

Action Request Transmittal Developmental Disabilities Services



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Number: APD-AR-18-051

Issue date: 8/31/2018

Topic: Developmental Disabilities

Due date: October 1, 2018

Subject: DD Abuse Investigation's Notice of Outcome

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 type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Other (<i>please specify</i>): OTIS, DD
Service Coordinators, Brokerage
Directors and Personal Agents |
| <input type="checkbox"/> Child Welfare Programs | |

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)

letterhead

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]