

TITLE 6. ECONOMIC SECURITY
CHAPTER 8. DEPARTMENT OF ECONOMIC SECURITY
AGING AND ADULT ADMINISTRATION

(Authority: A.R.S. § 41-1954 et seq.)

ARTICLE 1. GRIEVANCES AND HEARINGS

Article 1, consisting of Sections R6-8-101 through R6-8-117, repealed effective August 9, 1993 (Supp. 93-3).

Article 1, consisting of Sections R6-8-101 through R6-8-111, repealed effective August 9, 1993 (Supp. 93-3).

Article 1, consisting of Sections R6-8-101 through R6-8-111, adopted effective May 12, 1981 (Supp. 81-3).

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Article 2, consisting of Sections R6-8-201 through R6-8-210, adopted effective August 21, 1996 (Supp. 96-3).

Article 2, consisting of Sections R6-8-201 through R6-8-224, repealed effective August 21, 1996 (Supp. 96-3).

Article 2, consisting of Sections R6-8-201 through R6-8-224, recodified from A.A.C. R6-5-5601 through R6-5-5624 effective February 13, 1996 (Supp. 96-1).

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ARTICLE 1. GRIEVANCES AND HEARINGS

R6-8-101. Definitions

- A.** "Aging and Adult Administration" means the Aging and Adult Administration of the Division of Aging and Community Services, Department of Economic Security.
- B.** "Area agency" means an organization designated by the Department to develop and administer the area plan for a system of services to older persons.
- C.** "Area plan" means a plan for a comprehensive and coordinated system of services for older persons governing activities in a planning and service area.
- D.** "Client" means any person who applies for or receives services from the Department or from a service provider under the Older Americans Act, 42 U.S.C. 3001 et seq. or the Arizona Older Americans Act - nonmedical Home and Community-Based Care Services, A.R.S. § 46-191 et seq.
- E.** "Department" means the Department of Economic Security.
- F.** "Grievant" means an organization listed in R6-8-103 which has filed a request for review with the Department.
- G.** "Nutrition project" means the recipient of a subgrant or contract to provide nutrition services, other than the Area Agency.
- H.** "Party" means any client or grievant appealing an action under R6-8-105 or the Department.
- I.** "Program Administrator" means the Administrator of the Aging and Adult Administration.
- J.** "Service provider" means a person or organization that is awarded a subgrant or contract from an area agency to provide services under the area plan.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-102. Client Complaint Resolution Procedures

- A.** Each area agency shall have a written complaint resolution procedure which shall be made available to all clients.
- B.** The complaint resolution procedure shall provide for an informal meeting to adjust the dispute and shall inform the client of the right to appeal if not satisfied with the area agency's decision.
- C.** The area agency shall issue its decision within 30 days of the date the complaint is filed.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-103. Right to Review

An administrative review shall be available to:

1. Any area agency when the Department proposes to disapprove an area plan or plan amendment submitted by the area agency, or withdraw the area agency's designation;
2. Any applicant for designation as a planning and service area whose application is denied;
3. Any nutrition project for which the area agency proposes to cancel funding;

4. Any service provider whose application to provide services under an area plan is denied or whose subgrant or contract is terminated or not renewed.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-104. Administrative Review Procedures

- A. A request for administrative review must be filed in writing within 30 days of receipt of the notice of an adverse action. The request shall be signed by the grievant or an authorized representative of the grievant and directed to:
- The Program Administrator
Aging and Adult Administration
Department of Economic Security
P.O. Box 6123
Phoenix, Arizona 85005
- B. The Program Administrator or the Administrator's designee shall schedule an administrative review conference to meet with the grievant or a representative of the grievant. At the administrative review conference, the grievant or the grievant's representative may review pertinent evidence on which the action was based.
- C. The Program Administrator shall issue a final decision within 60 days of the filing of the request for administrative review.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-105. Right to Appeal

- A. A client who is dissatisfied with the final decision issued by the area agency pursuant to R6-8-102 of this Article has the right to appeal that decision.
- B. A grievant who is dissatisfied with the final decision issued by the Program Administrator pursuant to R6-8-103 of this Article has the right to appeal that decision.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-106. Filing an Appeal

- A. Any client or grievant filing an appeal under these rules shall file a written request for hearing with the Program Administrator within 15 days after the mailing date of the area agency or Program Administrator's decision.
- B. A document shall be considered received by and filed with the Department:
1. If transmitted via the United States Postal Service, on the date it is mailed. The mailing date shall be:
 - a. As shown by the postmark; or
 - b. As shown by the postage meter mark of the envelope in which it is received if there is no postmark; or
 - c. The date entered on the document as the date of its completion, if there is no postmark, or no postage meter mark, or if the mark is illegible.
 2. On the date it is received by the Department, if transmitted by any means other than the United States Postal Service.
 3. The submission of document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the Department that the delay in submission was due to Department error or

misinformation, or to delay by the United States Postal Service.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-107. Service on Parties

Any document mailed by the Department shall be considered as having been served on the addressee on the date it is mailed to the addressee's last known address. The date mailed shall be presumed to be the date of the document, unless otherwise indicated by the facts.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-108. Time

Any reference within this Article to "days" shall mean calendar days unless otherwise specified. In computing any period of time, the date of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be counted, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-109. Scheduling and Notice of Hearing

- A. Hearings shall be held at those regularly established hearing locations most convenient to the parties or, at the discretion of the hearing officer, by telephone. The parties shall be given no less than 20 days' notice of hearing, except that the parties may waive the notice period or request a delay.
- B. The notice of hearing shall inform the parties of the date, time, and place of hearing, the name of the hearing officer, the issues involved, and the right to:
1. Present the case in person or by telephone.
 2. Copy any documents to be used by the Department at the hearing at a reasonable time before the hearing.
 3. Request a change of hearing officer.
- C. If a party contacts the Office of Appeals promptly after receiving the notice of hearing and requests a postponement for good cause, the hearing officer shall grant a postponement for a reasonable period. Good cause exists when the circumstances causing the request are beyond the reasonable control of the requesting party and failure to grant the postponement would result in undue hardship to the requesting party.
- D. All scheduling is the responsibility of the Office of Appeals.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-110. Change of Hearing Officer

Not less than five days before the date set for the hearing, any party may file a written request for change of hearing officer and the matter shall immediately be transferred to another hearing officer. A hearing officer may be challenged for cause at any time before a decision becomes final. Except for good cause, not more than one change of hearing officer shall be granted to any one party.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-111. Failure of a Party to Appear

- A.** If there is no appearance on behalf of a party at a scheduled hearing, the hearing officer may adjourn the hearing to a later date or may make the decision on the record and on such evidence as may be presented at the scheduled hearing.
- B.** If, within 15 days of the scheduled hearing, a party files a written request to reopen the proceedings and establishes good cause for failure to appear at the scheduled hearing, the hearing shall be rescheduled. Notice shall be given of the time, place, and the purpose of any continued, reopened, or rescheduled hearing to all parties. Good cause shall be established upon proof that both the failure to appear and failure to timely notify the hearing officer were beyond the reasonable control of the nonappearing party.

Historical Note

Adopted effective May 12, 1981 (Supp. 81-3). Section repealed, new Section adopted effective August 9, 1993 (Supp. 93-3).

R6-8-112. Subpoena of Witnesses and Documents

The hearing officer may subpoena any witnesses or documents requested by any party or upon the hearing officer's own motion.

1. The request shall be in writing and shall state the name and address of the witness and the nature of the expected testimony. The nature of the witness' testimony must be relevant to the issues of the hearing; otherwise the hearing officer may deny the request.
2. A request for subpoena of documents shall describe them in detail and provide the name and address of the custodian.
3. The request for the issuance of a subpoena shall be filed a minimum of five working days before the hearing.
4. The Department shall prepare and serve all subpoenas. Service of the subpoena shall be accomplished by certified mail, return receipt requested.

Historical Note

Adopted effective August 9, 1993 (Supp. 93-3).

R6-8-113. Conduct of Hearing

- A.** Hearings shall be conducted in an orderly and dignified manner. All hearings shall be open to the public, but the hearing officer conducting a hearing may close the hearing to other than parties to the extent necessary to protect the interests and rights of the parties.
- B.** Hearings shall be opened, conducted, and closed by the hearing officer who shall rule on the admissibility of evidence and shall direct the order of proof. The hearing officer shall have the power to administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of any documents deemed necessary as evidence in connection with a hearing.
- C.** Evidence not related to the issue shall not be allowed to become a part of the record.
- D.** The hearing officer may, on the hearing officer's own motion or at the request of a party, exclude witnesses from the hearing room.
- E.** The parties may present evidence, cross-examine witnesses, and present arguments.
- F.** The parties to an appeal, with the consent of the hearing officer, may stipulate to facts involved in writing or on the record.
- G.** At the conclusion of the hearing, the parties shall be granted a reasonable opportunity to present argument on all issues of

fact and law to be decided. The hearing officer shall afford the parties an opportunity to present oral argument, or to file briefs, or both.

- H.** A full and complete record shall be kept of all proceedings in connection with an appeal. The record shall be open for inspection by the parties. A transcript of the proceedings need not be made unless it is required for further proceedings,

Historical Note

Adopted effective August 9, 1993 (Supp. 93-3).

R6-8-114. Hearing Decision

- A.** A hearing decision shall be rendered exclusively on the evidence and testimony produced at the hearing, appropriate state and federal law, and Department rules governing the issue in dispute.
- B.** The decision shall set forth the pertinent facts involved, the conclusions drawn from such facts, the sections of applicable law or rule, the decision, and the reasons therefor. A copy of the decision, together with an explanation of the appeal rights, shall be delivered or mailed to each party or designated representative not more than 60 days from the date of filing the request for hearing unless the delay was caused by the appellant, in which case the time limit for delivery is extended by the number of days attributable to the appellant.
- C.** All decisions in favor of the appellant apply retroactively to the date of the action being appealed or to the date the hearing officer specifically finds appropriate.
- D.** The decision of the hearing officer shall become the final decision of the Department 15 days after it is issued unless a written petition for review has been filed.

Historical Note

Adopted effective August 9, 1993 (Supp. 93-3).

R6-8-115. Termination of Appeal

An appeal may be terminated as follows:

1. By voluntary withdrawal if the appellant submits a signed letter or on the record at any time before the decision is issued.
2. By default when a party fails to appear at a scheduled hearing and fails to request a rescheduled hearing within 15 days. An appeal will not be considered abandoned if the party provides notification up to the time of the hearing that he is unable, due to good cause, to appear and that he still wishes a hearing, or that the matter be considered on the record.

Historical Note

Adopted effective August 9, 1993 (Supp. 93-3).

R6-8-116. Appeal to the Commissioner on Aging

- A.** An appellant which has been denied designation as a planning and service area may appeal to the Commissioner on Aging, Department of Health and Human Services, within 30 days after the hearing officer's decision is mailed or otherwise delivered.
- B.** The appeal shall be in writing, signed, and dated. It shall set forth the grounds for the request and may be filed personally or by mail to the Administrator, Aging and Adult Administration.

Historical Note

Adopted effective August 9, 1993 (Supp. 93-3).

R6-8-117. Review by the Appeals Board

- A.** In all cases not covered by R6-8-116 of this Article, a party may petition for review of an adverse hearing decision within 15 days after the decision is mailed or otherwise delivered to the appellant. The petition for review shall be in writing,

signed, and dated. It shall state the grounds for the request and may be filed personally or by mail to the Aging and Adult Administration or the Office of Appeals.

- B. The Appeals Board may remove to itself any matter before a hearing officer before the issuance of a decision or, if a decision has been issued, before the decision has become final. Upon removal, the Appeals Board shall notify the parties of the removal.
- C. In any case of removal or review, the Appeals Board shall notify the Office of Appeals that it has accepted jurisdiction, and the Office of Appeals shall prepare a complete record of the case, including a transcript, which shall be provided to the parties upon request.
- D. A copy of the Appeals Board decision, together with a statement specifying the rights to further review, shall be distributed to each party.

Historical Note

Adopted effective August 9, 1993 (Supp. 93-3).

ARTICLE 2. ADULT PROTECTIVE SERVICES

R6-8-201. Definitions

In addition to the definitions in A.R.S. § 46-451, the following definitions apply in this Article unless the context requires otherwise.

1. "Adult" means a person 18 years of age or older.
2. "Adult Protective Services" or "APS" means a program within the Department of Economic Security which provides protective services.
3. "Conservator" means a person who has been appointed by a court to manage the affairs of another, as prescribed in A.R.S. § 14-5401 et seq.
4. "Danger to self" means:
 - a. Behavior which, as a result of a mental disorder, constitutes a danger of inflicting serious physical harm upon oneself, including attempted suicide or the serious threat thereof, if the threat is such that, when considered in the light of its context and in light of the individual's previous acts, it is substantially supportive of an expectation that the threat will be carried out; {or}
 - b. Behavior which, as a result of a mental disorder, will, without hospitalization, result in serious physical harm or serious illness to the person, except that this definition shall not include behavior which establishes only the condition of gravely disabled. A.R.S. § 36-501(5).
5. "Department" means the Department of Economic Security.
6. "Gravely disabled" means "a condition, evidenced by behavior in which a person, as a result of a mental disorder, is likely to come to serious physical harm, or serious illness because he is unable to provide for his basic physical needs." A.R.S. § 36-501.
7. "Guardian" means a person who has been appointed by a court to manage the affairs of another, as prescribed in A.R.S. § 14-5301 et seq.
8. "Information and referral" means the provision of information or referral to help a person who contacts or is reported to the Department, but is not alleged to be abused, neglected, or exploited, to locate and obtain help with a problem.
9. "Intake" means a duty performed by APS staff in receiving reports or providing information and referral.
10. "Jurisdiction" means the state of Arizona, exclusive of Native American Reservation land.
11. "Life-threatening situation" means a situation or circumstance that is likely to result in death if not corrected by medical or law enforcement intervention.
12. "Mental disorder" means "a substantial disorder of a person's emotional processes, thought, cognition, or memory. Mental disorder is distinguished from:
 - a. Conditions which are primarily those of drug abuse, alcoholism, or mental retardation, unless, in addition to 1 or more of these conditions, the person has a mental disorder;
 - b. The declining mental abilities that directly accompany impending death; and
 - c. Character and personality disorders characterized by lifelong and deeply ingrained anti-social behavior patterns, including sexual behaviors which are abnormal and prohibited by statute unless the behavior results from a mental disorder". A.R.S. § 36-501.
13. "Personally identifiable information" means any information that can indicate a person's identity including:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Fax number;
 - e. Photograph;
 - f. Fingerprints;
 - g. Physical description;
 - h. Place, address, or telephone number of employment;
 - i. Social security number;
 - j. Tribal affiliation;
 - k. Tribal identification number;
 - l. Driver's license number;
 - m. Birthdate;
 - n. Medical information, history, and diagnosis; or
 - o. Any other information that would reasonably lead to the identification of a person.
14. "Prepetition screening" means the "review of each application requesting court-ordered evaluation, including an investigation of facts alleged in such application, an interview with each applicant and an interview, if possible, with the proposed patient. The purpose of the interview with the proposed patient is to assess the problem, explain the application, and, when indicated, attempt to persuade the proposed patient to receive, on a voluntary basis, evaluation or other services". A.R.S. § 36-501(30).
15. "Protected person" means "a minor or any other person for whom a conservator has been appointed or any other protective order has been made". A.R.S. § 14-5101(4).
16. "Protective services" means "a program of identifiable and specialized social services that may offer social services appropriate to resolve problems of abuse, exploitation or neglect of an incapacitated or vulnerable adult". A.R.S. § 46-451(A)(8).
17. "Record" means a collection of documents, including electronic documents, related to casework about a person reported to APS, or receiving APS services.
18. "Report" means a communication which alleges abuse, neglect, or exploitation of an incapacitated or vulnerable adult, or information regarding an adult who may be in need of protective services.
19. "Special visitation warrant" means an order of the Superior court that is issued as prescribed in A.R.S. § 14-5310.01 and which permits an APS worker, accompanied by a peace officer, to visit the residence of an adult

believed to be incapacitated and abused, neglected, or exploited.

20. "Business day" means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Arizona state holidays.

Historical Note

R6-8-201 recodified from A.A.C. R6-5-5601 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-201 repealed, new Section R6-8-201 adopted effective August 21, 1996 (Supp. 96-3). Amended by final rulemaking at 18 A.A.R. 2716, effective December 2, 2012 (Supp. 12-4).

R6-8-202. Reporting Requirements for Adult Protective Service Cases

Upon receipt of a report, as prescribed in A.R.S. § 46-454, APS shall ask the reporting source to provide:

1. All information as prescribed in A.R.S. § 46-454(C); and,
2. As much information regarding the allegedly incapacitated, or vulnerable adult as is available to the source including:
 - a. The names and addresses of those involved and their roles;
 - b. The length of time the situation has been ongoing;
 - c. The client's functional level;
 - d. Whether other agencies are providing assistance and, if so, what type of assistance; and,
 - e. Any other information that may assist the APS worker in the investigation.

Historical Note

R6-8-202 recodified from A.A.C. R6-5-5602 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-202 repealed, new Section R6-8-202 adopted effective August 21, 1996 (Supp. 96-3).

R6-8-203. Eligibility for Services

To be eligible for APS services, a person shall be:

1. Age 18 years or older;
2. Incapacitated or vulnerable;
3. The victim or alleged victim of abuse, neglect, or exploitation; and,
4. Within the jurisdiction.

Historical Note

R6-8-203 recodified from A.A.C. R6-5-5603 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-203 repealed, new Section R6-8-203 adopted effective August 21, 1996 (Supp. 96-3).

R6-8-204. Jurisdiction

- A. An APS worker shall not investigate reports of events that occurred in another state or foreign country.
- B. An APS worker shall investigate reports that occurred on an Indian reservation, upon written invitation by the tribal council.

Historical Note

R6-8-204 recodified from A.A.C. R6-5-5604 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-204 repealed, new Section R6-8-204 adopted effective August 21, 1996 (Supp. 96-3). Amended by final rulemaking at 18 A.A.R. 2716, effective December 2, 2012 (Supp. 12-4).

R6-8-205. Classification

At intake, an APS worker shall classify the incoming communication into one of the following two categories:

1. Information and referral, or
2. Report accepted for evaluation and investigation.

Historical Note

R6-8-205 recodified from A.A.C. R6-5-5605 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-205 repealed, new Section R6-8-205 adopted effective August 21, 1996 (Supp. 96-3). Amended by final rulemaking at 18 A.A.R. 2716, effective December 2, 2012 (Supp. 12-4).

R6-8-206. Investigation

Reports Accepted for Evaluation and Investigation:

1. In alleged life-threatening situations, the APS worker shall refer the reporting source or initiate contact with:
 - a. Local law enforcement authorities,
 - b. Paramedics, or
 - c. An emergency medical team.
2. When an APS worker investigates a situation that may present a danger to the APS worker or client, the APS worker may ask law enforcement authorities to participate in the investigation either at the time of the report or upon arrival at the scene.
3. An APS worker shall visit a person who may be in need of adult protective services within the following established time-frames:
 - a. Priority 1. The APS worker shall initiate an assessment within one business day following a report of a qualifying problem with an imminent and substantial risk of life-threatening harm.
 - b. Priority 2. The APS worker shall initiate an assessment within two business days following a report of a qualifying problem with aggravating circumstances.
 - c. Priority 3. The APS worker shall initiate assessment within five business days following a report of a qualifying problem with mitigating or no aggravating circumstances.
4. The APS worker shall investigate, determine, and document in the record whether:
 - a. The allegations are proposed for substantiation,
 - b. The client needs services,
 - c. The client will accept services,
 - d. The client appears able to provide informed consent for the provision of services,
 - e. The Department needs to request an outside mental health assessment, or
 - f. The Department needs to file for a special visitation warrant.
5. To make the assessment described in subsection (A)(4), the APS worker shall consider all relevant circumstances regarding the client, which may include the following:
 - a. The client's appearance,
 - b. Identifying information,
 - c. Financial information,
 - d. Existing protective arrangements,
 - e. Physical status including any disabilities,
 - f. Medications,
 - g. Medical history,
 - h. Mental status,
 - i. Functional status,
 - j. Behavioral status,
 - k. Social environment,
 - l. Physical environment,
 - m. Nutrition,
 - n. Services provided by other resources,
 - o. The client's perception of the situation, and
 - p. The perception of the client's situation by:
 - i. Family,
 - ii. Neighbors,

- iii. Caregivers,
- iv. Friends, or
- v. Other concerned parties.

Historical Note

R6-8-206 recodified from A.A.C. R6-5-5606 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-206 repealed, new Section R6-8-206 adopted effective August 21, 1996 (Supp. 96-3). Amended by final rulemaking at 18 A.A.R. 2716, effective December 2, 2012 (Supp. 12-4).

R6-8-207. Case Planning

- A.** The APS worker shall maintain a case plan for clients in need of protective services.
- 1. The case plan shall contain:
 - a. Specific goals and objectives,
 - b. Outline of casework activities for achieving objectives, and
 - c. Time frames for achieving objectives.
- B.** An APS worker shall:
- 1. Involve the client in identifying and understanding the client's needs and planning of services to address those needs, unless the client's mental or physical condition prevents the client from participating in planning;
 - 2. Locate persons who can help the client achieve planned goals;
 - 3. Regularly assess the client's progress towards the goals;
 - 4. Revise goals to meet the changing needs of the client; and,
 - 5. Coordinate with other agencies to address the client's needs.

Historical Note

R6-8-207 recodified from A.A.C. R6-5-5607 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-207 repealed, new Section R6-8-207 adopted effective August 21, 1996 (Supp. 96-3).

R6-8-208. Refusal of Services by the Adult or Guardian

- A.** An adult may refuse adult protective services.
- B.** If an APS worker believes that a client in need of services is a danger to self or gravely disabled due to a mental disorder, as prescribed in A.R.S. § 36-501 or in need of a guardianship or conservatorship, the APS worker may obtain further assessment of the client's physical or mental health in order to take action to protect the client.
- 1. The action may include:
 - a. Seeking a special visitation warrant if the APS worker is denied access to a client,
 - b. Petitioning for appointment of a conservator or guardian, or
 - c. Applying for prepetition screening.
- C.** A guardian may refuse services on behalf of a protected person.
- D.** If an APS worker finds that a guardian is not acting in the best interest of a protected person, the APS worker may petition the court to review the guardianship. The petition shall include the specific reasons that the APS worker believes that the guardian is not acting in the best interest of the ward.

Historical Note

R6-8-208 recodified from A.A.C. R6-5-5608 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-208 repealed, new Section R6-8-208 adopted effective August 21, 1996 (Supp. 96-3).

R6-8-209. Case Closure

APS may close a case when:

- 1. Allegations of abuse, neglect, or exploitation are not substantiated;
- 2. The abuse, neglect, or exploitation is resolved by the provision of services or other methods;
- 3. The client's capacity is not in question, and the client is refusing APS involvement or is not accepting viable remedies for prevention of risk;
- 4. The client is admitted to care in a state institution or other care facility;
- 5. The client has moved outside the jurisdiction;
- 6. The client dies;
- 7. Contact with the client is lost and 3 attempts to reestablish contact have failed; or,
- 8. Guardianship or conservatorship is obtained.

Historical Note

R6-8-209 recodified from A.A.C. R6-5-5609 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-209 repealed, new Section R6-8-209 adopted effective August 21, 1996 (Supp. 96-3).

R6-8-210. Confidentiality

- A.** All personally identifiable information is confidential as prescribed in A.R.S. § 41-1959. A person who is entitled to obtain information pursuant to A.R.S. § 41-1959(C) and who wishes to obtain information shall comply with the requirements of this Section.
- B.** The person shall send a written request to the Custodian of Records at the Department of Economic Security, Division of Aging and Adult Services, Adult Protective Services, Central Office, 1789 W. Jefferson, Site code 950A, Phoenix, Arizona 85007. The request shall include the following information:
- 1. The name, address, and telephone number of the person, organization, or entity requesting information;
 - 2. If the request is on behalf of an organization or entity, the name and title of the person signing the request;
 - 3. The purpose for which the information is sought;
 - 4. The Section of A.R.S. § 41-1959(C) authorizing the person to obtain the information;
 - 5. The name of the client who is the subject of the APS report, with as much of the following information as the requester can provide:
 - a. Other possible spellings, names, or aliases of the client;
 - b. The approximate date of the APS report; and,
 - c. Any other data that the requester believes will be likely to assist the Department in identifying the information requested.
- C.** Upon receipt of a request for information, the Department shall determine if the request is complete. If the request is not complete, the Department shall contact the requester for the missing information.
- D.** The receipt date is the day that the receiving office designated on the request actually receives the complete request, as prescribed in subsection (B).
- E.** The Department shall respond to the requester within 15 business days.
- F.** The person releasing the information shall document in the case record:
- 1. The name of the person to whom the information was released,
 - 2. The date and method of release, and
 - 3. A description of the information released.

Historical Note

R6-8-210 recodified from A.A.C. R6-5-5610 effective February 13, 1996 (Supp. 96-1). Former Section R6-8-210 repealed, new Section R6-8-210 adopted effective

August 21, 1996 (Supp. 96-3). Amended by final rulemaking at 18 A.A.R. 2716, effective December 2, 2012 (Supp. 12-4).

R6-8-211. Repealed**Historical Note**

R6-8-211 recodified from A.A.C. R6-5-5611 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-212. Repealed**Historical Note**

R6-8-212 recodified from A.A.C. R6-5-5612 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-213. Repealed**Historical Note**

R6-8-213 recodified from A.A.C. R6-5-5613 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-214. Repealed**Historical Note**

R6-8-214 recodified from A.A.C. R6-5-5614 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-215. Repealed**Historical Note**

R6-8-215 recodified from A.A.C. R6-5-5615 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-216. Repealed**Historical Note**

R6-8-216 recodified from A.A.C. R6-5-5616 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-217. Repealed**Historical Note**

R6-8-217 recodified from A.A.C. R6-5-5617 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-218. Repealed**Historical Note**

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5617 renumbered as Section R6-5-5618 effective January 13, 1977 (Supp. 77-1). R6-8-218 recodified from A.A.C. R6-5-5618 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-219. Repealed**Historical Note**

R6-8-219 recodified from A.A.C. R6-5-5619 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-220. Repealed**Historical Note**

R6-8-220 recodified from A.A.C. R6-5-5620 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-221. Repealed**Historical Note**

R6-8-221 recodified from A.A.C. R6-5-5621 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-222. Repealed**Historical Note**

R6-8-222 recodified from A.A.C. R6-5-5622 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-223. Repealed**Historical Note**

R6-8-223 recodified from A.A.C. R6-5-5623 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).

R6-8-224. Repealed**Historical Note**

R6-8-224 recodified from A.A.C. R6-5-5624 effective February 13, 1996 (Supp. 96-1). Repealed effective August 21, 1996 (Supp. 96-3).