Action Request Transmittal
Developmental Disabilities Services

Lilia Teninty & Chuck Hibner

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Number: APD-AR-18-051
Issue date: 8/31/2018

Topic: Developmental Disabilities

Subject: DD Abuse Investigation's Notice of Outcome

Applies to (check all that apply):

☐ All DHS employees
☐ County Mental Health Directors
☐ Area Agencies on Aging: {Select type}
☐ Health Services
☐ Aging and People with Disabilities
☐ Office of Developmental Disabilities Services (ODDS)
☐ Self Sufficiency Programs
☐ Other (please specify): OTIS, DD Service Coordinators, Brokerage Directors and Personal Agents
☐ County DD program managers
☐ ODDS Children’s Intensive In Home Services
☐ ODDS Children’s Residential Services
☐ Stabilization and Crisis Unit (SACU)
☐ Child Welfare Programs
☐ Other (please specify): OTIS, DD Service Coordinators, Brokerage Directors and Personal Agents

Action required:
The Department’s Office of Training, Investigations and Safety (OTIS) is requesting CDDP abuse investigation specialists to continue to provide upon approved closure of an allegation with a not substantiated abuse finding; the Notice of Outcome to the Accused Person/Provider (AP, formerly known as alleged perpetrator) through September 30, 2018.

The investigator must also ensure a copy of the AP’s Notice of Outcome is sent to:

- The “facility” (adult foster home or 24-Hour residential home) involving APs who are a facility staff or caregivers; and
- Any licensing or certifying agency that received a notice of investigation per OAR 407-045-0291.

Investigators are to continue using the OTIS provided template letter for allegations with not substantiated abuse findings only, given as part of the OTIS Temporary Rule trainings provided in April 2018. (See attached copy.)
This OTIS variance to the Permanent Administrative Order for August 27, 2018 only applies to the section OAR 407-045-0325(1) and through September 2018.

Reason for action:
OTIS is unable to implement in a timely manner, the requirements of the statute ORS 430.731 and rules (OAR 407-045-0280) to provide training to Department designees (who are DD abuse investigation specialists) on the permanently amended rules filed on July 13th, 2018 for implementation on August 27, 2018. The training for investigators is scheduled for September 26th and September 27th, 2018.

As such, OTIS has determined that requirements in OAR 407-045-0325(1), which states OTIS shall provide the Notice of Outcome to the AP within 3 three business days upon approval to close, will not be fulfilled by OTIS until October 1, 2018.

OTIS amended the abuse notification process in this rule to being OTIS’s responsibility to ensure the AP is provided a Final Order for not substantiated outcomes. Only the Department (OTIS) may issue the Final Order.

Field/stakeholder review:  ☐ Yes  ☒ No

If yes, reviewed by:

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

Contact(s): Charles Hibner
Phone: 503-945-9495  Fax:
Email: OTIS.DirectorsOffice@state.or.us

ATTACHMENT: Notice of Outcome form-DD (see next page)
Date: (date)

TO: (name)
    (Address)

FROM: (name), Investigator
       (Program name)

Re: (Case #)

Dear (Name):

As you know, my program opened an investigation for an allegation of abuse defined under ORS 430.735. This letter is being sent to you because you are entitled to receive notification of the outcome of this investigation. Much of the information in the original report is confidential and protected under State and Federal law.

When the Department or a community program conducts an adult abuse investigation under Oregon Administrative Rule 407-045-0250 to 407-045-0370 and based on a preponderance of evidence gathered, allegations may be determined as substantiated or not substantiated.

In this case, after a complete evaluation of the evidence available, it has determined the allegation (insert allegation info) as NOT SUBSTANTIATED.

If you would like more information about the investigative finding, you may request a public record copy of the report by sending your request in writing to my office.

Thank you.

[name, title]