

ADULT PROTECTIVE SERVICES: LTCI & CAPS

Presented By:

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Long-Term Care Investigations

Oklahoma State Law

“The Legislature recognizes that many citizens of this state, because of the infirmities of aging, incapacity, or other disability are unable to manage their own affairs or to protect themselves from exploitation, abuse, or neglect and are in need of protective services.”

**Title 43A. Mental Health
Chapter 1**

"Protective Services for Vulnerable Adults Act"

Adult Protective Services

DHS is mandated by state law 43A O.S. § 10-101 ff. to:

- investigate referrals of abuse, neglect, & exploitation of vulnerable adults and
 - provide or arrange for services
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**Adult Protective
Services**

**Long-Term Care
Investigations
(LTCI)**

**Community Adult
Protective Services
(CAPS)**

Incidence & Prevalence of Adult Abuse in Oklahoma

LTCI

- 2,892 referrals

CAPS

- 24,138 referrals

APS Program Basics

APS referral =
allegation of

- Vulnerable adult
- +
• Situation of maltreatment



APS Clients

Vulnerable Adults

➤ Age 18+ **AND**

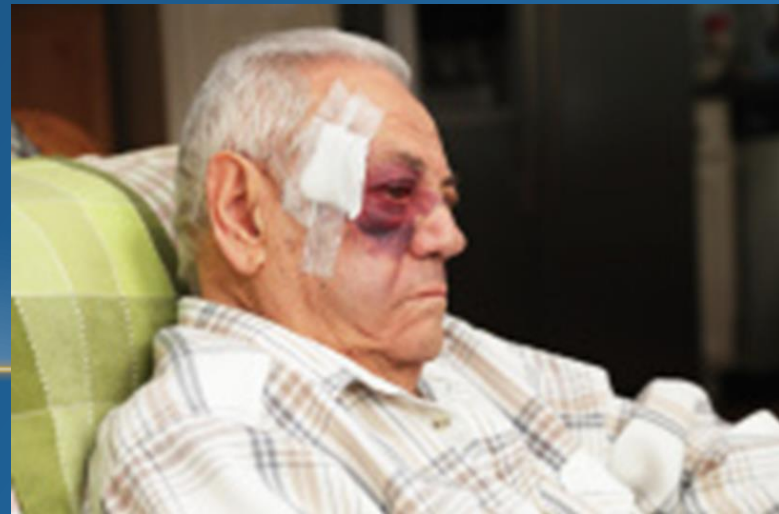
➤ Incapacitated

OR

➤ Substantially Impaired

Types of Maltreatment

- Abuse
- Neglect
- Self-Neglect
- Financial Exploitation
- Sexual Exploitation
- Financial Neglect
- Verbal Abuse
- Personal Degradation



Abuse

Causing or permitting:

- the infliction of physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, or mental anguish, or



Abuse cont.

➤ the deprivation of:

- nutrition
- clothing
- shelter
- health care or
- other care or services

**by a caretaker or other person
providing services**

Neglect

- failure to provide protection
- failure to provide adequate shelter, nutrition, health care, or clothing, or
- the causing or permitting harm or the risk of harm through the action, inaction, or lack of supervision

**by a caretaker or other person
providing services**

Exploitation

Unjust or improper use of the person or resources through:

- Undue influence
- Coercion
- Deception
- False representation
- False pretense

for the profit or advantage of someone other than the vulnerable adult

Financial Neglect

- Repeated instances including, but not limited to:
 - squandering or negligently mismanaging the money, property, or accounts
 - refusing to pay for necessities or utilities in a timely manner, or
 - providing substandard care to a vulnerable adult despite the availability of adequate financial resources
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Sexual Abuse

**Sexual contact, touch, and/or penetration
which is**

- **forced**
- **tricked**
- **manipulated**
- **nonconsensual**

**by a caretaker or other person
providing services**

Sexual Exploitation

A caretaker causing, allowing, permitting, or encouraging a vulnerable adult to

- **engage in prostitution or in lewd, obscene, or pornographic photographing, filming, or**
 - **depiction of the vulnerable adult as those acts are defined by Oklahoma law**
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Verbal Abuse

The use of :

- words, sounds, gestures, actions, or behaviors **by a caretaker or other person providing services**

That that are likely to cause a reasonable person to experience:

- humiliation
- intimidation
- fear
- shame or
- degradation

Personal Degradation Defined

- **Willful act by a caretaker intended to shame, degrade humiliate, or otherwise harm the personal dignity of a vulnerable adult, or**
 - **Where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person**
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Personal Degradation Defined cont.

- Includes the taking, transmitting, or display of an electronic image of a vulnerable adult by a caretaker, where the caretaker's actions constitute a willful act intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person

LTCI or CAPS?

LTCI

- Nursing home resident
- Alleged Perpetrator:
 - another resident
 - nursing home employee
 - contracted employee

CAPS

- Nursing home resident
- Alleged Perpetrator:
 - anyone not employed or contracted by the facility
 - not another resident

Long-Term Care Investigations

LTCI Screening & Investigation

- **Screening**
- **Unannounced facility visit**
- **Interviews**
- **Assess risk, needs, & capacity**
- **Review facility records**
- **Substantiation decision**
- **Notification of Next of Kin, Caretakers, & Guardians**
- **Report sent to District Attorney & appropriate licensing boards**

Duty To Report: Title 43A §10-104

- **Who – any person having reasonable cause**
 - **When - as soon as person is aware of the situation**
 - **Where - to DHS or local law enforcement**
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Mandatory Reporters: Title 43A §10-104

**Long-term care facility personnel
including:**

- **staff of nursing facilities**
- **staff of assisted living facilities**
- **staff of residential care facilities**
- **staff of Veterans centers**
- **anyone contracted by the facility**

Failure to Report

- **Title 43A Section 10-104 E.**
 - **misdemeanor**
 - **one year in county jail, or**
 - **\$1000 fine per count, or**
 - **both**
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Submitting APS Referrals

- **Public Portal:**
abuseisnotok.org
 - **Abuse & Neglect Hotline**
1-800-522-3511
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Questions

