

Adult Abuse Registries (Note)

By the Alabama Legislative Reference Service

Kentucky [SB 98](#), adopted and signed into law in 2014 (Ky. Acts, ch. 110), creates a registry to identify certain caregivers involved in abuse cases substantiated by the Adult Protective Branch within the Kentucky Cabinet for Health and Family Services. The law requires “vulnerable adult services providers” to query, by secure means, the cabinet as to whether a prospective employee, contractor or volunteer has been the subject of a validated substantiated finding of adult abuse, neglect or exploitation and allows periodic query regarding current employees and volunteers. Examples of “vulnerable adult services providers” under the law include adult day health care program centers, adult day training facilities, assisted-living communities, home health agencies, hospice programs and long-term care facilities. An individual is allowed to query the cabinet with regard to whether an abuse, neglect or exploitation finding has been entered against him or her.

The Kentucky law also requires the cabinet to provide an administrative error resolution process to allow an individual whose name has been erroneously reported for adult abuse, neglect or exploitation to request correction of the cabinet’s records. The law also provides immunity for a provider hiring or utilizing an employee before receiving the cabinet’s response if the cabinet does not respond to the inquiry within 24 hours.

Several other states have adopted some form of adult abuse registries. For example, Missouri law requires the Department of Health and Senior Services to maintain a central registry capable of receiving and maintaining adult abuse and neglect reports in a manner that facilitates rapid access and recall of the information reported and of any subsequent investigations or other relevant material. (See [Mo. Rev. Stat. § 192.2435](#)). Under the Missouri law, the unauthorized dissemination of information contained in the central registry is a Class A misdemeanor.

Ohio law requires the Department of Job and Family Services to establish and maintain a uniform statewide automated adult protective services information system, which is a repository for: (1) all reports of abuse, neglect or exploitation of adults made to county departments of job and family services; (2) related investigations; (3) protective services provided to adults; and (4) any other information related to adults in need of protective services that state or federal law or rule requires the department or a county department to maintain. (See [Oh. Rev. Code § 5101.612](#)). The Ohio law provides that the information contained in the information system may be accessed or used only in a manner authorized by rules adopted by the department.

Tennessee law requires any state government agency that finds that an individual has committed abuse, neglect, or misappropriation or exploitation of the property of a vulnerable person to notify the Department of Health. (See [Tenn. Code Ann. § 68-11-1003](#)). Upon receipt of the notice, the department must include the individual’s name on the state registry. Similarly, upon a conviction of a person for physical abuse or gross neglect of an impaired adult under Tennessee law, the clerk of the court is required to notify the Department of Health in order for the individual’s name to be placed on the registry. (See [Tenn. Code Ann. § 71-6-117](#)). The individual’s name remains in the registry regardless of any expunction that may be ordered by a court. Similar to the Kentucky law, an individual may challenge the accuracy of a report of a

criminal disposition that has resulted in the entry of the individual's name in the registry. The law provides an administrative process for the removal of an individual's name from the registry.

West Virginia law establishes a central abuse registry maintained by the Criminal Identification Bureau of the West Virginia State Police, which includes the names of individuals convicted of certain felony or misdemeanor offenses constituting abuse, neglect, or misappropriation of the property of a child or an incapacitated adult or an adult receiving behavioral health services. (See [W. Va. Code § 15-2C-1](#)). The law requires the prosecuting attorneys in each county to report relevant convictions to the central abuse registry.

Under the West Virginia law, authorized law enforcement and governmental agencies may request information listed in the registry, and the Department of Health and Human Resources may certify additional requesters who are authorized to receive information in the registry. Upon proper registration with the West Virginia State Police, providers of home care services to adults and all residential care facilities, day care centers and providers to adults with behavioral needs are authorized to access information from the registry to screen current employees and applicants for employment. These providers are also required to provide notice to employees that certain convictions relating to abuse, neglect or misappropriation of property of an adult may result in inclusion of the individual's information in the registry.