

Policy Transmittal Aging and People with Disabilities



Erika Miller

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Topic: Protective Services

Number: APD-PT-23-016

Issue date: 8/18/2023

Updated: 8/31/2023

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"/> 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 | |

Policy/rule title:	APS Eligibility in Facilities (APD, DD, and BH)		
Policy/rule number(s):	APD-APS 015-003	Release number:	
Effective date:	August 8, 2023	Expiration date:	
References:	OAR 411-020-0000 through OAR 411-020-0130		
Web address:			

Discussion/interpretation:

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

The attached policy, **APD-APS 015-003 APS Eligibility in Facilities (APD, DD, and BH)**, describes how APD/AAA local offices determine the eligibility (jurisdiction) for adult abuse investigations and protective services between Aging and People with Disabilities (APD), Developmental Disability (DD), and Behavior al Health (BH) facilities. It is a reissue of a facility eligibility policy from July 9, 2018.

This newer version's expectations are the same as the previous version. However, it is extensively updated and is reformatted. One of the format changes is to add two visual aids:

Chart 1 APD-APS-015-003 provides the screening flow between the three programs. It is simplified to give an overall picture for screening the most common reports of abuse. More detail is available in the policy and the accompanying table.

Table 1 APD-APS-015-003 lists and compares the eligibility, jurisdiction, and authority of each program. The table also provides respective contacts and citations. This table is a reference tool. Thus, each local APD/AAA office may still follow their successful current practices in communication and collaboration with their county partners.

The policy not only directs how facility abuse reports are screened between Oregon's abuse investigation programs (APS, DD, and BH). It, also, incorporates expectations of notifying the respective (SOQ, DD, and BH) facility licensing programs and providing protective services. In addition, it describes the respective abuse and regulatory programs.

Furthermore, this policy includes lesser known and reported APD facilities such as Room and Board and Enhanced Care Services. Multnomah County Adult Care Homes Program, while separate, is included as APS refers to that program on occasion. These unaccustomed facilities may not be found in other policies.

Thus, this policy is an inclusive resource about facilities and respective responses to alleged facility abuse. To enhance accessibility, the visual aids provide shortcut references for screeners and investigators once the policy is understood.

The policy has been so extensively updated that there are no track changes to the 2018 version. Refer to attached [APD-APS 015-003 Eligibility for APS from APD in Licensed Facilities \(2018\)](#) for the original.

Implementation/transition instructions:

The attached new policy and visual aids will be effective on August 16, 2023.

Training/communication plan:

The policy will be posted at the [APS Staff Tools website](#) and the Central Abuse Management (CAM) Knowledge tab with other APS policies in this series.

Communication and discussion regarding this policy will occur during APS Supervisor Meetings, APS Fundamentals Training, and other venues as needed. Requests for

technical assistance on applying this new policy should be sent to the Central APS Unit at APS.TechAssistance@odhsoha.oregon.gov.

Local/branch action required:

Ensure local APS workers awareness of the new policy and where it is posted on APS Staff Tools website and CAM Knowledge tab.

Central office action required:

Respond to inquiries regarding the new policy as needed.

Field/stakeholder review: Yes No

If yes, reviewed by: APD Operations Committee, APS Supervisors, OTIS Abuse Coordinators, APS Policy Advisory Committee, Central APS Unit, Safety Oversight & Quality (SOQ), and the APD Safety Manager.

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): APD Central APS Technical Assistance	
Phone:	Fax:
Email: APS.TechAssistance@odhsoha.oregon.gov	

Operational Policy

Policy title:	Adult Protective Services: APS Eligibility in Facilities (APD, DD, BH)		
Policy number:	APD-APS-015-003		
Original date:	July 9, 2018	Last update:	August 16, 2023
Approved:	Corissa Neufeldt, APD Regulatory Deputy Director		

Purpose

This policy is one of a series intended to provide policy direction regarding Adult Protective Services (APS) practice and documentation in Aging and People with Disabilities (APD) and Area Agency on Aging (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 how APS determines APS eligibility in Oregon’s care facilities. It explains which Oregon program has authority to investigate reports of abuse and provide protective services to adults residing in APD, Intellectual/Developmental Disability (DD), or Behavioral Health (BH) licensed facilities. It also describes how to refer to the regulatory authority overseeing the facility.

Applicability

This policy applies to all ODHS 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 an APD/AAA local office receives a report of abuse that allegedly occurred in a licensed facility, the APS screener must determine who has jurisdiction to investigate. Program jurisdiction is based upon eligibility of the alleged victim (AV) and which program (APD, DD, and BH) regulates the facility.
 - a. Attached to this policy are two aids for determining eligibility and jurisdiction.
 - A. One is a jurisdiction flowchart APD-APS 015-003 **Chart 1 Eligibility for APS in Facilities** which simplifies and visually summarizes who investigates abuse in commonly reported facilities. For details see table and policy.
 - B. The other is a comparison guide APD-APS 015-003 **Table 1 Oregon Abuse Investigations Programs (APS, DD, BH)** which explains and compares the different abuse investigation programs. This table summarizes eligibility, provides contact information, cites administrative rules and policy, and shows the legal authority to investigate abuse.
 - b. For this this policy, “facilities” means licensed, certified, state-operated, and otherwise regulated DD and BH care settings (See Table 1 for all the settings) as well as APD licensed facilities. But not Nursing Facilities – see link in references below for APD-APS-060-006, **Screening and Routing Complaints in Nursing Facilities**.
2. Oregon’s adult abuse investigation programs have jurisdiction to investigate reports of abuse and self-neglect as follows:
 - a. APS investigates alleged abuse and self-neglect of older adults, age 65 and older, or adults, age 18 or older, with physical disabilities. APS has the investigating responsibility and authority for all APS eligible adults and all abuse in APD licensed facilities. This means if DD or BH does not investigate and the report makes APS criteria to screen-in, then APS must investigate. This also means that APS investigates APD-licensed providers, even if the AV is an eligible DD or BH resident who resides in an APD facility.

In addition, APD is the only abuse program that screens for and assigns self-neglect of APS-eligible adults.

- b. DD investigates the alleged abuse of adults who are currently enrolled in State DD or County Developmental Disability Programs (CDDP) services or had been previously enrolled as adults. CDDPs serve and protect individuals experiencing intellectual and other developmental disabilities (I/DD). This includes eligible I/DD consumers who reside in care settings that are regulated by DD. For this policy, “DD” is the short name for the total I/DD abuse program from state to local level. The local CDDP is generally the first contact for reports of abuse of individuals experiencing I/DD.
- c. BH investigates the alleged abuse of adults with severe and persistent mental illness who are enrolled in County behavioral health treatment services. The local investigative offices are the County Mental Health Programs (CMHP). They also investigate treatment care settings that are regulated by BH. For this policy, “BH” is the short name for the total BH abuse investigation program from local to state level. The local CMHP is the first contact for reports of abuse of individuals experiencing BH behaviors.
- d. In addition, the Office of Training, Investigations, and Safety (OTIS) is a shared service of DD and BH and has oversight of County DD and BH abuse investigations. See Table 1. OTIS also conducts abuse investigations in State operated facilities such as Oregon State Hospitals. Generally, APS does not investigate in State-operated facilities, except for occasional Community APS investigations when the alleged perpetrator (AP) is not associated with the facility and the AV is APS eligible.
- e. Furthermore, Multnomah County Aging and Disability has an Adult Care Homes (ACH) program which licenses and oversees adult foster/group homes in their county. These homes serve consumers who experience aging, physical disabilities, I/DD, and BH-related care needs. Thus, all reports about abuse or neglect in ACHs in Multnomah County must be referred to Multnomah County. APS screeners may refer to Multnomah APS Screening staff at apsreferrals@multco.us or 503-988-4450. They will redirect the report of abuse within Multnomah to the appropriate program. APS may also directly refer individuals who reside in DD or BH ACHs to the appropriate Multnomah CDDP or CMHP. The State of Oregon APD division does not license nor investigate in Multnomah’s County’s ACHs. (These reports are uncommon outside of Multnomah but do occur.)

3. Who investigates (APS, DD, or BH) depends on the following determinations:
 - a. Program eligibility. Which programs provide abuse investigations for the eligible alleged victim (AV)?
 - b. Type of regulated setting. Is the AV residing in an APD facility, or is the AV residing in or receiving care services or treatment in a DD or BH setting?
 - c. The alleged perpetrator's (AP) connection with the regulated setting. Are they facility staff, or not? For the purposes of this document, "facility staff" includes but is not limited to owners, administrators, employees, volunteers, interns, contractors, and others who are affiliated with the regulated setting.
4. When the AV is an APS-eligible individual, and the facility is regulated by DD or BH:
 - a. If the reported abuse was allegedly committed by someone *associated with* the facility (staff, volunteers, contractors, etc.):
 - A. Refer the abuse report to the appropriate CDDP or CMHP.
 - B. If DD or BH is not able to investigate the allegation(s) of abuse, screen the report for potential Community APS investigation. (Note: DD does not investigate DD consumers as alleged perpetrators, but APS does when the situation meets APS criteria.)
 - C. In DD facilities, make a cross-referral to the DD licensing program if APS believes the DD facility may have been negligent in care or safety of the AV. (See link for AR-21-034, APS Notifications and Investigations: ODDS Regulated Settings, below in "References").-
 - D. In BH facilities, for licensing oversight, staff the situation with the local CMHP or contact OHA Health Residential and Outpatient Behavioral Health <https://www.oregon.gov/oha/HSD/AMH-com/pages/index.aspx>.
 - b. If the reported abuse was allegedly committed by someone not associated with the facility (resident's visitor, family member, etc.):

- A. Screen the report for potential Community APS investigation and provide any protective services needed to the APS-eligible resident.
 - B. If APS believes the DD/BH facility may have been negligent in care and safety of the AV, make a cross-referral to the DD or BH licensing program.
5. When the AV is an APS-eligible individual, and the facility is licensed by APD:
- a. If the reported abuse was allegedly committed by someone *associated with the facility* (staff, volunteers, contractors, etc.):
 - A. Screen the report for potential Facility APS investigation.
 - b. If the reported abuse was allegedly committed by someone *not* associated with the facility (such as a resident's visitor or family member):
 - A. Screen the report for potential Community APS investigation. In addition, screen for a potential Facility APS investigation of neglect.
 - c. If the AV is *also enrolled in DD or BH services* (such as a DD client placed in an APD-licensed setting):
 - A. APS must still screen the report as a potential Facility investigation, because APS investigates any alleged abuse in APD-licensed facilities.
 - B. In addition, APS must notify the appropriate local CDDP or CMHP of the reported abuse of their client, so they can provide any protective services available from their program.
6. When the AV is an APS-eligible resident in a registered APD Room and Board (RB) setting:
- a. Screen the report for potential Community APS investigation. This applies even if the AP is the owner, manager, or staff of the RB, since RB's are not considered "facilities" the same as other facilities licensed by SOQ.
 - b. In addition, APS must notify the APD AFH program, which registers RBs. See below in "References" for more details about RB settings.

7. On occasion, local APS offices may receive reports of facility residents receiving Enhanced Care Services (ECS). ECS are shared services between OHA and ODHS for APD consumers who benefit from substantial behavioral health support services. ECS are provided in APD licensed facilities but are staffed with OHA behavioral health providers.
 - a) The local office must screen and investigate the reported abuse the same as any other report of abuse of a resident in an APD licensed facility.
 - b) However, the behavioral health providers assigned to an ECS are not considered to be “associated” with the facility in the same way as other facility staff, so are not investigated by APS as facility staff. Alleged abuse by these providers must be referred to BH. See below in “References” for more ECS details.
8. Sometimes reports are just misdirected to APS. Appropriate APS response for many non-abuse reports is to screen them out, advise the reporter, and if appropriate recommend or refer to other resources. For example, if the AV is not APS-eligible and it is not an APD facility, but the AV is enrolled in DD or BH, refer to the respective CDDP or CMHP and close the intake.

In some instances, adults experiencing DD or BH needs *who are not enrolled* in those programs may not qualify for abuse investigations from any program. After making any other appropriate referrals (e.g., law enforcement, crisis lines), local APS worker would consult a supervisor if they were concerned about an imminent egregious situation involving a significantly vulnerable adult who does not appear to qualify for intervention from any program. On rare, specific occasions, an exception may be possible for APS to respond through APS Risk Management. See policy APD-APS-130-001 (10), General APS Risk Management.

References (*APD-APS policies and transmittals can be found in CAM Knowledge, as well as linked to APS tools*).

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

AR-21-064 - APS Internal Notifications and Referrals

AR-21-034- APS Notifications and Investigations: ODDS Regulated Settings

[AR-22-18](#) - APS External Referrals and Notifications Reference Tools –
Regarding Medical, Health, Esthetic Services, and Behavioral Health

[AR-20-080](#)- Room and Board Investigations - Notification to SOQ

OAR 411-068-0000 through 411-068-090, Registration of Room and Boards

Room and Board rules

APD-APS 060-006 Receiving and Routing Complaints in Nursing Facilities [Routing Complaints in Nursing Facilities](#)

Fact Sheet-Enhanced Care Services (ECS)

OAR 309-019-0155 Enhanced Care Services (ECS) and Enhanced Care Outreach Services (ECOS) [Enhanced Care Services rules](#)
[APD-APS-130-001](#) - General APS Risk Management -

Forms referenced

Chart 1. Eligibility for APS in Facilities for policy APD-APS-015-003

Table 1. Oregon Abuse Investigations (APS, DD, BH) for policy APD-APS-015-003

Related policies

APD-APS 060-006 Receiving and Routing Complaints in Nursing Facilities

APD-APS-040-004, Structure of APS Investigations in Licensed Facilities

APD-PT-18-045, Procedures for Nursing Facility Complaint Allegations, for Intake, Triage and Investigation of All Nursing Facility Complaint Allegations through APD's Safety, Oversight and Quality (SOQ), Nursing Facility Survey Unit (NFSU), Updated.

Contact

APD Central APS Unit Technical Assistance APS.TechAssistance@oregon.gov

Policy history

APD-APS-015-003
August 16, 2023

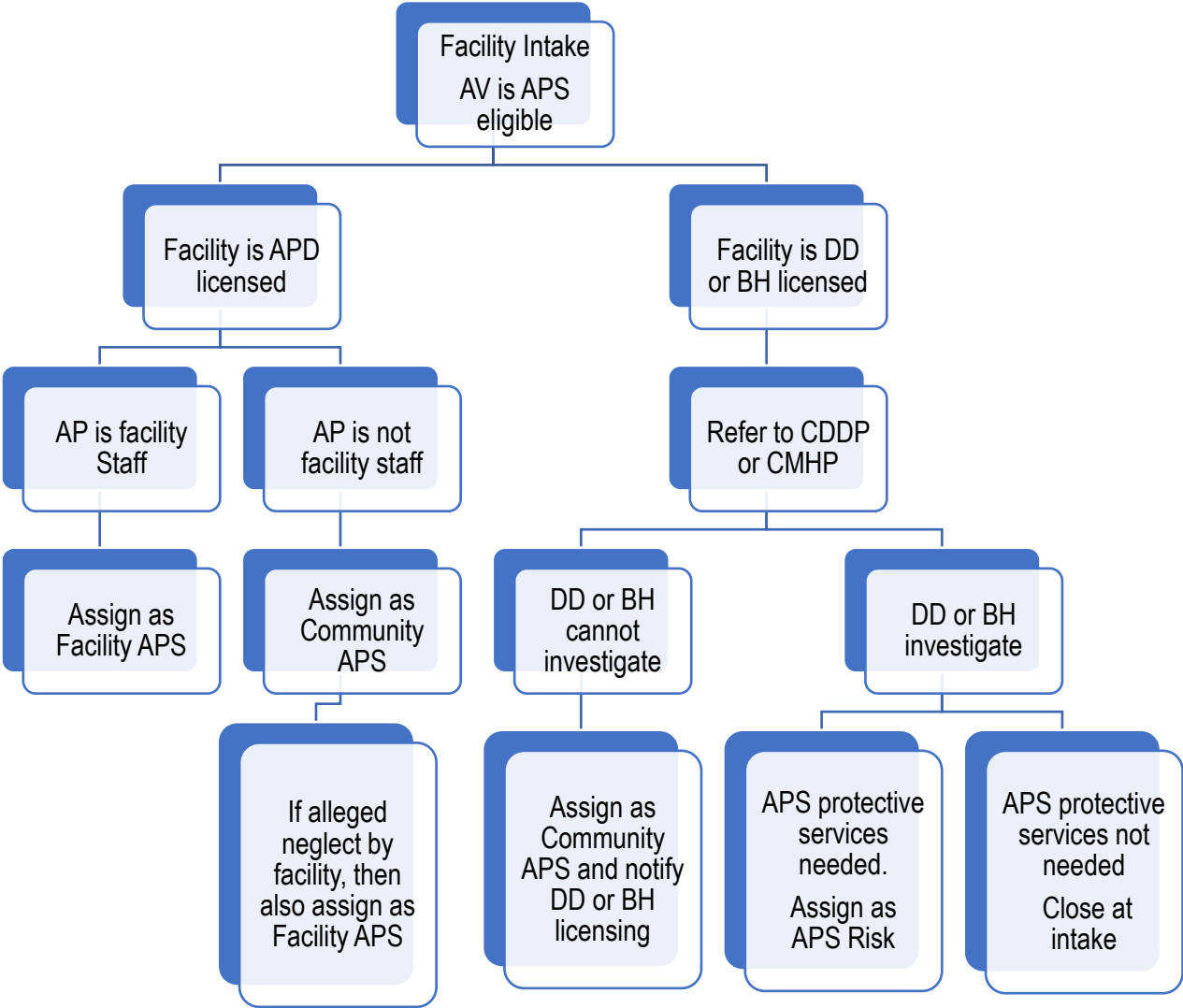
Established July 9, 2018
Re-issued August 16, 2023

Keywords

APS, abuse, adult, eligibility, criteria, allegation, jurisdiction, investigation, protective, services, physical, disability, licensed, care, facility, older, adult, DD, BH, cross-program, jurisdiction, Room and Board, Enhanced Care Services, ECS, Nursing facilities, Behavioral Health, Development Disability, Intellectual/Development Disability, SOQ, APD

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APS Eligibility in Facilities
Adult Protective Services (APS), Developmental Disabilities (DD), and Behavioral Health (BH)
 Chart 1. APD-APS-015-003 Simplified screening Flowchart
 (For more details refer to policy)



All APS eligible alleged victims (AV) are eligible for APS protective Services, regardless of facility setting. This means if DD or BH cannot provide sufficient protective services, then the local APS office must.

Oregon Abuse Investigations Programs for Facilities (APS, DD, BH) Table 1 APD-APS-015-003 Eligibility, Jurisdiction, Contacts, and Authority			
1-855-503-SAFE (7233)	Adult Protective Services (APS)	Developmental Disabilities (DD)	Behavioral Health (BH)
Eligibility for Abuse Investigations [alleged victim (AV)]	Older adults, age 65+, adults, 18+ with physical disabilities, and all residents of APD-licensed facilities OAR 411-020-0015 Eligibility Criteria	Adults currently enrolled in County and State DD programs and enrolled in DD as adults OAR 407-045-0250-0370 ORS 430.730-430.765	Adults enrolled in County and State BH programs and residents of BH settings. OAR 407-045-0120-0240 ORS 430.730-430.765
Regulated Facilities	OAR 411-020-0010 APD Licensed Facilities are Adult Foster Homes (AFH) other than Multnomah, Assisted Living (ALF), Residential Care (RCF), Room and Board (RB), Enhanced Care Services (ECS) a hybrid APD and BH, And PACE facilities are APD. See APD-APS 015-003 (5) APS Eligibility in Facilities	OAR 407-045-0250 (15) “Facility” means residential treatment home or facility, residential care facility, adult foster home, residential training home or facility or crisis respite facility. Also refer to ORS 430.735.	407-045-0130 (13) “Facility” means a residential treatment home or facility, residential care facility, adult foster home, residential training home or facility or crisis respite facility. Also refer to ORS 430.735. Includes State Hospitals.
Multnomah County Adult Care Homes Programs	For Multnomah only. All reports about abuse or neglect in Adult Care Homes (ACH) (adult foster/group home settings) in Multnomah County must be referred to Multnomah County. May refer to Multnomah APS Screening apsreferrals@multco.us or. 503-988-4450, who will redirect the report of abuse withing Multnomah to the appropriate program. The Multnomah ACH program licenses and oversees care homes whose providers serve aging, people with physical disabilities, I/DD, and BH residents. The State of Oregon APD does not license nor investigates in ACHs.		
Oregon Abuse Investigation programs	APS teams in local APD & AAA Offices Reports involving nursing facility refer to Nursing Facility Survey Unit (NFSU) 1-877-280-4555. See APD-APS 060-006 Receiving and Routing Complaints in Nursing Facilities	Abuse investigators with Community Developmental Disability Programs (CDDP) or OTIS CDDP Contacts Office of investigations, Training, and Safety (OTIS) conducts abuse investigations for State level DD and BH, i.e., Oregon State Hospitals, Stabilization and Crisis Units (SACU), Special Division Investigations (SDI), Substance Abuse Disorder Residential Programs (SUD) Phone: 503-945-9495	Abuse investigators with Community Mental Health Programs (CMHP) or OTIS CMHP Contacts

Licensing	Safety, Oversight, and Quality SOQ link to APD licensing units and contacts AFH: apd.afhteam@odhsoha.oregon.gov Alf and RCF: cbc.team@odhsoha.oregon.gov	DD licensing DDLicensing.Notifications@dhsoha.state.or.us See AR-21-034- APS Notifications and Investigations: ODDS Regulated Settings in CAM knowledge.	OHA Health Division, Residential and Outpatient Behavioral Health https://www.oregon.gov/oha/HSD/AMH-LC/pages/index.aspx Also report licensed BH professionals who are APS-alleged perpetrators.
Central Offices Contacts	Central APS Unit APS.TechAssistance@odhsoha.oregon.gov	OTIS Phone: 503-945-9495, Request a DD or BH Abuse Investigation Coordinators (AIC)	
Oregon Abuse Investigatory Authority	By law, APS is delegated to ODHS, who delegates to APD, who delegates to APD local offices and contracts with AAA local offices. ORS 409.010, ORS 410.020, ORS 410.040, ORS 410.070 ORS 409 , ORS 410 ORS 124.050-124.095	Office of Developmental Disability Services (ODDS) delegated by ODHS, who contracts with CDDPs ORS 430.730 -430.765	Behavioral Health Division Services delegated by OHA and ODHS who delegates to OTIS. OHA contracts with CMHPs. ORS 430-730-530.765
<p>Note: This table is a reference tool. Each local APD/AAA office may follow their current practice in communication and collaboration with their county partners</p>			



DHS Aging & People with Disabilities (APD)

Operational Policy

Policy title:	Adult Protective Services: Eligibility for Adult Protective Services from APD In Licensed Facilities		
Policy number:	APD-APS-015-003		
Original date:	July 9, 2018	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 these policies will help to ensure a consistent response statewide to reports of abuse of adults eligible for APD protective services.

Description

This policy describes how APD/AAA local offices determine whether a report of a person abused in a licensed care facility is eligible for an abuse investigation by APD, or should be investigated by another DHS/OHA program. It also describes which DHS/OHA program should provide protective services to victims in 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 APD/AAA staff receive a report of abuse of an older adult or adult with a physical disability residing in a care facility licensed by a DHS/OHA program other than APD, and the abuse was reported to have been committed by facility staff,

contractors, or volunteers, APD/AAA shall refer the abuse report to the appropriate licensing program for investigation under the relevant regulatory system.

- a. APD/AAA staff will assist the investigating program with the provision of protective services as needed to any residents who are over 65 or who have a physical disability, as an APS Risk Management activity.
 - b. If the program that licenses the facility is not able to investigate the reported abuse by the facility or its staff, APD/AAA staff should screen the report of abuse for possible assignment as a Community APS investigation.
2. When APD/AAA staff receive a report of abuse of an older adult or adult with a physical disability residing in a care facility licensed by a DHS/OHA program other than APD, and the abuse was reported to have been committed by someone unassociated with the facility (e.g. family members of the resident), APD/AAA staff shall conduct a Community APS investigation and provide protective services to the victim. A cross-referral may be made to the licensing program for investigation of possible neglect by facility staff if evidence suggests that staff could have foreseen or prevented the abuse.
 3. When APD/AAA staff receive a report of abuse of any adult residing in a care facility licensed by APD, and the abuse was reported to have been committed by facility staff, contractors, or volunteers, APD/AAA shall conduct a Facility APS investigation of the reported abuse under the APS rules. In such cases, APD/AAA staff should ask other DHS/OHA programs to assist with the provision of protective services to residents of the facility who are enrolled in or eligible for services from those systems.
 4. When APD/AAA staff receive a report of abuse of an under-65 adult residing in a care facility licensed by APD and the abuse was reported to have been committed by someone unassociated with the facility (e.g. family members of the resident), if the adult is eligible for abuse investigations from another DHS/OHA program then APD/AAA staff shall refer the report of the abuse to that system for investigation. APD/AAA staff shall be responsible for investigating possible neglect by facility staff as a Facility APS investigation, i.e. whether staff of the APD-licensed facility could have foreseen or prevented the abuse.

References

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

Forms referenced

None.

Related policies

APD-APS-015-002, Eligibility for APS from APD Based on Age or Disability

Contact

John S. Thompson, APD APS Unit

John.s.thompson@state.or.us

Policy history

Established July 9, 2018

Keywords

APS, abuse, adult, eligibility, criteria, allegation, investigation, protective, services, physical, disability, licensed, care, facility, older, adult, DD, MH, cross-program, jurisdiction

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