

Policy Transmittal Aging and People with Disabilities



Mike McCormick

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Number: APD-PT-19-015

Issue date: 4/5/2019

Topic: Protective Services

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 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"/> ODDS Children's Residential Services | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	New APS Policy - Structure of APS Investigations in APD-Licensed Facilities		
Policy/rule number(s):	OAR Chapter 411 Division 020	Release number:	
Effective date:	April 1, 2018	Expiration date:	
References:	OAR 411-020-0000 through OAR 411-020-0130		
Web address:	http://www.dhs.state.or.us/policy/spd/numeric.htm		

Discussion/interpretation:

Via this transmittal, APD transmits a new policy related to APD Adult Protective Services (APS) practices.

The new policy, APD-APS-040-004, describes the investigative approach and structure for APS workers to use when investigating reports of abuse in APD-licensed facilities.

A Desk Reference also accompanies this transmittal, providing examples of how the new policy should be applied.

Implementation/transition instructions:

The attached policy should be considered effective upon being issued.

Training/communication plan:

The new policy will be posted at the APS Tools intranet site with other APS policies in this series. Communication and discussion regarding this policy will occur during APS Supervisor Meetings, APS Power Hours, and other venues as needed. Requests for technical assistance on applying the new policy should be sent to the APS Policy Unit at APD.APSUnit@dhsosha.state.or.us.

Local/branch action required:

Ensure local APS staff awareness of new policy and Desk Reference.

Central office action required:

Respond to inquiries regarding new policy as needed.

Field/stakeholder review: Yes No

If yes, reviewed by: APD Policy & Ops

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): John S. Thompson	
Phone: 503-551-5158	Fax: 503-945-5798
Email: john.s.thompson@dhsosha.state.or.us	



DHS Aging & People with Disabilities (APD)

Operational Policy

Policy title:	Adult Protective Services: Structure of APS Investigations in APD-Licensed Facilities		
Policy number:	APD-APS-040-004		
Original date:	April 1, 2019	Last update:	N/A
Approved:	Ashley Carson Cottingham, APD Director		

Purpose

This policy is one of a series intended to provide policy direction regarding Adult Protective Services (APS) practice and documentation in APD and AAA local offices. Application of this policy will help to ensure a consistent statewide response to reports of abuse of adults eligible for APD protective services.

Description

This policy describes the investigative approach and structure for APS workers to use when investigating reports of abuse in APD-licensed facilities.

Applicability

This policy applies to all DHS and Type “B” Area Agency on Aging staff providing Adult Protective Services as described in OAR Chapter 411, Division 020, Adult Protective Services – General.

Policy

1. When investigating an allegation of abuse in an APD-licensed facility, APS shall name the licensee as the first Alleged Perpetrator (AP1) in the Facility investigation in CAM, to establish whether negligence on the part of the provider contributed to the reported incident.

2. Except in Adult Foster Homes (AFH), "Neglect" should always be the abuse type referenced in the allegation statement for the licensee as AP1. (See #7 below for AFH exception.)
3. APS investigation of potential Neglect by AP1/licensee should explore whether facility management should have foreseen, predicted or prevented the alleged action or inaction by facility staff, and whether the facility had appropriate training, supervision and monitoring systems in place to ensure resident safety.
4. Any staff member reported or suspected to have committed abuse shall be named as an additional AP (e.g. AP2, AP3, etc.) The individual allegation statement for each staff member shall cite the abuse type they are alleged to have committed.
5. If the identity of the staff member involved is unknown, an "unknown" AP2 shall be created in the Facility investigation with an allegation statement citing the abuse type alleged to have occurred. This ensures that the correct abuse types are assigned to the licensee (Neglect) and to the unidentified staff member who committed abuse (Physical, Financial, Sexual, etc.)
6. APS investigation of alleged abuse by an Unknown staff AP should explore whether the abuse is more likely than not to have occurred, and whether the perpetrator of the alleged abuse was, more likely than not, a staff member (When/where did the incident occur? Who had access to AV at that time/place? etc.)
7. In Adult Foster Homes with a single licensee, when the person alleged to have abused a resident is that licensee, AP1 should be the licensee as listed in the SOQ Provider list (all in CAPS in CAM). Do not create a second allegation or Person Record in CAM for the licensee as an individual, since AFH licensees are listed as individuals. In these cases, the abuse type for AP1 should be the abuse type that was alleged (not necessarily Neglect, as it is in other facility types.)
8. In Adult Foster Homes, when the person alleged to have abused a resident is a staff member other than the licensee, the individual licensee will be AP1 (for Neglect) and the individual staff member will be AP2 (for whatever abuse type was reported.)

9. In Adult Foster Homes with two co-licensees, AP1 shall be the co-licensees as listed jointly in the SOQ Provider list (two names in CAPS in CAM). Each co- licensee shall then be named separately, as AP2 and AP3, and investigated for the appropriate abuse type to assess the involvement of each co- licensee separately. If either co- licensee is substantiated individually for abuse, the joint co- licensees (AP1) shall also be substantiated for Neglect. If neither co- licensee is substantiated individually for abuse, then neither should the joint co- licensees (AP1) be substantiated for Neglect.

References

- OAR 411-020-0000 through 411-020-0130, Adult Protective Services – General

Forms referenced

None.

Related policies

APD-APS-040-002 – Standard Format for “Allegation Statements”

Contact

APD APS Policy Unit
APD.APSUnit@dhsosha.state.or.us

Policy history

Established April 1, 2019.

Keywords

APS, abuse, adult, investigation, structure, licensed, facility, allegation, statement, AP1, AP2, licensee, neglect, foreseeable, predictable, preventable, unidentified, unknown, staff, perpetrator, individual, co- licensee, foster, home, AFH.

APD-APS-040-004
April 1, 2019

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Desk Reference for Structuring AFH Cases in CAM (see APD-APS-040-004)

License Type	Scenario	AP Designation	Allegation Designation	Example
Single Licensee	Licensee Alleged to Have Abused Resident	AP1 = Licensee (all CAPS from Service Provider List in CAM)	Allegation = Specific type of abuse	Licensee John Doe, on SOQ list as JOHN DOE, is alleged to have stolen a resident's medication. JOHN DOE is AP1 with Financial Exploitation as the Allegation
Single Licensee	Staff of Licensee Alleged to Have Abused Resident	AP1 = Licensee (all CAPS from Service Provider list in CAM) AP2 = Staff person	AP1 = Neglect AP2 = Specific type of abuse	Bob Jones, employee of licensee JOHN DOE, is alleged to have stolen a resident's medication. AP1 = JOHN DOE, with an allegation of Neglect for failing to protect AV from Medication theft by AP2, AP2 = Bob Jones, with an allegation of Financial Exploitation.
Co – Licensee	One of the co-licensees alleged to have abused resident	AP1 = Joint Licensees (both names, all CAPS from Service Provider List in CAM) AP2 = Licensee alleged to have committed abuse, an individual (may need to create new person record) AP3 = Co-licensee as individual (may need to create new person record)	AP1 = Neglect AP2 = Specific type of abuse AP3 = Neglect	Jane Smith, Co-Licensee of AFH licensed to JANE SMITH & JOHN DOE, is alleged to have stolen a resident's medication. AP1 = JANE SMITH & JOHN DOE, with an allegation of Neglect. AP2 = Jane Smith as an individual, with an allegation of Financial Exploitation. AP3 = John Doe as an individual, with an allegation of Neglect. The investigator should examine whether John reasonably could/should have known that Jane was stealing medication and/or prevented it from happening. If either Jane or John are Substantiated for abuse, then the joint license itself (AP1) must also be Substantiated. If neither Jane or John are Substantiated as individuals, then the joint license should not be Substantiated.

<p>Co-Licensee</p>	<p>Staff of co-licensees alleged to have abused resident</p>	<p>AP1 = Joint License (both names all CAPS from Service Provider List in CAM) AP2 = First co-licensee as an individual (may need to create new person record) AP3 = Second co-licensee as an individual (may need to create new person record) AP4 = Staff person</p>	<p>AP1 = Neglect AP2 = Neglect AP3 = Neglect AP4 = Specific type of abuse</p>	<p>Bob Jones, employee of AFH licensed by JANE SMITH & JOHN DOE, is alleged to have stolen a resident's medication. AP1 = JANE SMITH & JOHN DOE, with an allegation of Neglect AP2 = Jane Smith as an individual, with an Allegation of Neglect AP3 = John Doe as an individual, with an Allegation of Neglect AP4 = Bob Jones as an individual, with an allegation of Financial Exploitation</p> <p>The investigator should examine the extent to which either or both licensees could/should have reasonably known that Bob was stealing medication and/or prevented it from happening. Perhaps only one licensee takes full responsibility for obtaining, setting up, monitoring the meds, training staff on medication administration, while the other is not involved at all in the oversight of this process.</p> <p>If either Jane or John are found negligent as individuals, then the the joint license itself (AP1) must also be Substantiated.</p>
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