**Section 270.225 Organizational Standards and Responsibilities: Adult Protective Services Provider Agencies**

a) In accordance with Section 270.220, the provider agency shall enter into a written contract with the Department to provide services to adults with disabilities or persons aged 60 or older.

b) The provider agency shall be open for business and available to receive reports of abuse, abandonment, neglect, financial exploitation, or self-neglect not less than 246 working days per calendar year under the following conditions:

1) The provider agency shall not be closed for more than four consecutive days, unless an alternative method of receiving reports and providing services to clients is approved by and on file with the regional administrative agency and the Department. Timelines and required services for agencies shall not be waived during provider agency closures.

2) If a recorded message is activated during business hours, there has to be an option to talk directly to a report taker at that time.

3) A report taker has to be available at least seven hours each working day, during normal business hours.

c) The provider agency employees and subcontracted employees shall not serve as a legal guardian or an agent under the Illinois Power of Attorney Act for any client in the program.

d) The provider agency shall retain and destroy all books, records and other documents relevant to the operation of the program as directed by the Department in accordance with the State Records Act [5 ILCS 160], unless other State laws or federal laws or regulations apply (e.g., when records contain information subject to the federal Health Insurance Portability and Accountability Act (HIPAA)).

e) A provider agency may terminate its contract in accordance with the termination clause in the contract. When a provider agency notifies the Department of its intent to terminate its contract, the provider agency must assist in the transition to the replacement provider agency for the specific geographic area.

f) Pursuant to the terms of their contract, provider agencies shall maintain sufficient staff to perform all duties and responsibilities of the program for which an agreement to perform is in effect.

g) The provider agency's supervisors are required to be involved in guiding and directing abuse, abandonment, neglect, financial exploitation, or self-neglect cases and share responsibility in the case workers' decisions and actions in those cases.

h) Qualifications for APS Supervisors

1) Education, Licensing, and/or Experience:

A) A master's degree from an accredited university or college in health, social sciences, social work, health care administration, gerontology, disability studies, criminal justice or public administration, and one year experience in health or human services;

B) An active registered nurse license; or

C) A Bachelor of Science in Nursing (BSN) or a Bachelor of Arts (BA) or a Bachelor of Science (BS) from an accredited university or college in health, social sciences, social work, health care administration, gerontology, or criminal justice and three years' experience in health or human services, including either one year of supervisory experience or one year of experience in aging, adults with disabilities or domestic violence programs or services.

2) Certification Trainings and Recertifications

A) Department sponsored trainings:

i) APS case worker certification and on-line forms training;

ii) Phase II certification training which must be completed within six months of completing the APS case worker certification;

iii) APS supervisor's certification; and

vi) An annual one-hour trauma informed care training.

B) An annual two-hour dementia training which shall include subjects related to Alzheimer's, dementia and related disorders; safety risks; and communication and behavior.

C) 14 hours of participation by actual attendance at in-service training and/or webinars on abuse of eligible adults, rights of older adults and adults with disabilities, self-neglect, and domestic violence subjects within a calendar year. For partial years of employment, training shall be prorated to equal approximately 45 minutes for each full month of employment. Participation by actual attendance at regional, State or national conferences on abuse of older adults and adults with disabilities and rights of older adults and adults with disabilities, self-neglect, and domestic violence qualify as in-service training. Participation shall be documented and included in the employee's personnel file; and

D) 11 hours of qualifying recertification every three years, which must be documented in the employee's personnel file. To qualify as recertification, the Department must approve the training. Trainings must be specific to the work completed by the APS case worker. This will include furthering knowledge of the APS Act, administrative rules and/or Department procedures; increasing knowledge of population served including various diagnoses, treatment methods, and communication strategies; cultural diversity; trauma informed care; safety related topics; documentation; case planning, and legal interventions.

i) Qualifications for APS Case Workers

1) Education, Licensing, and/or Experience

A) Master's degree from an accredited university or college in health, social services, social work, health care administration, gerontology, disability studies, criminal justice or public administration;

B) An active registered nurse license;

C) A Bachelor of Science in Nursing (BSN) or a Bachelor of Arts (BA) or a Bachelor of Science (BS) from an accredited university or college in health, social sciences, social work, health care administration, gerontology, disability studies, criminal justice, or public administration and one year experience in health or human services;

D) An associate degree from an accredited program in health, nursing, social services, social work, health care administration, gerontology, disability studies, criminal justice or public administration and four years' experience in health or human services;

E) An active licensed practical nurse license, with one year experience in health or human services; or

F) Four years' experience with law enforcement or criminal investigations.

2) Certifications, Trainings, and Recertifications

A) Department sponsored trainings:

i) APS case worker certification and online forms training;

ii) Phase II certification training within six months after the APS case worker certification; and

iii) An annual one-hour trauma informed care training.

B) Annual two-hour dementia training which shall include subjects related to Alzheimer's, dementia and related disorders; safety risks; and communication and behavior.

C) 12 hours of participation by actual attendance at in-service training and/or webinars on abuse of eligible adults, rights of older adults and adults with disabilities, self-neglect, and domestic violence subjects within a calendar year. For partial years of employment, training shall be prorated to equal approximately 45 minutes for each full month of employment. Participation by actual attendance at regional, State or national conferences on abuse of older adults and adults with disabilities and rights of older adults and adults with disabilities, self-neglect, and domestic violence qualify as in-service training. Participation shall be documented and included in the employee's personnel file; and

D) 11 hours of qualifying recertification every three years, which must be documented in the employee's personnel file. To qualify as recertification, the Department must approve a training. Trainings must be specific to the work completed by the APS case worker. This will include furthering knowledge of the Act, administrative rule, and/or Department procedures; increasing knowledge of population served including various diagnoses, treatment methods, and communication strategies; cultural diversity; trauma informed care; safety related topics; documentation; case planning, and legal interventions.

j) Qualifications for APS Report Takers and Case Aides

1) Education and Experience

A) 2-year associate's degree or certificate in health, social sciences, social work, health care administration, gerontology, or criminal justice; or

B) 2 years documented experience in the aging field.

C) A provider agency may request, with supporting documentation, a waiver of educational requirements for intake workers and case aides.

D) Intake staff and case aides who were employed prior to May 1, 2024 will be allowed to continue in this capacity, regardless of qualifications.

2) Training and Recertification

A) Department approved training provided by an APS certified supervisor.

B) Within three months of hiring, completion of Phase I training.

C) Two hours of Department approved recertification training per calendar year.

D) Department required annual training including:

i) Two-hour dementia training, which shall include subjects related to Alzheimer's, dementia and related disorders; safety risks; and communication and behavior; and

ii) One hour trauma informed training.

k) The Department will suspend or remove from the Department's list of APS Case Workers any case worker or supervisor who fails or refuses to perform the duties of a case worker or supervisor in accordance with this Part.

l) The APS provider agency must return to the Department any identification card of a case worker or supervisor who separates from employment within 15 days after the separation.

m) The department may grant variances from subsections (b), (f), (h), (i), and (j) in individual cases in which it is found that:

1) The rule from which the variance is granted is not statutorily mandated;

2) No party will be unfairly prejudiced by the granting of the variance; and

3) The rule from which the variance is granted would, in that particular case, be unreasonable or unnecessarily burdensome or would result in the undue risk of harm to the health, safety or welfare of eligible adults.

(Source: Amended at 48 Ill. Reg. 8469, effective May 28, 2024)