needed.~~

(b) The caseworker shall attempt an in-person contact within three (3) calendar days of the report.

(c) When appropriate, prevention services may be offered to the vulnerable adult.

Section 45. Assessment Track.

(a) ~~The supervisor shall assign cases to the a~~Assessment Track ~~process by the Department shall begin~~ within twenty-four (24) hours of the intake of a report of abuse, neglect, exploitation, intimidation, abandonment or self-neglect which does not meet the criteria for the Investigation Track.

~~(b) The caseworker shall review the initial intake report and confirm the accuracy of the information contained in the report with the reporter, when possible.~~

~~(c) The caseworker shall take all reasonable steps to make in-person contact within three (3) calendar days. A risk assessment may be done with the first twenty four (24) hours of report.~~

~~(d) Based on information obtained at intake, the caseworker may seek assistance in the initial assessment by outside persons or agencies such as, but not limited to:~~

~~(i) Public health nurse;~~

~~(ii) Mental health professional;~~

~~(iii) Members of the Adult Protective Services Team, as needed; and/or~~

~~(iv) Law enforcement officers.~~

~~(e) If a caregiver, family or individual refuses to allow contact with the vulnerable adult or is not cooperative, the case may be reassigned to the investigation track. Law enforcement agency assistance may be requested and an injunction may be filed to gain access, if necessary.~~

~~(f) During the initial in-person interview with the vulnerable adult and/or~~

~~caregiver, family, or individual, the caseworker shall inform them that:~~

~~(i) — The Department received a report and has a duty to assess the report;~~

~~(ii) — The Department shall assess the safety of the vulnerable adult; and~~

~~(iii) — The Department shall refer the report for investigation if needed to protect the vulnerable adult from abuse, neglect, exploitation, intimidation, self-neglect or abandonment.~~

~~(g) The caseworker Department may make collateral contacts for the purpose of assessing the safety of the vulnerable adult and clarifying or establishing the credibility of the report. When determining if collateral contacts should be made, the caseworker shall weigh:~~

~~(i) — The allegations contained in the report;~~

~~(ii) — The severity of the incident; and~~

~~(iii) — The likelihood that the collateral contact will have relevant information about the allegations or the incident.~~

~~(h) — Reports in the assessment track can be reassigned to the Investigation Track as new or additional information is obtained and reviewed.~~

~~(i) — The caseworker shall develop an action plan of intervention and referral services for the vulnerable adult that will contain necessary actions to provide for the safety and well-being of the vulnerable adult.~~

~~(j) — Protective services shall be furnished by the Department within three (3) days from the time the report or notice is received by the Department and with the consent of the vulnerable adult,~~

~~(k) — Court ordered injunction(s). When a vulnerable adult needs protective services and the caregiver, family, or individual refuses to allow the provision of those services, the Department, through the Office of the Attorney General or the district/county attorney, may petition the court for an order pursuant to Wyo. Stat. § 35-20-106 enjoining the caregiver from interfering with the provision of protective/emergency services. — (i) If access to the vulnerable adult is denied to law enforcement or the Department seeking to investigate a report of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult, the investigator, through the Office of the Attorney General or the district/county attorney, may seek an injunction pursuant to Wyo. Stat. § 35-20-110 to prevent interference with the investigation.~~

~~(l) — Court ordered emergency protective services. If an emergency exists and the~~

~~Department has reasonable cause to believe that a vulnerable adult is at risk for abuse, neglect, self neglect, exploitation, intimidation or abandonment and lacks the capacity to consent to protective services, the caseworker shall contact the Office of the Attorney General or the district/county attorney to petition the court pursuant to Wyo. Stat. § 35-20-107 for an order for seventy two (72) hour emergency protective services. Emergency protective services may include the vulnerable adult being placed in the seventy two (72) hour emergency placement, which may include the vulnerable adult being placed in a hospital or other suitable facility.~~

~~(m) If a court places the vulnerable adult in a hospital or other suitable facility or in the seventy two (72) hours pursuant to a petition for emergency protective services from the Office of the Attorney General or district/county attorney, the Department shall immediately notify the person responsible for the care and custody of the vulnerable adult, if known, of the vulnerable adult's placement. Notification shall not be required if the alleged perpetrator is the person responsible for the care and custody of the vulnerable adult unless the court orders the notification.~~

~~(n) Case assessment includes a process of evaluating the vulnerable adult's needs and available services. The caseworker shall refer to those services available from agencies other than the Department which may include, but are not limited to:~~

- ~~(i) — Public Health Nurse;~~
- ~~(ii) — Department of Health, Aging
Division;~~
- ~~(iii) — Department of Health, Medicaid;~~
- ~~(iv) — Department of Health, Division of Mental Health;~~
- ~~(v) — Department of Health, Division of Substance Abuse;~~
- ~~(vi) — Department of Health, Developmental Disabilities
Division;~~
- ~~(vii) — Domestic Violence/Victim Assistance programs;~~
- ~~(viii) — Wyoming Guardianship Corporation; and/or~~
- ~~(ix) — Community Mental Health and Substance Abuse Centers.~~

~~(o) All reports assigned to the assessment track shall, within three (3) months of the Department receiving the report, be referred to another agency or closed, unless closure is waived by the District Manager.~~

Section 56. Investigation Track.

(a) ~~The supervisor shall assign cases to the investigative process. Investigation Track by the Department and/or law enforcement agency shall begin no later than~~ within twenty-four (24) hours of ~~the intake of~~ a report of abuse, neglect, exploitation, intimidation, self-neglect or abandonment. A report will be assigned to the Investigation Track if it includes any of the following criteria;

(i) Death;

(i) Brain damage, bone fracture, extensive burns or other serious bodily injury;

(iii) Sexual assault;

(iv) Exploitation, to include financial or sexual;

(v) Evidence of severe neglect; or

(vi) Any other activity which may constitute a crime or which places the vulnerable adult in imminent danger of death or serious bodily harm.

(b) ~~The caseworker shall review the initial report and confirm the accuracy of the information contained in the report with the reporter, when possible. Reports where~~ criminal charges may be pursued shall be assigned to the Investigation Track and shall be coordinated with the law enforcement agency.

(c) The Department shall immediately contact the appropriate law enforcement agency and the district/county attorney for Investigation Track cases.

(ed) Any investigations may be teamed with a law enforcement agency.

(i) If financial exploitation is reported to the Department and the Department requests a hold on an alleged victim's transaction, the Department shall notify the banking institution.

(ii) If financial exploitation is reported to law enforcement, the caseworker shall keep the file open until a final report is received from law enforcement, and if no prosecution, substantiation of the allegation may be possible.

(de) The Department shall attempt in-person contact shall be immediately attempted with the alleged victim when the report meets the immediate response criteria in Section 3 (d) of these Rules. alleges any of the following:

~~(i) A major injury;~~

~~(ii) A vulnerable adult is suffering from an acute, untreated medical condition.~~

~~(iii) A vulnerable adult is in danger of sustaining immediate and/or reasonably foreseeable physical harm;~~

~~(iv) A vulnerable adult is alleged to be a victim of exploitation;~~

~~(v) A vulnerable adult is alleged to be a victim of intimidation; and/or~~

~~(vi) A vulnerable adult is alleged to be a victim of abandonment.~~

~~(e)~~ Unless ~~(d)~~ applies, the caseworker shall make in-person contact with the vulnerable adult within three (3) calendar days of the receipt of the report. The caseworker and/or a law enforcement officer may make in-person contact with the caregiver, family, or individual, and the alleged perpetrator. If law enforcement takes the lead on the in-person contact then the three (3) day in-person contact would not be required for the caseworker.

(i) In-person contact is not required when the caseworker has made a good faith attempt to contact the vulnerable adult and the vulnerable adult cannot be located.

~~(ii) Court ordered injunction(s). When a vulnerable adult needs protective services and the caregiver refuses to allow the provision of those services, the Department, through the Office of the Attorney General or the district/county attorney, may petition the court for an order pursuant to Wyo. Stat. § 35-20-106 enjoining the caregiver from interfering with the provision of protective/emergency services. If access to the vulnerable adult is denied to law enforcement or the Department seeking to investigate a report of abuse, neglect, exploitation, intimidation, abandonment or self neglect of a vulnerable adult, the investigator, through the Office of the Attorney General or the district/county attorney, may seek an injunction pursuant to Wyo. Stat. § 35-20-110 to prevent interference with the investigation.~~

~~(f)~~ When conducting initial in-person interviews:

(i) The alleged perpetrator shall not be present during the initial interview of the alleged victim; and

(ii) During the initial in-person interview with the vulnerable adult's caregiver, which may include a legal guardian, the caseworker shall inform the person being interviewed orally and in writing that:

(A) A report has been received and it is the Department's duty to investigate;

(B) The investigation may involve a law enforcement agency or the court if needed to protect the vulnerable adult from further abuse, neglect, exploitation, neglect, intimidation, and or abandonment; and

(C) The name of the reporter shall not be disclosed unless required by the court.

(gh) During the initial interview of the alleged perpetrator, the caseworker shall inform the alleged perpetrator, orally and in writing that:

(i) A report has been received against him or her, and the Department has the duty to investigate; and

(ii) The investigation may involve a law enforcement agency or the court if needed to protect the vulnerable adult from any further abuse, neglect, exploitation, intimidation or abandonment.

(hi) The Department shall provide the law enforcement agency with all case records in the investigation, when requested.

(ij) The caseworker may coordinate needed services and assist the law enforcement officer when requested (e.g., interviewing other significant individuals).

(jk) If the caseworker receives the law enforcement agency's investigative reports, the caseworker may use the law enforcement agency's investigative reports to substantiate the abuse, neglect, exploitation, abandonment, and intimidation of a vulnerable adult for the purposes of placing the name of the alleged perpetrator on the Central Registry. This is only acceptable from law enforcement and not for an investigative report completed by another agency or facility.

~~(k) The Department shall maintain confidentiality with the vulnerable adult and caregiver unless it becomes necessary to share information with individuals or agencies involved in the delivery of adult protective services to the vulnerable adult or in the prosecution of the perpetrator(s) of abuse, neglect, exploitation, intimidation or abandonment of a vulnerable adult. Such individuals and agencies include, but are not limited to:~~

~~(i) The Office of the Attorney General (Medicaid Fraud Control Unit);~~

~~(iii) District/County attorneys and law enforcement officers;~~

~~(iv) Appropriate community services providers;~~

~~(iv) Adult protective services team members; and/or~~

~~(v) Adult Protective Services in other states.~~

~~(kl)~~ Photographs ~~and x-rays~~:

(i) The caseworker shall take or obtain photographs ~~and/or x-rays~~ of a vulnerable adult when the vulnerable adult has observable marks, injuries or an appearance believed to be caused by abuse or neglect.

~~(ii) The Department may pay for the photographs and x-rays when no other resources are available with approval from the District Manager or designee.~~

~~(iii)~~ If voluntary consent is not given by the vulnerable adult or guardian and photographs ~~and x-rays~~ need to be obtained, the Department shall request assistance for obtaining such evidence from a law enforcement agency or the district/county attorney.

~~(lm)~~ The ~~investigative~~ on process may be ~~modified~~ adjusted with the District Manager's written approval, to include timelines, when the investigation is conducted by a law enforcement agency or at the request of the law enforcement agency.

~~(mn)~~ If an emergency exists and the vulnerable adult lacks the capacity to consent to protective services, the caseworker shall contact the Office of the Attorney General or the district/county attorney to petition the court for an order pursuant to Wyo. Stat. §35-20-107 for emergency protective services.

~~(no)~~ The caseworker shall develop an action plan of intervention and referral services for the vulnerable adult which contain necessary actions to provide for the safety and well being of the vulnerable adult.

~~(op)~~ At the end of the investigation, the caseworker shall refer the case for necessary services from the Department to outside agencies in the service area, which include, but are not limited to:

- (i) Public Health Nursing;
- (ii) The Department of Health, Aging Division
- (iii) Department of Health, Medicaid;
- (iv) The Department of Health, Division of Developmental Disabilities;
- (v) The Department of Health, Division of Mental Health;
- (vi) Domestic Violence/Victim Assistance programs;
- (vii) Wyoming Guardianship Corporation; and/or
- (viii) Community Mental Health and Substance Abuse Centers.

~~(q) If deemed necessary by the Department, protective services may be~~

~~furnished by the Department within three (3) days from the time the report or notice is received by the Department. Protective services may be provided by the Department until the vulnerable adult no longer needs those services or until another person or agency is providing those services.~~

(~~q~~) Each case under investigation by the Department or a law enforcement agency must be determined to be substantiated or unsubstantiated.

(i) The Department shall substantiate all reports where a court has accepted a criminal plea of guilty or nolo contendere, or a civil or criminal court has made a finding that the alleged perpetrator committed certain acts that constitute abuse, neglect, exploitation, intimidation or abandonment under these Rules.

(ii) Each substantiated report of abuse, neglect, exploitation, intimidation or abandonment of a vulnerable adult pursuant to the Adult Protective Services Act shall be entered and maintained within the Central Registry of vulnerable adult protection cases.

(~~r~~) Notice of findings:

(i) The Department shall provide ~~inform~~ professional reporters, ~~of suspected vulnerable adult abuse, neglect, exploitation, intimidation and OR abandonment that an investigation was conducted and the allegations were substantiated or unsubstantiated.~~ a written summary of the records concerning the subject of the report, upon written application to the state agency,

(ii) The Department shall inform the vulnerable adult, caregiver, family, individual which may include the legal guardian, and the alleged perpetrator(s) in writing of the conclusion of the Department's investigation.

(iii) In substantiated cases, the Department shall inform the alleged perpetrator in writing that:

(A) His or her name has been entered on the Central Registry;

(B) He or she may respond in writing to the findings of the investigation and such statement shall be included with the Central Registry report; and

(C) He or She may request an administrative hearing pursuant to the Department's Contested Case Hearing Procedures.

(iv) In substantiated cases which involve licensing and funding by a governmental agency, the Department shall send notice of the substantiation to the appropriate agencies pursuant to Chapter 2, Section ~~5~~ 6 of these Rules.

(~~s~~) In all substantiated or unsubstantiated cases, the findings shall be documented in the Department's data system.

(~~t~~) The caseworker shall provide the district/county attorney with a written

report of substantiated abuse, neglect, exploitation, abandonment, or intimidation of a vulnerable adult within seven (7) days of such determination unless emergency intervention dictates immediate notification.

(vu) When the Department receives a report that a person has been convicted of, or has pled guilty or no contest to, a crime, which includes the abuse, neglect, exploitation, intimidation or abandonment of any vulnerable adult, that conviction shall be maintained on the Central Registry.

(vv) Reports in the Investigation Track can be reassigned to the Assessment Track as new or additional information is obtained and reviewed.

Section 67. Assessments or Investigations Concerning Facilities.

(a) When the Department receives a report of the abuse, neglect, intimidation or exploitation of a vulnerable adult in a facility, the person receiving the report shall notify the following agencies, as appropriate:

(i) Medicaid Fraud Control Unit of the Attorney General's Office for all reports of abuse, neglect, exploitation, intimidation, and financial fraud in facilities that are Medicaid providers or where the alleged victim is a Medicaid recipient;

(ii) Department of Health, Office of Health Care Licensing and Survey or Aging Division, for all allegations of abuse, neglect and/or misappropriation of residents' property, and all licensing violations in licensed, certified and or non-certified facilities in their jurisdiction (including the Wyoming State Hospital);

(iii) Department of Health, Developmental Disabilities Division, for reports involving a facility licensed through that Division;

(iv) Department of Health, Mental Health Division for any residential program under the jurisdiction of the Division and the Wyoming State Hospital; (Wyoming Pioneer Home, Wyoming State Training School, Wyoming Retirement Center and the Veteran's Home)

(v) Long-Term Care Ombudsman for complaints or reports from residents in facilities;

(vi) State Board of Nursing for any report that involves a registered nurse, licensed practical nurse or certified nurse; and/or

(vii) Other licensing boards (e.g. Occupational Therapy or Professional Teacher Standards Board).

Section 8. Service Provision.

(a) Protective services may be provided or purchased by the Department to assist vulnerable adults to prevent or terminate abuse, neglect, self neglect, exploitation,

intimidation or abandonment in open cases until no longer needed.

(b) During the initial in-person interview with the vulnerable adult and/or caregiver, family, or individual, the caseworker shall inform them that:

(i) The Department received a report and has a duty to assess the report;

(ii) The Department shall assess the safety of the vulnerable adult; and

(iii) The Department shall refer the report for investigation if needed to protect the vulnerable adult from abuse, neglect, exploitation, intimidation, self-neglect or abandonment.

(c) Costs incurred to furnish protective services may be paid by the Department unless the vulnerable adult is eligible for protective services from another governmental agency or any other source, such as, but not limited to:

(i) Public Health;

(ii) Department of Health, Aging Division;

(iii) Department of Health, Medicaid;

(iv) Department of Health, Division of Mental Health;

(v) Department of Health, Division of Developmental Disabilities; and/or

(vi) A court appoints a guardian or conservator and orders that the costs be paid from the vulnerable adult's estate.

(i) The Department shall assist the vulnerable adult and his/her support system in identifying, locating and accessing services; and

(f) Case assessment includes a process of evaluating the vulnerable adult's needs and available services. The caseworker shall refer to those services available from agencies other than the Department which may include, but are not limited to:

(i) Public Health Nurse;

(ii) Department of Health, Aging Division;

(iii) Department of Health, Medicaid;

(iv) Department of Health, Division of Mental Health;

(v) Department of Health, Division of Substance Abuse;

(vi) Department of Health, Developmental Disabilities Division;

(vii) Domestic Violence/Victim Assistance programs;

(viii) Wyoming Guardianship Corporation; and/or

(ix) Community Mental Health and Substance Abuse Centers.

(g) Based on information obtained at intake, the caseworker may seek assistance in the initial assessment by outside persons or agencies such as, but not limited to:

(i) Public health nurse;

(ii) Mental health professional;

(iii) Members of the Adult Protective Services Team, as needed; and/or

(iv) Law enforcement officers.

(i) A written action plan shall be completed by the ~~caseworker~~ Department within thirty (30) days of the conclusion of the investigation, prevention or assessment on all cases that remain open for services. The action plan shall include services that are to be provided by the Department, and community service agencies to provide for the safety and well being of the vulnerable adult, and any relevant actions to be taken by the vulnerable adult and caregiver, family or individual.

(j) Court-ordered injunction(s). When a vulnerable adult needs protective services and the caregiver, family, or individual refuses to allow the provision of those services, the Department, through the Office of the Attorney General or the district/county attorney, may petition the court for an order pursuant to Wyo. Stat. § 35-20-106 enjoining the caregiver from interfering with the provision of protective/emergency services. If access to the vulnerable adult is denied to law enforcement or the Department seeking to investigate a report of abuse, neglect, exploitation, abandonment, intimidation or self-neglect of a vulnerable adult, the investigator, through the Office of the Attorney General or the district/county attorney, may seek an injunction pursuant to Wyo. Stat. § 35-20-110 to prevent interference with the investigation.

(k) Court-ordered emergency protective services. If an emergency exists and the Department has reasonable cause to believe that a vulnerable adult is at risk for abuse, neglect, self-neglect, exploitation, intimidation or abandonment and lacks the capacity to consent to protective services, the caseworker shall contact the Office of the Attorney General or the district/county attorney to petition the court pursuant to Wyo. Stat. § 35-20-107 for an order for emergency protective services. Emergency protective services may include the vulnerable adult being placed in a hospital or other suitable facility. The court's initial order for emergency protective services shall remain in effect for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. The order may be extended for up to an additional thirty (30) day period if the court finds an extension is necessary to remove the emergency.

(l) If a court places the vulnerable adult in a hospital or other suitable facility pursuant to a petition for emergency protective services from the Office of the Attorney General or district/county attorney, the Department shall immediately notify the person responsible for the care and custody of the vulnerable adult, if known. The court's initial order for emergency protective services shall remain in effect for a period not to exceed seventy-two (72) hours, excluding weekends and holidays. Notification shall not be required if the alleged perpetrator is the person responsible for the care and custody of the vulnerable adult unless the court orders the notification.

Section 9. Consent to Service.

(a) Vulnerable adults are presumed to possess the ability to consent to or refuse protective services. A vulnerable adult shall not be required to accept protective/emergency services without his/her consent.

(b) If the caseworker believes that the vulnerable adult's ability to understand and appreciate the nature and consequences of their decisions is impaired, the caseworker shall immediately take steps to arrange for a professional mental capacity evaluation if the caseworker reasonably believes that the vulnerable adult's ability to understand and appreciate the nature and consequences of their decisions is impaired. Until the vulnerable adult's capacity to consent is determined, the caseworker shall provide only those services agreed to by the vulnerable adult.

(c) If the vulnerable adult has a guardian or has appointed an agent under a durable power of attorney, the guardian or agent may act on behalf of the vulnerable adult

(d) The caseworker shall explain to the vulnerable adult the protective services which can be provided and he/she has the right to accept or reject services. If appropriate, the vulnerable adult shall be referred for services according to the least restrictive services within the continuum of care in each respective community.

(e) When a caregiver, family member, or individual is unwilling to accept services for a vulnerable adult, the Department may seek court intervention. The Attorney General or the district/county attorney may petition the court for an order pursuant to Wyo. Stat. §35-20-106 enjoining the caregiver, family member, or individual from interfering with the provision of protective services.

Section 10. Case Closure.

(a) A case shall be closed when:

(i) Investigation, prevention, or assessment is complete;

(ii) Protective services, as indicated by the Department, have been concluded; and/or

(iii) Necessary referrals to other agencies have been made.

(b) Case closure shall be documented in the Department's data system with information on the disposition of the case, such as:

(i) Referral to an outside agency;

(ii) Any court action, such as

guardianship; (iii) Case determination;

and/or

(iv) If prosecution is pending.

(c) In all cases, the caseworker may conduct a follow-up visit(s) after the case is closed to validate the vulnerable adult's continued safety and well being and to confirm that necessary services are being provided.

Section 11. Administrative Hearings.

(a) Following a determination of substantiation, an alleged perpetrator of abuse, neglect, exploitation, intimidation or abandonment who is aggrieved by said determination may request an administrative hearing.

(b) Requests for an administrative hearing shall be submitted in writing within twenty (20) days of the date of the notice of the determination. In those cases where criminal charges arising out of facts of the investigation may be pending, the request for review shall be made within twenty (20) days from the court's final disposition, dismissal of the charges, or prosecutorial determination to not pursue charges. If criminal charges are filed after the request for hearing has been made but before the administrative hearing is held, the hearing request will be dismissed and a subsequent request may be submitted pursuant to the terms of this subsection.

(c) An opportunity to discuss the Department's issues and resolve the dispute shall be offered.

(d) If the dispute is resolved to the satisfaction of both parties, the person who requested the administrative hearing may sign a statement withdrawing the hearing request or do so orally. If the dispute is not resolved, the matter shall proceed to a hearing.

(i) If the agency receives a request to withdraw orally, the agency shall provide, within ten (10) days, the parties with written notice of the withdrawal request. The written notice shall advise the party that in order to reinstate the hearing request and avoid dismissal the party must respond in writing within ten (10) days of the written notice of withdrawal and provide good cause. If the request for reinstatement is accepted the State agency must provide a fair hearing within a reasonable amount of time.

(e) Notwithstanding any other provision in this section, an alleged perpetrator is

not entitled to an administrative hearing if the perpetrator has been convicted, adjudicated or there is a finding by a civil, juvenile or criminal court, or a consent decree whether by a plea of guilty, finding of guilt or a nolo contendere plea that the alleged perpetrator committed certain acts that the Adult Protective Services Act defines as abuse, neglect, exploitation, intimidation or abandonment.

Section 12. Confidentiality.

(a) All records concerning reports and investigations of vulnerable adult abuse, neglect, exploitation, intimidation, abandonment or self-neglect are confidential, and not subject to disclosure under the Public Records Act, including:

(i) A report of abuse, neglect, exploitation, intimidation abandonment or self neglect under this act;

(ii) The identity of the person making the report; and

(iii) Except as provided by these Rules, all files, reports, records, communications, and working papers used or developed in an investigation made under this act or in providing services as a result of an investigation are confidential.

(b) Upon written application, the Department may give access to records otherwise confidential under this section to any of the following persons or agencies for purposes directly related with the administration of the Adult Protective Services Act:

(i) A local adult protective agency or agencies;

(ii) A law enforcement agency, guardian ad litem, conservator, guardian, adult protection team or attorney representing the vulnerable adult who is the subject of the report;

(iii) A physician, or surgeon who is treating a vulnerable adult; or

(iv) Court personnel who are investigating reported incidents of adult abuse, neglect, exploitation, intimidation, or abandonment.

(c) The Department may exchange with other state agencies or governmental entities records that are necessary for the Department, state agencies or entities to properly execute respective duties and responsibilities to provide services to vulnerable adults.

(d) A physician or person in charge of an institution, school, facility or agency making a report under Wyo. Stat. § 35-20-111 shall receive, upon written application to the state agency, a written summary of the records concerning the outcome of the investigation.

(e) Any person, agency or institution given access to records concerning the subject of the report shall not divulge or make public any records except as required for court proceedings.

(f) Confidential records may be disclosed only for a purpose consistent with the Adult Protective Services Act and as provided by these Rules and applicable federal and state law.

(k) The Department shall maintain confidentiality with the vulnerable adult and caregiver unless it becomes necessary to share information with individuals or agencies involved in the delivery of adult protective services to the vulnerable adult or in the prosecution of the perpetrator(s) of abuse, neglect, exploitation, intimidation or abandonment of a vulnerable adult. Such individuals and agencies include, but are not limited to:

- Unit):
- (i) The Office of the Attorney General (Medicaid Fraud Control
 - (ii) District/County attorneys and law enforcement officers;
 - (iii) Appropriate community services providers;
 - (iv) Adult protective services team members; and/or
 - (v) Adult Protective Services in other states.

CHAPTER 3

SERVICE PROVISIONS

REPEALED

Chapter 3

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CHAPTER 3

SERVICE PROVISIONS

~~Section 1. Protective Services.~~

~~(a) Protective services may be provided or purchased by the Department to assist vulnerable adults to prevent or terminate abuse, neglect, self neglect, exploitation, intimidation or abandonment until the vulnerable adult no longer needs those services. Services may include, but are not limited to, the following:~~

- ~~(i) Social casework;~~
- ~~(ii) Case management;~~
- ~~(iii) Home care;~~
- ~~(iv) Day care;~~
- ~~(v) Social services;~~
- ~~(vi) Psychiatric, psychosocial or health evaluations; and/or~~
- ~~(vii) Other emergency services.~~

~~(b) Services may be offered at any time during the prevention, assessment or investigation track, in accordance with an action plan.~~

~~(c) If determined necessary by the Department, protective services may be furnished by the Department within three (3) days from the time the report or notice is received by the Department.~~

~~(i) The caseworker shall explain to the vulnerable adult the protective services which can be provided and he/she has the right to accept or reject services. If appropriate, the vulnerable adult shall be referred for services according to the least restrictive services within the continuum of care in each respective community.~~

~~(d) When a caregiver, family member, or individual is unwilling to accept services for a vulnerable adult, the Department may seek court intervention. The Attorney General or the district/county attorney may petition the court for an order pursuant to Wyo. Stat. §35-20-106 enjoining the caregiver, family member, or individual from interfering with the provision of protective services.~~

~~(e) Costs incurred to furnish protective services may be paid by the Department unless the vulnerable adult is eligible for protective services from another governmental agency or any other source, such as, but not limited to:~~

- ~~(i) Public Health;~~

~~(ii) — Department of Health, Aging Division;~~

~~(iii) — Department of Health, Medicaid;~~

~~(iv) — Department of Health, Division of Mental Health;~~

~~(v) — Department of Health, Division of Developmental Disabilities;~~

~~and/or~~

~~(vi) — A court appoints a guardian or conservator and orders that the costs be paid from the vulnerable adult's estate.~~

~~(f) A written action plan shall be completed by the caseworker within thirty (30) days of the conclusion of the investigation, prevention or assessment on all cases that remain open for services. The action plan shall include services that are to be provided by the Department, community service agencies and any relevant actions to be taken by the vulnerable adult and caregiver, family or individual.~~

~~(g) Cases shall be reviewed by the Department every three (3) months to determine if continuing services are necessary or if the case may be closed. Services beyond three (3) months must be approved by the District Manager.~~

~~Section 2. Consent to Service.~~

~~(a) Vulnerable adults are presumed to possess the ability to consent to or refuse protective services. A vulnerable adult shall not be required to accept protective/emergency services without his/her consent.~~

~~(b) If the caseworker believes that the vulnerable adult's ability to understand and appreciate the nature and consequences of their decisions is impaired, the caseworker shall immediately take steps to arrange for a professional mental capacity evaluation if the caseworker reasonably believes that the vulnerable adult's ability to understand and appreciate the nature and consequences of their decisions is impaired. Until the vulnerable adult's capacity to consent is determined, the caseworker shall provide only those services agreed to by the vulnerable adult.~~

~~(c) If the vulnerable adult has a guardian or has appointed an agent under a durable power of attorney, the guardian or agent may act on behalf of the vulnerable adult.~~

~~(d) If the caseworker believes that the vulnerable adult needs protective services and an emergency exists or the caregiver, family, and/or individual refuses to allow the provision of these services, the Department's District Manager or designee shall contact the Office of the Attorney General or the district/county attorney to petition the court for an order pursuant to Wyo. Stat. § 35-20-107 for seventy-two (72) hour emergency protective services or for an order pursuant to Wyo. Stat. § 35-20-106 enjoining the family, individual and/or caregiver from interfering with the provision of protective services. The caseworker shall be in contact with the State Analyst for Adult Protective Services for all guardianships.~~

CHAPTER 4

CASE CLOSURE, ADMINISTRATIVE HEARINGS AND CONFIDENTIALITY

REPEALED

CHAPTER 4

~~CASE CLOSURE, ADMINISTRATIVE HEARINGS AND CONFIDENTIALITY~~

~~Section 1. Case Closure.~~

~~(a) A case shall be closed when:~~

~~(i) Investigation, prevention, or assessment is complete;~~

~~(ii) Protective services, as indicated by the Department, have been concluded; and/or~~

~~(iii) Necessary referrals to other agencies have been made.~~

~~(b) Case closure shall be documented in the Department's data system with information on the disposition of the case, such as:~~

~~(i) Referral to an outside agency;~~

~~(ii) Any court action, such as guardianship;~~

~~(iii) Case determination; and/or~~

~~(iv) If prosecution is pending.~~

~~(c) In all cases, the caseworker may conduct a follow-up visit(s) after the case is closed to validate the vulnerable adult's continued safety and well being and to confirm that necessary services are being provided.~~

~~Section 2. Administrative Hearings.~~

~~(a) Following a determination of substantiation, an alleged perpetrator of abuse, neglect, exploitation, intimidation or abandonment who is aggrieved by said determination may request an administrative hearing.~~

~~(b) Requests for an administrative hearing shall be submitted in writing within twenty (20) days of the date of the notice of the determination. In those cases where criminal charges arising out of facts of the investigation may be pending, the request for review shall be made within twenty (20) days from the court's final disposition, dismissal of the charges, or prosecutorial determination to not pursue charges. If criminal charges are filed after the request for hearing has been made but before the administrative hearing~~

~~is held, the hearing request will be dismissed and a subsequent request may be submitted pursuant to the terms of this subsection.~~

~~(e) An opportunity to discuss the Department's issues and resolve the dispute shall be offered.~~

~~(d) If the dispute is resolved to the satisfaction of both parties, the person who requested the administrative hearing may sign a statement withdrawing the hearing request or do so orally. If the dispute is not resolved, the matter shall proceed to a hearing.~~

~~(i) If the agency received a request to withdraw orally, the agency shall provide written notice to the parties within ten (10) days of the party's request confirming the withdrawal request and providing the party with an opportunity to reinstate the hearing. The party must have good cause to reinstate the hearing request, otherwise it will be dismissed. Written notice must advise the party that there is ten (10) days from the time the date notice is received to advise the State agency of the desire to request or reinstate the hearing. If the request for reinstatement is accepted the State agency must provide a fair hearing within a reasonable amount of time.~~

~~(e) Notwithstanding any other provision in this section, an alleged perpetrator is not entitled to an administrative hearing if the perpetrator has been convicted, adjudicated or there is a finding by a civil or criminal court, or a consent decree whether by a plea of guilty, finding of guilt or a nolo contendere plea that the alleged perpetrator committed certain acts that the Adult Protective Services Act defines as abuse, neglect, exploitation, intimidation or abandonment.~~

Section 3. Confidentiality.

~~(a) All records concerning reports and investigations of vulnerable adult abuse, neglect, exploitation, intimidation, abandonment or self neglect are confidential, and subject to disclosure under the Public Records Act, including:~~

~~(i) A report of abuse, neglect, exploitation, intimidation abandonment or self neglect under this act;~~

~~(ii) The identity of the person making the report; and~~

~~(iii) Except as provided by these Rules, all files, reports, records, communications, and working papers used or developed in an investigation made under this act or in providing services as a result of an investigation are confidential.~~

~~(b) Upon written application, the Department may give access to records otherwise confidential under this section to any of the following persons or agencies for purposes directly related with the administration of the Adult Protective Services Act:~~

~~(i) — A local adult protective agency or agencies;~~

~~(ii) — A law enforcement agency, guardian ad litem, conservator, guardian, adult protection team or attorney representing the vulnerable adult who is the subject of the report;~~

~~(iii) — A physician, or surgeon who is treating a vulnerable adult; or~~

~~(iv) — Court personnel who are investigating reported incidents of adult abuse, neglect, exploitation, intimidation, or abandonment.~~

~~(e) The Department may exchange with other state agencies or governmental entities records that are necessary for the Department, state agencies or entities to properly execute respective duties and responsibilities to provide services to vulnerable adults.~~

~~(d) A physician or person in charge of an institution, school, facility or agency making a report under Wyo. Stat. § 35-20-111 shall receive, upon written application to the state agency, a written summary of the records concerning the outcome of the investigation.~~

~~(e) Any person, agency or institution given access to records concerning the subject of the report shall not divulge or make public any records except as required for court proceedings.~~

~~(f) Confidential records may be disclosed only for a purpose consistent with the Adult Protective Services Act and as provided by these Rules and applicable federal and state law.~~