
POLICY TRANSMITTAL NO. 11-32	DATE: NOVEMBER 2, 2011
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

340:5-5-6.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

The proposed revisions to Subchapter 5 of Chapter 5 are made to comply with changes to Oklahoma Statutes effective 11-1-11 and amend the rules to: (1) clarify information regarding religious beliefs of the vulnerable adult; (2) remove the provision that emergency placement is not made to facilities for the acutely mentally ill when the individual is under the guardianship of Adult Protective Services (APS); (3) add provision that emergency placement not be made as an alternative to involuntary commitment; (4) add provision that services to vulnerable adults must be provided in a setting that is segregated from residents who have been determined to be a danger to others; and (5) add that transportation by law enforcement can be court ordered.

Original signed on 10-4-11

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WF # 11-04 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS as the rulemaking agency; the "2" specifies the Chapter number; and the "1" specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:5-5-6

INSERT

340:5-5-6, pages 1-17, revised 10-28-11

340:5-5-6. Provision of protective services to vulnerable adults receiving APS servicesRevised 10-28-11

(a) **Voluntary protective services.** Protective services may be provided on a voluntary basis when a vulnerable adult consents to provision of services, requests services, and is willing to allow the Adult Protective Services (APS) specialist to provide or arrange for services as authorized by Section 10-106 of Title 43A of the Oklahoma Statutes (43A O.S. § 10-106).

(b) **Payment for protective services.** The cost of providing voluntary or involuntary protective services is borne by the vulnerable adult if the APS specialist determines that the person is financially able to make payment or by any private or public programs for which the vulnerable adult is eligible. If a caretaker controls the person's funds and refuses to pay for necessary services, this may be construed as caretaker interference and is handled as described in (3) of this subsection. ■ 1

(1) **Payment for voluntary services.** If voluntary services are required to meet an emergency need and no other payment source is available, the APS specialist follows procedures described in (3) of this subsection. In cases where the services are not to meet an emergency need, the APS specialist arranges for voluntary services if:

- (A) services can be provided free of charge;
- (B) the vulnerable adult has funds and agrees to pay for the services; or
- (C) there is a public or private assistance program available to pay for the services.

(2) **Payment for involuntary services.** Payment for involuntary protective services is made from the vulnerable adult's funds only upon order of the court. If payment is required for involuntary services, procedures described in (3) of this subsection are followed if:

- (A) no funds are available from the vulnerable adult's assets; and
- (B) no private or public payment source is available.

(3) **Payment for emergency protective services.** The Oklahoma Department of Human Services (OKDHS) maintains a limited APS Emergency Fund that may be accessed only when specific criteria are met. This fund is used as a short-term measure for crisis situations until other arrangements are made. ■ 2

(c) **Court-related services.** All petitions or motions filed with the court regarding a vulnerable adult require the signature of the district attorney (DA), assistant district attorney (ADA), or OKDHS Office of General Counsel attorney.

(d) **Non-cooperation of caretaker.** When a vulnerable adult consents to receive protective services, but the caretaker refuses to allow the provision of services, OKDHS may petition the court for an injunction prohibiting the caretaker from interfering with the provision of protective services in accordance with subsection (e). ■ 3

(e) **Petitioning the court - order enjoining caretaker.** When the vulnerable adult's caretaker refuses to allow the provision of protective services to which the vulnerable adult has consented or otherwise interferes in the provision of services, OKDHS may petition the court for an Order to Enjoin Caretaker. ■ 4

(f) **Refusal to consent to protective services.** If a vulnerable adult does not consent to the provision of needed services, or withdraws consent after it is given, the APS specialist documents the vulnerable adult's refusal in the case narrative or on Form 08AP002E, Adult Protective Services Report of Investigation. Services are terminated unless OKDHS determines that the person lacks capacity to consent. In that case, the APS specialist considers action as outlined in OAC 340:5-1-4.

(g) **Religious beliefs.** A vulnerable adult has the right to depend on spiritual means for healing through prayer, in accordance with the practices of a recognized religious method in accordance with the tenets and practices of said place of worship as mandated by 43A O.S. § 10-103(B). ■ 5

(h) **Involuntary protective services.** Involuntary protective services are authorized by 43A O.S. § 10-107. If a vulnerable adult is suffering from abuse, neglect, or exploitation that presents a substantial risk of death or immediate and serious physical harm to self, or significant and unexplained depletion of the adult's estate, but lacks the capacity to consent to receive protective services and no consent can be obtained from anyone acting as caretaker, the services may be ordered by the court on an involuntary basis. In accordance with 43A O.S. § 10-107(B)(1), the court authorizes provision of specific services that the court finds least restrictive of the rights and liberty while consistent with the welfare and safety of the person involved.

(i) **Petitioning the court - emergency order for involuntary protective services.** OKDHS may petition the court for an order to provide emergency protective services. The petition is made in the county of the vulnerable adult's residence or in a county where any of the protective services are provided. ■ 6

(1) If the court issues an emergency order to provide protective services, the order includes the appointment of a temporary guardian for the person in need of services. The temporary guardian may be either OKDHS or an interested person. The order gives the temporary guardian authority only to consent to the specified protective services on behalf of the person. ■ 7

(2) The vulnerable adult, temporary guardian, or any other interested person may at any time petition the court to have the emergency order set aside or modified.

(j) **Do not resuscitate (DNR).** In accordance with 43A O.S. § 10-108(A), only the court may make decisions regarding the granting or denying of consent for a DNR order, the withdrawal of hydration or nutrition, or other life-sustaining treatment.

(k) **Notice to recipient.** The court sets a date to hear the case. The hearing is scheduled within five days of the date the judge signs the notice to the recipient of protective services. The vulnerable adult must receive notice 48 hours in advance of the hearing. Notice may be waived by the court in emergency cases, as described in (2) of this subsection.

(1) A court order is issued showing OKDHS has petitioned the court for an order to provide protective services, and giving the date, time, and place of the hearing. The order specifies who serves the notice to the vulnerable adult. ■ 8

(2) When petitioning the court for an order for emergency protective services, OKDHS may file a motion to waive notice if there is a risk that immediate and reasonably foreseeable death or serious physical harm to the person will result from a delay. This action is authorized by 43A O.S. § 10-108(D). In response, the court may enter a 72-hour verbal order if not during regular court hours or issue a limited order during regular hours and order written notice be served on the vulnerable adult and attorney, if known, of a hearing to be held within that 72-hour period. ■ 9

(3) If the hearing is declined, the court may either terminate the emergency temporary guardianship or enter a temporary 30-day order to provide involuntary protective services.

(l) **Emergency services responsibilities for out-of-home placements.** As a result of a substantiated investigation, the APS specialist develops a service plan to address the identified needs and safety issues. ■ 10

(1) All out-of-home placements, including any change of placement, of vulnerable adult's under APS guardianship, are reported to and subject to approval of the

court. Only protective services that are necessary to remove the conditions immediately threatening the life and well-being of the person are ordered.

(A) Protective services that may be authorized by an emergency court order include a change of residence only if the court gives specific approval for such action and names the facility in its order.

(B) Emergency placements may be made to nursing homes, personal medical institutions, other home placements, or other appropriate facilities that provide services appropriate for the vulnerable adult's age and condition.

(C) Emergency placement shall not be made or construed as an alternative to emergency detention and protective custody as authorized under 43A O.S. § 5-206, et seq., or made or construed as an alternative to involuntary commitment under 43A O.S. § 5-410, et seq., when the person otherwise meets the criteria for involuntary commitment.

(D) Services provided to vulnerable adults are provided in a setting that is segregated from residents of a facility who have been determined to be a danger to others. ■ 11

(2) When the service plan recommends out-of-home placement for safety, health, and care needs, the APS specialist discusses this plan with the vulnerable adult. The vulnerable adult is provided with all the information necessary to make an informed decision. This may include visits to a variety of placement options arranged or facilitated by the APS specialist. The vulnerable adult's family, if appropriate and approved by the vulnerable adult, is included in the planning stages. The vulnerable adult or family is provided with all the information available to the APS specialist regarding the quality of care provided by the identified and selected placement.

(3) Information on current quality issues of specific nursing facilities are obtained from a variety of sources to determine the appropriateness of a facility for a vulnerable adult receiving APS services. Placements are determined by the local APS specialist and APS specialist IV, with approval from the county director and area APS program field representative (PFR). If a facility has any Oklahoma State Department of Health (OSDH) deficiencies at or above the actual harm level, or has had more than three substantiated Long Term Care Investigations (LTCI) reports in the past year, the placement must be approved by the Family Support Services Division (FSSD) APS Unit. ■ 12

(m) **Restricted visitation.** Supervised or restricted visitation with the vulnerable adult may be put in place only by court order as mandated in 43A O.S. § 10-111 when:

- (1) consistent with the welfare and safety of a vulnerable adult; or
- (2) the vulnerable adult needs protection as the OKDHS investigation determined that maltreatment occurred.

(n) **Time limits for providing involuntary emergency protective services.** Protective services under an emergency court order other than a 72-hour order may be provided for 30 days. If the APS specialist determines protective services are required past this 30-day period, a petition is filed for continuation of involuntary protective services in accordance with (o) of this Section.

(o) **Continuation of services.** Continuation of services is authorized by 43A O.S. § 10-108(L).

(1) If, upon expiration of the original 30-day order, the vulnerable adult continues to require protective services, OKDHS immediately files a motion for the court to order either or both:

(A) appointment of a guardian; and

(B) placement of the vulnerable adult in a nursing home, personal medical institution, home placement, or other appropriate facility.

(i) Emergency placement shall not be made or construed as an alternative to emergency detention and protective custody as authorized under 43A O.S. § 5-206, et seq., or made or construed as an alternative to involuntary commitment under 43A O.S. § 5-410, et seq., when the person otherwise meets the criteria for involuntary commitment.

(ii) Services provided to vulnerable adults are provided in a setting that is segregated from residents of a facility who have been determined to be a danger to others. ■ 11

(2) Before the court enters a 180 calendar day order for continued protective services, the court directs that an evaluation of the vulnerable adult is conducted and submitted to the court within 30 days at a review hearing. The evaluation shall include at least:

(A) the address where the person resides and the name of any persons or agencies presently providing care, treatment, or services;

(B) a summary of the professional treatment and services provided the person by OKDHS or other agency, if any, in connection with the problem creating the need for protective services; and

(C) a medical, psychological or psychiatric, and social evaluation and review, including recommendations for or against maintenance of partial legal rights and recommendations for placement consistent with the least restrictive environment required.

(3) The original order continues in effect until the evaluation is submitted and the hearing is held on the motion.

(4) Notice of this hearing is served as described in subsection (k).

(5) The APS specialist is responsible for assembling the required information and submitting it to the court of jurisdiction.

(6) When an investigation indicates that the vulnerable adult is likely to need assistance with his or her affairs for an extended period of time, consideration is given to identifying a relative, friend, or other person interested in the well-being of the vulnerable adult to serve as permanent guardian. Any person interested in the welfare of a person believed incapacitated or partially incapacitated may file a guardianship petition with the court. Procedures for filing the petition are given in 30 O.S. § 3-101, the Oklahoma Guardianship and Conservatorship Act. Interested persons are referred to the office of the district court for further information and assistance.

(7) If the alleged victim's mental state is in question, the APS specialist may request the court to order a psychological or psychiatric evaluation. ■ 13

(p) **Continuation of services for an additional period.** If after the hearing the vulnerable adult is found in need of continued protective services, the court issues an order to continue the temporary guardianship to provide specified protective services for an additional period not to exceed 180 calendar days, as authorized by 43A O.S. § 10-108. If after the 180 calendar days the vulnerable adult is still found in need of protective services, the court may renew the order every 180 days as needed.

(q) **Sale of real property.** In the event that temporary guardianship extends for more than one year or the vulnerable adult owns real property that must be sold in order to qualify for SoonerCare (Medicaid), OKDHS may as temporary guardian sell the real property of the vulnerable adult pursuant to the provisions of the Oklahoma Guardianship and Conservatorship Act and as directed by the OKDHS Office of General Counsel. The

fact that the vulnerable adult would be in jeopardy for receipt of SoonerCare (Medicaid) if the property was not sold shall be stated in the court order directing the sale of the real property.

(r) **Sale of personal property.** The court may issue an order authorizing OKDHS to sell personal property of a vulnerable adult when additional resources are required to pay for necessary care for the vulnerable adult. ■ 14

(s) **Responsibilities of the temporary guardian of the person or estate.** The APS specialist as temporary guardian is responsible for ensuring, to the extent possible, protection of the vulnerable adult residence, resources, and belongings. This includes:

(1) securing the residence, checking and gathering the mail, and feeding or arranging for care for the vulnerable adult's domestic animals or livestock;

(2) inventorying the vulnerable adult's home and personal property, using a camera where available.

(A) For enhanced accountability a minimum of two people must be present during the inventory, one of whom is a law enforcement representative or non-OKDHS employee. ■ 15

(B) All persons present during the inventory must sign a document attesting to the authenticity of the inventory and/or the photographic record noting the date and their professional affiliation;

(3) establishing an account at a local financial institution and depositing any cash and uncashed checks; and ■ 16

(4) securing other valuables located during the inventory. The APS specialist:

(A) arranges to have the locks changed or padlocks the residence to secure it from intrusion, if necessary; and

(B) advises all parties that no one is allowed to enter the residence unless accompanied by a representative of OKDHS, for as long as the temporary guardianship is in effect.

(t) **Additional responsibilities of temporary guardian of the estate.** The APS specialist responsible for the temporary guardianship of the estate:

- (1) opens a guardianship account in a local financial institution and regularly collects and deposits monies due to the vulnerable adult;
- (2) submits an accounting to the court as ordered by the court, no less than annually;
- (3) works with the court, the vulnerable adult's attorney, the DA, and the OKDHS Office of General Counsel to obtain a professional accountant to manage the estate; and
- (4) absent the availability of professional financial management, is responsible for regular financial activities as dictated by the vulnerable adult's circumstances that include, but are not limited to, the timely:
 - (A) payment and documentation of the vulnerable adult's expenses, and other bills as they occur. ■ 17
 - (B) deposit of funds received;
 - (C) redirection of incoming funds to the new account; and
 - (D) protection of existing accounts.

(u) **Responsibility of APS specialist - involuntary protective services.** In cases where temporary guardianship of the person has been granted to OKDHS, the APS specialist provides, arranges, or facilitates the protective services ordered by the court. This may include, but is not limited to:

- (1) hiring of in-home caregivers to provide in-home care and protection for the vulnerable adult;
- (2) placement in a medical facility for treatment of health related problems;
- (3) placement in a safe and anonymous location;
- (4) placement in a facility for either short or long term care needs. Long term care facilities include:
 - (A) residential care facilities;
 - (B) group homes;
 - (C) nursing homes;

(D) intermediate care facilities for persons with mental retardation;

(E) assisted living centers;

(F) skilled nursing facilities; or

(G) any other type of facility licensed to provide 24-hour care and/or services for vulnerable adults; ■ 18

(5) making application or completing reviews for any state or federal programs on behalf of the vulnerable adult for which he or she is or may be eligible to receive; or ■ 19

(6) making arrangements for facilities to be paid from the vulnerable adult's funds or resources.

(v) **Responsibility of APS specialist - emergency out-of-home placement - ex-parte hearing.** When an emergency situation requires immediate placement, the APS specialist places the vulnerable adult in a licensed facility that, to the best of the APS specialist's knowledge, provides the required services needed to ameliorate the current emergency situation. Reasons for this choice are documented in the case record and provided to the court at the 72-hour hearing. ■ 20

(w) **Enforcement of involuntary court orders.** To enforce an involuntary order of protective services, 43A O.S. § 10-108 provides that the court may order:

(1) forcible entry of the premises of the vulnerable adult to be protected;

(2) transportation by law enforcement of the vulnerable adult to another location; ■ 21 or

(3) the eviction of a person from any property owned, leased, or rented by the vulnerable adult and restricting that person from further access to any property of the vulnerable adult.

(x) **Dismissal of involuntary court orders.** When the vulnerable adult is subject to an involuntary court order and OKDHS serves in the role of temporary guardian, after the temporary order has expired, the APS specialist is responsible for responding to a court's request to dismiss the guardianship by preparing a motion for the OKDHS attorney's consideration for an order of dismissal when it is no longer needed. ■ 22

INSTRUCTIONS TO STAFF 340:5-5-6Revised 10-28-11

1. The Adult Protective Services (APS) specialist assists a vulnerable adult, when needed, in making application for public or private assistance programs by:
 - (1) completing application forms; and
 - (2) gathering documentation necessary to determine eligibility.
2. (a) When the APS specialist determines the vulnerable adult needs emergency services and no payment source is available, an APS Emergency Request is completed and submitted in the Emergency Fund Section of the APS Computer System. Authorization to utilize the APS Emergency Fund is approved when the:
 - (1) vulnerable adult has an open referral and an emergency as defined by policy OAC 340:5-1-6;
 - (2) APS specialist has verified the vulnerable adult has no funds to pay for the services and family members and local or area resources are unwilling or unable to assist;
 - (3) vulnerable adult and APS specialist have explored and applied for all state and federal programs for which the vulnerable adult may be eligible;
 - (4) Service Plan Section is completed on the APS Computer System describing how the emergency fund expenditures will reduce risk, address needs, and prevent the need for future Emergency Fund expenditures;
 - (5) Emergency Fund Section of the APS Computer System is completed and submitted; and
 - (6) APS specialist IV and APS program field representative's (PFR)'s reviews of these circumstances and approvals are documented in the Notes Section of the APS Computer System.

(b) The APS reports containing the Emergency Fund Requests are to remain open until the human services center (HSC) has been notified of the payment of all pending claims.

(c) Forms 23C0135E, Vendor Information, and 02AD001E, Aging Services Division Claim, are completed as needed for each vendor and the originals are sent to Family Support Services Division (FSSD) Adult Protective Services (APS) Unit within 10 working days of the approved request.

(d) When claims have been paid in the Emergency Fund Section of the APS Computer System, FSSD APS Unit staff:

(1) approves or denies the request(s);

(2) documents the approval or denial in the Emergency Fund Section of the APS Computer System;

(3) processes all claims upon receipt;

(4) documents tracking of claims; and

(5) notifies HSC staff when claims have been paid in the Emergency Fund Section of the APS Computer System.

3. The date, time, and circumstances of the vulnerable adult's consent are documented in the Capacity to Consent Section of the APS Computer System and on Form 08AP002E, Adult Protective Services Report of Investigation.

4. (a) The APS specialist explains to the caretaker the legal responsibility of OKDHS to provide the needed services and authority to obtain an injunction if necessary. Family members and other interested parties may be involved in the attempt to persuade the caretaker to allow provision of services. If, after reasonable attempts have been made to persuade the caretaker to allow the needed services to be provided, the caretaker still refuses to allow service provision, OKDHS may petition the court for an injunction prohibiting the caretaker from interfering with the provision of protective services. The petition alleges specific facts sufficient to show that the:

(1) vulnerable adult is in need of protective services;

(2) vulnerable adult consents to receive the needed services; and

(3) caretaker refuses to allow the provision of such services.

(b) The APS specialist documents the date, time, and circumstances under which consent was obtained from the person in need of protective services, as well as the circumstances surrounding the caretaker's refusal to allow service provision.

(c) If the court finds that the person is in need of and consents to protective services and that the caretaker refuses to allow provision of those services, the court may enter an order enjoining the caretaker from interfering with provision of services.

(d) If a caretaker continues to refuse to allow provision of protective services after an injunction has been issued by the court, OKDHS requests assistance from law enforcement officials to implement the court order.

5. Nothing shall be construed to interfere with a vulnerable adults right to practice his or her religion through reliance on prayer alone for healing when this choice:

(1) was expressed, either orally or in writing, by the vulnerable adult who retained capacity at the time of the decision;

(2) previously was set forth in a living will, health care proxy, or other advance directive document that is validly executed and applied under State law; or

(3) may be clearly determined it is a part of the life history of the vulnerable adult.

6. (a) The APS specialist must have a face-to-face interview with the vulnerable adult within 24 hours prior to the filing of a petition for involuntary services.

(b) The petition must have "approved as to form" by the district attorney, assistant district attorney, or the OKDHS Office of General Counsel and must include:

(1) the name, age, and address of the vulnerable adult determined in need of services;

(2) the nature of the abuse, neglect, or exploitation;

(3) the specific services needed; and

(4) information relating to the capacity of the vulnerable adult to consent to services and OKDHS attempts to obtain consent.

(c) Whether a petition for involuntary services is filed in the county of residence or the county where services are provided, the county of residence is the lead county and remains primarily responsible for the case, including documentation of the case record and coordination of service planning for the vulnerable adult. When two or more counties are involved with a vulnerable adult receiving involuntary services, close communication and coordination is required to ensure the vulnerable adult's needs are met.

(d) If a vulnerable adult's residence later changes to the county where services are provided, the case is transferred to the new county of residence. If the former county of residence still has an active court case on the vulnerable adult, the county of court jurisdiction informs the county of residence of any and all information requested by the court with as much lead time as possible, until the court order expires. If continued court action is needed, it is initiated in the new county of residence.

- 7. The services to be provided must be specifically listed in the court order, including the names of any facilities or agencies that will be service providers for the vulnerable adult.**
- 8. The APS specialist serves notice on the person who is the subject of the petition unless the situation is potentially dangerous. When there is the possibility of danger to the APS specialist, the APS specialist may request assistance from a law enforcement officer. If the client has retained or been appointed an attorney, notice is also served on the attorney.**
- 9. If the APS specialist is uncertain whether the circumstances warrant a waiver of notice, the APS specialist staffs the situation with the APS specialist IV or area APS PFR before presenting the petition and evidence to the court for a decision.**
- 10. See OAC 340:5-5-3, Instructions to Staff #5 and #6 for additional information.**
- 11. The APS specialist confirms with the facility prior to placement that the vulnerable adult will be segregated from any residents who have been determined to be a danger to others.**

- 12.** These include, but are not limited to, reviewing Oklahoma State Department of Health (OSDH) survey reports at <http://www.ok.gov/health/>, Long Term Care Investigations (LTCI) records through FSSD Application Xtender Web Access, and information available from the Long Term Care Ombudsman at the local Area Agency on Aging office. The APS Unit in the Family Support Services Division (FSSD) provides periodic updates on what information is available and how to access it. Names of facilities that have had their license suspended or revoked or been decertified for SoonerCare (Medicaid) within the past year or have a current restriction on new admissions imposed by OSDH are placed on a list maintained by FSSD. Vulnerable adults are not placed in those facilities without thorough documentation of other placements attempted and the reason those would not work. Preferences expressed and decisions made by vulnerable adults receiving APS services and their guardian, caretaker, or next of kin are also thoroughly documented in the case record.
- 13.** If it appears the vulnerable adult has possibly regained capacity, OKDHS Office of General Counsel, the district attorney, or other attorney may make a motion to the court requesting an order for a psychological or psychiatric evaluation to determine the vulnerable adult's mental state. This evaluation may be completed by an outpatient appointment.
- 14.** Personal property may consist of automobiles, furniture, televisions, or other household goods that the client is not expected to need for the duration of the court order.
- 15.** Exceptions to this must be approved by the county director and documented in the Notes Section of the APS Computer System.
- 16.** (a) The account must be established using the name of the APS specialist and one other OKDHS employee, preferably the county director or designee.
- (b) The APS specialist documents account information in the Estate Management Section of the APS Computer System. The APS specialist scans copies of the check registry and other pertinent documentation in the case file on the W drive. Financial institutions that require Social Security numbers are given the OKDHS federal employee identification (FEI) number. In no instance does the APS specialist provide their personal Social Security number for a vulnerable adult's financial account.

17. Cash transactions are strongly discouraged and the use of automatic bank drafts by the vendors are preferred. The APS specialist must reconcile monthly bank statements and document all cash transactions with receipts that are scanned into the W drive and maintained in the local HSC. All cash transactions must be witnessed by a third party.

18. Involvement of the vulnerable adult and his or her family is desirable in all cases to the extent they are able to be safely involved.

(1) Any time an out-of-home placement is considered, the APS specialist assesses the:

(A) vulnerable adult's preferences and desires;

(B) family preferences and desires;

(C) vulnerable adult's medical condition, needs, and recommendation of physician;

(D) unique circumstances of the vulnerable adult's situation in order to provide appropriate and safe level of care;

(E) availability of facilities to meet vulnerable adults needs;

(F) acceptance of the vulnerable adult by facility; and

(G) payment arrangements, availability, and affordability.

(2) The APS specialist documents this assessment criteria in the case record and makes it available at the request of the court in the form of a written report.

19.(a) Applying for or maintaining benefits and services for the vulnerable adult includes:

(1) monitoring the receipt of benefits;

(2) acquiring and assisting with obtaining documents needed to determine eligibility for benefits;

(3) documenting in the Guardianship Section of the APS computer system:

(A) the case number(s) for any benefits the vulnerable adult is applying for or receiving;

(B) how to contact the person at each agency who is responsible for certifying or reviewing the vulnerable adult's eligibility for each benefit or service; and

(C) when reviews are due for the benefits or services the vulnerable adult is receiving.

(b) When the guardianship expires or is dismissed, arrangements must be in place and documented in the Service Plan Section of the APS computer system for the ongoing maintenance of benefits for the vulnerable adult.

20. Refer to OAC 340:5-5-6(l)(2) of this Section for emergency out-of home placement to a nursing home.

21. Refer to OAC 340:5-5-6(b) of this Section for information regarding payment of transportation expenses.

22.(a) Prior to filing for dismissal of an involuntary court order, the APS specialist:

(1) consults with the APS Specialist IV to determine if dismissal is warranted; and

(2) discusses and staffs the pleadings with the attorney representing OKDHS in the matter as to form.

(b) After receiving approval from the APS specialist IV and attorney, the APS specialist files the petition with the court clerk and obtains a dismissal order from the court.

(c) After obtaining the dismissal order, the APS specialist:

(1) scans the petition and the order into the W drive;

(2) updates the Service Plan Items Section of the APS Computer System;

(3) closes involuntary services; and

(4) updates service plan monitoring notes showing the date of the dismissal and action by the court.