

Lilia Teninty  


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**Authorized Signature**

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

**Topic:** Developmental Disabilities

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other: \_\_\_\_\_

**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 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 checked="" type="checkbox"/> Stabilization and Crisis Unit (SACU)   |
| <input checked="" type="checkbox"/> ODDS Children’s Residential Services | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): OAAPI and CDDP Abuse Investigations Specialists |
| <input type="checkbox"/> Child Welfare Programs                          |  |

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:	<a href="https://www.oregonlegislature.gov/bills_laws/ors/ors430.html">https://www.oregonlegislature.gov/bills_laws/ors/ors430.html</a>  <a href="http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_407/407_045.html">http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_407/407_045.html</a>

### **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:**

OAAPI 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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