Policy Transmittal

Developmental Disabilities Services

Lilia Teninty  
Authorized Signature  

Number: APD-PT-16-047  
Issue date: 12/9/2016

Topic: Developmental Disabilities

Transmitting (check the box that best applies):

- [ ] New policy  - [x] Policy change  - [ ] Policy clarification  - [ ] Executive letter
- [ ] Administrative Rule  - [ ] Manual update  - [ ] Other: ____________________________

Applies to (check all that apply):

- [ ] All DHS employees  - [ ] County Mental Health Directors
- [ ] Area Agencies on Aging  - [ ] Health Services
- [x] Aging and People with Disabilities  - [x] Office of Developmental Disabilities Services (ODDS)
- [ ] Self Sufficiency Programs  - [ ] Health Services
- [x] County DD Program Managers  - [ ] ODDS Children’s Intensive In Home Services
- [x] ODDS Children’s Residential Services  - [x] Stabilization and Crisis Unit (SACU)
- [ ] Child Welfare Programs  - [ ] Other (please specify): OAAPI and CDDP Abuse Investigations Specialists

Policy/rule title: Extensions of time on the due date for Abuse Investigation and Protective Services Reports.

Policy/rule number(s): OAR 407-045-0320(3)  
Release no: ____________________________

Effective date: Immediately  
Expiration: ____________________________

References: ORS 430.731 through 430.768, Abuse Reporting for Adults with Mental Illness or Developmental Disabilities. ORS 430.664 Additional developmental disability services that may be provided.

Web address: https://www.oregonlegislature.gov/bills_laws/ors/ors430.html
http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_407/407_045.html
Discussion/interpretation:
This transmittal clarifies “workload” as not being “good cause” relating to an extension of time when an abuse investigator cannot complete an investigation conducted under OAR chapter 407, division 45 within 45 days.

OAR 407-045-0320(3) states, “In cases where, for good cause shown, the protective services investigator cannot complete the report within 45 days, the investigator shall submit a request for time extension to OIT [OAAPI].” The rule further states:

(a) An extension may be granted for good cause shown which includes but is not limited to:
   (A) When law enforcement is conducting an investigation;
   (B) A material party or witness is temporarily unavailable;
   (C) New evidence is discovered;
   (D) The investigation is complex (e.g., large numbers of witnesses need to be interviewed taking into account scheduling difficulties and limitations, consultation with experts or a detailed review of records over an extended period of time is required); or
   (E) For some other mitigating reason.

(b) When granting an extension, OIT [OAAPI] shall consult with the program about the need for an extension and determine the length of the extension as necessary.

(c) The community program shall notify the provider agency, brokerage and guardian when an extension is granted and advise them of the new report due date.

This rule section was implemented in 2009, as part of a significant changes in the Abuse Reporting for Adults with DD law. “Good cause” and “mitigating reason” were not defined in the rule.

Implementation/transition instructions:
Extension requests will no longer be approved for “workload” as a good cause. OAAPI managers and DD abuse investigation coordinators will only approve extension request based on criteria in rule.

Training/communication plan:
OAAPI’s Training Unit will ensure references to this policy transmittal are included in the DD Adult Abuse Investigator Core Competency Training. OAAPI AICs for adult DD Services will review this transmittal with assigned CDDP investigators and DD program managers for their region, review and request a written plan related to timely case completion and no longer approve any extension that cites workload as a factor.

OAAPI AICs and OAAPI investigators will be required to submit all extension requests to management for approval.

Local/branch action required:
Request extensions based on rule criteria identified above. Consult with assigned AIC when experiencing challenges in meeting deadlines.
Central office action required:
OAAPL will further review efficiencies to assist CDDP abuse investigation specialists in being able to complete ORS and OAR required tasks

Field/stakeholder review:  ☒ Yes  ☐ No

If yes, reviewed by:  CDDP policy group

Filing instructions:

If you have any questions about this policy, contact:

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