

Lilia Teninty

Authorized Signature

Number: APD-PT-18-011
Issue date: 3/16/2018

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

Policy/rule title:	Notification and Review of Abuse Determinations Resulting From Investigations Conducted Under ORS chapter 430.		
Policy/rule number(s):	OAR 407-045-0000 to 0115	Release no:	
Effective date:	March 1, 2018	Expiration:	

References:	
Web address:	http://sos.oregon.gov/archives/Pages/oregon_administrative_rules.aspx

Discussion/interpretation:

The DHS Office of Adult Abuse Prevention & Investigations (OAAPI) is modifying the process by which alleged perpetrators in CDDP and OAAPI investigations conducted under OAR 407-045-0250 through 407-045-0370 are notified of the substantiated abuse finding, to assure they are afforded a notice for rights to request an

administrative review of the substantiated abuse finding prior to the issuance of a Department final order.

Effective March 1, 2018 for cases approved for closing; all persons, facilities or programs who are named as an alleged perpetrator in an adult abuse investigation under ORS 430.731 to 430.768 will be notified in writing by OAAPI of the substantiated abuse finding. The alleged perpetrator will be advised of their rights to submit a written request within thirty (30) days from the date of the Notice of Substantiated Outcome to OAAPI's Policy & Legal Affairs unit for an OAAPI review of the substantiated abuse findings. The procedures for the notice and substantiated abuse review process are detailed in rule [OAR 407-045-0000 to 407-045-0115 temporary, effective March 1, 2018], and upon completion, will result in issuance of a Department Final Order. The Final Order will advise the alleged perpetrator of the outcome and provide the right to request a judicial review other than contested case, in accordance with ORS 183.484.

By rule, OAAPI will notify other Department or Authority program partners, as well as public licensing agencies or boards (if applicable) of the Final Order when issued. OAAPI will also inform the assigned case investigator in writing of the need to notify other persons or entities that received a Notice of Outcome from the investigator when their investigation was approved for closing (in accordance to OAR 407-045-0320). The investigator will also be provided a copy of the final order and (if applicable) any addendums completed as part of the substantiated abuse review process, to maintain as part of the confidential investigation case records.

Other parties who may be dissatisfied with the outcome of an abuse investigation may be directed to write to the OAAPI Director at OAAPI.DirectorsOffice@dhsosha.state.or.us to express their concerns or complaints, which will be reviewed by OAAPI management.

Implementation/transition instructions:

This policy transmittal supersedes the OAAPI "Policy Governing Due Process for Persons Substantiated for Serious ('Level 3') Abuse or Mistreatment in Licensed or Certified Settings," last updated June 27, 2012, which is repealed by this Policy Transmittal and filing of administrative rules OAR 407-045-0000 to 407-045-0115.

Training/communication plan:

OAAPI managers and coordinators have discussed the planned abuse review process with a diagram provided to CDDP program management and adult abuse investigators in 2017 & 2018.

Local/branch action required:

New form, the "Notices of Outcome" template will be provided to investigators as part of the updated rule training.

Central office action required:

OAAPI will be responsible for communicating this process change to affected providers, partners, stakeholders and the public upon request.

Field/stakeholder review: Yes No

If yes, reviewed by: CDDP program manager and abuse investigators

Filing instructions:

If you have any questions about this policy, contact:

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