

Patricia Baxter  


---

**Authorized Signature**

**Number:** APD-PT-14-020  
**Issue Date:** 6/20/2014

**Topic:** Developmental Disabilities

**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 checked="" type="checkbox"/> County Mental Health Directors                                     |
| <input type="checkbox"/> Area Agencies on Aging                | <input type="checkbox"/> Health Services   |
| <input type="checkbox"/> Aging and People with Disabilities    | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)               |
| <input type="checkbox"/> Children, Adults and Families         | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Brokerage Directors, DD Providers |
| <input checked="" type="checkbox"/> County DD Program Managers |  |

Policy/rule title:	Individual Rights, Complaints, Notices and Contested Case Hearings		
Policy/rule number(s):	Chapter 411, Division 318	Release no:	1
Effective date:	July 1, 2014	Expiration:	August 31, 2014
References:			
Web Address:			

**Discussion/interpretation:**

Existing Chapter 411 rules for Developmental Disability Services include rule language around the rights of individuals with intellectual or developmental disabilities, complaints, notices and contested case hearing processes as well as Involuntary Exit and Transfers.

Through a Rule Advisory Committee that occurred in the Fall of 2013, the Office of Developmental Disability Services (ODDS) drafted a rule specific to individual rights, Complaints, Notices and Contested Case Hearings. This rule will be filed as a temporary emergency rule on July 1, 2014.

**Implementation/transition instructions:**

In anticipation of rule implementation and in order to meet compliance with new requirements within the temporary rule, CDDPs and Brokerages must be able to demonstrate full compliance with issuing letters of acknowledgment, arranging informal conferences/phone calls and responses to complaints no later than August 31, 2014.

Programs were previously required to maintain a complaint log, documenting all complaints received by their specific program. Through the RAC process, additional items were added to the requirements that must be documented within the complaint log. CDDPs, Brokerages, CIIS and providers must meet all complaint log documenting requirements no later than July 31, 2014 to be in full compliance with the temporary rule. The requirements can be reviewed in the new complaint rule when it is released July 1, 2014.

**Training/communication plan:**

ODDS will provide a template of a letter of acknowledgement for CDDPs and Brokerages to us to acknowledge that complaints have been received. Pertaining to the complaint log requirement, ODDS will provide consultation as needed.

**Local/branch action required:**

Compliance with rule criteria no later than August 31, 2014.

**Central office action required:**

Provision of template letter by July 1, 2014.

**Field/stakeholder review:**       Yes       No

**If yes, reviewed by:**      Brokerage Director’s and CDDP Program Manager’s reviewed at their most recent monthly meeting with no additional suggestions.

**Filing Instructions:**

*If you have any questions about this policy, contact:*

<b>Contact(s):</b>	Sherri Yoakum		
<b>Phone:</b>	503-945-5804	<b>Fax:</b>	503-373-7274
<b>E-mail:</b>	<a href="mailto:Sherri.Yoakum@state.or.us">Sherri.Yoakum@state.or.us</a>		