Policy Transmittal
Developmental Disabilities Services

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Authorized signature

Number: UPDATED
Issue date: 10/23/2020

Topic: Protective Services
Due date: October 1, 2020 (effective)

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):

☐ All DHS employees  ☒ County Mental Health Directors
☐ Area Agencies on Aging: {Select type}  ☐ Health Services
☐ Aging and People with Disabilities  ☒ Office of Developmental Disabilities Services (ODDS)
☐ Self Sufficiency Programs  ☒ ODDS Children’s Intensive In Home Services
☒ County DD program managers  ☒ Stabilization and Crisis Unit (SACU)
☒ Support Service Brokerage Directors  ☒ Other (please specify): OTIS and adult abuse investigators-DD.
☐ ODDS Children’s Residential Services
☐ Child Welfare Programs

Policy/rule title: Amending definitions used in abuse investigations - adults w/DD
Policy/rule number(s): 407-045-0260  Release number:
Effective date: October 1, 2020  Expiration date:
References: Permanent Order DHSD 21-2020
Web address: http://records.sos.state.or.us/OR SOSWebDrawer/Recordpdf/7605273

Discussion/interpretation:
The Oregon Department of Human Service, Office of Training Investigation and Safety (OTIS) has filed a Permanent Order to amend two (2) definitions in OAR 407-045-0260. These definitions are used along with ORS 430.735 for conducting abuse investigations involving adults with I/DD as the alleged victim. This rule change became effective 10/01/2020.
First, as part of policy standardization efforts, OTIS is amending the definition of an accused person (AP) to reflect operational guidance provided to abuse investigators the past year, as it relates to exceptions to who is named as an accused in an abuse investigation under OAR 407-045-0250 to 407-045-0370.

Specifically, persons will NOT be named when the accused is 1) Another adult with developmental disabilities; or 2) Another resident receiving residential services from the same group home or foster home provider as the alleged victim, UNLESS that person is also a paid caregiver for the alleged victim.

The changes also clarify NOT naming persons under 18 years of age, UNLESS that person is emancipated, as stated in OAR 407-045-0250.

Second, the Department deleted the rule defined term “verbal conduct” in (28) to assure alignment with ORS 430.735(1)(f)(15). However, the use of American Sign Language or augmented communication will be treated as verbal communication under these investigative rules.

**Implementation/transition instructions:**
The exceptions defined in OAR 407-045-0260 (5) for the term “accused person” as related to minors has been in effect since March 2018 and has been part of OTIS coordinator guidance, and consultations with investigators related to reported events of client to client abuse in the past year.

OTIS managers and coordinators have also discussed the planned rule changes at the August 2020 DD Investigator Quarterly. Investigators may contact their assigned OTIS manager or abuse investigation coordinator for information shared.

**Training/communication plan:**
OTIS abuse investigations coordinators reviewed the impact of these rule changes with adult abuse investigators on September 28th, 2020 at 9 AM. Info for the technical assistance call was emailed to DD program managers and adult abuse investigators prior to the virtual meeting.

**Local/branch action required:**
Community DD Programs may need to review their own local office publications, policies and procedures to ensure conformity to the amended definitions rule.

**Central office action required:**
The Department will review forms and notices for revision.

**Field/stakeholder review:**  ☑ Yes  ☐ No
If yes, reviewed by: CDDP Program Managers email, and ODDS Engagement & Innovation webpage.


If you have any questions about this policy, contact:

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