

# Policy Transmittal Developmental Disabilities Services



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**Authorized signature**

**Number:** APD-PT-18-037

**Issue date:** 8/31/2018

**Topic:** Developmental Disabilities

**Due date:**

**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: {Select type} | <input type="checkbox"/> Health Services  |
| <input type="checkbox"/> Aging and People with Disabilities    | <input 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 and CDDP Adult Abuse Investigators; Brokerage Directors |
| <input type="checkbox"/> Child Welfare Programs                |   |

<b>Policy/rule title:</b>	Abuse Investigation and Protective Services for Adults with Developmental Disabilities in Community Programs & Facilities		
<b>Policy/rule number(s):</b>	OAR 407-045-0250 through 407-045-0370	<b>Release number:</b>	
<b>Effective date:</b>	August 27, 2018	<b>Expiration date:</b>	n/a
<b>References:</b>	PT-18-010		
<b>Web address:</b>	[pending]		

**Discussion/interpretation:**

On March 1, 2018, the Office of Training, Investigations and Safety (OTIS, formerly known as OAAPI) filed DHSD 3-2018, temporary amend filed 02/27/2018, effective 03/01/2018 through 08/27/2018. Following the rulemaking process, OTIS filed the Notice of Proposed Rulemaking, effective date 08/27/18. A rule summary related to each amended rule section and tracked changes to the rules are stated in the Notice.

Notable rules changes that affect previous trained practices or rule requirements include:

- Screening determination to be made by the end of the third business day after receiving the alleged abuse complaint.
- OTIS to provide all the Notice of Outcomes to accused persons/providers (AP) for unsubstantiated allegations.
- Eliminated several previously required notifications unless mandated by law by the Department or designee (investigator).
- Removed licensing notifications of complaints received unless reasonable cause to believe abuse occurred and assigned for investigation.
- Clarify when confidential or redacted reports may be released.
- Investigator to assure the redacted report for substantiated allegations are sent to OTIS within five (5) business days of approval to close.
- Redacted reports are only required to be sent out when there are recommended actions related to protective services and the allegation is not substantiated.
- Public records requests for substantiated abuse findings are not released until the abuse review and final order process is completed.
- OTIS abuse reviewers are required to participate in the trainings and quarterly meetings provided investigators.

**Implementation/transition instructions:**

OTIS, CDDP abuse investigators and DD program managers are responsible for reviewing the permanent rules and assessing their program operations for any needed changes.

**Training/communication plan:**

OTIS abuse investigation coordinators informed CDDP investigators of the permanent rules filed at the July 24<sup>th</sup>, 2018 Quarterly meeting for DD investigators and planned training.

A special required rule revision training for investigators on the changes is scheduled twice in September 2018, and offered as either a classroom or Skype presentation. The training is required to be taken once.

Here are the course details:

- Event Title: OTIS - September Abuse Rules Update: Developmental Disabilities
- First Occurrence: 9/26/2018 from 12:30 PM to 04:30 PM
- Second Occurrence: 9/27/2018 from 8:30 AM to 12:30 PM

The link to register for the course in iLearn is: <http://go.usa.gov/xnzVr>

**Local/branch action required:**

All abuse investigators will be required to take the September 2018 training presentation. Any new forms related to the rule changes will be provided by OTIS as part of the required September 2018 training.

**Central office action required:**

OTIS coordinators and managers are available to provide technical assistance to CDDP investigators and program managers as needed.

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Rules Advisory Committee members provided input on the development of these permanent rules.

**Filing instructions:**

This transmittal replaces PT-18-010  
(<http://www.dhs.state.or.us/policy/spd/transmit/pt/2018/pt18010.pdf>)

*If you have any questions about this policy, contact:*

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