

Cathy Cooper
Authorized Signature

Number: SPD-PT-10-028
Issue Date: 8/2/2010

CORRECTED

Topic: Facility **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
 County Mental Health Directors
 Area Agencies on Aging
 Health Services
 Children, Adults and Families
 Seniors and People with Disabilities
 County DD Program Managers
 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:	August 1, 2010	Expiration:	N/A
References:	SPD-PT-10-021		
Web Address:	http://arcweb.sos.state.or.us/rules/OARS_400/OAR_411/411_tofc.html		

Discussion/Interpretation: Local Office processes for review and distribution of Residential Care Facility (RCF) and Assisted Living Facility (ALF) Adult Protective Service Reports changed July 1, 2010 (refer to SPD-PT-1-021). The changes required draft (ALF), (RCF), and Adult Foster Home (AFH) reports be sent to the Licensee and the Complainant from the Local Office (LO) prior to completion. An Administrator Alert was sent to (ALF) and (RCF) providers the week of July 12 to notify them of the upcoming changes.

In an effort to implement the changes to the current process as required by rule and establish a clear and standard method of processing facility complaint investigation (723) reports, a mini Rapid Process Improvement (RPI) was conducted. The RPI resulted in a number of process improvements to the APS report writing and distribution process. For example, documentary evidence (back-up documentation) will no longer be sent to Central Office and will only be requested by Corrective Action staff when necessary.

In order to assist with implementing the improvements described in the “future state”, these tools have been developed for field staff:

1. APS Complaint Investigation (723) Report Ten-Day Scenario Process Guide (attached): This guide outlines the steps to process and distribute DRAFT complaint investigation (723) reports. The guide includes the response timelines, how to close the report in the web-based 723 system and the e-mail address for Central Office notification.
2. [APS Complaint Investigation \(723\) Report Review Checklist – Electronic Version](#): To support field staff in meeting the requirement to review and evaluate complaint investigation (723) reports, RPI Team Members created a report review checklist as part of their process improvement activities. Local office managers, supervisors or skilled trained lead workers are required to use the checklist when reviewing and editing complaint investigation (723) reports. The checklist should assist with determining if report elements are met, relevant and thorough information is included, private health information is redacted as necessary and documentary evidence is recorded sufficiently in the report. APS Complaint Investigation (723) Report Review Checklist – Hardcopy Version.
3. Receipt of Written Response to APS Complaint Investigation (723) Report Letters. Two different template letters to be sent by local office to Licensee confirming receipt of written response to draft APS complaint (723) reports. ([Reply letter without report changes](#) and [reply letter with report changes](#).)
4. APS Report Writing Future State Process Map (attached). A diagram of local and central office process changes. August 1, 2010 local offices will stop sending APS complaint investigation (723) report back-up documentation to central office.

Implementation/Transition Instructions: Please refer to the above-referenced APS Complaint Investigation (723) Report Ten Day Scenario Process Guide which includes detailed implementation and transition instructions.

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

Local/Branch Action Required: On August 1, 2010 local offices will be required to follow the process outlined in the APS Complaint Investigation (723) Report Ten Day Scenario Process Guide. After local offices close completed complaint investigation (723) reports they will maintain relevant back-up documentation on-site. Completed complaint investigation (723) reports and back-up documentation **should not** be mailed to central office (refer to attached process guide.) APS specialists will participate in central office informal conferences to answer and respond to any disputed complaint report facts.

The nursing facility complaint investigation (723) report process follows the steps outlined above. **Note:** With the exception that nursing facility complaint investigation (723) reports are **not sent** to Licensee or complainant.

Central Office Action Required: Central office will retrieve completed complaint investigation (723) reports, process, and distribute.

Field/Stakeholder review: Yes No

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

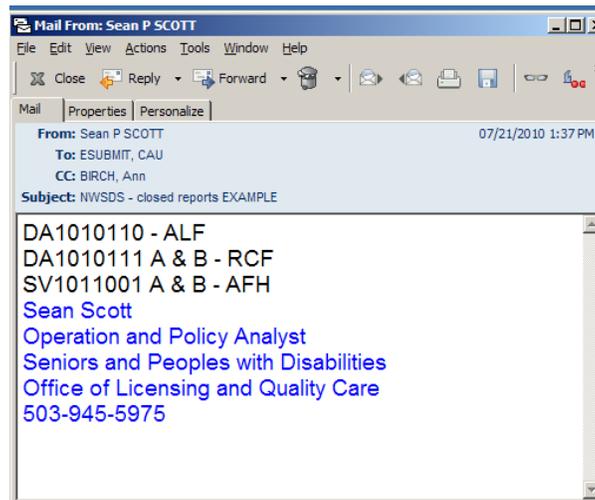
If you have any questions about this policy, contact:

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 Marie.G.Cervantes@state.or.us		

Local Office APS Complaint Investigation Report (723) Ten Day Scenario Process Guide

Local office (LO) manager or supervisor reviews an APS complaint investigation (723) report and completes an APS Complaint Investigation Checklist. LO sends a DRAFT version of the report to the licensee and complainant. The complaint investigation (723) report ten day letter is included with the DRAFT report.

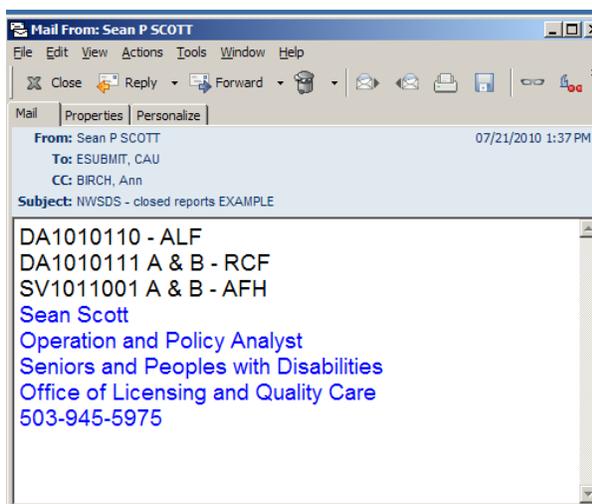
1. Licensee and/or complaint inform LO staff they agree with the report decision. LO staff updates the facility action section of the report indicating a response received, changes were unwarranted.
 - LO staff closes the report in the web-based 723 and sends an e-mail to CAUESubmit@DHS.State.OR.US e-mail address. The e-mail must include the name of the LO agency of origin and closed reports in the subject line; the facility type, branch code, report log #, and number of allegations in the body of the e-mail. **LO will no longer mail** completed complaint investigation (723) reports and back-up documentation to central office (CO). Back-up documentation no longer reviewed by CO unless it is specifically requested.
 - a. For example:



- Unless the LO has received information from **both** a licensee and complainant agreeing with the decision of the report, they must wait a full **13 days** from the date of sending the draft version of the complaint investigation (723) report. The LO then closes the web 723 report and sends an e-mail to the CAUESubmit@DHS.State.OR.US e-mail address.

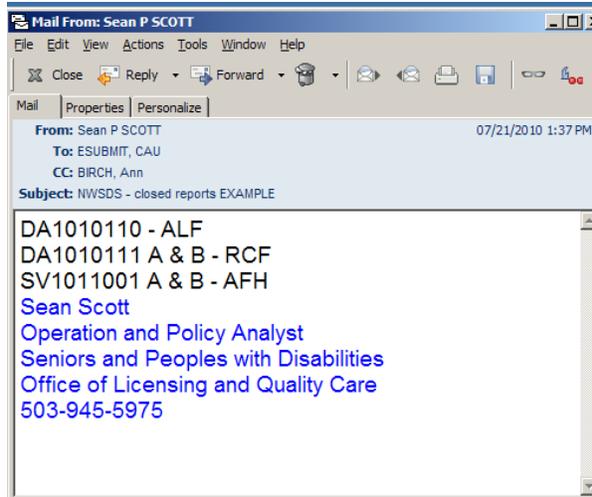
**Note: Currently, Lane County will continue mailing hard copy complaint investigation (723) reports to CO.*

2. Licensee and/or complainant inform LO staff they disagree with the decision of a report and provide additional information.
 - LO reviews additional information and determines if it affects an investigation outcome.
- A. If additional information **does not change a conclusion** of an investigation: LO staff documents in the facility action section of the report that a response was received and specify what if any report changes were made.
 - LO sends Ten Day No Change response letter acknowledging receipt of additional information.
 - LO closes the report in the web-based 723 and sends an e-mail to CAUSubmit@DHS.State.OR.US e-mail address. The e-mail must include the name of the LO agency of origin and closed reports in the subject line; the facility type, branch code, report log # and number of allegations in the body of the e-mail. **LO no longer mails** completed complaint investigation (723) reports and back-up documentation to CO. Back-up documentation is no longer reviewed by CO unless it is specifically requested.
 - a. For example:



- B. If additional information **does change a conclusion** of an investigation: LO revises the DRAFT report to incorporate additional information and change the report conclusion.
- LO staff modifies the facility action section of a report to specify a response was received resulting in a conclusion change. The Ten Day with Change Letter acknowledging receipt of additional information is sent along with the revised report to licensee and complainant informing them of a changed conclusion. **The Licensee and complainant are only sent a second copy of the draft report if information results in an APS investigation change of conclusion.**
 - LO closes the report in the web-based 723 and sends an e-mail to the CAUESubmit@DHS.State.OR.US e-mail address. The e-mail must include the LO agency of origin in the subject line; the facility type, branch code, report log # and number of allegations in the body of the e-mail.
3. No response received **13 days** after sending out the draft copy of the report. LO staff documents the facility action section of the report that a response was received from licensee.
- LO closes the report in the web-based 723 and sends an e-mail to the CAUESubmit@DHS.State.OR.US e-mail address. The e-mail must include the name of the LO agency of origin and closed reports in the subject line; the facility type, branch code, report log # and number of allegations in the body of the e-mail. **LO no longer mails** completed complaint investigation (723) reports and back-up documentation to CO. Back-up documentation is no longer reviewed by CO unless it is specifically requested.

a. For example:



4. LO receives a complaint investigation (723) report response after a DRAFT report has been closed and an e-mail has been sent to CO.
 - LO amends the complaint investigation (723) report if additional information requires an amendment. LO documents in the facility action section of the report that additional information was received and what changes were made. LO scans the response letter and sends an electronic copy via e-mail to the CAUESubmit@DHS.State.OR.US e-mail address. Upon receipt CO (corrective action) will review and contact the LO if clarification is needed.
 - LO scans the response letter if additional information **does not** require a change to the complaint investigation (723) report. LO sends an electronic copy via e-mail to the CAUESubmit@DHS.State.OR.US e-mail address. Upon receipt CO corrective action will review and contact the LO if clarification is needed.

APS Complaint Investigation Report (723) Review Checklist Electronic Version

(Please complete review for each allegation.)

Log #: _____ Branch #: _____ Facility type: _____ Allegation: _____

Date Received: _____ Investigation Start Date: _____

Date of Onsite Visit: _____ Investigation End Date: _____

APS Specialist: _____ Reviewed by: _____

Complainant interviewed: Yes No N/A
◆ Comments: _____ Adequate Relevant

RV's interviewed: Yes No N/A
◆ Comments: _____ Adequate Relevant

RP's interviewed: Yes No N/A
◆ Comments: _____ Adequate Relevant

Residents interviewed: Yes No N/A
◆ Comments: _____ Adequate Relevant

DNS interviewed (NF only): Yes No N/A
◆ Comments: _____ Adequate Relevant

Other staff interviewed: Yes No N/A
◆ Comments: _____ Adequate Relevant

Facility, internal investigation or
internal review conducted: Yes No N/A
◆ Comments: _____ Adequate Relevant

Administrator or provider interviewed:

Yes No N/A

◆ Comments: _____

Adequate Relevant

Resident manager or caregiver interviewed:

Yes No N/A

◆ Comments: _____

Adequate Relevant

Other witnesses interviewed:

Yes No N/A

(i.e., staff, physician, CRN, HH, Hospice, HCW, etc.)

◆ Comments: _____

Adequate Relevant

Comprehensive observations of physical circumstances included?:

Yes No N/A

(i.e., surroundings, records, residents, etc.)

◆ Comments: _____

Adequate Relevant

Documentation, records reviewed: Yes No N/A

(i.e., care plan, assessment, screening, and other documentation related to the alleged incident.)

◆ Comments: _____

Adequate Relevant

Referral, follow-up completed based on criteria:

Yes No N/A

(i.e., Licenser, DOJ, BON, LTCO, MFU, CCMU, LEA, etc.)

Allegation framed correctly

Yes No N/A

(i.e., does it tell the reader what the facility or individual did or failed to do which allegedly resulted in harm or potential for harm to a resident?)

Investigators observations
are included:

Yes No N/A
 Adequate Relevant

◆ Comments: _____

Findings of fact; do the facts
prove or disprove the allegation?

Yes No N/A

◆ Are your sources cited?
(i.e., as evidenced by)

Yes No N/A

◆ Comments: _____

Does the evidence answer, who,
what, when, and where?

Yes No N/A

Is the conclusion supported by a
preponderance of the evidence and
does it support the outcome?

Yes No N/A

Did you reach the same conclusion
as the investigator?

Yes No N/A

Was any private health information
or medication names stated
in the report?

Yes No N/A

Were all mandatory 723 boxes
completed?

Yes No N/A

Signature: _____

Date: _____

Additional Comments: _____

APS Investigation Report (723) Review Checklist Hardcopy Version

(Please complete review for each allegation.)

Log #: _____ Branch #: _____ Facility type: _____

Allegation: _____

Date Received: _____ Investigation Start Date: _____

Date of Onsite Visit: _____ Investigation End Date: _____

APS Specialist: _____ Reviewed by: _____

Complainant interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

RV's interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

RP's interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

Residents interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

DNS interviewed (NF only): Yes No N/A
 Adequate Relevant

◆ Comments: _____

Other staff interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

Facility, internal investigation or internal review conducted: Yes No N/A
 Adequate Relevant

◆ Comments: _____

Administrator or provider interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

Resident manager or caregiver interviewed: Yes No N/A
 Adequate Relevant

◆ Comments: _____

Other witnesses interviewed: Yes No N/A
(i.e., staff, physician, CRN, HH, Hospice, HCW, etc.)
 Adequate Relevant

◆ Comments: _____

Comprehensive observations
of physical circumstances:
included?:

Yes No N/A

(i.e., surroundings, records, residents, etc.)

Adequate Relevant

◆ Comments: _____

Documentation, records reviewed: Yes No N/A

*(i.e., care plan, assessment, screening, and other documentation related to the
alleged incident.)*

Adequate Relevant

◆ Comments: _____

Referral, follow-up completed
based on criteria:

Yes No N/A

(i.e., Licenser, DOJ, BON, LTCO, MFU, CCMU, LEA, etc.)

Allegation framed correctly

Yes No N/A

*(i.e., does it tell the reader what the facility or individual did or failed to do which
allegedly resulted in harm or potential for harm to a resident?)*

Investigators observations
are included:

Yes No N/A

Adequate Relevant

◆ Comments: _____

Findings of fact; do the facts
prove or disprove the allegation?

Yes No N/A

◆ Are your sources cited?
(i.e., as evidenced by)

Yes No N/A

◆ Comments: _____

Does the evidence answer, who,
what, when, and where?

Yes No N/A

Is the conclusion supported by a preponderance of the evidence and does it support the outcome? Yes No N/A

Did you reach the same conclusion as the investigator? Yes No N/A

Was any private health information or medication names stated in the report? Yes No N/A

Were all mandatory 723 boxes completed? Yes No N/A

Signature: _____

Date: _____

Additional Comments: _____

Important Notice – Please Read

SUBJECT: Receipt of Written Response to Adult Protective Services Complaint Investigation (723) Report – Changes to Draft

Dear _____ :

We received your written response to the above-referenced Adult Protective Services (APS) complaint investigation (723) report. The information has been reviewed with the initial investigation.

We have concluded the complaint investigation (723) report needed to be changed following a review of all relative documentation. Please find a revised version of the APS complaint investigation (723) report enclosed.

Thank you for your communication and cooperation with the APS complaint investigation (723) report process. If you have any questions please contact me at _____ .

Sincerely,

Important Notice – Please Read

SUBJECT: Receipt of Written Response to Adult Protective Services Complaint Investigation (723) Report – No Change to Draft

Dear _____ :

We received your written response to the above-referenced Adult Protective Services (APS) complaint investigation (723) report. The information has been reviewed with the initial investigation. We have concluded the investigation (723) report will remain as originally drafted.

Thank you for your communication and cooperation with the APS complaint investigation (723) report process. If you have any questions please contact me at _____ .

Sincerely,

APS REPORT WRITING AND DISTRIBUTION PROCESS

FUTURE STATE

