

Lilia Teninty

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Number: APD-AR-18-014

Issue date: 2/16/2018

Topic: Developmental Disabilities

Due date:

Subject: Citing the Abuse Statute in Investigation Reports

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 | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input 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 type="checkbox"/> ODDS Children's
Residential Services | <input checked="" type="checkbox"/> Other (<i>please specify</i>): OAAPI IU |
| <input type="checkbox"/> Child Welfare Programs | |

Action required:

Starting February 1, 2018, investigators conducting abuse investigations under the authority of ORS 430.731 to 430.768 for adults with developmental disabilities will begin using the specific defined statutory abuse term in reports submitted for approval, rather than administrative rule (OAR 407-045-0260).

All Department adult abuse investigators and community developmental disability program investigators will receive a revised abuse report template.

Also, a document with the defined statutory abuse terms (Example) will be emailed to all current CDDP investigators and incorporated into the Investigator Core Competency training; to use for notices or report writing.

Reason for action:

Having a standard allegation statement format in abuse investigation reports will help to ensure clarity of purpose and readability across Department programs, CDDPs, partner agencies and community service providers who may be accessing the reports for regulatory or protective reasons, and will help to ensure that due process is fully provided to Alleged Perpetrators (AP).

Changing from using the administrative rule to the revised statute is needed due to new abuse check processes for certain Department staff as part of new background check laws becoming effective January 1, 2018. The Department's Background Check Unit will be filing new rules related to this 2017 legislation: In general, certain abuses defined in ORS 430.735 that are substantiated on or after 01/01/2018 may (if all rule requirements are met) result in certain subject individuals being ineligible for a fitness determination or hearing rights. These new rules will be in addition to current abuse check rules applicable to all current Department employees.

Field/stakeholder review: Yes No

If yes, reviewed by: Paul Partridge, Adria Cornell, Brian Hughes, and all CDDP investigators sent a draft copy to review by OAAPI AIC

If you have any questions about this action request, contact:

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Example: Defined Statutory Abuse Terms

Abandonment

ORS 430.735 (1)(a) "Abuse" means: Abandonment, including desertion or willful forsaking of a person with a developmental disability or the withdrawal or neglect of duties and obligations owed a person with a developmental disability by a caregiver or other person.

Physical Abuse

ORS 430.735 (1)(b) "Abuse" means: Any physical injury to an adult caused by other than accidental means, or that appears to be at variance with the explanation given of the injury.

ORS 430.735 (1)(c) "Abuse" means: Willful infliction of physical pain or injury upon an adult.