

EFFECTIVE  
06/21/2020

NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

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TITLE 463 ADULT PROTECTIVE SERVICES

CHAPTER 1 ADULT PROTECTIVE SERVICES

001. DEFINITIONS. The definitions found in Neb. Rev. Stat. §§ 28-348 to 28-387, the Adult Protective Services Act, and the following definitions apply:

001.01 CENTRAL REGISTRY CHECK. A Central Registry check is a review of the child abuse and neglect Central Registry, a review of the adult abuse and neglect Central Registry, or a review of both registries. The individual authorizing the Central Registry check, must identify which review is being authorized.

002. DISCLOSURE OF INFORMATION.

002.01 SUMMARY OF FINDINGS AND ACTIONS. Upon request, a physician or the person in charge of an institution, facility, or agency making a legally mandated report, will receive a written summary of the findings and actions taken by the Department in response to such report.

002.01(A) The summary will contain the following:

- (i) The date of the report;
- (ii) The name of the alleged victim;
- (iii) The name of the alleged perpetrator;
- (iv) The allegations; and
- (v) The findings.

002.01(B) If the report is substantiated, the summary may include the following:

- (i) Whether any services were offered and provided by the Department;
- (ii) A description of practices that may have contributed to the abuse, neglect, or exploitation, if identified; and
- (iii) Recommendations of actions to prevent abuse, neglect, or exploitation.

002.02 ADULT ABUSE AND NEGLECT CENTRAL REGISTRY CHECKS.

002.02(A) REQUIREMENTS. Central Registry Checks must be requested utilizing a process approved by the Department. The individual must use the Central Registry request check form or provide the following information: individual's name, current address, date of birth, social security number, the names of any children with whom the subject resided, all names the individual may have had or used, and former addresses (minimum of city and state).

002.02(B) AUTHORIZATION. A Central Registry Check will not be performed on an individual's name without the Department first having the authorization of the individual, unless otherwise provided for in the Nebraska Revised Statutes.

002.02(B)(i) VERIFICATION OF IDENTITY. Every Central Registry request check form must include verification of the identity of the person authorizing the Central Registry request. The Central Registry request check form must be notarized or the individual must use the Department approved identity proofing process. Any Central Registry request made by or on behalf of an individual under the age of 19, must have the minor child's parent or legal guardian's identity verified.

002.02(C) SELF CHECKS. Individuals may request a Central Registry check by completing and submitting the Central Registry request check form. The Central Registry request check form must include verification of the identity of the individual.

002.02(D) CENTRAL REGISTRY CHECKS. Individuals who want to authorize a Central Registry check and have the results of the check sent directly to a third party must complete and submit the Central Registry request check form that identifies the third party with whom the results may be shared. The Central Registry request check form must include verification of the identity of the individual authorizing the check.

002.02(D)(i) Third parties must enroll with the Department in order to receive the results of a Central Registry check.

002.02(E) RELEASING RESULTS. Information is released from the Central Registry only when a signed authorization to release information is obtained from the individual who is the subject of the Central Registry check.

002.03 CENTRAL REGISTRY CHECK FEE. A fee for each Central Registry check will be assessed as set forth in 395 Nebraska Administrative Code (NAC) 2-004.

### 003. CENTRAL REGISTRY CLASSIFICATIONS.

003.01 CENTRAL REGISTRY CLASSIFICATIONS. The following findings are available to the Department:

003.01(A) COURT-SUBSTANTIATED. When a court of competent jurisdiction has entered a judgment of guilty against the subject of the report of the abuse, neglect, or exploitation. An allegation with this finding will list the perpetrator on the Central Registry.

003.01(B) AGENCY-SUBSTANTIATED. When the Department determines based upon an investigation that a preponderance of evidence supports the allegation of abuse, neglect, or exploitation and the victim is a vulnerable adult. An allegation with this finding will list the perpetrator on the Central Registry.

### 003.02 NON-CENTRAL REGISTRY DETERMINATIONS.

003.02(A) UNFOUNDED. When the Department determines through the investigation that there is insufficient evidence that abuse, neglect, or exploitation occurred. An allegation with this finding will not list any persons on the Central Registry.

003.02(B) NOT A VULNERABLE ADULT. When the alleged victim does not meet the definition of a vulnerable adult during the investigation. This finding does not make a determination regarding the allegation. An allegation with this finding will not list any persons on the Central Registry.

### 003.03 SELF-NEGLECT DETERMINATIONS.

003.03(A) CONFIRMED. When the alleged victim meets the definition of a vulnerable adult and the inability to obtain essential services has reached the point that the vulnerable adult is subject to physical injury or imminent danger of physical injury or death. An allegation that is Confirmed will not list any persons on the Central Registry.

003.03(B) NOT CONFIRMED. When the alleged victim meets the definition of a vulnerable adult, but the vulnerable adult is not subject to physical injury or imminent danger of physical injury or death and is able to make decisions and to obtain essential services. An allegation that is Not Confirmed will not list any persons on the Central Registry.

003.03(C) NOT A VULNERABLE ADULT. When the alleged victim does not meet the definition needed to be considered a vulnerable adult during the assessment. This finding does not make a determination of Confirmed or Not Confirmed regarding the allegation. An allegation with this finding will not list any persons on the Central Registry.

### 004. NOTIFICATIONS.

004.01 PERPETRATOR NOTIFICATION. Upon completion of an investigation, the Department will provide notification to the person who allegedly abused, neglected, or exploited a vulnerable adult as required by Neb. Rev. Stat. § 28-374.01.

004.02 VULNERABLE ADULT NOTIFICATION. The Department will provide the vulnerable adult or his or her guardian or guardian ad litem a written notice of the finding or determination and if the person alleged to have abused, neglected, or exploited him or her will be listed on the Central Registry.

### 005. EXPUNGEMENTS.

005.01 REQUESTS FOR AMENDMENT, REMOVAL, OR EXPUNGEMENT OF CENTRAL REGISTRY INFORMATION. Requests may be submitted by individuals as set forth in Neb. Rev. Stat. § 28-380. Requests must be written and submitted to the Department.

005.02 PROCESS. After receiving a written expungement or amendment request, investigation information will be reviewed by the Department and a response will be sent to the party requesting expungement.

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005.02(A) DENIAL. When a decision is made to deny the expungement or amendment request, an individual may request an administrative hearing to appeal the decision by the Department. The individual must send a written request for a hearing to the Department's Hearing Office within 90 days of the date the letter denying the request was mailed. Administrative hearings will be carried out in accordance with the Administrative Procedure Act and 465 NAC 6.

006. RECORDS ACCESS.

006.01 COSTS OF RESEARCH OR AUDITING RECORDS. Estimated costs will be provided to the researcher for approval, prior to producing the information requested. If the costs associated with the research exceeds \$50.00, the Department may require the researcher to furnish a deposit. Such costs include but are not limited to:

- (A) The actual costs of reproduction of records at a per page fee in accordance with the rate used to calculate the costs for public records requests;
- (B) Actual postage costs associated with the research;
- (C) Staff time calculated using the employee's hourly rate of pay. Staff time may include, but is not limited to time spent locating records, reviewing records, redacting information, copying records, and returning the records to their original location;
- (D) Any actual costs and payment obligations to contractors as a result of the research;
- (E) Charge for electronic records, including charges for computer run time, programming time, and the time for any analysis for the records; and
- (F) The actual costs of any media provided to the requestor, including DVDs, CDs, and USB drives.