

Policy Transmittal Developmental Disabilities Services



APD-PT-20-107

Charles Hibner

Number: UPDATED

Authorized signature

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):

- | | |
|---|--|
| <input type="checkbox"/> All DHS employees | <input checked="" 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 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"/> Support Service Brokerage Directors | <input checked="" type="checkbox"/> Other (please specify): OTIS and adult abuse investigators-DD. |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

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|-------------------------------|---|-------------------------|--|
| 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/ORSOSWebDrawer/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.

Filing instructions: Updated, replace APD-PT-20-107 issued 10/01/2020.

If you have any questions about this policy, contact:

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