



OREGON HEALTH LICENSING AGENCY



*Putting Oregonians to work
while protecting Oregon consumers*

Oregon Health Licensing Agency

Investigative Protocol



OHLA Investigative Protocol

1. OHLA must open an investigation on every complaint, reviewing the complaint for merit.



OHLA Investigative Protocol

- 2.** OHLA may initiate an investigation without a complaint, but such an investigation must be authorized by the Director or his designee prior to beginning.

OHLA Investigative Protocol

- 3.** OHLA may initiate and proceed with an investigation, either after a complaint by the public or on its own initiative, based on a **reasonable cause** to believe a **statute or rule** has been violated.

OHLA Investigative Protocol

4. If a complaint has met the reasonable cause standard as determined by the Director or his designate, it will be assigned to an investigator for investigation.

OHLA Investigative Protocol

4. Continued...

OHLA has statutory authority to issue an immediate suspension of a license if there is an immediate threat to the health and safety of the public.



OHLA Investigative Protocol

- 5.** Complaints with insufficient identifying information or that have not met a reasonable cause standard will be referred back to the complainant for additional information.

OHLA Investigative Protocol

6. Any investigation initiated by the Agency will require notification to the appropriate Board/Council enforcement committee/designee as a courtesy unless there is a conflict of interest.

OHLA Investigative Protocol

6. Continued...

Under those circumstances, the Board/Council Chair will be notified by the Director or his designee.



OHLA Investigative Protocol

7. The initial investigation will focus on obtaining any documentation of the alleged misconduct from the complainant.



OHLA Investigative Protocol

8. If there is an affected client or consumer, all efforts will be made to complete an interview and obtain evidence and/or cooperation.

OHLA Investigative Protocol

8. Continued...

However, cooperation from the affected client/consumer is not an absolute requirement to continue the investigation.

OHLA Investigative Protocol

9. An interview in person or via telephone with the complainant will be conducted as a routine part of the investigative process.



OHLA Investigative Protocol

10. OHLA will request any written documents, reports or recordings from the complainant (individual or business) **verbally or in writing.**

OHLA Investigative Protocol

11. If the complainant does not respond, OHLA will issue a subpoena.



OHLA Investigative Protocol

11. Continued...

The subpoena will be drafted by the Investigator and reviewed by the Regulatory Manager and the Assistant Attorney General (AAG) prior to issuance.

OHLA Investigative Protocol

12. After conducting all interviews and collecting reports, the Investigator reviews all materials with the Regulatory Manager, a designated Subject Matter Expert (SME), and/or the Director before proceeding.

OHLA Investigative Protocol

12. Continued...

If the evidence does not support the facts of the allegation, the investigation is terminated.



OHLA Investigative Protocol

- 13.** If reasonable cause exists that a statute or rule has been violated, OHLA will notify the subject of the investigation that a complaint has been filed and there is reasonable cause to believe a violation has occurred.

OHLA Investigative Protocol

14. The subject of the investigation will be provided general information regarding the nature of the complaint in writing before any questioning is conducted.

OHLA Investigative Protocol

- 15.** The Investigator and SME will meet with the subject of the investigation and the Investigator will question the subject.

OHLA Investigative Protocol

15. Continued...

The SME may provide input and ask clarifying questions.



OHLA Investigative Protocol

15. Continued...

Due to a unique confidentiality provision in statute, a direct entry midwife who is the subject of an investigation may decline this initial interview.

OHLA Investigative Protocol

15. Continued...

However, a direct entry midwife may be compelled to participate in interviews after the agency issues any notice of proposed discipline.

OHLA Investigative Protocol

16. The Investigator may request all written documents or records from the subject of the investigation to be provided before any interviews are requested, brought at the time of the interview or provided after interviews are concluded.

OHLA Investigative Protocol

17. The Investigator may request original documents if the original has value as evidence but must provide the subject or business entity with working copies within 72 hours.

OHLA Investigative Protocol

- 18.** If the SME and the Investigator believe the subject of the investigation did not violate any statutes or rules, the investigation is terminated.



OHLA Investigative Protocol

19. If at the end of the interview OHLA finds evidence to support a statute or rule has been violated, the subject will be notified of such in writing.



OHLA Investigative Protocol

20. If the subject of the investigation refuses to produce requested or required documents, the Agency may cite the subject for refusing to cooperate with the investigation. The Agency may also issue a subpoena for the specific records in question.

OHLA Investigative Protocol

21. Failure to respond to a subpoena may result in immediate suspension of an authorization to practice (license, certification, registration). Failure to respond to a subpoena may also result in the immediate filing of a contempt action against the subject of the investigation in civil court.

OHLA Investigative Protocol

22. After OHLA reviews all records and evidence and the investigation confirms that a violation of the statutes or rules is evident, investigative reports detailing all aspects of the investigation will be constructed.

OHLA Investigative Protocol

23. If the evidence does not support the allegation, OHLA will terminate the investigation and an investigation report will be constructed.



OHLA Investigative Protocol

24. An OHLA Investigator will provide an investigative report and the SME will provide a separate report to the Board/Council enforcement committee for review and recommendations.

OHLA Investigative Protocol

- 25.** If the investigation is unfounded, OHLA will notify the Board/Council of the details and no action will be taken.



OHLA Investigative Protocol

26. OHLA will notify the subject of the investigation immediately in writing of the outcome.



OHLA Investigative Protocol

- 27.** OHLA and the Board/Council should agree on the penalty. If OHLA and the Board/Council disagree, the Agency must provide justification for the change.

OHLA Investigative Protocol

27. Continued...

OHLA has the authority to overrule the Board/Council on these issues, depending on the statutory authority of the Board/Council, in the interest of public health and safety.

OHLA Investigative Protocol

- 28.** OHLA will notify the subject of the investigation in writing of the board's and agency's decision and the required legal notifications will begin (if appropriate).

OHLA Investigative Protocol

Questions?

