

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Human Services, Administrative Services Division and Director's Office	407	
Agency and Division	Administrative Rules Chapter Number	
Jennifer Bittel	500 Summer St. NE, E-03, Salem, OR 97301	(503) 947-5250
Rules Coordinator	Address	Telephone

RULE CAPTION

Corrections to OIT Substantiation Review Committee Composition and Actions in Children's Residential Care Rules
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing

AMEND: OAR 407-045-0970

Stat. Auth.: **ORS 418.005**

Other Auth.:

Stats. Implemented: **ORS 418.005**

RULE SUMMARY

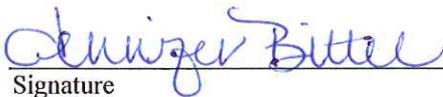
This rule was permanently filed, effective 5/30/08. During filing, two changes made during the public comment period were overlooked in the final text. Both are in reference to the Office of Investigations and Training (OIT) Substantiation Review Committee – changing the number of members from five to three and taking away the committee's power to change the basis of an abuse finding. This proposed rulemaking corrects these two omissions.

Proposed rules are available on the DHS Website: <http://www.oregon.gov/DHS/admin/dwssrules/index.shtml>.
For hardcopy requests, call: (503) 947-5250.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

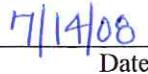
August 21, 2008; 5:00pm

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)



Jennifer Bittel, Rules Coordinator

Printed name



Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

ARC 923-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Human Services, Administrative Services Division and Director's Office

407

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

The proposed amendment of OAR 407-045-0970.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Corrections to OIT Substantiation Review Committee Composition and Actions in Children's Residential Care Rules

Statutory Authority: **ORS 418.005**

Other Authority:

Stats. Implemented: **ORS 418.005**

Need for the Rule(s):

This rule was permanently filed, effective 5/30/08. During filing, two changes made during the public comment period were overlooked in the final text. Both are in reference to the Office of Investigations and Training (OIT) Substantiation Review Committee – changing the number of members from five to three and taking away the committee's power to change the basis of an abuse finding. This proposed rulemaking corrects these two omissions.

Documents Relied Upon, and where they are available:

N/A

Fiscal and Economic Impact:

Not applicable – this filing only corrects omissions from a previous filing.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Not applicable – this filing only corrects omissions from a previous filing.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

N/A

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:

N/A

c. Equipment, supplies, labor and increased administration required for compliance:

N/A

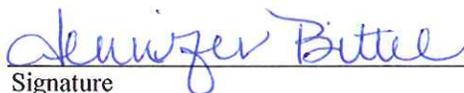
How were small businesses involved in the development of this rule?

Not applicable – this filing only corrects omissions from a previous filing.

Administrative Rule Advisory Committee consulted?: **No.**

If not, why?:

Not applicable – this filing only corrects omissions from a previous filing.



Signature

Jennifer Bittel, Rules Coordinator

Printed name

7/14/08

Date

**CHAPTER 407
DEPARTMENT OF HUMAN SERVICES,
ADMINISTRATIVE SERVICES DIVISION AND DIRECTOR'S OFFICE**

**DIVISION 45
OFFICE OF INVESTIGATIONS AND TRAINING**

Abuse Reporting and Protective Services in Children's Residential Care Agencies, Day Treatment Programs, Therapeutic Boarding Schools, Foster Care Agencies, and Outdoor Youth Programs

407-045-0970

OSRC Review

(1) The OSRC will conduct a review and issue a notice of OSRC decision within 60 calendar days from the date OIT receives a request for review.

(2) The OSRC operates as follows:

(a) The OSRC considers relevant documentary information contained in the OIT investigation file, investigative report and exhibits, and information provided by the person.

(b) The OSRC will not re-interview the victim; interview or meet with the person, with others associated with the person, or with others mentioned in the report; or conduct a field assessment of the allegation of child abuse or neglect.

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(c) All OSRC decisions must be decided by majority vote of the three participating committee members, all of whom must be present.

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(d) The OSRC shall make a determination as to:

(A) Whether there is reasonable cause to believe that child abuse or neglect occurred; and

(B) Whether there is reasonable cause to believe that the person is responsible for the child abuse or neglect.

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(e) The OSRC will decide to either uphold the OIT substantiation, or change that conclusion to not substantiated or inconclusive.

Deleted: (C) . Whether there is reasonable cause to believe the type of abuse is correctly identified in the report

(3) Within 60 calendar days from the date the OSRC receives the request for review, the OSRC will prepare and send to the requestor by certified mail or restricted delivery, with return receipt requested, a notice of OSRC decision that includes the following information:

(a) Whether there is reasonable cause to believe that child abuse occurred;

(b) Whether there is reasonable cause to believe that the person was responsible for the child abuse;

(c) Whether the OSRC is changing the OIT substantiation;

(d) If the OIT substantiation is changed, whether the changed conclusion will be changed to "Not Substantiated" or "Inconclusive;" and

(e) A summary of the information used by the OSRC and its reasoning in reaching its decision.

Deleted: (e) If the OIT substantiation is upheld but the type of abuse is changed, notice that the person has the right to request a new OSRC review based on the change; and

(4) OSRC shall send the notice of OSRC decision to the person, CAF, the OIT investigator who conducted the investigation, applicable public agencies licensing or certifying facilities or the person practicing therein, and the OIT Director.

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Stat. Auth.: ORS 418.005

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Stats. Implemented: ORS 418.005

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