

Policy Transmittal Aging and People with Disabilities



Erika Miller

Authorized signature

Number: APD-PT-23-002

Issue date: 1/20/2023

Topic: Protective Services

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 Access to Facility Records in ALF, RCF, and AFH Settings		
Policy/rule number(s):	APD-APS-120-003	Release number:	
Effective date:	January 20, 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.

This policy describes the expectations for requesting and receiving records in APD-licensed Assisted Living Facility (ALF), Residential Care Facility (RCF) and Adult Foster Home (AFH) settings during APS investigations.

Implementation/transition instructions:

The attached policy will be effective on January 20, 2023.

Training/communication plan:

The policy will be posted at the [APS Staff Tools website](#) and the 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 knowledge 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, APS Policy Advisory Committee, Central APS Unit, Safety Oversight & Quality

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 Access to Facility Records in ALF, RCF, and AFH Settings		
Policy number:	APD-APS-120-003		
Original date:	November 22, 2021	Last update:	January 20, 2023
Approved:	Erika Miller, APD 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 the expectations for requesting and receiving records in APD-licensed Assisted Living Facility (ALF), Residential Care Facility (RCF) and Adult Foster Home (AFH) settings during APS investigations.

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. Oregon Administrative Rules and Oregon Revised Statutes governing the operation of licensed facilities and the APS program state that licensed care facilities must provide investigators access to all resident and facility records.

2. In addition, statute requires APS to investigate all circumstances that are relevant, material, and susceptible to objective observation. This includes all relevant facility records, regardless of whether they are required by licensing rules.
3. The department interprets rule and statute to apply to any and all facility records (written, audio or video) even if the facility classifies them as internal, client/resident, quality assurance/quality improvement, or any other type of classification.
4. Whenever possible, APS investigators must request facility records in person and wait for the records to be provided at the time of request. The attached letter template may be used to indicate which records are being requested and the legal authority to receive them.
 - a. If records are not available at the time of request, the APS investigator must document the delay, and the length of the delay, in the Documentary Observation section of Centralized Abuse Management (CAM).
 - b. If the APS investigator is unable to wait at the facility for the requested documents, the records should be provided within 48 hours of the time of request.
5. When not provided access to records within 48 hours of the time of request, APS investigators must:
 - a. Request the reasons or non-availability of records be placed in writing by the facility administrator;
 - b. Send the refusal or failure by the provider to the designated policy analyst for the facility at APD Safety, Oversight and Quality (SOQ); and
 - c. Note the facility's refusal to produce records in the Documentary Observation section of CAM.

References

OAR 411-020-0000 through 411-020-0130, Adult Protective Services – General
OAR 411-020-0120(4)(c) Adult Protective Services-Facility investigation
OAR 411-052-0005(4) Adult Foster Homes
OAR 411-054-0105(1)(a) Residential Care and Assisted Living

Forms referenced

Template for APS Request for Facility Records

Related policies

None.

Contact

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

Policy history

Established November 22, 2021
Updated January 20, 2023

Keywords

APS, abuse, investigation, facility, licensed, residential, access, request, documents, records, internal, template, CAM, SOQ.

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Facility _____

Case # _____

Dear _____,

Date _____

The Oregon Department of Human Services, through Adult Protective Services (APS) conducts investigations of reported abuse under ORS 124.070.

The following records are requested:

As a licensed Facility you are required to provide APS with all resident and facility records maintained by the facility and requested by an APS worker. See:

- OAR 411-020-0123(4)(a)
- OAR 411-052-0005(4)(6)(b)
- OAR 411-054-0105(1)(a)
- ORS 443.416
- ORS 443.755

This includes relevant records whether or not they are required to be maintained by licensing rules. These records could be anything the facility creates and maintains regardless of any legal requirement to do so.

APS workers must have access to all resident and facility records and may conduct private interviews with residents. To remain in compliance, all documents requested must be provided to APS at the time of the request or no later than 48 hours. Failure to comply with this requirement shall result in regulatory action.

Your assistance helps to ensure that investigations are thorough and contain all relevant information to determine an objective and fair conclusion.

Thank you,

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 - a. If records are not available at the time of request, the APS investigator must document the delay, and the length of the delay, in the Documentary Observation section of Centralized Abuse Management (CAM).
 - b. If the APS investigator is unable to wait at the facility for the requested documents, ~~they should~~ the records should be ~~obtained~~ provided within 48 hours of the time of request.
5. When ~~denied~~ not provided access to records within 48 hours of the time of request, APS investigators must:
 - a. Request the denial reasons or non-availability of records be placed in writing by the facility administrator;
 - b. ~~Forward~~ Send ~~the written denial~~ refusal or failure from ~~by~~ the provider to the designated policy analyst for the facility at APD Safety, Oversight and Quality (SOQ); and
 - c. Note the facility's refusal to produce records in the Documentary Observation section of CAM.

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