DHS Oregon Department of Human Services

Seniors and People with Disabilities

Policy Transmittal

Cathy Cooper
Authorized Signature

Number: **SPD-PT-10-021**
Issue Date: 7/2/2010

CORRECTED

Topic: Protective Services

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):

☐ All DHS employees
☒ Area Agencies on Aging
☐ Children, Adults and Families
☐ County DD Program Managers
☐ County Mental Health Directors
☐ Health Services
☒ Seniors and People with Disabilities
☐ Other (please specify):

Policy/Rule Title:	Residential Care and Assisted Living Facilities Administrative Rules and Adult Foster Home Administrative Rules		
Policy/Rule Number(s):	411-054-0105(5)(a) Inspections and Investigations; 411-050-0455(8)(a)(b) Abuse Reporting, Complaints, and Notification of Findings.	Release No:	
Effective Date:	July 1, 2010	Expiration:	N/A
References:			
Web Address:	http://arcweb.sos.state.or.us/rules/OARS_400/OAR_411/411_tofc.html		

Discussion/Interpretation: New and revised Oregon Administrative Rules (OAR's) pertaining to Adult Protective Services (APS) complaint investigation reports in Residential Care (RCF), Assisted Living Facilities (ALF) and Adult Foster Homes (AFH) effective July 1, 2010 require changes to the current Local Office review and distribution process:

- **New RCF and ALF OAR's effective July 1, 2010** specify APS reports will be sent to the Licensee and Complainant from the Local Office prior to reports being finalized. **This is a significant change to the APS report distribution process.** Please read and review changes in OAR 411-054-0105(5)(a) and (6);

- **Revised AFH OAR's effective July 1, 2010 increased the number of days Licensee and Complainant can provide additional APS report information to the Local Office from seven to ten calendar days.** Revised AFH OAR's also changed Local Office APS report distribution requirements to only the Licensee and Complainant. Please read and review changes in OAR 411-050-0455(8);

- **Local Office APS reports for ALF, RCF and AFH will include a standardized response advisory letter (attached)**. The letter notifies Licensee and Complainant of the right to provide additional information about the APS report to the Local Office within ten calendar days of receipt of APS report.

Implementation/Transition Instructions: Local office managers must ensure all APS reports are completed in an accurate and timely manner. APS **OPEN/DRAFT** reports shall be reviewed by a supervisor or manager prior to sending to Licensee and Complainant. Supervisor or manager review includes sufficiency of investigative practices; support of conclusions and editing for writing, grammar and completeness of documentation. An APS report review checklist will be developed and distributed to Local Office's as a tool for manager reviews.

Local offices will send a standardized ten-day response advisory letter (attached) with an **OPEN/DRAFT version of the APS report** (excluding confidential names) to the Licensee and Complainant. The letter specifies recipients' have ten calendar days to review and reply with information such as additional evidence that may prove an alleged incident did not occur as investigated. The expectation is that Local Office staff will close the APS report after thoroughly reviewing any written responses from the Licensee and Complainant.

Upon completion of the investigation report a written notice of findings will be mailed to parties as defined in AFH OAR 411-050-0455(9) and RCF and ALF OAR 411-054-0105(6). Central Office and Local Office staff have been focused on and continue to work toward streamlining report sharing and expediting processes. There are upcoming efficiencies in development intended to decrease report distribution duties, simplify processes and advance information sharing.

Training/Communication Plan: Additional information will be communicated at APS Managers' Meeting and as needed electronically or by phone.

Local/Branch Action Required: Local offices will send a ten-day response letter and an **OPEN/DRAFT version of the APS report** to Licensee and Complainant. Local Offices are required to wait ten calendar days after Licensee and Complainant receipt of the APS **OPEN/DRAFT** report. **Prior to closing an APS report please state in the facility action section of the report whether or not a response has been received** (e.g., Facility Action: Received follow-up response letter from Licensee on 06/14/10. Reviewed additional information and determined additional changes to the APS report not warranted.)

Central Office Action Required: Previously APS reports were considered late if not received in central office within 60 days. Local Offices will now have an additional 12 days to take into account the timeline associated with this new process. Central Office staff will be available for technical assistance in order to assist Local Offices and those responsible for processing and distributing APS complaint investigation reports.

Field/Stakeholder review: ☒ Yes ☐ No

If yes, reviewed by: SPD Policy Group, Field Services Unit and Operations Committee.

If you have any questions about this policy, contact:

Contact(s):	Sean Scott or Marie Cervantes		
Phone:	503.945.5975; 503.945.6079	**Fax:**	503.378.8966
E-mail:	Sean.P.Scott@state.or.us or Marie.G.Cervantes@state.or.us		

Local Office Letterhead
Address Information, etc.

Important Notice – Please Read

Today's Date

XXXXXXX Facility
XXXXXXXXXX
XXXXXXX, OR XXXXXX

SUBJECT: XXXXXXXXX Investigation

To Whom It May Concern:

Enclosed you will find a copy of an Adult Protective Service (APS) investigation report completed by XXXXXXXX. **Please carefully review the investigation report as this is your opportunity to provide relevant information regarding reported facts.**

If you have additional information you believe could change the outcome of the APS investigation, or additional facts you would like considered, please notify us by mail in writing or via E-Mail. Any information you provide such as documentation or evidence must be specific and relevant to allegation(s) contained in the investigation report. Include the investigation report log number on your correspondence; log numbers are located in the upper right-hand corner on the front page of the investigation report (e.g., BF123456).

You have 10 calendar days from the date of receiving the enclosed APS investigation report to submit a written response. If the information you have provided results in reopening the investigation, an amended investigation report will be sent to the appropriate parties.

If you have any questions about this process, please contact XXXXXXXX.

Sincerely,

XXXXXXXXXXXX
XXXXXXXXXXXX Title

EXAMPLE

Important Notice – Please Read

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