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HOUSE BILL NO. 1297

Offered January 15, 2026

A BILL to amend and reenact §§ 2.2-3802, 51.5-148, 63.2-1605, and 63.2-1606 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 14 of Title 51.5 sections numbered 51.5-148.1 and 51.5-148.2 and by adding sections numbered 63.2-1605.1, 63.2-1605.2, and 63.2-1605.3, relating to adult protective services; adult abuse, neglect and exploitation central registry.

Patron—Carroll

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3802, 51.5-148, 63.2-1605, and 63.2-1606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 5 of Chapter 14 of Title 51.5 sections numbered 51.5-148.1 and 51.5-148.2 and by adding sections numbered 63.2-1605.1, 63.2-1605.2, and 63.2-1605.3 as follows:

§ 2.2-3802. Systems to which chapter inapplicable.

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;
3. Contained in the Criminal Justice Information System Sex Offender and Crimes Against Minors Registry maintained under Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that the information is made available on the Internet pursuant to § 9.1-913;

4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;

5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;

6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, and the Virginia Alcoholic Beverage Control Authority;

7. Maintained by any of the following and that deal with investigations and intelligence gathering related to criminal activity:

- a. The Department of State Police;
- b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;
- c. Police departments of cities, counties, and towns;
- d. Sheriff's departments of counties and cities;
- e. Campus police departments of public institutions of higher education as established by Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
- f. The Division of Capitol Police.

8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect, while such cases are also subject to an ongoing criminal prosecution;

9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;

11. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.);

59 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state
60 agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and
61 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a
62 school board that deals with local investigations required by § 15.2-2511.2;

63 14. Maintained by the Department of Social Services or any local department of social services relating to
64 public assistance fraud investigations;

65 15. Maintained by the Department of Social Services related to child welfare or public assistance
66 programs when requests for personal information are made to the Department of Social Services. Requests
67 for information from these systems shall be made to the appropriate local department of social services that is
68 the custodian of that record. Notwithstanding the language in this section, an individual shall not be
69 prohibited from obtaining information from the central registry in accordance with the provisions of
70 § 63.2-1515; and

71 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult
72 protective services, or auxiliary grants when requests for personal information are made to the Department for
73 Aging and Rehabilitative Services. Requests for information from ~~these~~ such systems shall be made to the
74 appropriate local department of social services that is the custodian of that record. *However, notwithstanding* the
75 provisions of this subdivision, persons shall be permitted to obtain information from the adult abuse,
76 neglect and exploitation central registry in accordance with § 51.5-148.2.

77 **§ 51.5-148. Establishment of Adult Protective Services Unit; powers and duties.**

78 A. The Department shall have responsibility for the planning and oversight of adult protective services in
79 the Commonwealth. The Commissioner shall establish within the Department for Aging and Rehabilitative
80 Services an Adult Protective Services Unit ~~which~~ that shall oversee the planning, administration, and
81 implementation of adult protective services in the Commonwealth. Adult protective services shall be
82 provided to the public by local departments of social services pursuant to Chapter 16 (§ 63.2-1600 et seq.) of
83 Title 63.2 in cooperation with the Department and subject to the regulations and oversight of the
84 Commissioner.

85 B. The Adult Protective Services Unit shall have the following powers and duties:

86 1. To work together with local departments of social services to support, strengthen, and evaluate adult
87 protective services programs provided by such local departments;

88 2. To assist local departments of social services in developing and implementing programs to respond to
89 and prevent adult abuse, neglect, or exploitation;

90 3. To prepare, disseminate, and present educational programs and materials on adult abuse, neglect, and
91 exploitation to mandated reporters and the public;

92 4. To establish minimum standards of training and provide educational opportunities to qualify workers in
93 the field of adult protective services to determine whether reports of adult abuse, neglect, or exploitation are
94 substantiated. The Department shall establish and provide a uniform training program for adult protective
95 services workers in the Commonwealth. All adult protective services workers shall complete such training
96 within one year from the date of implementation of the training program or within the first year of their
97 employment;

98 5. To develop policies and procedures to guide the work of persons in the field of adult protective
99 services;

100 6. To prepare and disseminate statistical information on adult protective services in Virginia;

101 7. To operate an adult protective services 24-hour toll-free hotline and provide training and technical
102 assistance to the hotline staff;

103 8. To provide coordination among the adult protective services program and other state agencies; ~~and~~

104 9. To work collaboratively with other agencies in the Commonwealth to facilitate the reporting and
105 investigation of suspected adult abuse, neglect, or exploitation; ~~and~~

106 10. *To maintain an adult abuse, neglect, and exploitation information system and a central registry of*
107 *substantiated reports pursuant to § 51.5-148.1.*

108 **§ 51.5-148.1. Adult abuse, neglect and exploitation central registry; retention of records; notice; reports
109 made in bad faith or with malicious intent.**

110 A. The Department shall establish and maintain an adult abuse, neglect, and exploitation information
111 system and a central registry of substantiated reports. Identifying information about (i) an adult who the
112 local department has determined is self-neglecting or (ii) a person who neglected an adult without intent
113 shall not be entered in the central registry. Subject to the provisions of § 51.5-148.2, the operation of the
114 central registry and the information contained in such registry shall be prescribed by regulations
115 promulgated by the Commissioner.

116 B. The Department shall maintain all reports regarding investigations in which a report was deemed
117 unfounded and all reports determined to be not valid in a record that is separate from the central registry.
118 Such information shall be accessible only by the Department and local departments for adult protective
119 services and by the person alleged to have committed abuse, neglect, or exploitation. In no event shall the
120 mere existence of a prior report be used to determine that a subsequent report is substantiated.

121 The record of unfounded investigations and reports determined to be not valid shall be purged one year
 122 after the date of the report if there are no subsequent reports regarding the same victim or perpetrator within
 123 such one-year period. The local department shall retain such records for an additional period of up to two
 124 years if requested in writing by the person who was alleged to have committed abuse, neglect, or exploitation
 125 in the report. However, upon presentation of a certified copy of a court order stating that the report was
 126 found to have been made in bad faith or with malicious intent pursuant to subsection D, the records
 127 regarding the person alleged to have committed abuse, neglect, or exploitation in such report shall be purged
 128 immediately and written notice of such purging shall be provided to the alleged perpetrator. The
 129 Commissioner may promulgate regulations regarding (i) the purging of information from the central registry
 130 after a certain period of time and (ii) a process through which persons may file a petition with the
 131 Department to be removed from the registry upon satisfaction of certain criteria.

132 C. At the time the local department notifies a person who is alleged to have committed abuse, neglect, or
 133 exploitation in a report made pursuant to this article that the investigation was deemed unfounded, the local
 134 department shall also provide notice to such person regarding the length of time the record will be retained
 135 and of the availability of the procedures set forth in subsection D. Upon request, the local department shall
 136 inform such person whether the report was made anonymously; however, the identity of a reporter shall not
 137 be disclosed unless ordered by a court pursuant to subsection D.

138 D. If any person who was alleged to have committed abuse, neglect, or exploitation in a report that was
 139 determined to be unfounded believes that such report was made in bad faith or with malicious intent, such
 140 person may petition the circuit court in the jurisdiction in which the report was made for the release to such
 141 person of the investigation records. The petition shall specifically set forth the reasons the person believes
 142 that such report was made in bad faith or with malicious intent. Upon the filing of such petition, the circuit
 143 court shall request and the local department shall provide to the circuit court its records of the investigation
 144 for *in camera* review. The petitioner shall be entitled to present evidence to support his petition. If the circuit
 145 court determines that there is a reasonable question of fact as to whether the report was made in bad faith or
 146 with malicious intent and that disclosure of the identity of the reporter would not be likely to endanger the life
 147 or safety of the reporter, it shall provide to the petitioner a copy of the report and, if an investigation was
 148 conducted, the records of the investigation. The original records shall be subject to discovery in any
 149 subsequent civil action regarding the making of a report in bad faith or with malicious intent.

150 **§ 51.5-148.2. Adult abuse, neglect and exploitation central registry; disclosure of information.**

151 The Department shall maintain the central registry of substantiated reports of adult abuse, neglect, and
 152 exploitation established pursuant to § 51.5-148.1 on its website. Such central registry shall be searchable by
 153 members of the public, provided that the person initiating the search provides the first and last name and the
 154 last four digits of the social security number or birth date of the person who is the subject of the search.

155 **§ 63.2-1605. Protective services for adults by local departments.**

156 A. Each local board, to the extent that federal or state matching funds are made available to each locality,
 157 shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and
 158 Rehabilitative Services, adult protective services for adults who are found to be abused, neglected, or
 159 exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult
 160 is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the
 161 right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

162 B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of
 163 such report and, if the local department deems the report valid, shall initiate an investigation pursuant to
 164 § 63.2-1605.1 within 24 hours of the time the report is received in the local department. Local departments
 165 shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as
 166 defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the
 167 adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

168 C. The local department shall immediately refer the matter and all relevant documentation to the local
 169 law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took
 170 place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for
 171 investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon
 172 determining, during the course of an investigation pursuant to this article, the occurrence of any of the
 173 following:

- 174 1. Sexual abuse as defined in § 18.2-67.10;
- 175 2. Death that is believed to be the result of abuse or neglect;
- 176 3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or
 177 neglect;
- 178 4. Suspected financial exploitation of an adult; or
- 179 5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death
 180 or serious bodily harm.

181 Local law-enforcement agencies shall provide local departments with a preferred point of contact for
 182 referrals.

183 D. The local department shall refer any appropriate matter and all relevant documentation, to the
184 appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

185 E. If a local department is denied access to an adult for whom there is reason to suspect the need for adult
186 protective services, then the local department may petition the circuit court for an order allowing access or
187 entry or both. Upon a showing of good cause supported by an affidavit or testimony in person, the court may
188 enter an order permitting such access or entry.

189 F. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed
190 consent of the adult or his legal representative, shall take or cause to be taken photographs, video recordings,
191 or appropriate medical imaging of the adult and his environment as long as such measures are relevant to the
192 investigation and do not conflict with § 18.2-386.1. However, if the adult is determined to be incapable of
193 making an informed decision and of giving informed consent and either has no legal representative or the
194 legal representative is the suspected perpetrator of the adult abuse, neglect, or exploitation, consent may be
195 given by an agent appointed under an advance medical directive or medical power of attorney, or by a person
196 authorized, pursuant to § 54.1-2986. In the event no agent or authorized representative is immediately
197 available, then consent shall be deemed to be given.

198 G. Local departments shall foster the development, implementation, and coordination of adult protective
199 services to prevent adult abuse, neglect, and exploitation.

200 H. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults
201 incarcerated in state correctional facilities.

202 I. The report and evidence received by the local department and any written findings, evaluations, records,
203 and recommended actions shall be confidential and shall be exempt from disclosure requirements of the
204 Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such information may be disclosed to
205 persons having a legitimate interest in the matter in accordance with §§ 63.2-102 and 63.2-104 and, pursuant
206 to official interagency agreements or memoranda of understanding between state agencies, *or as otherwise*
207 *authorized under the provisions of § 63.2-1605.2.*

208 J. *All Except as provided in § 63.2-1605.3*, written findings and actions of the local department or its
209 director regarding adult protective services investigations are final and shall not be (i) appealable to the
210 Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of
211 judicial review pursuant to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

212 K. Each local department may foster, when practicable, the creation, maintenance, and coordination of
213 community-based multidisciplinary teams that shall include, where possible, members of the medical, mental
214 health, social work, nursing, education, legal, and law-enforcement professions. Such teams shall:

215 1. Assist the local department in identifying abused, neglected, and exploited adults as defined in
216 § 63.2-1603.

217 2. Coordinate medical, social, and legal services for abused, neglected, and exploited adults and their
218 families.

219 3. Develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of
220 adults.

221 4. Promote community awareness and action to address the abuse, neglect, and exploitation of adults.

222 5. Disseminate information to the general public regarding the problem of abuse, neglect, and exploitation
223 of adults, strategies and methods for preventing such abuse, neglect, and exploitation, and treatment options
224 for abused, neglected, and exploited adults.

225 Such multidisciplinary teams may share information among the parties in the performance of their duties
226 but shall be bound by confidentiality and shall execute a sworn statement to honor the confidentiality of the
227 information they share. A violation of this subsection is punishable as a Class 3 misdemeanor. All such
228 information and records shall be used by the team only in the exercise of its proper function and shall not be
229 disclosed. No person who participated in the team and no member of the team shall be required to make any
230 statement as to what transpired during a meeting or what information was collected during the meeting. Upon
231 the conclusion of a meeting, all information and records concerning the adult shall be returned to the
232 originating agency or destroyed. Any information exchanged in accordance with the multidisciplinary review
233 team shall not be considered to be a violation of any of the provisions of § 63.2-102, 63.2-104, or 63.2-105.

234 **§ 63.2-1605.1. Investigations by local departments.**

235 A. Local departments conducting investigations pursuant to subsection B of § 63.2-1605 shall collect
236 information necessary to determine:

237 1. The immediate safety needs of the adult alleged to be the victim of abuse, neglect, or exploitation;

238 2. The protective, rehabilitative, or other service needs of the adult alleged to be the victim of abuse,
239 neglect, or exploitation;

240 3. Risk of future harm to the adult alleged to be the victim of abuse, neglect, or exploitation;

241 4. Alternative plans for the safety of the adult alleged to be the victim of abuse, neglect, or exploitation if
242 protective, rehabilitative, or other services are needed and the adult is unable or unwilling to participate in
243 such services;

244 5. Whether abuse, neglect, or exploitation has occurred;

245 6. If abuse, neglect, or exploitation has occurred, who abused, neglected, or exploited the adult; and
 246 7. Whether the report is substantiated or unfounded.

247 B. If the local department responds to a report of adult abuse, neglect, or exploitation by conducting an
 248 investigation, the local department shall:

249 1. Document the findings and results of the investigation and enter such information into the adult abuse,
 250 neglect, and exploitation information system maintained by the Department for Aging and Rehabilitative
 251 Services;

252 2. Consult with the adult alleged to be the victim of abuse, neglect, or exploitation to arrange for
 253 necessary protective, rehabilitative, and other services to be provided to such adult;

254 3. If the adult alleged to be the victim of abuse, neglect, or exploitation lacks the capacity to consent to
 255 receive adult protective services, petition the court for services deemed necessary pursuant to § 63.2-1608;

256 4. Determine within 45 days if the report of abuse, neglect, or exploitation is substantiated or unfounded,
 257 enter such disposition in the adult abuse, neglect, and exploitation information system maintained by the
 258 Department for Aging and Rehabilitative Services, and transmit a report to such effect to the alleged
 259 perpetrator of adult abuse, neglect, or exploitation. Upon written justification by the local department, the
 260 time for such determination may be extended not to exceed a total of 60 days or, in the event that the
 261 investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that
 262 circumstances so warrant, as stated in the written justification, the time for such determination may be
 263 extended not to exceed a total of 90 days. If through the exercise of reasonable diligence the local department
 264 is unable to find the adult who is the alleged victim of abuse, neglect, or exploitation, the time during which
 265 such adult cannot be found shall not be computed as part of the total time period allowed for the
 266 investigation and determination, and documentation of such reasonable diligence shall be placed in the
 267 record. In cases involving the death or alleged sexual abuse or financial exploitation of an adult, the time
 268 during which records necessary for the investigation of the report but not created by or under the control of
 269 the local department, including autopsy, medical, forensic, or financial records or reports, are not available
 270 to the local department due to circumstances beyond the local department's control shall not be computed as
 271 part of the total time period allowed for the investigation and determination, and documentation of the
 272 circumstances that resulted in the delay shall be placed in the record; and

273 5. If the investigation is unfounded, provide notice of such investigation disposition to the reporter, the
 274 alleged victim, and his guardian, as applicable, and the person alleged to have committed adult abuse,
 275 neglect, or exploitation.

276 Any information exchanged for the purposes of this subsection shall not be considered a violation of
 277 § 51.5-122, 63.2-102, or 63.2-104.

278 **§ 63.2-1605.2. Cooperation by state entities.**

279 All law-enforcement departments and other state and local departments, agencies, authorities, and
 280 institutions shall cooperate with each adult protective services worker of a local department in the detection,
 281 investigation, and prevention of abuse, neglect, or exploitation.

282 **§ 63.2-1605.3. Appeals of certain actions of local departments.**

283 A. A person who is found to have committed abuse, neglect, or exploitation pursuant to this article may,
 284 within 30 days of being notified of that determination, request the local department to amend its
 285 determination and related records. Upon written request, the local department shall provide the appellant all
 286 information used in making its determination. Disclosure of the reporter's name, information that may
 287 endanger the well-being of the victim or any other person, or information prohibited from disclosure by state
 288 or federal law or regulation shall not be released.

289 The local department shall hold an informal conference or consultation in which the appellant, who may
 290 be represented by counsel, and representatives of the local department shall be entitled to informally present
 291 testimony of witnesses, documents, factual data, arguments, or other submissions of proof to the local
 292 department. With the exception of the local director, no person whose regular duties include substantial
 293 involvement with adult abuse, neglect, or exploitation cases shall preside over the informal conference.

294 If the local department refuses the request for amendment or fails to act within 45 days after receiving
 295 such request, the appellant may, within 30 days thereafter, petition the Commissioner for Aging and
 296 Rehabilitative Services for an administrative review hearing. The appellant may obtain an extension of the
 297 45-day period in which the local department must act by submitting a written request for such extension to
 298 the Commissioner for Aging and Rehabilitative Services. The extension period, which shall not exceed 60
 299 days, shall begin at the end of the original 45-day period in which the local department must act. In the event
 300 an extension is granted, the 30-day period in which the appellant is permitted to request an administrative
 301 review hearing by the Commissioner for Aging and Rehabilitative Services shall begin on the termination of
 302 the extension period. Upon receiving a timely request for an administrative review hearing, the
 303 Commissioner for Aging and Rehabilitative Services shall grant a hearing to determine whether it appears,
 304 by a preponderance of the evidence, that the local department's determination or record contains information
 305 that is irrelevant or inaccurate regarding the commission of abuse, neglect, or exploitation by the appellant
 306 and therefore shall be amended.

307 B. The Commissioner for Aging and Rehabilitative Services shall designate and authorize one or more
308 duly qualified hearing officers to preside over such administrative review hearings. The decision of such
309 hearing officers shall have the same force and effect as if the Commissioner for Aging and Rehabilitative
310 Services had made the decision. The hearing officer shall have the authority to issue subpoenas for the
311 production of documents and the appearance of witnesses. The hearing officer is authorized to determine the
312 number of depositions that will be allowed and to administer oaths or affirmations to all parties and
313 witnesses who plan to testify at the hearing.

314 The Commissioner for Aging and Rehabilitative Services shall adopt regulations necessary for the
315 conduct of such appeals and hearings. Such regulations shall include provisions stating that (i) the appellant
316 and local department have the right to submit oral or written testimony or documents, (ii) the appellant may
317 be represented by counsel at the hearing, and (iii) the appellant shall be informed of the procedures by which
318 information will be made available to or withheld from the appellant. In the case of any information withheld,
319 the appellant shall be advised of the general nature of such information and the reasons, for privacy or
320 otherwise, that it is being withheld. Upon giving reasonable notice, either party at his own expense may
321 depose a nonparty and submit such deposition at the hearing pursuant to regulation. Upon written motion
322 and good cause shown, the hearing officer may issue subpoenas for the production of documents or to
323 compel the attendance of witnesses at the hearing. Hearing officers shall have the authority to order the
324 amendment of any determinations or records presented if necessary to ensure such determinations or records
325 are accurate and in compliance with the requirements of this chapter or regulations adopted pursuant
326 thereto. Upon petition, the court shall have the power to enforce any subpoena that is not complied with or to
327 review any refusal to issue a subpoena. Such decisions may not be further appealed except as part of a final
328 decision that is subject to judicial review.

329 If, after hearing the facts of the case, the hearing officer determines that the appellant has presented
330 information that was not available to the local department at the time of the local conference and, if made
331 available, may have resulted in a different determination by the local department, the hearing officer may
332 remand the case to the local department for reconsideration. Upon remand, the local department shall
333 reconsider the case within 14 days. If the local department fails to act or amend the record to the satisfaction
334 of the appellant within 14 days, the case shall be returned to the hearing officer for a determination.

335 If aggrieved by the decision of the hearing officer, the appellant may request further review of the
336 decision in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

337 C. Whenever an appeal of the local department's finding is made and a criminal charge or investigation is
338 also filed or commenced against the appellant for the same conduct involving the same victim as investigated
339 by the local department, the appeal process shall automatically be stayed until the criminal prosecution in
340 the trial court is completed, until the criminal investigation is closed, or, in the case of a criminal
341 investigation that is not completed within 180 days of the appellant's request for an appeal of the local
342 department's finding, for 180 days after the appellant's request for appeal. During such stay, the appellant's
343 right of access to the records of the local department regarding the matter being appealed shall also be
344 stayed. Once the criminal prosecution in the trial court has been completed, the criminal investigation is
345 closed, or, in the case of a criminal investigation that is not completed within 180 days of the appellant's
346 request for an appeal of the local department's finding, 180 days have passed, the local department shall
347 advise the appellant in writing of his right to resume his appeal within the time frames provided by law and
348 regulation.

349 D. The local department shall transmit all decisions and findings made during an appeal pursuant to this
350 section to the Commissioner for Aging and Rehabilitative Services.

351 **§ 63.2-1606. Protection of aged or incapacitated adults; mandated and voluntary reporting.**

352 A. Matters giving reason to suspect the abuse, neglect or exploitation of adults shall be reported
353 immediately upon the reporting person's determination that there is such reason to suspect. Medical facilities
354 inspectors of the Department of Health are exempt from reporting suspected abuse immediately while
355 conducting federal inspection surveys in accordance with § 1864 of Title XVIII and Title XIX of the Social
356 Security Act, as amended, of certified nursing facilities as defined in § 32.1-123. Reports shall be made to the
357 local department or the adult protective services hotline in accordance with requirements of this section by
358 the following persons acting in their professional capacity:

359 1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, with the
360 exception of persons licensed by the Board of Veterinary Medicine;

361 2. Any mental health services provider as defined in § 54.1-2400.1;

362 3. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5,
363 unless such provider immediately reports the suspected abuse, neglect or exploitation directly to the attending
364 physician at the hospital to which the adult is transported, who shall make such report forthwith;

365 4. Any guardian or conservator of an adult;

366 5. Any person employed by or contracted with a public or private agency or facility and working with
367 adults in an administrative, supportive or direct care capacity;

368 6. Any person providing full, intermittent or occasional care to an adult for compensation, including, but

369 not limited to, companion, chore, homemaker, and personal care workers;

370 7. Any law-enforcement officer; and

371 8. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

372 B. The report shall be made in accordance with subsection A to the local department of the county or city
 373 wherein the adult resides or wherein the adult abuse, neglect or exploitation is believed to have occurred or to
 374 the adult protective services hotline. Nothing in this section shall be construed to eliminate or supersede any
 375 other obligation to report as required by law. If a person required to report under this section receives
 376 information regarding abuse, neglect or exploitation while providing professional services in a hospital,
 377 nursing facility or similar institution, then he may, in lieu of reporting, notify the person in charge of the
 378 institution or his designee, who shall report such information, in accordance with the institution's policies and
 379 procedures for reporting such matters, immediately upon his determination that there is reason to suspect
 380 abuse, neglect or exploitation. Any person required to make the report or notification required by this
 381 subsection shall do so either orally or in writing and shall disclose all information that is the basis for the
 382 suspicion of adult abuse, neglect or exploitation. Upon request, any person required to make the report shall
 383 make available to the adult protective services worker and the local department investigating the reported
 384 case of adult abuse, neglect or exploitation any information, records or reports which document the basis for
 385 the report. All persons required to report suspected adult abuse, neglect or exploitation shall cooperate with
 386 the investigating adult protective services worker of a local department and shall make information, records
 387 and reports which are relevant to the investigation available to such worker to the extent permitted by state
 388 and federal law. Criminal investigative reports received from law-enforcement agencies shall not be further
 389 disseminated by the investigating agency nor shall they be subject to public disclosure; such reports may,
 390 however, be disclosed to the Adult Fatality Review Team as provided in § 32.1-283.5 or to a local or regional
 391 adult fatality review team as provided in § 32.1-283.6 and, if reviewed by the Team or a local or regional
 392 adult fatality review team, shall be subject to applicable confidentiality requirements of the Team or a local or
 393 regional adult fatality review team.

394 C. Any financial institution staff who suspects that an adult has been exploited financially may report such
 395 suspected financial exploitation and provide supporting information and records to the local department of
 396 the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the
 397 adult protective services hotline.

398 D. Any person other than those specified in subsection A who suspects that an adult is an abused,
 399 neglected or exploited adult may report the matter to the local department of the county or city wherein the
 400 adult resides or wherein the abuse, neglect or exploitation is believed to have occurred or to the adult
 401 protective services hotline.

402 E. Any person who makes a report or provides records or information pursuant to subsection A, C, or D,
 403 or who testifies in any judicial proceeding arising from such report, records or information, or who takes or
 404 causes to be taken with the adult's or the adult's legal representative's informed consent photographs, video
 405 recordings, or appropriate medical imaging of the adult who is subject of a report shall be immune from any
 406 civil or criminal liability on account of such report, records, information, photographs, video recordings,
 407 appropriate medical imaging or testimony, unless such person acted in bad faith or with a malicious purpose.

408 F. An employer of a mandated reporter shall not prohibit a mandated reporter from reporting directly to
 409 the local department or to the adult protective services hotline. Employers whose employees are mandated
 410 reporters shall notify employees upon hiring of the requirement to report.

411 G. Any person 14 years of age or older who makes or causes to be made a report of adult abuse, neglect,
 412 or exploitation that he knows to be false is guilty of a Class 4 misdemeanor. Any subsequent conviction of
 413 this provision is a Class 2 misdemeanor.

414 H. Any person who fails to make a required report or notification pursuant to subsection A shall be
 415 subject to a civil penalty of not more than \$500 for the first failure and not less than \$100 nor more than
 416 \$1,000 for any subsequent failures. Civil penalties under subdivision A 7 shall be determined by a court of
 417 competent jurisdiction, in its discretion. All other civil penalties under this section shall be determined by the
 418 Commissioner for Aging and Rehabilitative Services or his designee. The Commissioner for Aging and
 419 Rehabilitative Services shall establish by regulation a process for imposing and collecting civil penalties, and
 420 a process for appeal of the imposition of such penalty pursuant to § 2.2-4026 of the Administrative Process
 421 Act.

422 I. Any mandated reporter who has reasonable cause to suspect that an adult died as a result of abuse or
 423 neglect shall immediately report such suspicion to the appropriate medical examiner and to the appropriate
 424 law-enforcement agency, notwithstanding the existence of a death certificate signed by a licensed physician.
 425 The medical examiner and the law-enforcement agency shall receive the report and determine if an
 426 investigation is warranted. The medical examiner may order an autopsy. If an autopsy is conducted, the
 427 medical examiner shall report the findings to law enforcement, as appropriate, and to the local department or
 428 to the adult protective services hotline.

429 J. No person or entity shall be obligated to report any matter if the person or entity has actual knowledge
 430 that the same matter has already been reported to the local department or to the adult protective services

431 hotline.

432 K. All law-enforcement departments and other state and local departments, agencies, authorities, and
433 institutions shall cooperate with each adult protective services worker of a local department in the detection,
434 investigation, and prevention of adult abuse, neglect, and exploitation, *including matters related to the*
435 *central registry of substantiated reports of adult abuse, neglect, or exploitation.*

436 L. Financial institution staff may refuse to execute a transaction, may delay a transaction, or may refuse to
437 disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement
438 may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has
439 actual knowledge that another person has made, a report to the local department or adult protective services
440 hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or
441 contribute to the financial exploitation of an adult. The financial institution staff may continue to refuse to
442 execute a transaction, delay a transaction, or refuse to disburse funds for a period no longer than 30 business
443 days after the date upon which such transaction or disbursement was initially requested based on a good faith
444 belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial
445 exploitation of an adult, unless otherwise ordered by a court of competent jurisdiction. Upon refusing to
446 execute a transaction, delaying a transaction, or refusing to disburse funds, the financial institution shall
447 report such refusal or delay within five business days to the local department or the adult protective services
448 hotline. Upon request, and to the extent permitted by state and federal law, financial institution staff may
449 report any information or records relevant to a report or investigation to the local department of social
450 services or to a court-appointed guardian ad litem for the adult who is the subject of the investigation. Absent
451 gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or
452 criminal liability for (a) providing information or records to the local department of social services or to a
453 court-appointed guardian ad litem or (b) refusing to execute a transaction, delaying a transaction, or refusing
454 to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute
455 a transaction, to delay a transaction, or to refuse to disburse funds pursuant to this subsection shall not be
456 contingent upon whether financial institution staff has reported suspected financial exploitation of the adult
457 pursuant to subsection C.

458 **2. That the Commissioner for Aging and Rehabilitative Services (the Commissioner) shall adopt**
459 **regulations to implement the provisions of this act. The Commissioner's initial adoption of such**
460 **regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of**
461 **the Code of Virginia).**

462 **3. That the provisions of this act shall become effective on July 1, 2028.**