

HEMOCARE WORKER TERMINATION FAQ'S

1. When can a HCW's provider enrollment be terminated?

A HCW's provider enrollment can only be terminated after:

- a. An appropriate referral to APD Policy is made by the local office or Fraud Unit.
- b. An administrative review is conducted and all relevant information is considered.
- c. A determination is made by APD Policy that there is a preponderance of evidence that the HCW did, in fact, violation Oregon Administrative Rules governing the HCW program as listed in OAR [411-031-0050](#) and defined in OAR [411-031-0020](#).
- d. If after the HCW is served Notification of Proposed Termination, they do not request a hearing, their provider enrollment is terminated at that time.
- e. If a HCW requests a hearing, and the outcome affirms APD in our proposed termination, then the HCW provider enrollment is terminated at that time.

2. What rights does a HCW have when he/she is terminated?

The HCW has the right to due process, which means at minimum:

- a. They have the right to know and answer to any allegations made against them.
- b. They have the right to receive adequate notice.
- c. The opportunity to present evidence and testimony.
- d. The right to representation.
- e. The right to request hearing, and reconsideration.

3. What can be used as evidence?

In general evidence may include testimony, written statements, photos, or anything that may be presented to support the existence or nonexistence of a fact. Evidence is evaluated based on credibility, for example:

- **High degree of credibility:** Photographs, official documents (police reports), banking documents, written contracts.
- **Moderate degree of credibility:** Witness statements of directly observed events, Case Manager narration, case history of similar behavior.

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- **Lower degree of credibility:** hearsay, opinion, statements of cognitively impaired/mentally ill person.

Suggested supplement to referrals for termination include:

- Oregon ACCESS narration
- Assessments, service plans, and task lists
- APS reports
- Contract RN reports
- Training records with the Oregon Home Care Commission
- Submitted vouchers
- Client-employer's calendar showing hours worked
- Complaint logs/incident reports
- Written correspondence received from client – employers and HCWs

4. What information can be included on the SDS 0613, "Notice of Termination of Homecare Provider Enrollment and Number?"

This notice is sent to both the HCW and APD Policy at hcw.terminations@dhsosha.state.or.us, therefore, it should have enough information to explain why the referring staff member believes there has been a rule violation. Names of consumer-employers or witnesses should NOT be included in this form. A short, concise description of the alleged rule violation is what should be written. If there are additional details that the referring staff member wants to include to APD Policy, those details should be in the accompanying email.

5. Is the SDS 0613 used when terminating a HCW based on criminal history?

No. SDS 0613c, "Notice of Termination of Homecare Provider Enrollment and Number Based on Criminal History" should be issued. In addition, the HCW should be sent DHS 0300 "Notice of Final Fitness Determination" and DHS 0299 "Hearing Request: Informal Administrative Review & Contested Case Hearing." The HCW has 45 days from the date of the notice to appeal. The appeal goes directly to the Criminal Records Unit. If the HCW was terminated for other violations listed in OAR [411-031-0050](#), in addition to criminal history, the local office should also issue SDS 0613 and follow the Administrative Review process.

6. When can a HCW's provider enrollment be immediately terminated?

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Immediate termination of a HCW will be determined by APD Policy based on reasonable cause to believe there is an imminent danger to current or future consumer's if the HCW is not immediately terminated. If there is good cause to believe that a person's life, physical, emotional, or financial well-being is at risk, APD Policy will issue a Notification of Immediate Termination to the HCW and prepare any necessary documents to support the decision should the HCW request a hearing.

7. In order for a HCW to prevent termination, can the local office require a HCW to attend orientation again?

If the local office believes that a HCW could benefit from renewing their orientation, they should staff with APD Policy.

8. Can a HCW's provider number be inactivated while an APS complaint is being investigated against him or her?

Only under certain circumstances. The local office should never inactivate a HCW's provider number due to an investigation without staffing the case with APD Policy and advising Provider Relations Unit first. Refer to APD Policy Transmittal [18-007](#).

9. What is the process if the hearing request is received at the local office?

The local office will forward the request to hcw.terminations@dhsosha.state.or.us and to apd.hearings@dhsosha.state.or.us.