
POLICY TRANSMITTAL NO. 05-15	DATE: MARCH 28, 2005
FAMILY SUPPORT SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:5-3-5 and 5-7-5.

EXPLANATION: OAC 340:5-3-5 and 340:5-7-5 Instructions to Staff are revised to reflect the correct telephone and fax numbers for the Oklahoma State Department of Health.

Original signed on 3-25-05

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WF # 05-E (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 a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS 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, DHS 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, DHS: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) 521-3611.

REMOVE

INSERT

340:5-3-5

340:5-3-5, pages 1-2, revised 3-24-05

340:5-7-5

340:5-7-5, pages 1-2, revised 3-24-05

340:5-3-5. Multiple jurisdictions

Some reports which are appropriate for Adult Protective Services (APS) intervention are also required to be sent to other agencies.

(1) Reports which are sent to Oklahoma State Department of Health (OSDH).

Reports alleging maltreatment of vulnerable adults are accepted and screened by APS but are also sent to OSDH, Protective Health Services, for residents of:

(A) residential care facilities;

(B) assisted living facilities; and

(C) nursing facilities when the report is of self-neglect or maltreatment by a person not employed by the facility. ■ 1

(2) Reports which are sent to law enforcement. Reports alleging illegal activity or situations which may be dangerous for an APS specialist are referred to local law enforcement. A referral of this type does not relieve APS of responsibility for assessing the need for protective services in such situations. ■ 2

(3) Reports involving substance abusers and persons with a mental illness.

Reports regarding alleged substance abusers or persons with a mental illness are submitted to an APS supervisor for screening and may be appropriate for APS investigation. If upon investigation the APS specialist finds that the client's primary problem is that of substance abuse or dependency, or that the client is in need of mental health treatment, the APS specialist assists the client in obtaining appropriate mental health treatment. The APS specialist may assist law enforcement officers when requested by providing behavioral assessments necessary to obtain involuntary mental health treatment, such as third party affidavits. Oklahoma law gives the Oklahoma Department of Mental Health and Substance Abuse Services (DMHSAS) primary responsibility for the mentally ill and substance abusers. DMHSAS actively treats seriously mentally ill persons until their condition is stabilized. Community mental health centers administered by or under contract to DMHSAS provide recommended aftercare services to patients who are discharged from state mental hospitals. ■ 3

INSTRUCTIONS TO STAFF

- 1. (a) When a report is received in the county office alleging that a resident of a residential care or assisted living facility, licensed or unlicensed, is suffering maltreatment, or that a resident of a nursing facility is suffering maltreatment**

from anyone not on the facility's staff or self-neglect, the person accepting the report secures all pertinent information on Form APS-1, Adult Protective Services Referral, or its electronic equivalent and submits it to the appropriate Adult Protective Services (APS) supervisor or designee for screening. In addition, in accordance with Article 8, Section 1-830 of Title 63 of the Oklahoma Statutes, the person accepting the report also telephones, faxes, or e-mails a summary of the referral to Oklahoma State Department of Health (OSDH), Protective Health Services. The telephone number is 405-271-6868, toll free 1-800-747-8419; fax 405-271-4172; toll free fax 1-866-239-7553, and e-mail address is LTCComplaints@health.state.ok.us.

(b) Final investigative findings on any of these reports accepted for APS investigation are also sent in summary form to OSDH, Protective Health Services.

2. Local law enforcement is notified when reports contain allegations of illegal drug manufacture or sale, dangerous animals, guns, and other situations that present a potential serious danger to an APS specialist.
3. APS specialists are familiar with current state mental health laws as well as local law enforcement policies regarding voluntary and involuntary treatment for mentally ill persons and substance abusers. APS specialists are knowledgeable about mental health professionals and resources available in their communities in order to appropriately utilize available services for their clients.

340:5-7-5. Initiating long term care investigations

A long term care investigation (LTCI) is initiated by a visit to the vulnerable adult in the nursing facility. ■ 1

(1) Time frame for initiating investigations.

(A) Investigations of reports of maltreatment are initiated within five working days or as soon as possible if circumstances indicate immediate action is needed.

(B) For circumstances that do not require immediate action, the investigation is initiated within seven working days.

(2) Completion of LTC investigative reports.

(A) The LTC investigator determines, within 30 working days of the receipt of the referral, whether the evidence indicates the referral is substantiated or unsubstantiated based on the definitions of terms in OAC 340:5-1-6.

(B) The findings are sent to any state agency with concurrent jurisdiction over persons or issues identified in the investigation such as, the Oklahoma State Department of Health, local district attorney, long term care ombudsman in the Aging Services Division, or any other appropriate state licensure or certification board, agency, or registry. The special considerations during investigations in OAC 340:5-5-4(d), (e), and (i) apply to LTCI. ■ 2

INSTRUCTIONS TO STAFF

- 1. (a) When a report is received alleging that some aspect of patient care in a nursing facility is bad but no specific patient is named or the allegations do not constitute abuse, neglect, exploitation or verbal abuse, it is considered a report of general poor patient care or poor environmental conditions. This includes complaints such as the facility is understaffed, linens are dirty, patients are not properly fed or groomed, or air conditioning or heating is inadequate. The Long Term Care Investigations (LTCI) Section secures all pertinent information and telephones, faxes, or e-mails the information to the Oklahoma State Department of Health (OSDH), Protective Health Services. No further action is taken by the Oklahoma Department of Human Services (OKDHS).**

(b) All information pertaining to a LTCI investigation is maintained by the LTCI Section. The county office is not required to maintain a case record on these referrals.

(c) When the investigation is completed, whether by LTCI or community adult protective services (APS) staff, a summary of the final OKDHS investigative report is mailed, faxed, or e-mailed by the office completing the investigation to the appropriate state agency with jurisdiction over the person or issues identified in the investigation, such as OSDH, Protective Health Services, 1000 N.E. 10 St., Oklahoma City, Oklahoma 73117; fax 405-271-4172, e-mail LTCComplaints@health.state.ok.us, or toll free fax number 1-866-239-7553; the local assistant district attorney; and the long term care ombudsman in the OKDHS Aging Services Division, 405-521-6734 or fax 405-521-2086. The family of the alleged victim is notified by letter of the findings.

- 2. In compliance with Section 10-105.E.1 of Title 43A of the Oklahoma Statutes for all reports involving clients who reside in nursing facilities, a summary of the referral is sent to OSDH, Protective Health Services, 1000 N.E. 10th St., Oklahoma City, OK 73117, immediately upon receipt of a referral.**