

APS Screening and Intervention and Checklists for DELINQUENT PAYMENTS OF FACILITY BILLS

This guide contains Adult Protective Services (APS) screening (Part I) and intervention (Part II) procedures regarding delinquent accounts in facilities.

I. SCREENING FOR INVESTIGATION/SELF-NEGLECT APS cannot screen in a complaint solely on the basis that a facility bill is in arrears. To determine if APS has authority, the screener needs the following information:

Is the resident eligible due to age, disability, or residence and at least one of the following:

- Functionally unable to make decisions and understand his or her responsibility to pay for placement and the consequences of not paying, or
- Unable to protect own interests because of impaired functioning, significant undue influence, criminal acts, or money is being used without consent?

Does the complaint rise to abuse or self-neglect? If the initial complaint information provided to screening convincingly makes an abuse or self-neglect definition, then the case is screened-in for APS. If not convincing, then further information may be needed before the APS screener can proceed.

- Convincing means that the likely explanation for the delinquent payment is abuse. Example: The power of attorney (POA) agent/son tells the facility administrator that he spent all of his mother's savings to remodel his home and there is not enough money left for her care.
- Not convincing means is it not clear that abuse or self-neglect is a factor in a payment being in arrears. There are many reasons for delinquent accounts. Reasonable efforts have not been taken to identify abuse/self-neglect or exclude or eliminate other plausible reasons.

Has the facility taken reasonable efforts to examine business reasons for the delinquent payments?

- Have facility bookkeeping errors, payer error, or miscommunications been eliminated? Examples: payments deposited in the wrong account or the payment sent to a different facility business address? If errors are not eliminated, then the situation may relate to business, not to APS.

- Are there any verbal or written business agreements between the payer or resident and the facility that explains why the bills are not paid, such as waiting for the resident's home to sell or a settlement? Resolving business agreements are not within APS's scope.
- What efforts were made by the facility to contact responsible parties for an explanation or a solution, up to and including registered letters? On its own, mailing bills that do not get paid is not sufficient indicator of abuse.
- What efforts were made to resolve the situation such as finding a workable payment arrangement or offering the responsible party an opportunity to have someone else make payments?

Has the facility contacted the resident and other authorities to help resolve the delinquent payments?

- Has the case manager or the Office of Licensing and Regulatory Oversight (OLRO) facility licenser/coordinator been contacted?
 - If the resident has a case manager, the caller would first contact the case manager to assess the nature and responsibility of the situation.
 - In the absence of a case manager, the caller contacts the OLRO coordinator/licenser to assess if the facility has taken appropriate steps.
- Has the payer died or became seriously ill or has problems that are not the fault of the payer? These issues do not relate to abuse.
- Is the resident declining to pay? If so, and the resident is functionally capable of paying, then his or her actions may be personal decision and not relate to abuse or self-neglect. If declining to pay because of significant cognitive impairment, that may be self-neglect.
- The Long-Term Care Ombudsman Office may be of assistance.

Frequently Asked Questions (FAQ):

Question: Is a move-out order or eviction necessary to meet screening criteria?

Answer: No. However, an imminent threat of move-out is relevant in a screening.

Question: Is there a threshold amount or length of time that a payment has to be delinquent before APS considers screening?

Answer: No. Screening is based upon making APS criteria.

Following is a checklist to help determine if a facility delinquent payments situation makes APS screening criteria.

Referring Facility Delinquent Payments To APS Screening

A 'yes' to all of the below questions likely makes criteria for APS to screen-in a complaint.
Payer means the person responsible for paying the resident's facility bills and fees.

Resident status	Yes	No
An older adult, age 65 or older, a person with physical disabilities, or a resident in an APD licensed facility?		
Informed of the situation and given a chance to resolve (if able)?		
Unable to protect own interests and cannot make financial decisions because one or more of the below three conditions exist: <ul style="list-style-type: none"> • Has significant cognitive or physical impairment; • Is under considerable undue influence; or • Is being exploited without knowledge or permission? 		
Account Status	Yes	No
Did the facility check accounts or bookkeeping and confirm there are no errors such as payment deposited into wrong account or sent to a different business address (i.e. headquarters or another foster home)?		
Are there no business arrangements between the facility and resident/payer that explains the late payments such as waiting for a home to sell or a settlement?		
Did the facility exhaust actions to resolve delinquent payments between facility and payer? Examples of actions include, but not limited to: <ul style="list-style-type: none"> • Reasonable attempts to contact the payer or other responsible parties has been exhausted, including a registered letter (s) and no response; or • Recommendations made to the payer to find workable payment arrangements or replace themselves and still no solution. 		
Jurisdiction Status	Yes	No
Did the facility confer with case manager or ORLO facility licensor/coordinator? <ul style="list-style-type: none"> • If the resident has a case manager, refer first to the case manager. • If no case manager, then the facility may confer with OLRO licensor/coordinator to determine if facility has taken necessary actions. 		
Makes APS definitions of abuse or self-neglect	Yes	No
Does the delinquent payments situation make a definition of abuse or self-neglect? Below are the three most common: <ul style="list-style-type: none"> • OAR 411-020-0002 (1) (b) Neglect, • OAR 411-020-0002 (1) (e) Financial exploitation, or • OAR 411-020-0002 (33) Self-Neglect? Link: http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_411/411_020.html		

II. INTERVENTION FOR DELINQUENT PAYMENTS The resident’s facility, case manager, and natural or paid supports are often in the best positions to intervene with services and referral. If APS investigates, APS intervenes in situations for individuals who lack support or there is a need for specialized APS interventions such as law enforcement or protective orders.

Interventions For Delinquent Payments	
APS only has authority to intervene if there is an abuse investigation, a self-neglect assessment, or sometimes through consultation.	
Resident’s Situation	Possible Responses by APS and Others
Potential crime regarding the resident’s finances.	<p>APS is mandated to report a reasonable belief of a crime to law enforcement. Facilities, case managers ORLO coordinators/licensors also have reporting requirements.</p> <p>APS still investigates when a case is referred to law enforcement.</p> <p>APS follows up with the criminal justice system.</p>
Given a move-out notice or other notice of termination of services or eviction.	<p>APS defers to the case manager, facility licensor/ coordinator, and the Ombudsman office to avert or assure an eviction is handled properly as they have that specialized authority and knowledge.</p> <p>Note: If the resident has Medicaid benefits and the resident’s assets are not available to the resident, the local office can determine if resources are not available due to exploitation. This could maintain Medicaid eligibility and save the client’s placement.</p>
Required to move and needs alternative placement	APS normally finds placement for a person without case management, who is incapable of finding placement, and lacks anyone else to assist him or her. Otherwise, APS refers placement to the resident, the resident representative (family, natural support, guardian) or case manager.
Able to manage finances	APS informs individuals capable of decision-making and protecting their interests of their rights and provides information and referral. Referral may be to facility administration, legal counsel, case manager, or the LTC Ombudsman Office.

Resident's Situation	Possible Responses by APS and Others
<p>Has cognitive or functional impairment that limits decision-making or informed choice is interfered with by undue influence or exploitation.</p>	<p>When the resident 's ability to make decisions and protect their interests are compromised, APS intervenes by evaluation of functioning, referral and information, including, but not limited to:</p> <ul style="list-style-type: none"> • If case managed, refer to case manager. • If resident has reliable natural or private pay support who can take action, provide information and referral as needed. • If not case managed nor suitable natural support is available, APS responses include, but are not limited to: <ul style="list-style-type: none"> ○ Find another willing and able payer; ○ Advocate for someone to become representative payee with Social Security Administration (SSA). ○ If resident is on Medicaid and income includes pensions, investments, or property to sell, then consulting about a conservatorship with Estates Administration Unit; or ○ If resident has assets other than federal benefits and needs financial protection, consulting with Central office APS about options for conservatorship or guardianship. <p>The facility may pursue appointment as the representative payee through the Social Security Administration for federal benefits.</p>
<p>There are remaining unpaid delinquent payments</p>	<p>APS does not have a role in recovery of delinquent payments. Nor do APD or OLRO have authority or responsibility. However, sometimes when providing protective services, funds are recovered for the resident.</p> <p>APS defers to the facility for recovery as it is a business function to refer delinquent payments to an attorney, a collection agency, small claims court, or take other steps to pursue arrears payment.</p>

If you have questions about information in this guide, contact the Office of Adult Abuse and Investigations (OAAPI) at 2575 Bittern St. NE, Salem, OR 97301 (503) 945-9491 and ask for the Adult Protective Services Team.