

Action Request Transmittal Aging and People with Disabilities



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Number: APD-AR-23-028

Issue date: 10/17/2023

Topic: Protective Services

Due date:

Subject: APS Use of APD/AAA Consumer Information from ONE and Oregon ACCESS

Applies to (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Type B | <input type="checkbox"/> Health Services |
| <input checked="" 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 type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Action required:

These actions refer to the use of Aging and People with Disability (APD) and Area Agencies on Aging (AAA) consumer/client files for Adult Protective Services (APS) purposes.

When an alleged victim (AV) is also an APD/AAA consumer/client, APS workers may have access to APD and AAA consumer records in the Oregon ACCESS (OA) and the Oregon Eligibility (ONE) systems. Generally, this access is to obtain evidence and provide background information as needed during APS cases. But applies to all APS activities.

To request rights to the ONE system, APS workers must submit a completed ODHS form MSC 786 which can be located on the ODHS Forms Server at <https://sharedsystems.dhsoha.state.or.us/forms/>. When requesting access, the requestor specifies that "ODHS Worker-View Only" rights are being requested.

To request rights to the OA system, APS workers go through their managers. Applying is done online for the *Individual Access Request (IAR) 786*. Use the ODHS Service

Desk at OIS.ServiceDesk@odhsoha.oregon.gov, 503-945-5623 to ask for rights to ONE. Online instructions are found on [ACCESS request](#) on the ODHS OWL.

Access rights to OA and ONE provide the ability to read records in those systems and to download documents. However, some documents, which are designated as “secure”, cannot be downloaded. For example, behavioral health therapy notes are not accessible. For access to secure records, staff with appropriate local office supervisors and if the records are necessary and legally available, then they might be made available to APS. (The need for secure records for APS purposes is infrequent)

When using APD consumer records for APS purposes, the following apply:

1. Even with direct access to APD/AAA consumer records, when relying upon those records, APS worker must interview the APD/AAA workers who collected, created, and assumed responsibility for the records. Typically, the APD/AAA service workers include but are not limited to the consumer’s case manager or their Oregon Project Independence (OPI) Coordinator.

The benefits of including the APD/AAA worker as a witness ensures that the APS worker’s understanding of the records is accurate. For instance, the APD/AAA workers may have background, updates, or relevant knowledge not included in the consumer’s file. In addition, it is a courtesy to alert the APD/AAA worker that their casework may be used in an APS report. They may also be called as a witness in a hearing.

2. As appropriate and possible, APS workers are encouraged to notify the AV, or the AV’s authorized representative, that they (APS workers) may access the AV’s APD/AAA service case records. In addition, APS workers may be interviewing the AV’s APD/AAA workers to gather information that could be used in the investigation. As appropriate, document notifying the AV of APS’s use of their personal information in the AV’s interview statement.

Following are examples of how one might to inform the AV about accessing information about their APD services.

APS workers may use the APS brochure: “Abuse Investigation Process for Aging and People with Disabilities” (ODHS Form # MSC 9414, on the ODHS Forms Server, <https://sharesystems.dhsoha.state.or.us/forms/> which discusses APS confidentiality. This may be used as an opening to explain sharing of personal information as well as the protections that apply.

APS workers explaining what they are looking for and the reason for accessing the AV’s information may be helpful. For example, “As part of

my investigation, I will be talking to your case manager and getting the list of tasks the caregiver is responsible to complete.”

The actions in this Action Request follow APS and APD confidentiality for both APD/AAA consumers and alleged victims. They are permitted disclosure internal within ODHS. These actions are necessary for the administration of services to a shared consumer.

Reason for action:

To conduct a thorough and complete investigation, APS workers need access to relevant internal APD records about APD/AAA consumers who are named as alleged victims of abuse or self-neglect or who are named as alleged perpetrators.

When APD/AAA consumers apply and accept APD benefits and services they sign an OHP 7210 application (which is also used by the Oregon Health Plan). In Appendix C: “The Notice of Privacy Practices” informs the consumer that OHA and ODHS may use any information that they provide to APD in abuse and fraud investigations. This “Notice of Privacy Practices” is the same notification of privacy rights in the MSC 2090 form. APD included the MSC 2090 into the OHP 7210. Forms mentioned in this paragraph, for reference are, are found on the ODHS Form Server at <https://sharedsystems.dhsoha.state.or.us/forms/>.

The actions in this policy are consistent with the uses and disclosures of APD/AAA consumer/client confidential information. See [OAR 407-014](#)-0000 to OAR 407-14-0050, and APD-APS-030-002 [General APS Confidentiality](#) policy.

Field/stakeholder review:

Yes No

ODHS Public Records Unit, APD Operations Committee, APS Supervisors, APS Policy Advisory Committee, Central APS Unit, Safety Oversight & Quality

If yes, reviewed by: Management, APD Safety Manager

If you have any questions about this action request, contact:

Contact(s): APD Central APS Technical Assistance	
Phone:	Fax:
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