

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

STATUTORY MINOR CORRECTION

OTIS 93-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

FILED

12/01/2023 10:53 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0000

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0000

~~Adult Mental Health Abuse Rules: Purpose and Scope~~ ¶¶

(1) Effective 07/01/2019, these rules, OAR ~~407-045-0120 to 407-045-024~~ chapter 419, division 110, prescribe the standards and procedures for the investigation of reported abuse, and the assessment for and provision of protective services for adults:¶¶

(a) With a severe and persistent mental illness while in mental health treatment from a community program; or¶¶

(b) While receiving services for mental illness in a facility.¶¶

(2) The Department's Office of Training, Investigations and Safety (OTIS) has the duties, functions and powers of training, coordinating, assisting, directing and approving the services provided by the community mental health programs (CMHP) related to these rules. OTIS is responsible to ensure investigations are conducted in a uniform, objective and thorough manner.¶¶

(3) For the purpose of carrying out these rules, OAR ~~407-045-0120 to 407-045-024~~ chapter 419, division 110, community mental health programs are Department designees as used in ORS 430.731 and 430.735 through 430.765.¶¶

(4) OTIS or CMHP shall receive all reports of alleged abuse, assess the need for protective services and conduct thorough and unbiased investigations to make findings as required by ORS 430.735 to 430.768 and these rules. ¶¶

(5) These rules ensure affording safety and protection assessments to adults with mental illness upon receipt of a complaint of abuse, while balancing the duty of the Department and community mental health program designees to investigate alleged abuses within services. Therefore investigations of alleged abuse are limited to incidents involving:¶¶

(a) Residents receiving services at facilities; or¶¶

(b) Adults with severe and persistent mental illness while receiving mental health treatment from a community program and the accused is either:¶¶

(A) A mental health treatment service provider; or ¶¶

(B) A caregiver for the adult. ¶¶

(6) Minors, who are persons under the age of 18 years old and not considered emancipated, may not be named as

an accused person (AP) in an abuse investigation conducted under these rules, OAR ~~407-045-0120 to 407-045-024~~chapter 419, division 110.¶

(7) Complaints of alleged abuse of adults while a patient at the Oregon State Hospital shall be reported to OTIS for possible action under OAR ~~407-045-0405 to 407-045-0495~~chapter 419, division 120.

Statutory/Other Authority: ORS 409.050, 409.010, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 94-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 10:58 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0010

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0010

~~Adult Mental Health Abuse Rules: Definitions and Acronym~~ Definitions ¶

In addition to the definitions in ORS 430.735, the following terms are defined as used in OAR ~~407-045-0120 to 407-045-024~~ chapter 419, division 110. ¶

(1) "Abuse" means as defined in ORS 430.735. ¶

(2) "Abuse Investigation and Protective Services Report" means a written report completed under these rules (OAR ~~407-045-0120 to 407-045-024~~ chapter 419, division 110). ¶

(3) "Adult" as defined in ORS 430.735 and used in OAR ~~407-045-0120 to 407-045-024~~ chapter 419, division 110 means an individual who is 18 years of age or older: ¶

(a) With a severe and persistent mental illness and is receiving mental health treatment from a community program; or ¶

(b) Who is receiving services for a mental illness in a facility; and ¶

(c) Is the reported or alleged victim of abuse. ¶

(4) "Adult protective services" as defined in ORS 430.735 means the necessary actions taken to prevent abuse or exploitation of an adult, to prevent self-destructive acts, and to safeguard the adult's person, property, or funds, including petitioning for a protective order as defined in ORS 125.005. Any actions taken to protect an adult shall be undertaken in a manner that is least intrusive to the adult and provides for the greatest degree of independence. ¶

(5) "Accused Person" or "Accused Provider" (AP formerly known as "Alleged Perpetrator") means a person, caregiver, facility or service provider who is the respondent in an abuse investigation under these rules, alleged or determined to have committed abuse of an adult. ¶

(6) "Authority" means the Oregon Health Authority (OHA). ¶

(7) "Caregiver" as defined in ORS 430.735 means an individual, whether paid or unpaid, or a facility that has assumed responsibility for all or a portion of the care of an adult as a result of a contract or agreement. ¶

(8) "Closed without abuse determination" means after diligent efforts have been made, the investigator is unable to locate the AP, the alleged victim or another individual who might have information critical to the outcome of

the investigation; or relevant records or documents are unavailable, so that the investigation cannot be completed.¶

(9) "Community program" as defined in ORS 430.735 includes: ¶

(a) A community mental health program (CMHP) or a community developmental disabilities program (CDDP) as established in ORS 430.610 to 430.695.¶

(b) A provider that is paid directly or indirectly by the Oregon Health Authority to provide mental health treatment in the community.¶

(10) "Designee" means the community mental health or developmental disabilities program. A community mental health program is considered a designee of the Department for the purposes of these rules and ORS 430.731 to 430.765.¶

(11) "Department" means the Oregon Department of Human Services (ODHS).¶

(12) "Exception for religious practice" as described in ORS 430.765 means an adult who in good faith is voluntarily under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner shall for this reason alone not be considered subjected to abuse under ORS 430.735 to 430.765.¶

(13) "Facility" as defined in ORS 430.735 means a residential treatment home or facility, residential care facility, adult foster home, residential training home or facility or crisis respite facility.¶

(14) "Good cause" for an extension means:¶

(a) When law enforcement is conducting an investigation or in process of prosecution;¶

(b) A material party or witness is temporarily unavailable; or¶

(c) New evidence is discovered that leads to additional alleged abuses being investigated (allegations).¶

(15) "Intimidation" as defined in ORS 430.735 means compelling or deterring conduct by threat. ¶

(16) "Investigator" means an OTIS employee or community mental health program designee who is authorized and receives OTIS approved training to screen complaints of abuse, assess protective services and investigate alleged abuse (allegations) under these rules.¶

(17) "Law enforcement agency" (LEA) as defined in ORS 430.735 means:¶

(a) Any city or municipal police department;¶

(b) A police department established by a university under ORS 352.121 or 353.125;¶

(c) Any county sheriff's office;¶

(d) The Oregon State Police; or¶

(e) Any district attorney¶

(18) "Not substantiated" means there is less than a preponderance of evidence to show that abuse occurred.¶

(19) "OTIS" means the Department's Office of Training, Investigations and Safety, formerly known as "OAAPI" (Office of Adult Abuse Prevention and Investigations).¶

(20) "Provider" means a person or entity: ¶

(a) Licensed by the Department or Authority to provide residential services for mental illness in a facility; or¶

(b) Certified by or contracted with the Authority to provide mental health treatment services.¶

(21) "Redacted" means information deemed confidential under state or federal laws that are excluded from public record release. ¶

(22) "Self-defense" as defined on ORS 430.768 and used in OAR ~~407-045-02019-110-0080~~, means the use of physical force upon another person in self-defense or to defend a third person.¶

(23) "Services" as defined in ORS 430.735 includes but is not limited to the provision of food, clothing, medicine, housing, medical services, assistance with bathing or personal hygiene, or any other services essential to the well-being of the adult.¶

(24) "Severe and persistent mental illness" or "SPMI" (also known as serious and persistent mental illness) means the current Diagnostic Statistical Manual of Mental Disorders diagnostic criteria for: ¶

(a) At least one of the following conditions as a primary diagnosis for an adult age 18 or older:¶

(A) Schizophrenia and other psychotic disorders; ¶

(B) Major depressive disorder; ¶

(C) Bipolar disorder; ¶

(D) Anxiety disorders, limited to Obsessive Compulsive Disorder (OCD) and Post Traumatic Stress Disorder (PTSD); ¶

(E) Schizotypal personality disorder; or¶

(F) Borderline personality disorder.¶

(b) For purpose of mandatory abuse reporting of an adult with SPMI and ORS 430.765, the adult with SPMI shall also have a serious functional impairment that currently substantially interferes with or limits their ability to protect themselves from abuse as documented by their health record or other credible evidence. These additional requirements do not apply to other chapters of the Oregon Administrative Rules that address persons with SPMI in Chapters 410 and 309.¶

(25) "State Hospital" as described in ORS 426.010 means the Oregon State Hospital campuses in Salem and in Junction City for persons with mental illness for care and treatment.¶

(26) "Substantiated" means that the preponderance of evidence establishes the abuse occurred.¶

(27) "Unbiased investigation" means an investigation that is conducted by an investigator that does not have an actual or potential conflict of interest with the outcome.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

STATUTORY MINOR CORRECTION

OTIS 95-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

FILED

12/01/2023 11:02 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0020

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0020

~~Adult Mental Health Abuse Rules~~- Training for Individuals Investigating Reports of Alleged Abuse ¶¶

(1) OTIS shall provide sufficient and timely training and consultation to ensure that the investigator is able to conduct a thorough and unbiased investigation and make a determination about the alleged abuse. ¶¶

(a) Training shall include initial and continuing education to address initial action on complaints, screening and conducting abuse investigations. ¶¶

(b) The training and quarterly meetings shall address the cultural and social diversity of Oregon, focus on the vulnerable populations served and those who provide services, and include trauma-informed practices. ¶¶

(2) Each CMHP shall designate at least one employee to conduct abuse investigations. CMHP shall require the designated employee to participate in training, quarterly meetings and to demonstrate an understanding of investigative core competencies. Core competencies in the areas of: ¶¶

(a) Interviewing; ¶¶

(b) Gathering relevant information through records and site visits; ¶¶

(c) Weighing the evidence; and ¶¶

(d) Making abuse determinations ¶¶

(3) OTIS employees conducting investigations under OAR ~~407-045-0120 to 407-045-024~~ chapter 419, division 110 are also required to participate in the training and quarterly meetings provided investigators and demonstrate an understanding of investigative core competencies. Core competencies in the areas of: ¶¶

(a) Interviewing; ¶¶

(b) Gathering relevant information through records and site visits; ¶¶

(c) Weighing the evidence; and ¶¶

(d) Making abuse determinations.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, 430.731

Statutes/Other Implemented: ORS 443.875, 430.731, 443.705 - 443.825, 413.036, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 409.027

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

STATUTORY MINOR CORRECTION

OTIS 96-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

FILED

12/01/2023 11:07 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0030

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0030

~~Adult Mental Health Abuse Rules~~: Initial Action on Complaints of Alleged Abuse ¶¶

(1) OTIS or CMHP receiving a complaint alleging abuse shall document the reported information required by ORS 430.743 and any additional information reported. OTIS or CMHP shall attempt to elicit the following information from the reporter:¶¶

(a) The name, age and present location of the allegedly abused adult;¶¶

(b) The names and addresses of the persons, programs or facilities responsible for the adult's care;¶¶

(c) The nature and extent of the alleged abuse, including any evidence of previous abuse;¶¶

(d) Any information that led the reporter to suspect abuse occurred;¶¶

(e) Any other information that the reporter believes might be helpful in establishing the cause of the abuse and the identity of the AP; and¶¶

(f) The date of the incident.¶¶

(2) If there is reason to believe a crime has been committed, the investigator shall immediately within one business day notify the law enforcement agency having jurisdiction within the county where the report was made.¶¶

(a) The investigator shall follow-up with law enforcement if it was reported a police report was filed to ensure the suspected crime or alleged abuse was reported; and¶¶

(b) Obtain copies of any law enforcement reports.¶¶

(3) The investigator shall notify the appropriate medical examiner in cases when there is reasonable cause to believe that an adult has died as a result of abuse.¶¶

(4) If OTIS receives the initial complaint, OTIS shall gather the information as detailed in section (1) and within one business day begin to:¶¶

(a) Screen the complaint for possible OTIS investigation if it involves a state hospital, state-operated residential treatment facility or state-operated residential training home; or ¶¶

(b) Transfer the information to the local CMHP or CDDP for screening, assessment of protective services and investigation if required.¶¶

(5) Upon receipt of a complaint of alleged abuse, the investigator shall immediately, within one business day, begin

to:¶

(a) Screen the complaint to determine whether an abuse investigation is required per ~~407-045-016~~OAR 419-110-0040;¶

(b) Determine whether the alleged victim sustained any serious injury, and¶

(c) Assess the need for protective services per ~~OAR 407-045-017~~19-110-0050.¶

(6) Upon receipt of a complaint of alleged abuse, the investigator shall notify:¶

(a) The case manager of the agency providing primary case management services to the adult; and¶

(b) The guardian of the adult (if applicable).¶

(c) Unless the notification would undermine the integrity of the investigation because the guardian or case manager is suspected of committing abuse.¶

(7) OTIS and CMHP shall maintain all complaints of alleged abuse in a confidential location.¶

(8) Each CMHP shall establish an after-hours reporting system.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036



OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 97-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:15 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0040

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0040

~~Adult Mental Health Abuse Rules: Screening Activities and Initial Notices~~ ¶

(1) Screening is the process used by an investigator to gather and assess information in order to determine the responses and whether the complaint meets the definition of abuse and there is reasonable cause to believe the abuse of an adult requires investigation as stated in these rules, ~~OAR 407-045-0120 to 407-045-024~~ chapter 419, division 110. ¶

(a) The investigator shall document screening activities completed and the information supporting the decision to either assign an abuse investigation or close the complaint at screening. ¶

(b) The investigator shall assure initial notifications, referrals and required cross-reporting are completed. ¶

(c) OTIS or CMHP shall have a protocol to track the outcome of every screening to ensure completion. ¶

(2) The CMHP may request OTIS screen a complaint of alleged abuse for instances where there is a potential conflict of interest, as an investigation may need to be conducted under ~~OAR 407-045-0190~~ 19-110-0070 (1)(a). ¶

(a) Requests shall be made to an OTIS coordinator or OTIS manager, and ¶

(b) Be in writing in the format provided by OTIS. ¶

(3) OTIS shall screen all complaints of alleged abuse for possible abuse investigation involving adults receiving services in a state hospital, or state-operated residential facility licensed under ORS 443.400. ¶

(a) Upon screening, OTIS may determine a CMHP designee shall conduct the investigation per ~~OAR 407-045-023~~ 19-110-0110. ¶

(b) OTIS shall notify the adult's CMHP of screening determinations per this rule or ~~OAR 407-045-023~~ 19-110-0110. ¶

(4) A screening determination shall be made by the end of the third business day after receiving the alleged abuse complaint except as provided in subsection (b). ¶

(a) The investigator shall consult with an OTIS coordinator or OTIS manager if a screening decision is not made after three business days. ¶

(b) An OTIS coordinator or OTIS manager may grant a screening extension if law enforcement has been contacted for a criminal investigation of the alleged abuse incident. The investigator shall document: ¶

- (A) The name of the law enforcement agency, assigned case number and crime being investigated;¶
- (B) The plan for follow-up contacts with the law enforcement agency; and ¶
- (C) The approval of an OTIS coordinator or OTIS manager.¶
- (5) When a law enforcement agency is conducting a criminal investigation of the alleged abuse:¶
  - (a) OTIS or CMHP need not conduct its own investigation of the same incident.¶
  - (b) OTIS or CMHP may also perform its own investigation as long as it does not interfere with the law enforcement agency investigation. Circumstances that indicate a need for OTIS or CMHP to conduct their own investigation: ¶
    - (A) There is potential for action by a licensing or certifying agency; ¶
    - (B) Timely investigation by law enforcement is not probable; or ¶
    - (C) The law enforcement agency does not complete a criminal investigation.¶
  - (c) When a law enforcement agency is conducting an investigation of the alleged abuse and a screening extension has been granted by OTIS, the investigator shall communicate and cooperate with the law enforcement agency. The investigator shall ensure regular and timely follow-up with the law enforcement agency related to:¶
    - (A) The status of the criminal investigation,¶
    - (B) Explanation for no criminal investigation or suspension of a criminal investigation, and¶
    - (C) Any actions taken by the district attorney.¶
- (6) If after screening, it is determined the complaint meets the criteria for an investigation per OAR ~~407-045-0160~~19-110-0040 (1), an investigator will be assigned and promptly begin an investigation.¶
  - (a) The CMHP will immediately, within one business day, notify OTIS in the format provided.¶
  - (b) OTIS shall notify the CMHP of investigations conducted per OAR ~~407-045-0160(2)~~ or ~~407-045-023~~19-110-0040(2) or 419-110-0110.¶
  - (c) OTIS shall notify the ODHS office for licensing a facility or certification of service providers when named as the AP in an investigation under these rules.¶
  - (d) OTIS shall notify the Authority's Health Systems Division (HSD) of all investigations opened under these rules. ¶
- (7) The notifications described in (6) shall provide the case number, identify the investigator and provide information regarding how the assigned investigator may be contacted.¶
- (8) The OTIS investigator shall also notify relevant ODHS/OHA Human Resources or HSD units of complaints of abuse received and opened for investigation involving APs who are employees of state-operated residential facilities;¶
- (9) Within three business days of a screening decision, the investigator shall:¶
  - (a) Provide the screening decision to (if applicable):¶
    - (A) The primary case management entity; ¶
    - (B) The guardian; and ¶
    - (C) The involved facility or community program. ¶
  - (b) If a complaint of alleged abuse has been assigned for investigation, the screening decision shall provide the case number, identify the investigator and provide information regarding how the assigned investigator may be contacted.¶
  - (c) The notification to the guardian or case manager may be delayed if the notification would undermine the integrity of the investigation because the guardian or case manager is suspected of committing abuse.¶
- (10) The investigator shall document how and when notifications were provided and maintain a record of all notices.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

STATUTORY MINOR CORRECTION

OTIS 98-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

FILED

12/01/2023 11:18 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0050

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0050

~~Adult Mental Health Abuse Rules~~: Assessment for and Provision of Protective Services to the Adult ¶

(1) The investigator shall ensure that appropriate and necessary adult protective services are offered to prevent further abuse. Any protective services provided shall be undertaken in a manner that is least intrusive to the adult and provide for the greatest degree of independence available within existing resources.¶

(2) An attempt at initial contact with the adult by the end of the next business day of receiving the complaint of alleged abuse shall occur as part of assessing adult protective service needs, determining if the adult is in danger or in need of immediate protective services.¶

(a) Initial contact as it relates to this section:¶

(A) Shall be conducted using the least intrusive communication methods available; and ¶

(B) May be conducted by an investigator or the adult's community program case manager.¶

(b) The investigator may confer with the case management entity prior to completing the initial contact with the adult.¶

(c) The OTIS investigator shall confer with Authority staff on protective services for adults who are alleged victims receiving treatment, care and services from a state hospital or state-operated residential facility.¶

(d) If the investigator or case manager is unable to gain access to the adult, the investigator or case manager may contact the local law enforcement agency for assistance.¶

(e) If the adult has a guardian, the investigator or case manager shall immediately notify the guardian, unless the guardian is the AP per OAR ~~407-045-0150~~19-110-0030 (6)(c).¶

(3) The assessment for the provision of adult protective services may include:¶

(a) Arranging for the immediate protection of the adult;¶

(b) In-person contact with the adult to assess their ability to protect their own interest or give informed consent;¶

(c) Determining the adult's ability to understand the nature of the protective service and their willingness to accept services;¶

(d) Coordinating evaluations to determine or verify the adult's physical and mental status, if necessary;¶

(e) Assisting in and arranging for appropriate services and alternative living arrangements;¶

- (f) Assisting in or arranging the medical, legal, financial, or other necessary services to prevent further abuse;¶
  - (g) Providing advocacy to assure the adult's rights and entitlements are protected; and¶
  - (h) Consulting with the facility, community program, guardian or others as appropriate in developing recommendations and a determination of whether protective services are needed to prevent further abuse.¶
- (4) The investigator and case manager may share confidential information appropriate or necessary for the health, safety and best interests of the adult in need of protection, prior to the completion of the abuse investigation and protective services report if the information is necessary for the provision of protective services. ¶
- (5) The investigator shall document the protective services assessment and provisions, including those needed, offered and declined, in the format provided by OTIS to be maintained as part of the complaint record. The assessment is considered confidential client information.

Statutory/Other Authority: ORS 409.050, 413.085, ORS 430.731, 409.010

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 413.036, 443.875, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 430.610 to 430.695

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 99-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:21 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0060

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0060

~~Adult Mental Health Abuse Rules: Death Reporting~~ ¶¶

- (1) If the investigator reported a death to the medical examiner in cases where there was reasonable cause to believe that an adult has died as a result of abuse, an abuse investigation shall be immediately opened. Notifications shall occur in the same manner as all allegations of alleged abuse, outlined in ~~OAR 407-045-01619-110-0040~~ ¶¶
- (2) CMHP shall notify OTIS of all the deaths of adults with SPMI receiving mental health treatment from a community program or services for mental illness in a facility within one business day of being informed of the adult's death. ¶¶
- (3) CMHP shall report the death to OTIS via the format developed for death reporting. Upon receipt of the death reporting notice, OTIS shall assign a distinct case number for this special screening review and notify OHA HSD. ¶¶
- (4) The investigator shall complete a death review screening report using the OTIS provided format within 55 calendar days of receiving the report of the adult's death. ¶¶
- (5) The death review consists of ascertaining if abuse was a factor in the adult's death. This includes but is not limited to: ¶¶
  - (a) A review of the adult's CMHP records for at least the past year; ¶¶
  - (b) A review of service provider records for the adult if mental health treatment services were provided by a community program contractor; ¶¶
  - (c) A review of facility records if the adult received licensed residential services; ¶¶
  - (d) Any other relevant records, including but not limited to the police reports; and ¶¶
  - (e) Any relevant information provided by individuals contacted related to the death review. ¶¶
- (6) The investigator shall obtain the official cause and manner of death, such as a copy of the adult's death certificate or medical examiners report. ¶¶
- (7) The investigator may obtain an extension of the due date for good cause by submitting a request in writing to OTIS. ¶¶
- (8) Within 5 calendar days of receiving a completed death review, OTIS shall review and approve for closing. OTIS

shall provide OHA HSD with a copy of the report. ¶

(9) If at any point the investigator ascertains during the death review that abuse was a factor, OTIS is to be notified immediately and the death review screening shall become an assigned abuse investigation. Notification shall occur in the same manner as ~~OAR 407-045-016~~19-110-0040.¶

(10) Nothing in this section affects the community program's duties and responsibilities related to case management following the death of an enrolled adult.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

STATUTORY MINOR CORRECTION

OTIS 100-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

FILED

12/01/2023 11:25 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0070

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0070

~~Adult Mental Health Abuse Rules:~~ Investigation of Alleged Abuse ¶¶

(1) Investigation of alleged abuse shall be thorough and unbiased.¶¶

(a) CMHP may not investigate allegations of abuse made against employees of the same CMHP.¶¶

(b) Investigations of CMHP staff shall be conducted by OTIS or another CMHP not subject to an actual or potential conflict of interest.¶¶

(2) In conducting an abuse investigation, the investigator shall attempt and, when possible, complete the following:¶¶

(a) Make in-person contact with the adult;¶¶

(b) Interview the adult, witnesses, the AP and other individuals who may have knowledge of the facts of the alleged abuse or related circumstances.¶¶

(A) Interviews shall be conducted in-person where practicable.¶¶

(B) For any person who needs an accommodation for the interview, such as language translation or other reasonable accommodation, the investigator shall note the information in the investigation report.¶¶

(C) The investigator shall ask the date of birth for each individual interviewed and shall obtain the date of birth of any AP.¶¶

(D) The investigator shall ask the AP if they are a Department or Authority employee or volunteer and document the response as part of the investigation interview information. If affirmed, the investigator shall give the AP the ODHS/OHA form letter that outlines their required obligation to notify ODHS/OHA Human Resources.¶¶

(E) The investigator shall document any relevant investigative interviews that did not occur, efforts made and the reason for no interview.¶¶

(F) The investigator shall make at least three attempts to contact the AP for an investigative interview when no response to an interview request occurs. At least one attempt shall be made by phone to the last known number and one by mail to the last known address.¶¶

(c) Review all records or evidence relevant and material to the complaint; and ¶¶

(d) Photograph the adult's injuries consistent with trained guidelines, or arrange for the adult to be photographed,

to preserve evidence of the condition of the alleged victim at the time of investigation, unless the adult knowingly refuses to be photographed.¶

(3) The investigator may enter a facility and inspect and copy records of a facility or community program if necessary for the completion of the investigation. A community program or facility shall provide the investigator access to employees, the adult and the premises for investigation purposes.¶

(a) Any relevant record used in an investigative interview shall be noted in the respective witness statement; and¶

(b) The relevant record shall be included as supporting document in the submitted investigation report.¶

(4) OTIS approval to close any abuse investigation opened under these rules, ~~OAR 407-045-0120 to 407-045-024~~chapter 419, division 110, by the CMHP is required.¶

(5) Any variance from the investigative processes in this rule shall be staffed and approved by OTIS. The reason for the variance and the name of the OTIS coordinator or OTIS manager who approved the variance shall be documented clearly in the investigative report.¶

(6) If the investigator believes an allegation meets the conditions to be considered closed without an abuse determination, then OTIS approval to close shall be obtained. ¶

(a) Investigative efforts and information obtained as described in (2) of this section shall be documented in the written report submitted for Department approval to close.¶

(b) The investigator is responsible for informing persons or entities who were notified of the opened investigation per ~~OAR 407-045-01619-110-0040~~, the allegation has been approved to close without an abuse determination. ¶

(c) If the investigator informed the AP of the investigation being opened, then the investigator shall inform the AP the allegation has been closed without an abuse determination.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036



OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 101-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:27 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Correction Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0080

RULE SUMMARY: Minor correction to title due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0080

~~Adult Mental Health Abuse Rules~~: Abuse Investigation Report ¶

- (1) The investigator is required to follow the abuse investigation and protective services assessment report formats provided by OTIS.¶
- (2) Within 55 calendar days of receiving the complaint alleging abuse, a completed abuse investigation report shall be submitted by the investigator to OTIS for approval to close. The report shall include:¶
- (a) A separate statement of the alleged abuse for each allegation investigated;¶
  - (b) The assessment of protective services, including those offered or provided and determined as needed to the adult;¶
  - (c) A list of all witnesses interviewed and a summary of the relevant information provided by each witness;¶
  - (d) Relevant records obtained;¶
  - (e) A summary of findings and a conclusion concerning each alleged abuse allegation;¶
  - (f) A specific finding of substantiated or not substantiated for each alleged abuse allegation investigated except those allegations approved to be closed without abuse determination;¶
  - (g) Any recommended actions and a determination of whether protective services are needed of the community program or facility with the timelines for completing these actions;¶
  - (h) A list of any notices to be made to licensing or certifying agencies;¶
  - (i) The name and title of the investigator completing the report;¶
  - (j) The name and title of the OTIS coordinator or OTIS manager who reviewed the report; and¶
  - (k) The date the report is submitted to OTIS for approval.¶
- (3) In cases where the investigator cannot complete an investigation within 55 calendar days and for good cause, the investigator may submit a request for an extension of time to OTIS. When granting an extension, OTIS may consult with the investigator about the need for an extension.¶
- (4) Within 5 calendar days of receiving a completed abuse investigation and protective services report, the OTIS coordinator or OTIS manager shall review the report and:¶
- (a) Approve for closure, or¶
  - (b) Work with the investigator to obtain necessary information or corrections so the report can be approved to

close.¶

(5) The OTIS coordinator or OTIS manager shall list the name and address of entities who are to receive a copy of the confidential investigation report from OTIS. If applicable, OTIS shall distribute copies of confidential abuse investigation reports to:¶

(a) The Authority's Health Systems Division or the Department's licensing agency involving their regulated facilities or certified service providers.¶

(b) A law enforcement agency, if the findings are substantiated and there is reasonable cause to believe a crime occurred.¶

(c) The public agency that licenses or certifies a facility, if other than (a). ¶

(d) The public agency or board that licenses or certifies the AP practicing therein, if the findings are substantiated and upheld following the contested case process.¶

(6) OTIS investigations for Authority-operated facilities licensed under ORS 443.400 that are located at State Hospital campuses described in ORS 426.010, shall also address in the written report:¶

(a) Whether the AP made a claim of self-defense during the investigation; and¶

(b) A finding whether the AP was acting in self-defense.¶

(c) In making this finding, the investigator shall find the allegation not substantiated when:¶

(A) The AP was acting in self-defense in response to the use or imminent use of physical force;¶

(B) The amount of force used was reasonably necessary to protect the AP from violence or assault; and¶

(C) The AP used the least restrictive procedures necessary under the circumstances in accordance with an approved behavior management plan or other method of response approved by the Department or Authority by rule.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 413.036, ORS 430.205 and 430.210, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 443.875, 430.610 to 430.695

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 102-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:30 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0090

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0090

~~Adult Mental Health Abuse Rules:~~ Notification of Outcome ¶¶

(1) After an abuse investigation report has been approved to close under OAR ~~407-045-02019-110-0080~~, OTIS shall notify the AP of the outcome as provided in this section.¶¶

(a) OTIS shall provide a written notice of outcome to the AP for allegations determined as not substantiated under these rules.¶¶

(b) When an allegation is determined to be substantiated under these rules, OTIS shall send a Notice of Abuse Determination with a copy of the redacted abuse investigation report. The Notice of Abuse Determination shall include the information described in OAR 137-003-0505(1) and (2)(a) and ORS 183.415.¶¶

(c) The notices sent to the AP shall be by all of the following:¶¶

(A) Regular mail.¶¶

(B) Certified mail with return receipt requested.¶¶

(C) Alternative methods such as fax or electronic mail, when the respondent has requested an alternate method.¶¶

(2) If applicable, OTIS shall provide written notification to appropriate personnel within:¶¶

(a) The Authority or Department involving residential facilities, community programs and regulated service providers licensed, certified, endorsed by the Authority or Department; ¶¶

(b) The facility or community program that employs the AP;¶¶

(c) ODHS/OHA Human Resources for APs who are state employees;¶¶

(d) The alleged victim's case management entity (community program or brokerage); and ¶¶

(e) The alleged victim's guardian. ¶¶

(3) The investigator may assure that the abuse finding is provided to the alleged victim by their case manager with a trauma informed approach as part of protective services follow-up.¶¶

(4) OTIS shall document the notices provided and maintain a record of all notifications provided in this rule section.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 413.036, 183.415, 430.735 to 430.765, 430.768,

443.400 to 443.465, 443.705 - 443.825, 443.875, 430.610 to 430.695

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 103-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:35 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Correction Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0100

RULE SUMMARY: Minor correction to title due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0100

~~Adult Mental Health Abuse Rules~~: Disclosure of the Abuse Investigation Report ¶

(1) Portions of the abuse investigation report and underlying investigatory documents are confidential and are not available for public inspection.¶

(a) Pursuant to ORS 430.763, names of abuse reporters, witnesses and the adult, as well as photographs of the adult are confidential and shall not be available for public inspection.¶

(b) Investigatory documents, including portions of the abuse investigation report and the protective services assessment contains "individually identifiable health information" as defined under ORS 192.556(6) and 45 CFR 160.103, and are confidential under federal Health Insurance Portability and Accountability Act (HIPAA) privacy rules, 45 CFR Parts 160 and 164, ORS 192.553 through 192.581 and 179.505 to 179.509.¶

(2) Notwithstanding section (1) of this rule, the Department shall make confidential information available, including any photographs if appropriate, in accordance to ORS 430.763.¶

(3) Individuals or entities receiving confidential information pursuant to this rule shall maintain the confidentiality of the information and may not re-disclose the confidential information to unauthorized individuals or entities, as required by state or federal law.¶

(4) The Department or Authority shall provide a redacted version of the written report to the public for inspection upon written request. Public record requests for written reports with substantiated abuse findings may not be released until after a Department Final Order is issued.¶

(5) A centralized record of all abuse complaints, investigations and protective services reports shall be maintained by the Department, in accordance to ORS 430.757.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 104-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:40 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Corrections Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0110

RULE SUMMARY: Minor correction to title and OTIS rules referenced due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0110

~~Adult Mental Health Abuse Rules:~~ Department Investigation of Alleged Abuse ¶¶

(1) If determined necessary or appropriate, OTIS may conduct an investigation rather than allow the CMHP to investigate the alleged abuse or in addition to the investigation by the CMHP. Under such circumstances, the CMHP shall receive authorization from OTIS before conducting any separate investigation.¶¶

(2) OTIS shall conduct all abuse investigations involving adults defined in ORS 430.735(2): ¶¶

(a) Under these rules, ~~OAR 407-045-0120 to 407-045-024~~ chapter 419, division 110 for adults receiving services in an Authority-operated facility licensed under ORS 443.400. ¶¶

(b) Under ~~OAR 407-045-0250 to 407-045-037~~ chapter 419, division 100 for adults with developmental disabilities in a Department-operated residential training home, or ¶¶

(c) ~~OAR 407-045-0405 to 407-045-0495~~ chapter 419, division 120 for patients of the state hospitals.¶¶

(3) OTIS may screen and assign an allegation of abuse involving adults described in section (2), to a CMHP designee to investigate under these rules or to a community developmental disabilities program to investigate under ~~OAR 407-045-025~~ chapter 419, division 100.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## STATUTORY MINOR CORRECTION

### OTIS 105-2023

CHAPTER 419

OFFICE OF TRAINING, INVESTIGATIONS AND SAFETY

**FILED**

12/01/2023 11:42 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Minor Correction Due to Renumbering to OAR Chapter 419.

CONTACT: Tina Strahan

503-510-1084

Tina.Strahan@odhsoha.oregon.gov

201 High Street, SE

Suite 500

Salem, OR 97301

Filed By:

M Tina Strahan

Rules Coordinator

AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Changing a rule's title or correcting a rule's internal section numbering as allowed by ORS 183.360(2)

AMEND: 419-110-0120

RULE SUMMARY: Minor correction to title due to renumbering to OAR chapter 419.

CHANGES TO RULE:

419-110-0120

~~Adult Mental Health Abuse Rules~~: County Multidisciplinary Teams ¶

(1) The CMHP shall participate in its county Multidisciplinary Team (MDT) to coordinate and collaborate on protective services for the abuse of adults with developmental disabilities or mental illness or both.¶

(2) All confidential information protected by state and federal law that is shared or obtained by MDT members in the exercise of their duties on the MDT is confidential and may not be further disclosed except as permitted by law.¶

(3) The CMHP designee or OTIS shall provide an annual report to the MDT reporting the number of investigated and substantiated allegations of abuse of adults and the number referred to law enforcement in the county.

Statutory/Other Authority: ORS 409.010, 409.050, 413.085, ORS 430.731

Statutes/Other Implemented: ORS 430.731, ORS 409.027, 443.875, 430.610 to 430.695, 430.735 to 430.765, 430.768, 443.400 to 443.465, 443.705 - 443.825, 413.036