

CHAPTER 407
DEPARTMENT OF HUMAN SERVICES, ADMINISTRATIVE SERVICES DIVISION
AND DIRECTOR'S OFFICE

DIVISION 45
OFFICE OF INVESTIGATIONS AND TRAINING

**Review of Substantiated Physical Abuse when Self-Defense is Asserted at State Hospitals
and Department-Operated Residential Training Homes**

407-045-0000

Purpose

The purpose of these rules is to outline procedures for employees to have notice and to request a review of a determination when a physical abuse investigation in a state hospital or Department-operated residential training home results in a "substantiated" determination and the person alleged to be responsible for the abuse indicates their conduct was in self-defense. These rules outline a process to provide review, upon request, by the Human Services Abuse Review Committee (HSARC) of the Department of Human Services (Department). The HSARC makes a recommendation to the Director to change or keep the determination made in the investigation by the Office of Investigations and Training (OIT).

Stat. Auth: ORS 179.040, ORS 409.010 and ORS 409.050

Stats. Implemented: ORS 179.390, ORS 426.385, ORS 427.031, ORS 430.210 and ORS 430.735 through ORS 430.768

407-045-0010

Definitions

- (1) "Director" means Director of Oregon's Department of Human Services or their designee.
- (2) "Department" means the Oregon Department of Human Services.
- (3) "Human Services Abuse Review Committee (HSARC)" means a standing group of individuals appointed by the Director, none of whom were involved in the investigation that resulted in the specific OIT substantiated determination under review, and five of whom will be assigned for each state hospital and the Department-operated training homes.
- (4) "Legal Finding" means a court finding, guilty plea or guilty verdict which identifies that the person inquiring about or requesting a review was responsible for the abuse or any other offense stemming from the employee's conduct which was the subject of the OIT substantiated determination.

