



Oregon

Kate Brown, Governor

Department of Human Services

Safety, Oversight, and Quality

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CBC-22-14 Provider Alert

January 13, 2022

TO: Residential Care and Assisted Living Facilities

FROM: Safety, Oversight and Quality

RE: APS, access to records

Adult Protective Services (APS) is tasked with investigating allegations of abuse in Oregon's long-term care settings. To complete thorough and timely investigations it is crucial they have access to records that are pertinent to their investigation.

OAR 411-050-0730(4)(a) states the following:

(4) COOPERATION AND ACCESS. The licensee or administrator must cooperate with the Department, Centers for Medicare and Medicaid Services (CMS), Oregon Health Authority (OHA) and local licensing and investigative personnel in inspections, complaint investigations, planning for resident care, application procedures, and other necessary activities. (a) Department, CMS, OHA, local licensing, and **investigative personnel must be provided access to all resident and facility records and may conduct private interviews with residents.**

If APS has requested records from a Community Based Care licensee, it is imperative these records be provided without unnecessary delay. The APS investigator may use the form below to indicate which records they are requesting of the facility for investigative purposes.

If you have any questions about this provider alert, please email:

CBC.TEAM@dhsoha.state.or.us

Facility _____

Case # _____

Dear _____,

Date _____

The Oregon Department of Human Services, through Adult Protective Services (APS) conducts investigations of reported abuse under ORS 124.070.

The following records are requested:

As a licensed Facility you are required to provide APS with all resident and facility records maintained by the facility and requested by an APS worker. See:

- OAR 411-020-0123(4)(a)
- OAR 411-052-0005(4)(6)(b)
- OAR 411-052-0105(1)(a)
- ORS 443.416
- ORS 443.755

This includes relevant records whether or not they are required to be maintained by licensing rules. These records could be anything the facility creates and maintains regardless of any legal requirement to do so.

APS workers must have access to all resident and facility records and may conduct private interviews with residents. To remain in compliance, all documents requested must be provided to APS at the time of the request or no later than 48 hours. Failure to comply with this requirement shall result in regulatory action.

Your assistance helps to ensure that investigations are thorough and contain all relevant information to determine an objective and fair conclusion.

Thank you,