

## **POTENTIALLY DISQUALIFYING ABUSE**

### **Provider Subject Individuals for ODHS|OHA**

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This flyer explains potentially disqualifying abuse. The Background Check Unit (BCU), serving the Oregon Department of Human Services (ODHS) and the Oregon Health Authority (OHA), conducts an abuse check on you as part of a background check. You are a subject individual (SI) in a background check.

Abuse includes any investigation with a completed report that is received or held by ODHS or OHA. For certain SIs, abuse may also include child abuse records from other states.

If formal review or appeal rights are offered to the alleged perpetrator (that is, you), BCU may consider the abuse as potentially disqualifying after these rights are completed or timed out.

***If you have potentially disqualifying abuse, BCU will review details and information about the abuse before making a final fitness determination in your background check.***

#### **Potentially Disqualifying Adult Abuse**

Abuse of a vulnerable adult (individuals with developmental disabilities, severe mental illness, or physical disabilities; and adults over 65 years old) is potentially disqualifying if all of the following are true:

- The investigation of the abuse started on or after January 1, 2010.
- The outcome of the investigation is substantiated.
- The abuse investigation finds you to be responsible for the abuse. In an investigation, you are called an alleged perpetrator, a reported perpetrator, or a respondent. If an adult foster home is found responsible for the abuse, the licensee is the person responsible for the abuse.
- The type of abuse is neglect, financial abuse, physical abuse, or sexual abuse and is considered serious.

#### **Potentially Disqualifying Child Abuse**

If ODHS or OHA investigate abuse of a child and the outcome is valid, founded, or substantiated against you, it is potentially disqualifying child abuse:

- Regardless of the type of abuse (threat of harm, physical, emotional or verbal, neglect, lack of supervision, mistreatment, etc.).
- Regardless of when it occurred (it remains potentially disqualifying abuse as long as there is a record of it).

Special Note for Behavioral Health/Mental Health SIs: If you are a personal care attendant or are associated with an adult foster home (licensee, resident manager, caregiver, volunteer, or household member), you are subject to a child abuse check. For all other individuals working or volunteering in a program, agency or facility, you are subject to a child abuse check if you have direct access to children in your position.

**Out of State Child Abuse:** If you are getting a background check for any of the following positions, your abuse check also includes a review of child abuse from any state where you lived in the last five years.

- Position associated with a child foster or adoptive home (licensee, resident manager, alternate caregiver, volunteer, or household member);
- Employee of a child caring agency licensed by the ODHS Children's Care Licensing Program subject to the federal Family First Act; or
- Position subject to the federal Office of Refugee Resettlement requirements.