

Appendix G

Office of Investigations and Training (OIT)

Abuse Investigation Report

July 1, 2001 to June 30, 2002

The Office of Investigations and Training

The Office of Investigations and Training (OIT) is located within the State of Oregon's Department of Human Services. OIT is responsible for directly investigating or overseeing county investigations of allegations of abuse and neglect of people with mental illness or developmental disabilities who receive services. Protective services investigation staff provide protective services, when needed, to victims of abuse or neglect. OIT staff also conduct training about how to identify abuse, mandatory reporting requirements, and investigation.

OIT's Mission Statement

The Office of Investigations and Training is committed to ensuring all investigations, protective services and trainings are conducted with the highest degree of integrity, fairness, and quality.

Authority

OIT and its designees (the county mental health authority) are authorized to conduct investigations and provide protective services to alleged victims under Oregon Revised Statutes (ORS) 430.735 to 430.765 and the following Oregon Administrative Rules (OARs): "Abuse Reporting and Protective Services in Community Programs and Community Facilities" (OAR 309-40-200 through 290); "24-Hour Residential Services for Individuals with Developmental Disabilities (DD)" (OAR 309-49-030 through 225); "Employment and Alternatives to Employment" (OAR 309-47-000 through 140); "Case Management Services for Individuals with Developmental Disabilities and Their Families" (OAR 309-41-375 through 480); "Adult Foster Homes" (OAR 309-40-000 through 100); "Residential Care Facilities for Mentally or Emotionally Disturbed Persons" (OAR 309-35-100 through 190); "Patient and Resident Rights" (OAR 309-116-000 through 100); and "Support Services for Adults with Developmental Disabilities" (OAR 309-041-1750 through 1920).

Definitions and Categories of Abuse

In addition to the statute, there are different OARs that apply depending on the type of service and the person's disability. The following list is an abbreviated listing of the definitions (complete definitions are available from OIT and can also be found on the internet at http://arcweb.sos.state.or.us/rules/OAR_default.html):

A) Death: Any death caused by other than accidental or natural means or occurring in unusual circumstances.;

B) Physical Abuse: Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given. The willful infliction of physical pain or injury, etc.;

C) Sexual Abuse/Exploitation: Any sexual harassment or exploitation including, but not limited to, any sexual contact between a provider or provider employee and a client/patient.;

D) Financial Abuse/Exploitation: Any exploitation or inappropriate expending of client/patient funds including, but not limited to, theft, borrowing from or loaning money to clients/patients, commingling resident's funds with caregiver or other resident's funds, etc.;

E) Neglect: Failure to act/neglect that leads to or is in imminent danger of causing physical injury, through negligent omission, treatment, or maltreatment of a client/patient, etc.;

F) Unauthorized Restraint: Using physical restraints without a written physician's order, or as part of an Individual Support Plan, unless a resident's actions present an imminent danger to himself/herself or others, and only until appropriate action is taken by medical, emergency, or police personnel.;

G) Unauthorized Restriction: Placing restrictions on a resident's freedom of movement by seclusion in a locked room or restriction to a specific area.;

H) Verbal Abuse/Mistreatment: Subjecting a patient/client to the use of derogatory names, phrases, profanity, ridicule, harassment, coercion or intimidation and threatening injury or withholding of services or supports, including implied or direct threat of termination of services.;

I) "Other": A form of abuse that does not readily fit into one of the other categories of abuse.

Investigation Results

The following investigation conclusions are defined by OAR:

A) “Substantiated” means the determination based on the evidence that there is reasonable cause to believe that conduct in violation of the abuse policy occurred and such conduct is attributable to the person(s) alleged to have engaged in the conduct.

B) “Inconclusive” means that the matter is not resolved. The available evidence does not support a final decision that there was reasonable cause to believe that either abuse occurred or did not occur.

C) “Unsubstantiated” means that based on the evidence, it was determined that there is reasonable cause to believe that the alleged incident was not in violation of the abuse policy and/or attributable to the person(s) alleged to have engaged in such conduct.

Terminology and Abbreviations (referred to in the following graphs and spreadsheets)

C – Children: Investigations conducted when the alleged victim is under 18 and receiving services from a DD children’s residential program.

SO – State Operated Community Program (SOCP): Investigations conducted when the alleged victim is receiving services from a state operated 24-hour residential program.

EOTC – Eastern Oregon Training Center (EOTC): Investigations conducted when the alleged victim is receiving services at EOTC.

OSH – Oregon State Hospital: Investigations conducted when the alleged victim is receiving services from the Oregon State Hospital.

EOPC – Eastern Oregon Psychiatric Center (EOPC): Investigations conducted when the alleged victim is receiving services at EOPC.

FTC – Fairview Training Center: While this facility has been closed and no investigations have been conducted there since 1999, this facility (for people with developmental disabilities) had investigations that are described in the “Comparison

of Allegations and Incidents Investigated by or Reported to OIT and Counties” spreadsheet.

SDI – Special Division Investigation: Investigations that normally are undertaken by county staff (MH or DD) but are conducted by OIT due to possible conflict of interest, complexity, or other identified need.

SDIA – Special Division Investigation Assist: Investigations that are primarily undertaken by county staff and an OIT investigator assists county staff with the investigation.

SEP – Special Eastern Oregon Psychiatric Center: An investigation conducted when an individual who receives services at EOPC is found to have unexplained serious or suspicious injuries (no alleged perpetrator is identified).

SET – Special Eastern Oregon Training Center: An investigation conducted when an individual who receives services at EOTC is found to have unexplained serious or suspicious injuries (no alleged perpetrator is identified).

SSO – Special State Operated Community Program: An investigation conducted when an individual who receives services at a SOCP is found to have unexplained serious or suspicious injuries and/or no alleged perpetrator is identified.

RET – Review Eastern Oregon Training Center: A review of an EOTC resident’s unexplained injury or series of injuries by a forensic specialist.

RSDI – Review Special Division Investigation: A review by a forensic specialist of an unexplained injury or series of injuries investigated by OIT or county staff.

RSSO – Review Special State Operated Community Program: A review by a forensic specialist of an unexplained injury or series of injuries investigated as a SSO.

County DD – Abuse and neglect investigations conducted by county staff for individuals with developmental disabilities who receive services.

County MH – Abuse and neglect investigations conducted by county staff for individuals with mental illness who receive services.

County MHC – County reported critical incidents (incidents that do not meet the definition of abuse or neglect) involving individuals with mental illness receiving services.

Additional Information

Additional explanation or information may be obtained by calling OIT at 503-945-9495 or writing to PO Box 14250 Salem, OR 97309-0740.