

ADMINISTRATIVE RULES

DEPARTMENT OF SOCIAL SERVICES

ARTICLE 67:40

OFFICE OF ADULT SERVICES AND AGING

Chapter

67:40:01	General provisions for grant awards, Repealed.
67:40:02	Grantee financial standards and procedures, Repealed.
67:40:03	Project reporting, Repealed.
67:40:04	Procurement standards, Repealed.
67:40:05	Property management, Repealed.
67:40:06	Procedures for awards, Repealed.
67:40:07	Homemaker services, Repealed.
67:40:07	Homemaker services, New
67:40:08	Adult protective services, <u>Repealed</u> .
67:40:09	Transportation services, Repealed.
67:40:10	Community placement services, Repealed.
67:40:11	Title XX, Repealed.
67:40:12	Attendant care program, Repealed.
67:40:13	Assessments, Repealed.
67:40:14	Adverse action, Repealed.
67:40:15	Adult day care services, Repealed.
67:40:16	Health screening services, Repealed.
67:40:17	Nutrition services, Repealed.

- 67:40:18 Respite care services, Repealed.
- 67:40:18 Respite care services, New.
- 67:40:19 Home and community based services.
- 67:40:20 Caregiver support.

CHAPTER 67:40:08

ADULT PROTECTIVE SERVICES

(Repealed)

Section

- ~~67:40:08:01 — Definition of "adult protective service."~~
- ~~67:40:08:02 — Persons eligible for adult protective service.~~

~~—— **67:40:08:01. Definition of "adult protective service."** "Adult protective service" is the identification of adults who need assistance and have no one willing and able to assist them; the diagnosis of individual situation and service needs; and the arrangement for alternative care or other available community resources.~~

~~—— **Source:** 2 SDR 49, effective January 7, 1976; transferred from § 67:14:29:01, 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— **General Authority:** SDCL 28-1-45.~~

~~—— **Law Implemented:** SDCL 28-1-44.~~

~~—— **Cross Reference:** General eligibility standards, ch 67:14:01.~~

~~———— **67:40:08:02. Persons eligible for adult protective service.** Persons eligible for adult protective service are those persons, 18 years of age and over, who are harmed or threatened with harm because of self neglect, poor health, or the action or inaction of others and who meet one of the following requirements:~~

~~———— (1) They are not receiving adequate food, clothing, shelter, or health care; or~~

~~———— (2) They are victims of abuse, neglect, or exploitation as defined in SDCL 22-46-1.~~

~~———— **Source:** 2 SDR 49, effective January 7, 1976; transferred from § 67:14:29:02, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 40 SDR 122, effective January 7, 2014.~~

~~———— **General Authority:** SDCL 28-1-45.~~

~~———— **Law Implemented:** SDCL 28-1-44.~~

TITLE 46

DEPARTMENT OF HUMAN SERVICES

Article

46:04	Community Services
46:11	Developmental Disabilities
46:17	South Dakota Developmental Center
46:24	Psychiatric Inpatient Data on Minors
46:30	Rehabilitation Services
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46:32	Itemized Billing
<u>46:33</u>	<u>Long Term Services and Supports</u>

ARTICLE 46:33

LONG TERM SERVICES AND SUPPORTS

Chapter

46:33:01 Adult Protective Services

CHAPTER 46:33:01

ADULT PROTECTIVE SERVICES

Section

46:33:01:01 Definitions.

46:33:01:02 Eligibility requirements.

46:33:01:03 Services.

46:33:01:01. Definitions. Terms used in this article mean:

(1) “Adult protective service,” is the service provided when abuse, neglect, or financial exploitation is substantiated to an elder or an adult with a disability;

(2) “Adult with a disability,” a person eighteen years of age or older who has a condition of intellectual disability, infirmities of aging as manifested by organic brain damage, advanced age, or other physical dysfunctioning to the extent that the person is unable to protect themselves or provide for their own care;

(3) “Elder,” as defined in SDCL 22-46-1(3); and

(4) “Protective services,” are any actions taken to explore, develop, or arrange services to alleviate abuse, neglect, or financial exploitation of an elder or an adult with disabilities. The service of conducting an investigation is not considered a protective service.

Source:

General Authority: SL 2017, ch 230 (Ex. Ord. 17-1), §§ 25-28, eff. Apr. 13, 2017;
SDCL 1-36A-26(11).

Law Implemented: SDCL 1-36A-26(11).

Cross-Reference: General types of abuse, neglect, or financial exploitation, SDCL 22-46-1.

46:33:01:02. Eligibility requirements. A person is eligible for adult protective services if that person is an elder or an adult with a disability who is:

(1) Harmed or threatened with harm because of self-neglect, poor health, or the action or inaction of others, or

(2) A victim of abuse, neglect, or exploitation as defined in SDCL 22-46-1.

Source:

General Authority: SL 2017, ch 230 (Ex. Ord. 17-1), §§ 25-28, eff. Apr. 13, 2017;
SDCL 1-36A-26(11).

Law Implemented: SDCL 1-36A-26(11).

46:33:01:03. Services. The adult protective services to be provided are:

(1) Protective services assessment; and

(2) Protective services when allegations are substantiated by the assessment.

Source:

General Authority: SL 2017, ch 230 (Ex. Ord. 17-1), §§ 25-28, eff. Apr. 13, 2017;

SDCL 1-36A-26(11).

Law Implemented: SDCL 1-36A-26(11).