

# Action Request Transmittal Aging and People with Disabilities



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**Number:** APD-AR-21-034

**Issue date:** 6/25/2021

**Topic:** Protective Services

**Due date:**

**Subject:** APS notifications and Investigations: ODDS Regulated Settings

**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: Types A and B | <input type="checkbox"/> Health Services   |
| <input checked="" type="checkbox"/> Aging and People with Disabilities    | <input checked="" 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 checked="" 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                           |  |

**Action required:**

Developmental Disability (DD) Licensing Unit (DD licensing) regulates DD residential and support services. The County Community Development Disabilities Program (CDDP) screens and conducts local DD abuse investigations. All DD services are overseen by the Office of Developmental Disabilities Services (ODDS).

On occasion, alleged abuse to an Adult Protective Service (APS) eligible adult may be reported in DD regulated settings. The reports must be first referred to the local CDDP. However, if DD is not going to investigate and the report makes APS criteria, then the local APS office must conduct a Community APS abuse investigation. If APS investigates, the APS local office must notify DD licensing of all APS investigations or concerns of resident safety within DD licensed or regulated residential and support services.

However, If the alleged perpetrator (AP) has no business association (is not staff, volunteer, contractor, etc.) with the DD licensed setting e.g. a family member allegedly exploited a resident, then DD licensing does not need to be notified.

To notify DD licensing, generate the "Notification of Screening" form from within CAM

and send it to [DDLicensing.Notifications@dhsola.state.or.us](mailto:DDLicensing.Notifications@dhsola.state.or.us). At a minimum, clearly identify the following: CAM Intake #, alleged perpetrator's name, alleged victim's name, the DD licensed provider's name or business and a brief summary of allegation(s). Provide any other information that DD licensing may find useful.

Best practice is to include the CDDP if they are available to collaborate in protective services.

Notification must be made as soon as possible once the APS local office knows about the DD setting, so the local DD office or licensing may assess safety and take appropriate steps. Notification attempts must be documented as *Notifications* in CAM, noting the dates, method of contact and a brief statement of the content. Also document other contacts with DD programs about the case as appropriate in CAM.

Cross-sharing necessary information with DD programs about a shared client for administrative or protective purposes is permitted ODHS internal disclosure.

If there are questions about collaborating with DD programs or the APS worker is denied access to client or provider records for necessary evidence in the APS investigation, contact [APS.TechAssistance@dhsola.state.or.us](mailto:APS.TechAssistance@dhsola.state.or.us).

If requested, the DD Hearing Representative may have the complete unredacted report and records necessary for the administrative hearing process and Administrative Law Judge (ALJ) purposes. The hearing representative is part of APD Hearing Representative Unit and use the same confidentiality standards as APS to protect client confidentiality and limit and prevent re-disclosure.

### **Reason for action:**

APD contracts a variety of services for APD consumers from other parts of DHS and OHA. Hence, APD service clients may choose to reside in or receive supported services from non-APD "regulated providers" as defined in OAR 411-020-0002. Private pay individuals may also be APS eligible in those setting. By their abuse statutes, ODDS local and central programs do not investigate abuse unless the individual is currently enrolled in ODDS services or has had ODDS services as an adult. Consequently, Oregon abuse statutes mandates that the investigation defaults to Community APS for APS eligible adults. Complies with OAR 411-20-0015(1)(d) eligibility, OAR 411-020-0030 (3) confidentiality, OAR 411-020-0060 (7)(d) notifications, and 411-020-00100 (2)(c) Community APS investigations.

**Field/stakeholder review:**  Yes  No

This AR has been reviewed and approved by: APD OPS;  
APS Policy Advisory Committee (PAC); APS Supervisors;  
APD-APS Unit; Jessica Denison, Manager ODDS  
Licensing; and Charles Hibner, EXec Manger, OTIS, plus  
**If yes, reviewed by:** ODOJ APD's counsel advised about confidentiality

*If you have any questions about this action request, contact:*

Contact(s): APD Central APS Unit Technical Assistance	
Phone:	Fax:
Email: APS.TechAssistance@dhsosha.state.or.us	