



## STATUTORY MINOR CORRECTION

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### DHSD 14-2020

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

FILING CAPTION: Minor Statutory Correction

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 407-045-0300

RULE SUMMARY: Correcting statutory reference in Other Statutes Implemented to ORS 430.662 from ORS 430.664.

CHANGES TO RULE:

407-045-0300

Adult Developmental Disabilities Abuse Rules: Investigation of Alleged Abuse ¶¶

- (1) Investigation of alleged abuse shall be thorough and unbiased.¶¶
- (a) CDDP may not investigate alleged abuse made against employees of the same CDDP.¶¶
- (b) Investigations of CDDP staff shall be conducted by OTIS or another CDDP not subject to an actual or potential conflict of interest.¶¶
- (2) In conducting an abuse investigation, the investigator shall attempt and, when possible, complete the following:¶¶
- (a) Make in-person contact with the adult;¶¶
- (b) Interview the adult, witnesses, the AP and other individuals who may have knowledge of the facts of the alleged abuse or related circumstances.¶¶
- (A) Interviews shall be conducted in-person where practicable.¶¶
- (B) For any person who needs an accommodation for the interview, such as language translation or other reasonable accommodation, the investigator shall note the information in the investigation report.¶¶
- (C) The investigator shall ask the date of birth for each individual interviewed and shall obtain the date of birth of any AP.¶¶
- (D) The investigator shall ask the AP if they are a DHS or OHA employee or volunteer, and document the response as part of the investigation interview information. If affirmed, the investigator shall give the AP the DHS-OHA form letter that outlines their required obligation to notify DHS-OHA Human Resources. ¶¶
- (E) The investigator shall document any relevant investigative interviews that did not occur, efforts made and the reason for no interview.¶¶
- (F) The investigator shall make at least three attempts to contact the AP for an investigative interview when no

response to an interview request occurs. At least one attempt shall be made by phone to the last known number and one by mail to the last known address.¶¶

(c) Review all records or evidence relevant and material to the complaint; and¶¶

(d) Photograph the adult's injuries consistent with trained guidelines, or arrange for the adult to be photographed, to preserve evidence of the condition of the alleged victim at the time of investigation, unless the adult knowingly refuses to be photographed.¶¶

(3) The investigator may enter a facility and inspect and copy records of a facility or community program if necessary for the completion of the investigation. A community program or facility shall provide the investigator access to employees, the adult and the premises for investigation purposes.¶¶

(a) Any relevant record used in an investigative interview shall be noted in the respective witness statement; and¶¶

(b) The relevant record shall be included as a supporting document in the submitted investigation report.¶¶

(4) OTIS approval to close any abuse investigation opened under these rules by the CDDP is required.¶¶

(5) Any variance from the investigative processes in this rule shall be staffed and approved by OTIS. The reason for the variance and the name of the OTIS coordinator or OTIS manager who approved the variance shall be documented clearly in the investigative report.¶¶

(6) If the investigator believes an allegation meets the conditions to be considered closed without an abuse determination, then OTIS approval to close shall be obtained.¶¶

(a) Investigative efforts and information obtained as described in (2) of this section shall be documented in the written report submitted for OTIS approval to close.¶¶

(b) The investigator is responsible for informing persons or entities who were notified of the opened investigation per OAR 407-045-0291, the allegation has been approved to close without an abuse determination.¶¶

(c) If the investigator informed the AP of the investigation being opened, then the investigator shall inform the AP the allegation has been closed without an abuse determination.

Statutory/Other Authority: ORS 409.050, 409.010, 430.731

Statutes/Other Implemented: ORS 430.735-430.765, 443.400-443.465, 443.705-443.825, 430.731, 430.6642, 430.768, 443.875