

Developmental Disabilities Services

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Issue date: 8/12/2016

Topic: Developmental Disabilities

Subject: Notifications related to Independent Providers (Personal Support Workers or non-PSW Independent Contractors) named in abuse investigations.

Applies to (check all that apply):

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| <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 checked="" type="checkbox"/> Office of Adult Abuse Prevention and Investigations (OAAPI) |
| <input type="checkbox"/> Self Sufficiency Programs | <input checked="" type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers, Services Coordinators, and Adult Abuse Investigators | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Other (please specify): Support Services Brokerage Directors and Personal Agents |
| <input type="checkbox"/> Child Welfare Programs | |

Message:

Oregon Administrative Rule 411-375 describes circumstances in which an Independent Provider (Personal Support Worker and non-PSW Independent Provider) may have their provider number inactivated or terminated by the Department of Human Services. The Department is responsible for taking action to terminate or inactivate a provider number when notified of a circumstance warranting that action. These include investigations for suspected abuse of a child or adult, investigations by law enforcement for certain crimes, and Medicaid fraud (allegation or conviction).

[OAR 407-045, Abuse Reporting and Protective Services-Adults with I/DD](#) describes the standards and procedures that governs CDDP abuse investigators, with each CDDP having staff dedicated to ensuring the provisions of this rule. When an allegation of abuse is received, the DD abuse investigator is required to make certain notifications depending on the particulars of the case and investigation actions. OAR 407-045-0290(15) states if determined a report of abuse will be assigned for investigation, notification to others with responsibility for providing services and protection may occur. The notice must be provided within 5 working days; and includes information that the case shall be assigned for investigation, identify the investigator

and provide information regarding how the assigned investigator may be contacted.

To ensure thorough communications and possible needed protections, the DD abuse investigator shall notify ODDS via a [secure email to ODDS.ProviderActionRecommendation@state.or.us](mailto:ODDS.ProviderActionRecommendation@state.or.us) if an investigation is opened involving an Independent Provider suspected of a crime, fraud or alleged abuse. The notification must include the name of the provider, the referring agency (if applicable), and the allegations against the provider.

Case management entities must also notify ODDS within 5 days after being notified that there is an open investigation on an Independent Provider for an alleged crime, fraud or abuse. This assures that complete information about the situation is received by ODDS. Follow the process described in the "Independent Provider Termination and Inactivation Worker Guide" and "AR-Recommendations to Inactivate or Terminate Providers."

If ODDS takes action to inactivate or terminate an Independent Provider's number pending the completion of a DD abuse investigation, ODDS will notify the Independent Provider, staff who completed the Recommendation to Take Action form, and the program manager or director of any case management entity with the Independent Provider on their provider panel in eXPRS.

During the abuse investigation as part of protective services, the Services Coordinator or Personal Agent, DD abuse investigator and the Department, which includes ODDS and OAAPI, may share and review any new information that becomes known that may affect the health, safety and welfare of individuals accessing department services.

The DD abuse investigator will document the actions taken pending the completion of the abuse investigation in the protective services portion of the written investigation report. Upon completion of the investigation, the investigator will ensure ODDS is listed as part of the Distribution section, to receive a full copy of the final confidential report from OAAPI upon the case being closed. Upon review of the final investigation report, ODDS will work with the CDDP/Brokerage if further action is needed.

The DD abuse investigator will ensure the CDDP/Brokerage is provided the results of the investigation, a redacted report. By rule, OAR 407-045-0330 states a redacted copy of the final abuse investigation report is provided to support any follow-up action that may be needed to prevent further abuse, or support corrective action. As such, Services Coordinators or Personal Agents may determine further action is needed, which may include reinstatement, required training, or termination.

The involved Independent Provider will be provided notice of the abuse investigation being completed and the finding by the DD abuse investigator with information provided on obtaining a redacted copy of the abuse report, if desired.

If ODDS determines to terminate an Independent Provider's provider number based on a finding of abuse per a completed DD abuse investigation, ODDS will contact the DD

abuse investigator to obtain a copy of the redacted report prepared for the provider or brokerage, if needed for notice to Independent Provider.

Related Oregon Administrative Rules:

[OAR 407-045, Abuse Reporting and Protective Services-Adults with I/DD](#)

[OAR 411-320, Community Developmental Disability Program](#)

[OAR 411-325, Personal Support Workers Providing DD In-Home Services](#)

[OAR 411-330, Comprehensive In-Home Support for Adults with I/DD](#)

[OAR 411-340, Support Services for Adults with DD](#)

[OAR 411-375, Independent Providers Delivering Developmental Disability Services](#)

If you have any questions about this information, as it relates to ODDS contact:

Contact(s):	Chrissy Fuchs		
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Email:	<u>CHRISSEY.FUCHS@state.or.us</u>		

If you have any questions about this information, as it relates to OAAPI contact:

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Email:	<u>Tina.Strahan@state.or.us</u>		