

Information Memorandum Transmittal Developmental Disabilities Services



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Number: DD-IM-21-014

Issue date: 3/19/2021

Topic: Developmental Disabilities

Due date: 3/17/2021

Subject: Investigating and Screening Abuse or Neglect Related to COVID-19 Infection Control Measures

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (<i>please specify</i>): OTIS Investigators |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Message:

COVID-19 has presented challenges in the ways we support and serve individuals enrolled in Community Developmental Disabilities Program (CDDP) services. Individuals living with I/DD are at greater risk of significant health impacts if they become infected with COVID-19. In March 2020, OTIS provided guidance related to expectations for screening abuse referrals associated with potential or actual COVID-19 exposure. Since then, much has been learned about the most effective ways to mitigate the risk of COVID-19 exposure, including improved guidance related to the use of infection control measures. Extensive policy statements and guidance have been issued by OSHA, the CDC, Oregon Governor's Office, Oregon Health Authority, Local Public Health Authorities (LPHA) and ODDS regarding the safety practices providers and caregivers are required to use while caring for persons with I/DD.

After thorough discussion with the OTIS/CDDP Investigations Advisory Group (IAG) and input from other I/DD professionals; OTIS prepared the following guidance related to allegations of neglect or abuse related to a caregiver's failure to adhere to the COVID-19 safety practices, rule or policy expectations related to mitigating the

transmission of the COVID 19 virus.

All reported allegations related to a professional caregiver or provider engaging in willful disregard of mandated safety practices, rules or policies shall be screened for neglect. If screening information indicates the Accused Person/Provider (AP) was providing care with willful disregard of safety practices, then it will be assumed the AP may pose a risk of harm to an Alleged Victim (AV) for whom the AP is providing care.

Descriptions of willful disregard include, but are not limited to:

- AP provides care while knowingly being diagnosed positive for COVID-19 or while having been directed to quarantine pending outcome of a test or while otherwise falling into a presumptive status.
- AP pervasively refuses to correctly use PPE or safety measures (masks, gowns, gloves, distancing, handwashing) during client care, regardless of a diagnosis.
- AP knowingly falsifies or withholds information which would indicate they should not be providing care (falsifying a temperature reading or withholding a positive test result).

This guidance provides support for abuse investigations staff to assign an investigation of neglect based on the risk potential transmission of COVID-19 poses to the AV. In addition to this communication, a COVID-19 Screening Tool providing guidance and links to appropriate rule, policy, and guidance from ODDS, OHA, and OSHA is provided.

Covid-19 Screening Tool (PDF Attached)

The purpose of this tool is to provide guidance when collecting information related to a COVID-19 related abuse referral. (Links to the full ODDS, OHA, and OSHA rules, policy, and guidelines are provided).

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Descriptions of willful disregard include, but are not limited to:

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- AP knowingly falsifies or withholds information which would indicate they should not be providing care (falsifying a temperature reading or withholding a positive test result).

24-Hour Residential/Foster Care –

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/24-Hour-Residential-Foster-Care-Reopening-Worker-Guide.pdf> - ODDS Workers Guide

Key Requirements	Considerations	Notes
Use good infection control practices – handwashing/sanitizer	<ul style="list-style-type: none"> • Are infection control practices in place? • Are hand soap/sanitizer available to staff? 	
Cover cough or sneeze with elbow		
Mask when delivering in-person care or within six feet of individuals – resident foster care provider encouraged but not required to wear face covering	<ul style="list-style-type: none"> • Type of mask appropriate for risk level? • Mask worn over mouth and nose? • Length of time in proximity to the individual? 	
Provider required to provide access to mask/face covering if individual leaves home	<ul style="list-style-type: none"> • Are masks/face coverings available? • Do staff know where masks are located? 	
Employee health tracking before shifts or reentering home	<ul style="list-style-type: none"> • Documentation of tracking? • If symptoms are reported is appropriate action taken? 	
Consult Local Public Health Authority (LPHA) if employee has been exposed but is not symptomatic	<ul style="list-style-type: none"> • Was the LPHA informed? • Is the program following the recommendations of the LPHA? 	
Provider must inform other service providers if residents/household members demonstrate symptoms	<ul style="list-style-type: none"> • Were other service providers informed? 	

Supported Living

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Supported-Living-Reopening-Worker-Guide.pdf> - ODDS Workers Guide

Key Requirements	Considerations	Notes
Use good infection control practices – handwashing/sanitizer	<ul style="list-style-type: none">• Are infection control practices in place?• Are hand soap/sanitizer available to staff?	
Cover cough or sneeze with elbow		
Wear mask when delivering any in-person care within six feet of the individual	<ul style="list-style-type: none">• Type of mask appropriate for risk level?• Provider has masks/face covering available to staff?• Mask worn over mouth and nose?• Length of time in proximity to the individual?	
Employee health tracking before shifts or reentering home	<ul style="list-style-type: none">• Documentation of Tracking?• If symptoms are reported is appropriate action taken?	
Consult Local Public Health Authority (LPHA) if employee has been exposed but is not symptomatic	<ul style="list-style-type: none">• Was the LPHA informed?• Is the program following the recommendations of the LPHA?	
Provider must inform other service providers if residents/household members demonstrate symptoms	<ul style="list-style-type: none">• Were other service providers informed?	

In-Home Agency

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/In-Home-Agency-Provider-Reopening-Worker-Guide.pdf> - ODDS Workers Guide

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2398.pdf> - OSHA In-Home Care Workers Guidance (Agency/Non-Agency)

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2398.pdf> - OHA Interim In-Home Personal Care Infection Control Guidance

Key Requirements	Considerations	Notes
Use good infection control practices – handwashing/sanitizer	<ul style="list-style-type: none"> • Are infection control practices in place? • Are hand soap/sanitizer available to staff? 	
Cover cough or sneeze with elbow		
Wear mask when delivering any in-person care within six feet of the individual	<ul style="list-style-type: none"> • Type of mask appropriate for risk level? • Provider has mask/face covering available to staff? • Mask worn over mouth and nose? • Is employee exempt? • Length of time in proximity to the individual? 	
Employee health tracking before shifts or reentering home	<ul style="list-style-type: none"> • Documentation of Tracking? • If symptoms are reported is appropriate action taken? 	
Consult Local Public Health Authority (LPHA) if employee has been exposed but is not symptomatic	<ul style="list-style-type: none"> • Was the LPHA informed? • Is the program following the recommendations of the LPHA? 	
Provider must inform other service providers if residents/household members demonstrate symptoms	<ul style="list-style-type: none"> • Were other service providers informed? 	

Employment Services –

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/Employment-DSA-Reopening-Worker-Guide.pdf> - ODDS Workers Guide

Key Requirements	Considerations	Notes
Use good infection control practices – handwashing/sanitizer	<ul style="list-style-type: none"> • Are infection control practices in place? • Are hand soap/sanitizer available to staff? 	
Cover cough or sneeze with elbow		

Wear mask when delivering any in-person care when physical distancing is not possible.	<ul style="list-style-type: none"> Type of mask appropriate for risk level? Mask worn over mouth and nose? Is employee exempt? 	
Employee health tracking before shifts or reentering home	<ul style="list-style-type: none"> Documentation of Tracking? If symptoms are reported is appropriate action taken? 	
Provider must inform other service providers if residents/household members demonstrate symptoms	<ul style="list-style-type: none"> Were other service providers informed? 	

Personal Support Worker –

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/PSW-COVID-Mask-Requirement-English.pdf> - ODDS Mask Requirement Notice

PSW Positive Reporting Requirement - <https://www.adasoutheast.org/ada/publications/legal/ada-and-face-mask-policies.php>

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2398.pdf> - OSHA In-Home Care Workers Guidance (Agency/Non-Agency)

<https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2398.pdf> - OHA Interim In-Home Personal Care Infection Control Guidance

Key Requirements	Considerations	
Wear mask when delivering any in-person care when within six feet of an individual	<ul style="list-style-type: none"> Type of mask appropriate for risk level? Mask worn over mouth and nose? Is employee exempt? Is mask available? 	

General Guidance

<https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/COMMUNICABLEDISEASE/REPORTINGCOMMUNICABLEDISEASE/REPORTINGGUIDELINES/Documents/Novel-Coronavirus-2019.pdf> - Definition of presumptive status

<https://www.oregon.gov/DHS/SENIORS-DISABILITIES/DD/ODDS%20Resource%20Library/COVID-ODDS-Mask-Infographic-Final.pdf> - Mask Guidance

<https://osha.oregon.gov/OSHARules/div1/437-001-0744.pdf> - Scenarios and Reporting Requirements – PPE Requirements if a positive case is detected in a home

<https://sharesystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf> - OHA Masks, Face Coverings, Face Shields Guidance

<https://www.osha.gov/coronavirus/safework> - OSHA Workers Guidance Page

<https://osha.oregon.gov/OSHARules/div1/437-001-0744.pdf> - OSHA Temporary Rule Addressing Covid-19 Workplace Risks



COVID-19 Scening
Tool.pdf

<https://www.oregon.gov/dhs/SENIORS-DISABILITIES/DD/PROVIDERS-PARTNERS/Documents/COVID-19-Screening-Tool.pdf>

If you have any questions about this information, contact:

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